

ANNEXURES F(1) – F(9) – Copies of the Relevant Parts of the Decisions

Electronic Versions are attached separately (the electronic versions are complete copies of the relevant decisions)

QUEENSTOWN LAKES DISTRICT COUNCIL

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

Commissioners

Denis Nugent (Chair)

Lyal Cocks

Cath Gilmour

Trevor Robinson

Mark St Clair

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PART A - INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Terminology in this Report

Throughout this report, we use the following abbreviations:

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

UGB Urban Growth Boundary

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

1.2. Topics Considered

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

1.3. Hearing Arrangements

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

Council

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

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

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

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

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

UCES⁴

- Julian Haworth

New Zealand Transport Agency⁵

- Tony MacColl

John Walker⁶

Simon Jackson and Lorna Gillespie⁷

- Simon Jackson

Orchard Road Holdings Limited⁸ and Willowridge Developments Limited⁹

- Allan Dippie

Just One Life Limited¹⁰ and Longview Environmental Trust¹¹

- Johannes (John) May
- Scott Edgar

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

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

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

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

Trojan Helmet Limited¹⁸

- Rebecca Wolt (Counsel)

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

- Jeff Brown

Hogan Gully Farming Limited¹⁹

- Jeff Brown

QAC²⁰

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

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

- Alyson Hutton

Bobs Cove Development Limited²², Glentui Heights Limited²³, Scott Crawford²⁴

- Ben Farrell

Queenstown Lakes Community Housing Trust²⁵

- David Cole

Millbrook Country Club Limited²⁶

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

New Zealand Fire Service Commission²⁹

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

Transpower New Zealand Limited³⁰

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

Royal Forest and Bird Protection Society³¹

- Susan Maturin

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

Keri & Roland Lemaire-Sicre³²

- Keri Lemaire-Sicre

Aurora Energy Limited³³

- Joanne Dowd

Slopehill Properties Ltd³⁴, D&M Columb³⁵

- Denis Columb
- Locky Columb
- Ben Farrell

Sanderson Group Limited³⁶

- Fraser Sanderson
- Donna Sanderson
- Ben Farrell

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

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

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

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

Hansen Family Partnership⁴⁵

- Rosie Hill (Counsel)
- Chris Ferguson

Contact Energy Limited⁴⁶

- Daniel Druce

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

Dame Elizabeth and Murray Hanan⁴⁷

- Dame Elizabeth Hanan
- Jack Hanan

Pounamu Body Corporate Committee⁴⁸

- Josh Leckie (Counsel)

Clark Fortune McDonald & Associates Limited⁴⁹

- Nick Geddes

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

- Vanessa Robb (Counsel)
- Tim Williams

NZIA⁵⁵

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

Phillip Bunn⁵⁶, Steven Bunn⁵⁷, Carol Bunn⁵⁸, Debbie MacColl⁵⁹

- Phillip Bunn
- Steven Bunn
- Debbie MacColl

X-Ray Trust Limited⁶⁰

- Louise Taylor

Federated Farmers of New Zealand⁶¹

- David Cooper

New Zealand Tungsten Mining Limited⁶²

- Rosie Hill (Counsel)

⁴⁷ Further Submission 1004

⁴⁸ Submission 208

⁴⁹ Submission 414

⁵⁰ Submission 574

⁵¹ Submission 571

⁵² Submission 626

⁵³ Submission 594

⁵⁴ Submission 537

⁵⁵ Submission 238

⁵⁶ Submission 265

⁵⁷ Submission 294

⁵⁸ Submission 423

⁵⁹ Submission 285

⁶⁰ Submission 356/Further Submission 1349

⁶¹ Submission 600/Further Submission 1132

⁶² Submission 519/Further Submission 1287

- Carey Vivian (also Cabo Limited)⁶³

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

- Rosie Hill (Counsel)

Peninsula Bay Joint Venture⁶⁶

- Monique Thomas (Counsel)
- Louise Taylor

Kawarau Jet Services Holdings Limited⁶⁷

- James Gardiner-Hopkins (Counsel)

Skydive Queenstown Limited⁶⁸

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

Matukituki Trust⁶⁹

- James Gardner-Hopkins (Counsel)
- Louise Taylor

Queenstown Rafting Limited⁷⁰

- Tim Sinclair (counsel)
- Robin Boyd

Hawea Community Association⁷¹

- Paul Cunningham
- Dennis Hughes

Real Journeys Limited⁷² and Te Anau Developments Limited⁷³

- Fiona Black
- Erik Barnes
- Ben Farrell

Ngai Tahu Tourism Limited⁷⁴

- John Edmonds

⁶³ Further Submission 1356

⁶⁴ Submission 503

⁶⁵ Submission 506

⁶⁶ Submission 378/Further Submission 1336

⁶⁷ Submission 307/Further Submission 1152

⁶⁸ Submission 122/Further Submission 1345

⁶⁹ Submission 355

⁷⁰ Further Submission 1333

⁷¹ Submission 771

⁷² Submission 621/Further Submission 1341

⁷³ Submission 607/Further Submission 1342

⁷⁴ Submission 716

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

- Rebecca Davidson (Counsel)

Straterra⁷⁹

- Bernie Napp

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

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

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

1.4. Procedural Steps and Issues

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

⁹¹ Submission 271/Further Submission 1077

⁹² Submission 399/Further Submission 1167

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

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

1.5. Collective Scope

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

⁹⁴ [2014] NZHC 1362

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

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

1.6. Section 32

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

⁹⁵ C1A/96

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

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

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

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

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

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

¹⁰¹ Counsel for Kawarau Jet (Submission 307)

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

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

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

1.7. Further Submissions

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

1.8. Statutory Considerations

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

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

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

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

1.9. Background to Strategic Chapters

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

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

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

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

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

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

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

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

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

¹⁰⁸ Section 42A Report at pages 13-14

¹⁰⁹ Paragraph 8.1

¹¹⁰ A083/2007 at paragraphs 41-43

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

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

¹¹² Paragraph 3.4 of counsel’s submissions

¹¹³ Paragraph 4.9 of counsel’s submissions

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

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

¹¹⁶ Evidence of Jeff Brown at 3.2-3.5.

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

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

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

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

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

60. The Court commented as follows¹²⁰:

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

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

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

62. The Court commented¹²²:

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

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

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

¹²⁰ At paragraph 150

¹²¹ C74/2000

¹²² At paragraph 10

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

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

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

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

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

PART B - CHAPTER 3

2. OVERVIEW/HIGHER LEVEL PROVISIONS

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

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

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

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

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

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

¹²⁵ Submission 145: Opposed in FS1162, FS1254, FS1313

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

¹²⁷ At page 3

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

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

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

¹²⁹ Submission 806

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

¹³⁰ Submission 621

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

¹³² Submission 608: Opposed in FS1034

¹³³ Submission 807

¹³⁴ Submission 806

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

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

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

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

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

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

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

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

92. These issues have their faults. There is an undesirable level of duplication between them. The fourth issue is not framed as an issue. The sixth issue is in fact two discrete points, the first of which, as well as being extremely discursive, is actually an aspect of the first issue.
93. Even given these various faults, however, we consider a modified version of the section 32 report issues would add value as part of the background information in Section 3.1, explaining the link between the special qualities it identifies and the objectives set out in Section 3.2. Unlike the objectives, the issues have no legal status or significance and we regard them as merely clarifying the revised higher-level objectives by capturing part of what was previously stated in the ‘goals’.
94. We will revert to how the ‘issues’ might be expressed in the context of our more detailed discussion of Section 3.1.
95. More generally in relation to the structuring of Chapter 3, we have formed the view that the overlaps between goals, and the separation of each subsection of Chapter 3 into a goal, followed by one or more objectives, with many of those objectives in turn having policies specific to that objective, has created a significant level of duplication across the chapter. In our view, this duplication needs to be addressed.
96. We are also concerned that there has been a lack of rigour in what has been regarded as ‘strategic’, which has in turn invited suggestions from some submitters that Chapter 3 ought to be expanded still further¹⁴⁰.
97. We recommend that the best way to approach the matter is to collect together the strategic objectives in one section and the strategic policies in a separate section of Chapter 3. Objectives and policies duplicating one another are then no longer required and can be deleted.
98. It is recognised that it is still important to retain the link between objectives and policies, but this can be done by insertion of internal cross referencing. As previously discussed, we consider it is helpful to set out the issues that have generated the higher-level objectives, and we suggest a similar cross referencing approach to the links between the issues and the higher-level objectives. The revised PDP Chapter 3 attached to this report shows how we suggest this might best be done.
99. We also concur with the suggestion in the telecommunication submissions that there is a need for clarification as to the relationship between Chapter 3 and the balance of the PDP initially, and then the relationship of Part Two¹⁴¹ with the balance of the Plan. The apparent intent (as set out in Mr Paetz’s Section 42A Report) is that they should operate as a hierarchy with

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

¹⁴¹ Comprising Chapters 3-6 inclusive

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

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

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

2.1. Section 3.1 - Purpose

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

¹⁴² C180/99 at [126]

¹⁴³ Planning witness for Darby Planning LP

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

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

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

2.2. Section 3.2.1 – Goal – Economic Development

108. The goal for this subsection is currently worded:

“Develop a prosperous, resilient and equitable economy”.

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

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

¹⁴⁶ Submission 115

¹⁴⁷ Submission 806

111. Mr Paetz did not recommend any amendment to this goal.
112. The RPS contains no over-arching objective related to the economy that bears upon how this goal is expressed. We should note, however, Policy 1.1.2 of the Proposed RPS which reads:
- “Provide for the economic wellbeing of Otago’s people and communities by enabling the use and development of natural and physical resources only if the adverse effects of those activities on the environment can be managed to give effect to the objectives and policies of the Regional Policy Statement.”*
113. This is in the context of an objective¹⁴⁸ focussing on integrated management of resources to support the wellbeing of people and communities.
114. If the restructuring we have recommended is accepted, so that each goal is expressed as a high-level objective expanded by more focussed objectives, we believe that the concerns underlying the submissions on this goal would largely be addressed. Thus, if Goal 1 has what is currently Objective 3.2.1.3 under and expanding it, the Plan will recognise the diversification that Submission 115 seeks, albeit more generally than just with reference to education and research facilities.
115. Similarly, while we can understand the concern underlying Submission 806, that reference to equity could be read a number of different ways, provision of a series of more focused objectives to flesh out this goal assists in providing clarity.
116. We do not accept Mr Haworth’s contentions either that a high-level objective focussing on economic wellbeing is unnecessary or that it threatens environmental values, including landscape values. The evidence we heard, in particular from Mr Cole¹⁴⁹, indicates to us that economic prosperity (and social wellbeing) are not universally enjoyed in the District. We also intend to ensure that it is clear in the more detailed provisions expanding on this broad high-level objective that while important, economic objectives are not intended to be pursued without regard for the environment (reflecting the emphasis in the Proposed RPS quoted above).
117. In summary, therefore, the only amendments we recommend to the wording of Section 3.2.1 are to express it as an objective and to be clear that it is the economy of this district which is the focus, as follows:
- “The development of a prosperous, resilient and equitable economy in the District.”*
118. We consider a higher-level objective to this effect is the most appropriate way to achieve the purpose of the Act.
- 2.3. Section 3.2.1 – Objectives – Economic Development**
119. As notified, Section 3.2.1 had five separate objectives. The first two (3.2.1.1 and 3.2.1.2) focus on the economic contribution of central business areas of Queenstown and Wanaka and the commercial and industrial areas outside those areas respectively. The other three objectives focus on broader aspects of the economy.

¹⁴⁸ Proposed RPS Objective 1.1

¹⁴⁹ For Queenstown Lakes Community Housing Trust.

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

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

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

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

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

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

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

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

¹⁵⁵ Submission 249: Supported in FS1117

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

¹⁵⁷ RPS Objective 9.4.1

¹⁵⁸ RPS Objective 9.4.2

¹⁵⁹ RPS Policies 9.5.2 and 9.5.3

¹⁶⁰ RPS Policy 9.5.4

¹⁶¹ RPS Policy 9.5.5

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

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

¹⁶² At paragraph 5.7

¹⁶³ In particular, the evidence of Mr Mark Edghill

¹⁶⁴ Dr P McDermott, EIC at 2.1(c).

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

¹⁶⁵ C Ferguson, EiC at paragraph 103

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

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

¹⁶⁸ Submission 91/Further Submission 1013

¹⁶⁹ Submission 249/Further Submission 1012

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

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

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

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

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

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

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

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

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

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

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

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

¹⁷⁰ Submission 761

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

169. Objective 3.2.1.4 as notified read:

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

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

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

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

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

¹⁷³ E.g. Submission 621

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

¹⁷⁵ Further Submission 1356

¹⁷⁶ Submission 608-Darby Planning LP

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

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

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

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

¹⁸⁰ Submission 806

¹⁸¹ At paragraph 4.7

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

¹⁸³ Proposed RPS, Objective 5.3

¹⁸⁴ Proposed RPS, Policy 5.3.1

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

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

¹⁸⁶ As indeed would the further alternative suggested by Mr Vivian

¹⁸⁷ E.g. Submissions 806 and 807

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

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

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

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

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

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

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

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

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

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

¹⁸⁹ B Farrell, EIC at [111] and [116]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

¹⁹³ Submission 805

¹⁹⁴ Submissions 806 and 807; Opposed in FS1077

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

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

¹⁹⁷ See Objective 4.3 of the Proposed RPS to similar effect

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

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

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

209. Mr Paetz recommended the following wording:

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

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

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

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

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

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

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

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

²⁰⁰ Submission 805

²⁰¹ Submissions 635, 805; Supported in FS1159

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

2.4. Section 3.2.2 Goal – Urban Growth Management

216. The second specified *'goal'* read:

"The strategic and integrated management of urban growth".

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

"Urban growth managed in a strategic and integrated manner."

²⁰² Submission 438; Supported in FS1160

²⁰³ Submission 471; Supported in FS1092

²⁰⁴ Submission 294

²⁰⁵ Submission 807

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

2.5. Section 3.2.2 Objectives – Urban Growth Management

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

“Ensure urban development occurs in a logical manner:

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

227. Submissions on this objective sought variously:

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

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

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

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

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

3.2.6.1 Provide access to housing that is more affordable;

3.2.6.2 Ensure a mix of housing opportunities.

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

230. Submissions on the above objectives sought variously:

- a. Deletion of Objective 3.2.2.2²¹²;

²⁰⁶ Submission 806

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

²⁰⁸ Submission 608; Opposed in FS1034

²⁰⁹ Submission 635

²¹⁰ Submissions 806 and 807

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

²¹² Submission 806

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

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

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

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

²¹⁵ Submission 806

²¹⁶ Submission 608: Opposed in FS1034

²¹⁷ Submission 524

²¹⁸ Refer Objective 11.4.2 and the policies thereunder

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

²¹⁹ Objective 4.2.2

²²⁰ Policy 4.1.1(d)

²²¹ Policy 8.5.8

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

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

²²⁴ Giving planning evidence on the submission of Darby Planning LP

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

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

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

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

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

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

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

2.6. Section 3.2.3 – Goal – Urban Character

248. As notified, the third goal read:

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

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

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

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

²²⁵ Submission 807

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

2.7. Section 3.2.3 – Objectives – Urban Character

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

254. Objective 3.2.3.2 as notified, read:

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

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

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

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

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

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

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

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

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

²²⁶ Submission 806

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

²²⁸ Policy 5.2.3

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

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

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

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

2.8. Section 3.2.4 – Goal – Natural Environment

264. As notified, this goal read:

"The protection of our natural environment and ecosystems".

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

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

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

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

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

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

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

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

²²⁹ Submissions 806 and 807

²³⁰ Proposed RPS, Objective 3.1

2.9. Section 3.2.4 – Objectives – Natural Environment

272. Objective 3.2.4.1 as notified, read as follows:

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

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

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

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

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

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

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

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

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

279. Objective 3.2.4.2 as notified read:

“Protect areas with significant Nature Conservation Values”.

280. Submissions on this objective included requests for:

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

²³¹ RPS, Objectives 5.4.1, 6.4.3, 10.4.1..

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

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

²³⁴ Submission 117

²³⁵ Submission 378: Opposed in FS1049 and FS1095

²³⁶ Submission 598: Supported in FS1287; Opposed in FS1040

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

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

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

²³⁹ Consistent with the Real Journeys submission noted above

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

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

²⁴² Submission 701: Supported in FS1162

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

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

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

290. Objective 3.2.4.4 as notified, read:

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

291. Submissions on it varied from:

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

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

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

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

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

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

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

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

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

²⁴⁴ Submissions 289, 373: Opposed in FS1091 and FS1347

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

²⁴⁶ Submission 608; Opposed in FS1034

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

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

²⁴⁹ Section 32 Evaluation Report- Strategic Direction at page 9

“The spread of wilding exotic vegetation is avoided.”

299. Objective 3.2.4.5 as notified read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

310. Objective 3.2.4.6 as notified read:

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

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

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

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

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

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

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

316. Objective 3.2.4.7 as notified read:

“Facilitate public access to the natural environment.”

317. Submissions on this objective included:

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

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

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

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

²⁵⁵ [2015] NZEnvC50

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

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

²⁵⁸ Submission 600: Supported in FS1209, Opposed in FS1034

²⁵⁹ Submission 806

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

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

²⁶⁰ Paragraph 58ff above

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

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

²⁶³ Submission 807

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

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

2.10. Section 3.2.5 Goal – Landscape Protection

333. As notified, this goal read:

“Our distinctive landscapes are protected from inappropriate development.”

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

²⁶⁵ See Submission 117 in this regard

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

²⁶⁷ Submission 807

²⁶⁸ Submission 806

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

2.11. Section 3.2.5 Objectives - Landscapes

344. Objective 3.2.5.1 as notified read:

“Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development.”

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

²⁶⁹ RPS, Objectives 5.4.3, 6.4.8

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

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

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

347. As already noted, a number of submissions sought the deletion of the entire Section 3.2.5²⁷². As regards Objective 3.2.5.1, many submitters sought reference be inserted to “*inappropriate*” subdivision, use and development²⁷³.
348. One submitter combined that position with seeking that adverse effects on natural character of ONLs and ONFs be avoided, remedied or mitigated, as opposed to their being protected²⁷⁴.
349. Another suggestion was that the objective be broadened to refer to landscape values and provide for adverse effects on those values to be avoided, remedied or mitigated²⁷⁵.
350. The Council's corporate submission sought specific reference to indigenous flora and fauna be inserted into this objective²⁷⁶.
351. Submission 810²⁷⁷ sought a parallel objective (and policy) providing for protection and mapping of wāhi tupuna.
352. The more general submissions²⁷⁸ seeking provision for infrastructure also need to be kept in mind in this context.
353. In his Section 42A Report, Mr Paetz sought to identify the theme underlying the submissions on this objective by recommending that it be amended to read:

“Protect the quality of the Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development.”

354. His reasoning was that a focus solely on the natural character of ONLs and ONFs was unduly narrow and not consistent with “*RMA terminology*”. He did not, however, recommend acceptance of the many submissions seeking insertion of the word ‘*inappropriate*’ essentially because it was unnecessary – “*in saying ‘Protect the quality of the outstanding natural landscapes and outstanding natural features from subdivision, use and development’, the ‘inappropriate’ test is implicit i.e. Development that does not protect the quality will be inappropriate.*”²⁷⁹
355. By his reply evidence, Mr Paetz had come round to the view that the submitters on the point (and indeed many of the planning witnesses who had given evidence) were correct and that the word ‘*inappropriate*’ ought to be added. He explained his shift of view on the basis that

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

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

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

²⁷⁵ Submissions 806 and 807

²⁷⁶ Submission 809: Opposed in FS1097

²⁷⁷ Supported in FS1098; Opposed in FS1132

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

²⁷⁹ Section 42A Report at 12,103

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

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

²⁸⁰ M Paetz, Reply Evidence at 5.23.

²⁸¹ At 6.6

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

²⁸³ Submission 378

²⁸⁴ Written submissions at paragraph 32

²⁸⁵ Objective 5.4.3

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

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

²⁸⁷ [2016] NZSC38 at [101]

²⁸⁸ [2014] NZEnvC 182

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

²⁹⁰ At [132]

²⁹¹ *King Salmon* at [98]

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

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

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

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

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

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

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

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

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

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

²⁹³ As the Basin Bridge Board of Inquiry found

²⁹⁴ *King Salmon* at [149]

²⁹⁵ At this point appearing for the Matukituki Trust

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

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

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

²⁹⁸ Section 75(3)(c) of the Act

²⁹⁹ D White, EiC at 3.2

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

³⁰⁰ Refer the recommendations of Report 16

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

³⁰¹ J Haworth, Submissions and Evidence at page 16

³⁰² Refer C180/99 at paragraph [69]

³⁰³ Submission 806

³⁰⁴ Submission 807

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

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

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

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

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

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

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

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

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

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

...

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

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

³⁰⁸ From Frankton to Hollyford, via the Routeburn Valley

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

³¹⁰ *King Salmon* at [88]

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

³¹² [2017] NZHC 281

³¹³ *Ibid* at [84]

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

406. Ultimately, we do not think we need to reach a conclusion as to whether the NPSET 2008 is consistent with Part 2 of the Act for the purposes of this report, because the NPSET 2008 does not expressly say that Transpower's development and expansion of the national grid may have significant adverse effects on ONLs or ONFs. Policy 8 says that Transpower must seek to avoid adverse effects, but gives no guidance as to how rigorously that policy must be pursued. Similarly, Policy 2 gives no indication as to the extent to which development of the National Grid must be provided for. It might also be considered that a contention that Transpower should be able to undertake developments with significant adverse effects on ONLs would be contrary to the Proposed RPS policy Ms Craw relied on (given that a significant adverse effect on ONLs will almost certainly be a significant adverse effect on the values that make the landscape outstanding).
407. In circumstances where Transpower did not present evidence suggesting any compelling need to provide for significant adverse effects of the National Grid on ONLs and ONFs, we do not think that the primary objective of the PDP should be qualified to make such provision.
408. We accept Mr Renton, giving evidence for Transpower, did suggest that there might be cause to route a National Grid line up the Cardrona Valley and over the Crown Range Saddle. However, he did not present this as anything more than a hypothetical possibility.
409. We note that the Environment Court came to a similar conclusion when considering the relevance of the NPSET 2008 to objectives and policies governing protection of indigenous biodiversity in the Manawatu-Wanganui Region, commenting³¹⁴:

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

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

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

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

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

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

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

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

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

³¹⁶ Submission 515, 531

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

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

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

³²⁰ Submission 806

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

³²² M Paetz, Reply Evidence at 5.25

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

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

³²³ RPS Objective 5.4.2

³²⁴ RPS Objective 5.4.1

³²⁵ *King Salmon* at [127]

³²⁶ Proposed RPS, Objective 3.2

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

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

³²⁹ Refer paragraph [27]

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

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

³³¹ Or not with any certainty

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

³³³ C180/99

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

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

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

³³⁵ See 180/99 at [136]

³³⁶ C180/99 at Paragraph [155]

³³⁷ C186/2000 at [38]

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

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

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

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

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

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

³⁴³ Submission 600: Supported in FS1209, Opposed in FS1034

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

³⁴⁴ Submission 643

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

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

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

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

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

461. Objective 3.2.5.4 as notified read as follows:

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

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

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

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

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

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

2.12. Section 3.2.6 – Community Health and Safety

- 467. As notified, this goal read:

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

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

³⁵⁰ Proposed RPS, Chapter 4

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

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

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

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

2.13. Section 3.2.6 – Additional Objectives

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

483. Objective 3.2.6.4 as notified read:

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

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

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

2.14. Section 3.2.7 – Goal and Objectives

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

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

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

2.15. Potential Additional Goals and Objectives

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

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

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

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

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

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

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

"Demand good design in all development."

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

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

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

³⁵³ Submission 625: Supported in FS1097; Opposed in FS1347

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

³⁵⁵ Submission 854: Supported in FS1286; Opposed in FS1349

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

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

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

3. POLICIES

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

3.1. Policy 3.2.1.1.3 – Visitor Industry

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

499. As notified, that policy read:

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

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

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

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

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

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

³⁵⁶ Submission 806

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

504. In his Section 42A Report, Mr Paetz acknowledged that his recommending a policy focus on adverse effects being avoided, remedied or mitigated was not consistent with the general approach of the PDP seeking to minimise the use of that phrasing. He considered it appropriate in this context because the policy is not specific to the environmental effects it is concerned with. In Mr Paetz's view, a higher bar would be set in more sensitive landscapes or environments by other objectives and policies.
505. While this may be so, we consider that greater direction is required that this is the intention.
506. It seems to us that part of the issue is that visitor industry developments within the 'urban' areas of the district outside the Queenstown and Wanaka town centres raise a different range of issues to visitor industry developments in rural areas. In the former, the objectives and policies for the zones concerned provide more detailed guidance. In the latter, the strategic objectives and policies focused on landscape quality and rural character provide guidance. Policy 5.3.1(e) of the Proposed RPS might also be noted in this context – it supports provision for tourism activities in rural areas "of a nature and scale compatible with rural activities". It is apparent to us that while some specific provision is required for visitor industry developments in rural areas, this is better located alongside other strategic policies related to the rural environment. We return to the point in that context.
507. We also identify some tension between a policy that seeks to 'promote growth' in the visitor industry with recommended issues and objectives seeking to promote diversification in the District's economy. Consequently, we recommend that this wording be softened somewhat.
508. In summary, we recommend that Policy 3.2.1.1.3 be renumbered 3.3.1 as follows and amended to read as follows:

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

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

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

510. As notified these two policies read:

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

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

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

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

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

³⁵⁷ Submission 249: Opposed in FS1097

³⁵⁸ Submission 806: Supported in FS1012

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

³⁶⁰ RPS, Section 9.4

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

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

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

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

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

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

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

3.3. Policies 3.2.1.2.1 – 3 – Commercial and Industrial Services

527. Policy 3.2.1.2.3 as notified read:

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

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

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

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

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

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

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

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

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

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

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

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

³⁶¹ Submission 608: Opposed in FS1034

³⁶² Submission 806

³⁶³ Submissions 726 and 806

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

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

542. As notified, these policies read:

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

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

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

³⁶⁴ Submissions 608: Opposed in FS1034

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

³⁶⁶ Submission 806

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

3.5. Policies 3.2.2.1.1 – 7 – Urban Growth

551. As notified, these policies provided for fixing of Urban Growth Boundaries (UGBs) around identified urban areas and detailed provisions as to the implications of UGBs both within those boundaries and outside them. In his Section 42A Report, Mr Paetz recommended that all of these policies be deleted from Chapter 3 because of the duplication they created with the more detailed provisions of Chapter 4. By his reply evidence, Mr Paetz had reconsidered that position and recommended that the former Policy 3.2.2.1.1 be reinserted, reading as follows:
- “Apply Urban Growth Boundaries (UGBs) around the urban areas in the Wakatipu Basin (including Jacks Point), Arrowtown and Wanaka”.*
552. This policy also needs to be read with Mr Paetz’s recommended amended Policy 3.2.5.3.1 reading:
- “Urban development will be enabled within Urban Growth Boundaries and discouraged outside them.”*

³⁶⁷ Submission 806

³⁶⁸ Submission 598: Supported in FS1287

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

³⁶⁹ Submission 719

³⁷⁰ Submission 806

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

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

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

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

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

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

³⁷⁶ M Paetz, Reply Evidence at section 7

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

³⁷⁹ Submission 771

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

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

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

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

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

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

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

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

573. NZIA³⁸⁰ sought that urban development be confined to within the UGBs. Queenstown Park Limited³⁸¹ sought amendment of the policy to ensure³⁸¹ its consistency with other policies related to UGBs.

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

“Urban development is contained within existing settlements.”

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

“Urban development is contained.”³⁸²

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

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

³⁸¹ Submission 806

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“... any development/activity which:

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

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

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

586. We entirely agree.

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

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

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

"Means develop and/or activities which:

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

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

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

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

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

³⁸⁵ See paragraph [24]

³⁸⁶ Submission 696

³⁸⁷ Submission 192

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

³⁸⁹ As did counsel for Ayrburn Farm Estate Ltd and Others

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

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

³⁹⁰ M Paetz, Reply Evidence at 6.16

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

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

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

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

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

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

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

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

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

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

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

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

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

3.6. Section 3.2.2.2. Policies – Natural Hazards

611. As notified, policy 3.2.2.2.1 read:

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

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

3.7. Section 3.2.3.1 Policies – Urban Development

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

3.8. Section 3.2.3.2 Policy – Heritage Items

³⁹² Proposed RPS, Policy 4.5.2

³⁹³ Submission 806

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

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

³⁹⁵ Submission 810: Supported in FS1098

³⁹⁶ RPS Objective 9.4.1(c)

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

3.9. Section 3.2.4.2 Policies – Significant Nature Conservation Values

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

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

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

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

626. Submissions on Policy 3.2.4.2.2 sought variously:

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

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

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

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

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

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

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

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

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

⁴⁰² Submission 598: Supported in FS1287; Opposed in FS1040

⁴⁰³ Section 42A Report at 12.89-12.90

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

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

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

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

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

3.10. Section 3.2.4.3 – Rare Endangered and Vulnerable Species

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

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

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

⁴⁰⁶ Submissions 339 and 706: Opposed in FS1162

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

⁴⁰⁸ Submission 701: Supported in FS1162

⁴⁰⁹ Opposed in FS1132, FS1162, FS1254 and FS1287

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

3.11. Section 3.2.4.4 Policies – Wilding Vegetation

649. As notified, policy 3.2.4.4.1 read:

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

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

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

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

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

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

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

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

⁴¹² Identified in this case meaning identified in the District Plan

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

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

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

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

3.12. Section 3.2.4.5 Policies – Natural Character of Waterways

656. Policy 3.2.4.5.1 as notified read:

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

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

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

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

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

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

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

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

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

3.13. Section 3.2.4.6 Policies – Water Quality

668. As notified, policy 3.2.4.6.1 read:

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

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

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

⁴¹⁷ Proposed RPS, Objective 3.1

⁴¹⁸ Submission 598: Supported in FS1287; Opposed in FS1040

⁴¹⁹ Submission 600: Supported in FS1209; Opposed in FS1034

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

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

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

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

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

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

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

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

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

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

3.14. Section 3.2.4.7 Policies – Public Access

678. Policy 3.2.4.7.1 as notified read:

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

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

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

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

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

⁴²⁵ Submission 519: Supported in FS1015; Opposed in FS1356

⁴²⁶ Submission 836: Supported in FS1097, FS1341 and FS1342

⁴²⁷ Including health and safety

⁴²⁸ Supported by the evidence of Mr Vivian

⁴²⁹ Submission 307: Supported in FS1097, FS1235, FS1341

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

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

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

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

3.15. Section 3.2.4.8 – Policies – Climate Change

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

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

691. Submissions seeking changes to this policy sought variously:

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

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

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

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

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

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

⁴³⁰ Submission 519: Supported in FS1015; Opposed in FS1356

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

⁴³² Submission 798

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

3.16. Section 3.2.5 Policies - Landscape

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

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

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

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

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

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

⁴³⁷ C180/99 at [97]

⁴³⁸ From paragraph [99]

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

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

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

⁴⁴⁰ Submission 798

⁴⁴¹ Proposed RPS, Policies 3.2.3 and 3.2.5

⁴⁴² [2014] NZSC38 at [93]

⁴⁴³ See [2014] NZSC38 at [144]-[145]

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

⁴⁴⁴ Submission 145: Supported in FS1097; Opposed in FS1162

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.17. Section 3.2.5.3 – Policies – Urban Development

742. As notified, this policy read:

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

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

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

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

3.18. Section 3.2.5.4 Policies – Rural Living

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

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

3.2.5.4.2 Provide for rural living opportunities in appropriate locations.”

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

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

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

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

⁴⁴⁸ Submission 519: Supported in FS1015; Opposed in FS1356

⁴⁴⁹ Submission 806: Supported in FS1313

⁴⁵⁰ Submission 633

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

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

451 ODP 4.2.4(3)

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

453 In C180/99

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

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

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

457 NZIA's Submission 238 makes a similar point

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

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

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

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

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

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

759. We consider that the combination of these policies operating in conjunction with recommended Policies 3.3.29-3.3.32, are the best way in the context of high-level policies to achieve Objectives 3.2.1.8, 3.2.5.1 and 3.2.5.2, as those objectives relate to rural living developments.
760. It is appropriate at this point that we address the many submissions we had before us from infrastructure providers seeking greater recognition of the needs of infrastructure.
761. Objective 3.2.1.9 discussed above is the reference point for any additional policies on infrastructure issues.
762. In the rural environment, the principal issue for determination is whether infrastructure might be permitted to have greater adverse effects on landscape values than other development, and if so, in what circumstances and to what extent. Consideration also has to be given as to whether recognition needs to be given at a strategic level to reverse sensitivity effects on infrastructure in the rural environment.
763. Among the suggestions from submitters, new policies were sought to enable the continued operation, maintenance, and upgrading of regionally and nationally significant infrastructure and to provide that such infrastructure should where practicable, mitigate its impacts on ONLs and ONFs⁴⁶⁰.

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

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

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

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

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

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

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

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

⁴⁶⁴ Opposed in FS1301 and FS1322

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

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

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

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

⁴⁶⁵ Submission 1365

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

3.19. Section 3.2.5.5 Policies – Ongoing Agricultural Activities

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

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

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

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

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

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

⁴⁶⁹ Submissions 701 and 784: Supported in FS1162

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

⁴⁷¹ See e.g. submission 836

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

806. We have made recommendations above as to how use of rural land for rural living should be addressed at a strategic policy level. We therefore do not consider that changes are necessary to these policies to accommodate that point, particularly given the potential ambiguities and definitional issues which might arise.
807. Turning to use of rural land by the visitor industry, Policy 6.3.8.2 provides wording that in our view is a useful starting point. As notified, this policy read:
- “Recognise that commercial recreation and tourism related activities locating within the rural zones may be appropriate where these activities enhance the appreciation of landscapes, and on the basis that they would protect, maintain or enhance landscape quality, character and visual amenity values.”*
808. This wording would respond to the evidence of Mr Jeff Brown on behalf of Kawarau Jet Services Limited supporting specific reference to commercial recreational activities in recreational areas and on lakes and rivers in the district⁴⁷³. We do not think that specific reference needs to be made to lakes and rivers in this context, as, with the exception of Queenstown Bay, they are all within the Rural Zone. As discussed above, any unique issues arising in relation to waterways can more appropriately be addressed in Chapter 6.
809. Policy 6.3.8.2 was supported by Darby Planning LP⁴⁷⁴, but a number of other submissions with interests in the visitor industry sector sought amendments to it. Some submissions⁴⁷⁵ sought that the policy refer only to managing adverse effects of landscape quality, character and visual amenity values. Others sought that the policy be more positive towards such activities. Real Journeys Limited⁴⁷⁶ for instance sought that the policy be reframed to encourage commercial recreation and tourism related activities that enhanced the appreciation of landscapes. Submissions 677⁴⁷⁷ and 696⁴⁷⁸ suggested a *“recognise and provide for”* type approach, combined with reference only to appreciation of the District’s landscapes. Lastly, Submission 806 sought to remove any doubt that recreational and tourism related activities are appropriate where they enhance the appreciation of landscapes and have a positive influence on landscape quality, character and visual amenity values, as well as provision of access to the alpine environment.
810. Mr Barr did not recommend any change to this policy in the context of Chapter 6 and we were left unconvinced as to the merits of the other amendments sought in submissions. In particular, converting the policy merely to one which states the need to manage adverse effects does not take matters very far.
811. Similarly, appreciation of the District’s landscapes is a relevant consideration, but too limited a test, in our view, for the purposes of a policy providing favourably for the visitor industry.
812. We have already discussed the defects of a *“recognise and provide for”* type approach in the context of the District Plan policies.

⁴⁷³ J Brown, EIC at 4.11
⁴⁷⁴ Submission 608: Opposed in FS1034
⁴⁷⁵ Submissions 610, 613: Supported in FS1097.
⁴⁷⁶ Submission 621: Supported in FS1097
⁴⁷⁷ Supported in FS1097; Opposed in FS1312
⁴⁷⁸ Supported in FS1097

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

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

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

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

3.2.5.5.2 Provide for evolving forms of agricultural land use.”

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

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

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

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

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

3.20. Section 3.2.6.3 Policies – Urban Development

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

3.21. Overall Conclusion on Chapter 3 Policies

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

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

4. PART B RECOMMENDATIONS

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

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

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

***Regionally significant infrastructure** - means:*

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

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

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

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

PART C - CHAPTER 4

5. OVERVIEW

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

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

⁴⁸⁰ E.g. Submission 806: Supported in FS1313

⁴⁸¹ Submission 806

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

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

6. CHAPTER 4 TEXT

6.1. Section 4.1 – Purpose

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

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

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

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

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

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

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

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

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

⁴⁸⁶ Submission 805: Supported in FS1211

⁴⁸⁷ Recommended new Objective 3.2.2.1

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

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

But that otherwise, no further amendments are required.

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

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

6.3. Objective 4.2.2 and related policies – Urban Growth Boundaries

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

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

⁴⁸⁹ Submission 807: Supported in FS1324, FS1244 and FS1348

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

⁴⁹⁰ Submission 773

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

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

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

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

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

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

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

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

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

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

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

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

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

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

866. Reverting to our desire to capture the purpose of UGB's, the first point is that it needs to start with a verb and project a course of action. The second point is that given that the recommended Policy 4.2.2.1 (renumbered 4.2.1.1) refers to defining UGBs, the same language should be employed. Lastly the exception provided for in Chapter 3 (urban growth within smaller rural settlements) needs to be acknowledged as a consequential change.
867. The end result is a new policy numbered 4.2.1.3 that would read:
- “Ensure that urban development is contained within the defined Urban Growth Boundaries, and that aside from urban development within existing rural settlements, urban development is avoided outside of those boundaries.”*
868. It is acknowledged that this policy largely repeats Policies 3.3.14 and 3.3.15, but we regard that as helpful in this context, so that the policies can be read in a logical way without reference back to Chapter 3.
869. Accordingly, we recommend a new policy worded as above, be inserted.
870. The next logical issue to address is to identify the general considerations that bear on identification of the location of UGBs. A number of policies in the PDP are relevant to this including:
- “4.2.2.2 Urban Growth Boundaries are of a scale and form which is consistent with the anticipated demand for urban development over the planning period, and the appropriateness of the land to accommodate growth.*
- 4.2.2.4 Not all land within Urban Growth Boundaries will be suitable for urban development such as (but not limited to) land with ecological, heritage or landscape significance; or land subject to natural hazards. The form and location of urban development shall take account of site specific features or constraints to protect public health and safety.*
- 4.2.1.6 Avoid sporadic urban development that would adversely affect the natural environment, rural amenity or landscape values; or compromise the viability of a nearby township.*
- 4.2.1.7 Urban development maintains the productive potential and soil resource of rural land.”*
871. Addressing each of these in turn, the only submission specifically on Policy 4.2.2.⁴⁹² supports the provision. Submissions seeking its deletion as part of a broader submission seeking deletion of all of the policies in this section⁴⁹³ do, however, need to be noted, since they set the outer limits of the jurisdiction for any changes we might recommend.

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

⁴⁹³ Such as submission 608: Opposed in FS1034

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

⁴⁹⁴ Submission 810

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

⁴⁹⁶ Submission 608: Opposed in FS1034

⁴⁹⁷ Submissions 719 and 798

⁴⁹⁸ Submission 608: Opposed in FS1034

⁴⁹⁹ Submission 836

⁵⁰⁰ J Brown, EIC at [5.4]

⁵⁰¹ See in particular RPS Policy 9.5.5

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

879. The RPS and the Proposed RPS must now be read in the light of the NPSUDC 2016. We have approached the NPSUDC 2016 on the basis⁵⁰² that while not totally clear, both Queenstown and Wanaka are “*urban environments*” as defined in the NPSUDC 2016, and that all objectives and policies of the document apply, because Queenstown is a “*high-growth area*”.

880. The view expressed by counsel for the Council is that at a general level, the objectives and policies of the NPSUDC 2016 are given effect by the provision of the PDP. Counsel’s Memorandum did not discuss the extent to which the strategic chapters, as opposed to the balance of the PDP, do so, but did identify that the objectives and policies of the NPSUDC 2016 are pitched at a relatively high level – “*direction setting*” as she put it. We agree with that general description. The objectives and policies of the NPSUDC are a long way from the prescriptive NZCPS provisions considered by the Supreme Court in *King Salmon*, or even the relatively prescriptive provisions of the NPSET 2008⁵⁰³.

881. Even so, Objectives OA1 and OA2 clearly bear upon consideration of the policies of the PDP set out above:

“OA1: *Effective and efficient urban environments that enable people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing;*

OA2 *Urban environments that have sufficient opportunities for the development of housing and business land to meet demand, and which provide choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to locate businesses.”*

882. Policy PA1 is an exception to the relative generality of the NPSUDC, requiring that local authorities ensure that sufficient housing and business land development capacity is feasible

⁵⁰² As advised by counsel for the Council in her memorandum of 3 March 2017

⁵⁰³ Adopting the High Court’s description of Policy 10 discussed below in Section 6.4

and zoned to meet demand over the short to medium term (10 years from now)⁵⁰⁴. The policy provides further that land development capacity sufficient to meet demand over the long term (10-30 years) is “*identified*” in relevant plans.

883. There are obvious overlaps between the matters identified in both the Proposed RPS Policy 4.5.1 and the NPSUDC 2016 objectives and policies, and between those provisions and Mr Brown’s suggested criteria. Although, having determined that we would support the notified proposal for identification of UGBs, some of the matters identified are in our view better dealt with in the policies governing the form of development within UGBs.
884. Taking all of these matters into account, we are of the view that the four policies noted above need to be collapsed into one comprehensive policy. All relate to the process for fixing UGBs in various ways, although we accept that Policy 4.2.2.4 (and Mr Paetz’s suggested amendment to add reference to intensification) also relates to the nature of urban development within UGBs once they are fixed.
885. Starting with Policy 4.2.2.2, it is currently framed as an outcome (i.e. objective) rather than a policy. It needs to commence with a verb. The purpose of the policy is to state the criteria that will determine where UGBs should be. That sense needs to come through.
886. We also regard a statement that UGBs should be of a “*scale and form*” to meet anticipated demand as over-complicating the issue. UGBs are lines on a map. They have no scale and form. The land within them has scale and form, and in this regard, the UGBs have to encompass a sufficient area of suitable land to give effect to the NPSUDC 2016. Again, we think that the policy should be simplified and clarified in this regard.
887. Another obvious point is that the policy talks of meeting demand without saying where the demand might be located. The reality is that all the UGBs are either in the Wakatipu Basin or the Upper Clutha Basin and the evidence we heard was that that was where the demand for urban development is also. It would be pointless as well as impractical to provide for large-scale urban development at Kingston, for instance, in order to meet demand in Queenstown over the planning period. The policy should acknowledge that practical reality.
888. It also appears clear to us that fixing UGBs in order to meet anticipated demand necessarily requires an assumption as to the density of development that will occur within those boundaries. One of the policies we have recommended be deleted from Chapter 3, by reason of the overlap/duplication with Chapter 4 policies, is Policy 3.2.2.1.5, which as notified, read: “*Ensure UGBs contain sufficiently suitable zoned land to provide for future growth and a diversity of housing choice.*”
889. Another policy we have recommended be deleted from Chapter 3 is Policy 3.2.4.8.1, which as notified, read:
- “*Concentrate development within existing urban areas, promoting higher density development that is more energy efficient and supports public transport, to limit increases in greenhouse gas emissions in the District.*”
890. A third policy, we have recommended be deleted from Chapter 3 is Policy 3.2.6.2.1, reading:

⁵⁰⁴ The Policy has provisions relating to provision of infrastructure that are matters for Council to address in its other capacities

“Promote mixed densities of housing in new and existing urban communities.”

891. Yet another related Chapter 3 policy is 3.2.2.1.6:

“Ensure that zoning enabled effective market competition through distribution of potential housing supply across a large number and range of ownerships, to reduce the incentive for land banking in order to address housing supply and affordability.”

892. Submissions on Policy 3.2.2.1.5 varied between seeking its deletion⁵⁰⁵, seeking greater clarity as to the relationship between UGBs and zoning⁵⁰⁶ and seeking reference to community activities and facilities as well as to housing⁵⁰⁷. Consideration of this policy now also has to take the requirements of the NPSUDC 2016 into account.

893. Submissions on Policy 3.2.4.8.1 ranged from seeking to soften the extent of direction⁵⁰⁸, delete reference to greenhouse gas emissions⁵⁰⁹ and challenging the relationship drawn between a positive response to climate change and concentration of future development within existing urban areas⁵¹⁰.

894. There were no submissions specifically on Policy 3.2.6.2.1, but a number of submissions sought deletion of Policy 3.2.2.1.6⁵¹¹. We read those submissions as reacting to the implied criticism of land developers in the District. As Submission 91 observed, owners of land can defer development, or decide not to develop it at all for a variety of perfectly valid reasons.

895. Having said that, whatever the motivation for land remaining undeveloped, planning for future growth needs to take account of it and seek to mitigate its influence on land supply and demand dynamics by ensuring competition in the supply of land.

896. The theme of these four policies is that development within UGBs should desirably be compact, energy efficient, involve a mix of housing densities and housing forms, and be enabled by a competitive land supply market. We agree with the point made in Submission 524 that the focus cannot solely be on housing needs and recommend that all these considerations be imported into the combined Policy 4.2.1.6/4.2.1.7/4.2.2.2/4.2.2.4.

897. The notified Policy 4.2.2.2 refers to the relevance of the appropriateness of the land to accommodate growth without saying what matters might be relevant to determining appropriateness in this context.

898. Policy 4.2.2.4 provides greater guidance as to what matters are likely to be relevant. In that regard, we think that Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou, Te Runanga o Moeraki and Hokonui Runanga have a valid point suggesting that cultural constraints need to be borne in mind at this point (as Mr Brown acknowledged and Proposed RPS Policy 4.5.1 provides for) and we recommend that the combined policy reflect that (but not using the term Manawhenua, given the submitter’s advice in the Stream 1A hearing that that is no longer

⁵⁰⁵ Submissions 608 and 807: Opposed in FS1034

⁵⁰⁶ Submission 806

⁵⁰⁷ Submission 524: Supported in FS1059

⁵⁰⁸ Submission 519: Supported in FS1015; Opposed in FS1356

⁵⁰⁹ Submissions 519, 598: Supported in FS1015 and FS1287; Opposed in FS1356

⁵¹⁰ Submission 798

⁵¹¹ Submissions 91, 249, 608 and 807: Opposed in FS1034

sought). In addition, while an obvious constraint on urban development in the Queenstown context, in particular, it is worth making reference to the topography as a relevant factor.

899. Policy 4.2.1.6 seeks to avoid sporadic urban development for a range of reasons, many of which overlap with considerations identified in Policy 4.2.2.4. The inter-relationship between fixing UGBs and the efficient provision and operation of infrastructure is, however, an additional matter worthy of noting (as Mr Brown accepted, and Mr Paetz recommended).
900. Turning to the relevance of the matters currently covered in Policy 4.2.1.7, we think that Submission 628 has a point, seeking to soften the focus on not losing productive rural land and the accompanying soil resource. The reality is that if all soil resources/productive rural land were to be preserved, no urban development on rural land would be possible. We accept, therefore, that minimising the loss of productive soils and the soil resource is an appropriate focus. It is also consistent with the suggested approach in Policy 4.5.1 of the Proposed RPS.
901. Stitching all these various policy elements together in one coherent policy, we recommend that Policies 3.2.2.1.5, 3.2.2.1.6, 3.2.4.8.1, 3.2.6.4.1, 4.2.1.6, 4.2.1.7, 4.2.2.2 and 4.2.2.4 be combined in one policy numbered 4.2.1.4 to read as follows:

“Ensure urban growth boundaries encompass a sufficient area consistent with:

- a. the anticipated demand for urban development within the Wakatipu and Upper Clutha Basins over the planning period assuming a mix of housing densities and form;*
- b. ensuring the ongoing availability of a competitive land supply for urban purposes;*
- c. the constraints on development of the land such as its topography, its ecological, heritage, cultural or landscape significance; or the risk of natural hazards limiting the ability of the land to accommodate growth;*
- d. the need to make provision for the location and efficient operation of infrastructure, commercial and industrial uses, and a range of community activities and facilities;*
- e. a compact and energy efficient urban form;*
- f. avoiding sporadic urban development in rural areas;*
- g. minimising the loss of the productive potential and soil resource of rural land.”*

902. Although our suggested policy, as above, notes the relevance of landscape issues as a potential constraint on urban development, we consider that this is deserving of more specific guidance, given the significance of landscape values both for their own sake and as a contributor to the economic prosperity of the District.

903. Notified Policy 6.3.1.7 read:

“When locating urban growth boundaries or extending urban settlements through plan changes, avoid impinging on Outstanding Natural Landscapes or Outstanding Natural Features and minimise degradation of the values derived from open rural landscapes.”

904. Given that this policy relates to UGBs and urban growth generally, we regard it as more appropriately located in Chapter 4.

905. The submissions on it sought variously its deletion⁵¹², or alternatively, that the policy provide for avoiding, remedying or mitigating the effects of any impingement on ONLs or ONFs⁵¹³.

⁵¹² Submission 806

⁵¹³ Submission 378: Supported in FS1097; Opposed in FS1049, FS1095 and FS1282

906. Mr Duncan White, giving planning evidence for Allenby Farms Ltd and Crosshill Farms Ltd initially suggested that reference to ONFs should be deleted from this policy, given that there are existing examples of ONFs within UGBs.
907. However, he accepted in discussions with us that his suggested relief did not follow from that inconsistency, and withdrew that aspect of his evidence.
908. Mr Wells was on rather stronger ground supporting Mr Goldsmith’s legal argument that protection for ONFs (and ONLs) is conferred by other provisions in the PDP and that UGBs served a different purpose – in effect to fix the outer limits of urban development. As Mr Wells noted, there are existing examples of ONFs sitting within the mapped UGBs. While some of those apparent inconsistencies may yet be resolved, that does suggest that the wording of this policy needs to be reconsidered. Having said that, given the strategic objective we have recommended related to ONLs and ONFs (3.2.5.1), clearly deletion of this policy would be inappropriate. Moreover, it is difficult to conceive that urban development could have anything other than a more than minor adverse effect if located on ONLs or ONFs and accordingly, in our view, an avoid, remedy or mitigate policy would similarly be inappropriate (quite apart from the lack of direction it provides).
909. In our view, the solution is to link the fixing of a UGB more clearly to the extent and location of urban development.
910. Accordingly, we recommend that notified Policy 6.3.1.7 be shifted into this part of Chapter 4, renumbered 4.2.1.5 and be amended to read;
- “When locating Urban Growth Boundaries or extending urban settlements through plan changes, avoid urban development impinging on Outstanding Natural Landscapes or Outstanding Natural Features and minimise degradation of the values derived from open rural landscapes.”*
911. Policy 4.2.2.5, as notified read:
- “Urban Growth Boundaries may need to be reviewed and amended over time to address changing community needs.”*
912. The only submission specifically on it⁵¹⁴ supported the provision. Mr Paetz recommended no amendment to it.
913. Mr Goldsmith⁵¹⁵ submitted to us that this policy undermines the whole concept of UGBs and that it is difficult to know what it achieves. We think the first point is not correct – it merely acknowledges the practical reality that future plan changes have the ability to alter UGBs. There is more to the second point given that the policies in the Plan do not and cannot constrain future plan changes, but providing clearer criteria for fixing the location of UGBs both generally, as above, and at a more site specific basis⁵¹⁶, will provide a better starting point for such future processes. We think therefore that there is a role for this policy.

⁵¹⁴ Submission 238: Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, S1248 and FS1249

⁵¹⁵ On this occasion, when representing Ayrburn Farm Estates Ltd, Bridesdale Farm Developments Ltd, Shotover Country Ltd and Mt Cardrona Station Ltd

⁵¹⁶ As Mr Goldsmith in fact urged on us, when appearing for a different group of submitters

914. At present, this policy is not framed as a course of action. It does not commence with a verb. It is more framed as a statement of fact, although the course of action it envisages is reasonably obvious and therefore reinstating it as a course of action is a minor change. We therefore recommend that this Policy be renumbered 4.2.1.6 and reframed to the same effect as follows:

“Review and amend Urban Growth Boundaries over time as required to address changing community needs.”

915. Lastly under this objective, we note Policy 4.2.1.5 which as notified read:

“Urban development is contained within or immediately adjacent to existing settlements.”

916. The only submission on this policy seeking amendment to it⁵¹⁷ sought that the submission state simply:

“Urban development is contained.”

917. Mr Paetz recommended that the words *“or immediately adjacent to”* be deleted from the policy.

918. To the extent that this policy could be read as applying to those urban settlements for which a UGB has been defined, it simply duplicates Policy 4.2.1.1 (renumbered 4.2.1.2). We regard it as having a role in guiding urban development within the smaller rural settlements, but agree with Mr Paetz that describing such development as being possible in areas *“immediately adjacent to”* existing rural settlements is not satisfactory. At one level, it is too confining (read literally) and at another, insufficiently clear, because it does not give any guidance as to where an existing rural settlement might be considered to end.

919. We do not regard the relief sought in Submission 238 as being particularly helpful. It would be even less clear, if adopted.

920. The Policy we have recommended in Chapter 3 related to development of the smaller rural settlements is to direct that urban development be located within the land zoned for that purpose (recommended Policy 3.3.15). We recommend that this be the basis for revision of Policy 4.2.1.5. While involving a level of duplication, again, we regard this as appropriate in this context, so that Chapter 4 does not have holes in it that have to be filled by a reference back to Chapter 3.

921. In summary, therefore, we recommend that Policy 4.2.1.5 be renumbered 4.2.1.7 and amended to read:

“Contain urban development in existing rural settlements that have no defined Urban Growth Boundary within land zoned for that purpose.”

922. We have reviewed the policies recommended in this section and consider that individually and collectively they are the most appropriate way to achieve Objective 4.2.1.1.

6.4. Objectives 4.2.1 and 4.2.3 and related policies – Urban Development and Urban Form

923. We consider that these two objectives need to be considered together. As notified, they read:

⁵¹⁷ Submission 238: Opposed in FS1107, FS1226, FS1234, FS1239, FS1242, FS1248 and FS1249

“4.2.1 Urban development is coordinated with infrastructure and services and is undertaken in a manner that protects the environment, rural amenity and outstanding natural landscapes and features.

4.2.3 Within Urban Growth Boundaries, provide for a compact and integrated urban form that limits the lateral spread of urban areas, and maximises the efficiency of infrastructure operation and provision.”

924. Submissions seeking amendments to Objective 4.2.1 included as relief:
- a. Deletion of Section 4.2.1 entirely⁵¹⁸;
 - a. Seeking provision that infrastructure development either be sized for all foreseeable growth or be able to be adapted to meet same and that people in residential zones should be within a given distance to key amenities⁵¹⁹;
 - b. Restricting the objective to focus solely on coordination with infrastructure and services⁵²⁰;
 - c. Amending reference to protecting aspects of the environment and substituting *“maintains or enhances”*⁵²¹;
 - d. Amending the reference to protecting aspects of the environment and substituting *“maintains and where appropriate enhances”*, along with limiting the focus further to just adjoining land⁵²²;
 - e. Substituting *“integrated”* for *“coordinated”*⁵²³;
 - f. Adding reference to urban growth as well as urban development and including reference to protection of infrastructure⁵²⁴;
 - g. Including reference to indigenous flora and fauna⁵²⁵.
925. The only amendment recommended by Mr Paetz is to substitute *“integrated”* for *“co-ordinated”*.
926. Turning to Objective 4.2.3, submissions seeking amendment to the objective were limited to a request to refer to urban areas rather than UGBs⁵²⁶ and an amendment to refer to development, operation and use of infrastructure⁵²⁷.
927. Mr Paetz did not recommend any amendment to this objective.
928. We consider that the overlap in the focus of both of these objectives on infrastructure and services means that they should be revised to separate out infrastructure considerations in one objective, and other relevant points in a second objective.
929. Looking first at aspects that might be drawn from Objective 4.2.1 we do not understand there to be any meaningful difference between the words *“integrated”* and *“co-ordinated”*. While

⁵¹⁸ Submission 285

⁵¹⁹ Submission 117

⁵²⁰ Submission 608: Opposed in FS1034

⁵²¹ Submission 378: Supported in FS1097; Opposed in FS1044 and FS1095

⁵²² Submission 635

⁵²³ Submission 719

⁵²⁴ Submission 805

⁵²⁵ Submission 809

⁵²⁶ Submission 608: Opposed in FS1034

⁵²⁷ Submission 635

there is some merit in consistency of terminology⁵²⁸, an objective referring to integration with infrastructure would read awkwardly when combined with reference to “*a compact and integrated urban form*”, drawn from Objective 4.2.3.

930. We consider that the submitters focussing on the extent of protection for the environment and rural amenity have a point. It would be more appropriate if some of those aspects were maintained and enhanced⁵²⁹, in line with recommended Objective 3.2.5.2, but protection is appropriate for ONLs and ONFs given the terms of recommended Objective 3.2.5.1.
931. We do not accept the suggestion that this objective refer to protection of all indigenous flora and fauna, as sought by Submission 809. Consistent with Proposed RPS Policy 4.5.1 (and indeed section 6(c) of the Act), the focus should be on significant areas and habitats.
932. In terms of those aspects of infrastructure and services urban development needs to coordinate/integrate with, we consider that Objective 4.2.3 correctly focuses on the efficient provision and operation of infrastructure and services. We do not see any meaningful difference between that and the relief sought in Submission 635 (development, operation and use).
933. Lastly, given the recommended terms of Objective 4.2.2 (now renumbered 4.2.1) and the related policies, urban development will necessarily occur within UGBs. Accordingly, we consider that the focus might more appropriately be on a compact and integrated urban form, as per Objective 4.2.3.
934. Combining these various considerations in objectives that are framed as environmental outcomes, we recommend that the replacement objectives for 4.2.1 and 4.2.3 be worded as follows:
- “A compact and integrated urban form within the Urban Growth Boundaries that is coordinated with the efficient provision and operation of infrastructure and services.*
- Urban development within the Urban Growth Boundaries that maintains and enhances the environment and rural amenity, and protects Outstanding Natural Landscapes, Outstanding Natural Features and areas supporting significant indigenous flora and fauna.”*
935. We consider that collectively, these two objectives are the most appropriate way to achieve the purpose of the Act.
936. Because the policies that follow seek to achieve both of these objectives, we have numbered them 4.2.2A and 4.2.2B, to make that clear.
937. Policy 4.2.1.2 as notified read:
- “Urban development is integrated with existing public infrastructure, and is designed and located in a manner consistent with the capacity of existing networks.”*
938. Submissions on it included:
- a. Seeking its deletion⁵³⁰;

⁵²⁸ As Mr MacColl suggested to us, giving evidence for NZTA

⁵²⁹ As Ms Taylor, giving evidence for Peninsula Bay JV, suggested

⁵³⁰ Submission 238: Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

- b. Amending it to include reference to reverse sensitivity effects on significant infrastructure⁵³¹;
 - c. Adding reference to planned expansion of infrastructure networks⁵³²;
 - d. Deleting the requirement that infrastructure must necessarily be public in nature⁵³³;
 - e. Support for it as currently proposed⁵³⁴.
939. Mr Paetz did not recommend any change to this policy.
940. We recommend that this policy be reframed so it commences with a verb and therefore identifies a clear course of action, rather, than as at present, being stated as an environmental outcome/objective.
941. We accept the point made in Submission 635. Not all relevant infrastructure is public infrastructure. The evidence we heard was that some existing urban areas were serviced by private infrastructure (Jacks Point). Similarly, the local electricity line network is not “*public*” infrastructure. Nor is it obvious why it should matter who owns any relevant infrastructure. In our view, the policy should not constrain development by reference to the capacity of ‘*public*’ infrastructure.
942. Similarly, Submission 608 makes a valid point suggesting that urban development might take account of planned infrastructure enhancements.
943. Given our recommendation as to the wording of the objective sought to be implemented by this policy, we also agree that some reference to reverse sensitivity effects on infrastructure, particularly regionally significant infrastructure, is appropriate. We do not, however, accept that all adverse effects on regionally significant infrastructure should be avoided given the interpretation of a policy focus on ‘*avoiding*’ adverse effects in *King Salmon*. While the High Court has described Policy 10 of the NPSET as “*relatively prescriptive*”⁵³⁵, it does not purport to require avoidance in all cases. (Policy 10 refers to managing activities to avoid reverse sensitivity effects “*to the extent reasonably possible*”). As the High Court noted, where development already exists, it will not generally be possible to avoid reverse sensitivity effects. It may, however, be reasonably possible to avoid further compromising the position.
944. The Proposed RPS likewise does not provide for avoidance of all reverse sensitivity effects on regionally significant infrastructure. Policy 4.3.4 has a tiered approach, providing for avoidance of significant adverse effects and avoiding, remedying or mitigating other effects. To the extent there is a difference between the two higher order documents, we consider that we should take our lead from the NPSET 2008, that being the document we are required to give effect to.
945. We therefore consider that adverse effects on infrastructure should be minimised – this being the extent of restriction we consider to be “*reasonably possible*”.
946. Consideration of Policy 4.2.1.2 also needs to take account of Policy 4.2.3.4 which as notified, read:

⁵³¹ Submission 271 and 805: Supported in FS1121, FS1211 and FS1340: Opposed in FS1097 and FS1117

⁵³² Submission 608: Opposed in FS1034

⁵³³ Submission 635

⁵³⁴ Submission 719

⁵³⁵ *Transpower New Zealand Ltd v Auckland Council* NZHC 281 at [85]

“Urban development occurs in locations that are adequately serviced by existing public infrastructure, or where infrastructure can be efficiently upgraded.”

947. Submissions on this Policy varied from those seeking its deletion⁵³⁶, amendment to delete the requirement for infrastructure to be ‘public’⁵³⁷ and amendment to make reference to potential adverse effects on regionally significant infrastructure⁵³⁸. Mr Paetz did not recommend any change to this policy.

948. Policy 4.2.3.4 almost entirely overlaps and duplicates Policy 4.2.1.2. We do not consider that two policies are required to say the same thing.

949. Notified Policy 4.2.3.5 also relates to the inter-relationship between urban development and infrastructure. It read:

“For urban centres where Urban Growth Boundaries apply, new public infrastructure networks are limited exclusively to land within defined Urban Growth Boundaries.”

950. Submissions on this policy ranged from support⁵³⁹ to seeking its deletion⁵⁴⁰. On this occasion, there was no middle ground.

951. Mr Paetz did not recommend any change to the Policy.

952. This Policy seems to us to be misconceived. While it might work as intended in Wanaka, where the UGB defines a single urban area, working out from the existing township, the urban areas defined by UGBs in the Wakatipu Basin are in fact a series of geographically separated areas and infrastructure (both public and private) must necessarily connect those separate geographical areas and therefore be located outside the UGBs. We would not wish to preclude expansion of existing infrastructure merely because it is not located within a UGB. We see that as being counterproductive, potentially defeating expansion of urban development into appropriate new areas.

953. We should note at this point the emphasis in Policy 4.5.2 of the Proposed RPS on staging development or releasing land sequentially where UGBs have been defined. While staging of development would promote greater efficiency of land use and infrastructure, we do not have the evidence, nor, we think, the jurisdiction to recommend how it might be provided for in any systematic way within the defined UGBs⁵⁴¹. Accordingly, we can take it no further.

954. In summary, we recommend Policies 4.2.3.4 and 4.2.3.5 be deleted and Policy 4.2.1.2 be renumbered 4.2.2.1 and amended to read:

“Integrate urban development with existing or planned infrastructure so that the capacity of that infrastructure is not exceeded and reverse sensitivity effects on regionally significant infrastructure are minimised.”

⁵³⁶ Submission 807

⁵³⁷ Submission 635

⁵³⁸ Submission 805: Supported in FS1211

⁵³⁹ Submission 238: Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, S1248 and FS1249

⁵⁴⁰ Submissions 805 and 807

⁵⁴¹ This is a different concept to the suggestion discussed elsewhere that the outer urban boundary identified in the Wanaka Structure Plan might be recognised in the PDP

955. Policy 4.2.2.3 as notified, read:

“Within Urban Growth Boundaries, land is allocated into various zones which are reflective of the appropriate land use.”

956. The only submissions on this policy supported its current form and Mr Paetz did not recommend any further amendments.

957. Aside from the need to reformulate the policy so it commences with a verb and more clearly states a proposed course of action, we have no particular issue with this policy, so far as it goes. The problem with it is that it leaves at large the identification of considerations that would determine what land uses are appropriate. We have already referred to a number of policies that have a dual role, guiding the location of UGBs and the nature of the urban development that might occur within them.

958. Policy 4.2.3.1 is relevant in this context. As notified, it read:

“Provide for a compact urban form that utilises land and infrastructure in an efficient and sustainable manner, ensuring:

- a. Connectivity and integration;*
- b. The sustainable use of public infrastructure;*
- c. Convenient linkages to the public and active transport network; and*
- d. Housing development does not compromise opportunities for commercial or community facilities in close proximity to centres.”*

959. Submissions on it included:

- a. Support while querying the meaning of the fourth bullet point⁵⁴²;
- b. Seeking addition of provision to ensure reverse sensitivity effects on significant infrastructure is avoided⁵⁴³;
- c. Broadening of the reference to infrastructure so it is not limited to public infrastructure⁵⁴⁴;
- d. Amendment to refer to connectivity and integration *“of land use and transport”*⁵⁴⁵;
- e. Amendment to the reference to public infrastructure, substituting regionally significant infrastructure, and making specific provision for the national grid⁵⁴⁶.

960. Mr Paetz did not recommend any change to this policy.

961. We view many aspects of Policy 4.2.3.1 as already subsumed within other policies. The query in Submission 238 as to the meaning of the fourth bullet point raises a fair point given the emphasis in Policy 4.2.3.2 on enabling an increased density of residential development close to town centres, community and education facilities. They do not appear to be consistent.

962. However, it is desirable to retain specific reference to connectivity and integration, and to linkages with public transport. NZTA’s submission suggests though that reference to the first needs to be refined so it is clearer that connectivity and integration relates to the links between existing developed areas and new areas of urban development generally, not just to

⁵⁴² Submission 238: Opposed in FS1107, FS1226, FS1234, FAS1239, FS1241, FS1242, FS1248 and FS1249

⁵⁴³ Submission 271

⁵⁴⁴ Submission 635: Supported in FS1121; Opposed in FS1097 and FS1117

⁵⁴⁵ Submission 719: Supported in FS1097

⁵⁴⁶ Submission 805: Supported in FS1211

transport (the latter being addressed by what was the third bullet of Policy 4.2.3.1). We recommend deletion of reference in this context to linkages to active transport networks, since that is addressed separately by notified policy 4.2.1.4., discussed further below. The other aspect of Policy 4.2.3.1 that we consider deserves specific reference is the interrelationship between land zoning and infrastructure. As some of the submitters on the policy note, the policy is not focussed on reverse sensitivity effects and we consider that some reference is required to such effects.

963. Some commentary is also required on the role of zoning for open spaces. Open spaces (and community facilities) are addressed in two closely related policies in Section 3.2.6.3 that we have recommended be deleted from Chapter 3. As notified they read:

“3.2.6.3.1 Ensure that open spaces and community facilities are accessible for all people;

3.2.6.3.2 That open spaces and community facilities are located and designed to be desirable, safe, accessible places.”

964. The submissions specifically on these policies variously supported their retention⁵⁴⁷, sought that reference be inserted to multiple use⁵⁴⁸, or sought (in the alternative) that ‘community activities’ be substituted for ‘community facilities’⁵⁴⁹. The purpose of the latter change was to ensure that the policy is read to include educational facilities. To the extent there is any ambiguity, we think (as the submitter sought as their primary relief) that this is better dealt with in the definition of community facility given that the policies are about places rather than activities. We therefore refer that point for the consideration of the Stream 10 Hearing Panel.
965. In the context of defining what land uses are appropriate, clearly desirable, safe, and accessible open spaces and community facilities ought to be on that list. We therefore recommend that the substance of these policies be retained, amended to fit that altered context. The altered context also means, in our view, that it is not necessary to refer to multiple use of open space areas generally, or use for the purposes of infrastructure, which was the point of submission 805.
966. Policy 4.2.2.4 also needs to be considered in this context. While the matters it covers are important, in our view, we agree with the evidence we heard from Ms Louise Taylor that health and safety is not the only consideration for determining the appropriate form and location of urban development; those matters need to be factored into the consideration of a broader range of matters determining the appropriateness of the form urban development takes. As discussed above, while implicit, it is worth making specific reference to the topography, which is both an obvious constraint on urban development and a defining feature of the local environment. As discussed earlier, in the context of our consideration of Objective 3.2.4.8 and Policy 3.2.4.8.1, the inter-relationship between natural hazards and climate change also needs to be noted⁵⁵⁰.
967. We also bear in mind the strategic objectives and policies related to the function and role of the town centres and other commercial and industrial areas. We consider that those objectives and policies likewise need to be brought to bear in identifying appropriate land uses.

⁵⁴⁷ Submissions 378 and 806: Opposed in FS1049 and FS1095

⁵⁴⁸ Submission 805

⁵⁴⁹ Submission 524

⁵⁵⁰ Accepting the substance of the relief sought in Submission 117.

968. Aside from the submission for Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou, Te Runanga o Moeraki and Hokonui Runanga ⁵⁵¹that we have already commented on, we also reflect on the evidence we heard from the New Zealand Fire Service Commission⁵⁵² regarding provision for emergency services. In our report on Chapter 3 issues, we recommended rejection of a submission by the Fire Service that a new objective be inserted into Section 3.2.1 providing for emergency services on the basis that this was more appropriately dealt with in the more detailed provisions⁵⁵³. In our view, this is the appropriate location for that recognition.

969. In summary, we recommend that Policy 4.2.2.3 be renumbered 4.2.2.2 and expanded to amalgamate material from other policies (in particular 3.2.3.6.1, 3.2.6.3.2, 4.2.1.6, 4.2.2.4 and 4.2.3.1) to read as follows:

“Allocate land within Urban Growth Boundaries into zones that are reflective of the appropriate land use having regard to:

- a. its topography;*
- b. its ecological, heritage, cultural or landscape significance, if any;*
- c. any risk of natural hazards, taking into account the effects of climate change;*
- d. connectivity and integration with existing urban development;*
- e. convenient linkages to public transport;*
- f. the need to provide a mix of housing densities and form within a compact and integrated urban environment;*
- g. the need to provide open spaces and community facilities that are located and designed to be safe, desirable and accessible;*
- h. the function and role of the town centres and other commercial and industrial areas as provided for in Chapter 3 strategic objectives 3.2.1.2 – 3.2.1.5 and associated policies;*
- i. the need to make provision for the location and efficient operation of regionally significant infrastructure;*
- j. the need to locate emergency services at strategic locations.”*

970. We regard this reformulated policy as appropriately addressing the request in the Council’s corporate submission⁵⁵⁴ for a new policy targeting optimisation of ecosystem services.

971. Policy 4.2.3.2 as notified read:

“Enable an increased density of residential development in close proximity to town centres, public transport routes, community and education facilities.”

972. This policy needs also to be considered against the background of Policy 4.2.1.3, which read:

“Encourage a higher density of residential development in locations that have convenient access to public transport routes, cycle ways or are in close proximity to community and education facilities.”

⁵⁵¹ Submission 810

⁵⁵² Submission 438: Supported in FS1160

⁵⁵³ Refer paragraph 213 above

⁵⁵⁴ Submission 383

973. Submissions on Policy 4.2.3.2 sought either its deletion⁵⁵⁵ or recognition of the need to avoid, remedy or mitigate the adverse effects of increased density⁵⁵⁶.
974. Submitter 208 made the same submission in relation to Policy 4.2.1.3. The only other submissions on that policy supported its current form.
975. Mr Paetz did not recommend any amendment to either of these policies.
976. When the representatives of Submitter 208 appeared before us, they elaborated on this submission, clarifying their concern that increased density of residential development might be out of step with the existing character of residential areas, leading to a loss of residential amenity. The submitter's concern in this regard overlaps with its submission on Policy 3.2.3.1.1., which usefully might be considered in this context. As notified it read:
- “Ensure development responds to the character of its site, the street, open space and surrounding area, whilst acknowledging the necessity of increased densities and some change in the character in certain locations.”*
977. Submissions on it sought variously that reference to good design be included⁵⁵⁷, that acceptance of change be qualified to limit situations where it is appropriate and where adverse effects can be avoided, remedied or mitigated⁵⁵⁸, and that it be deleted (along with the Objective 3.2.3.1 and the other policies supporting it)⁵⁵⁹.
978. As we have already noted, Mr Walsh who provided a brief of planning evidence for this submitter, was unable to appear before us but provided answers in writing to a series of questions that we posed to tease out aspects of his evidence. Mr Walsh agreed with Mr Clinton Bird, who provided evidence for the Council, that Queenstown's surrounds are the dominant feature of the character of the area, but also considered that the buildings of Queenstown urban area have an influence on the appreciation of those surroundings. Mr Walsh also emphasised the value of good urban design⁵⁶⁰.
979. We think that these are valid points, but where Mr Walsh's evidence suffered was in being somewhat elusive as to what exactly the character of Queenstown's residential areas was, and how it might be adversely affected by more intensive development, other than in a very general way. Expert opinion on these issues was mixed⁵⁶¹, but we accept both that good design will assist in minimising adverse effects from increased densities and that urban character needs to be given some policy recognition to ensure that to the extent there is an identifiable local character, it is taken into account.

⁵⁵⁵ Submission 807

⁵⁵⁶ Submission 208

⁵⁵⁷ Submission 238: Opposed in FS1107, FS1157, FS1226, FS1234, FS1239, FS1241, FS1244, FS1248 and FS1249

⁵⁵⁸ Submission 208

⁵⁵⁹ Submissions 806 and 807

⁵⁶⁰ A point also made by the representatives of NZIA who appeared at the Stream 1B hearing

⁵⁶¹ Mr Bird was rather dismissive of the architectural merit of existing development in Queenstown and Frankton, and regarded that of Wanaka as having even less to recommend it. The representatives of NZIA by contrast emphasised the intensity of urban development in Queenstown and Wanaka as creating a character of its own, particularly in the town centres. We also note the submissions made on behalf of DJ and EJ Cassells, The Bulling Family, the Bennett family, M Lynch and Friends of Wakatipu Gardens and Reserves that the urban area adjacent to the Gardens has a special character and that it and other areas with special character or heritage values deserve policy recognition.

980. We therefore recommend that elements of Policy 3.2.3.1.1 (which we have recommended be deleted from Chapter 3) be incorporated into this policy.

981. We also note the evidence we heard from Mr Nicholas Geddes addressing a related point on behalf of Clark Fortune McDonald. Mr Geddes drew attention to the apparent inconsistency between a policy focus on increased density of residential development and the basis on which the Jacks Point development had proceeded. We think that Mr Geddes likewise made a valid point and that these policies need to acknowledge that in areas governed by existing structure plans, increased density of residential development may not be appropriate.

982. That said, clearly Policies 4.2.1.3 and 4.2.3.2 need to be collapsed together. There is significant overlap between the two and the matters they cover can be captured in one policy.

983. In summary, therefore, we recommend one combined policy numbered 4.2.2.3 to replace what was formerly Policies 4.2.1.3, 4.2.3.2 and 3.2.3.1.1, reading as follows:

“Enable an increased density of well-designed residential development in close proximity to town centres, public transport routes, community and education facilities, while ensuring development is consistent with any structure plan for the area and responds to the character of its site, the street, open space and surrounding area.”

984. Policy 4.2.1.4 as notified, read:

“Development enhances connections to public recreation facilities, reserves, open space and active transport networks.”

985. The only submissions specifically on this policy supported its continued inclusion. Mr Paetz did not recommend any amendment to it.

986. For our part we have no difficulty with the substance of the policy. At present, however, it is stated as an outcome/objective. It needs to commence with a verb. Further, in the context of a policy to achieve an urban development objective, it ought to be clear that what it is talking about is indeed urban development. Lastly, the scope for urban development to achieve this policy will depend on the scale and location. Small scale development may have no opportunity to enhance connectivity in the urban environment. The policy needs to recognise that practical reality.

987. For these reasons, we recommend that this policy be renumbered 4.2.2.4 and amended to read:

“Encourage urban development that enhances connections to public recreation facilities, reserves, open space and active transport networks.”

988. Picking up on the point made above, while small scale urban development may have little scope to achieve the PDP’s strategic aspirations, large scale development has much greater opportunity to make a positive contribution to achievement of those strategic objectives. Policy 3.2.3.1.2 sought to recognise that, providing:

“That larger scale development is comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design.”

989. Submissions on it sought variously its deletion⁵⁶², and that reference be inserted to comprehensive design “*according to best practice design principles*”⁵⁶³.
990. We do not regard a generalised reference to best practice design principles as being particularly helpful without some indication as to what those principles are, or where they may be found enunciated, but do think this policy is valuable in this context for its emphasis on comprehensive planning of larger-scale development. The Proposed RPS goes further, suggesting that specified principles of good urban design be given effect⁵⁶⁴. However, this is one of many aspects of the Proposed RPS that is the subject of appeal and thus it is unclear at present whether we can rely on the currently specified principles of good urban design or even that there will continue to be a schedule specifying such principles (in order that they might then be cross referenced in the PDP - which would be the obvious way to give substance and clarity to the relief NZIA sought). Accordingly, we recommend that Policy 3.2.3.1.2 be shifted into Chapter 4 and renumbered 4.2.2.5, only amended to commence it with a verb, so that it indicates more clearly the proposed course of action, as follows:

“Require larger scale development to be comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design.”

991. The NZIA submission did, however, highlight the need for the District Plan to provide additional guidance in terms of identifying best practice design guidelines that should be employed. NZIA also reminded us that the Council is a signatory to the NZ Urban Design Protocols. We note also Council’s own submission⁵⁶⁵ promoting development of a Residential Design Guide to help reinforce design expectations. As the Council submission noted, incorporation of a design guide may require a variation to the PDP and we note that a variation to include design guidelines for Arrowtown now forms part of the PDP. For our part, we think that there is value in such design guides and recommend that the Council progress development of design guides for the other urban areas of the District in order that they might be incorporated into the PDP by future variations/plan changes. If the Proposed RPS, when finalised, still has a schedule of good urban design principles, then obviously that schedule should be drawn on as the basis for such guidelines.
992. In the interim, Policy 3.2.3.1.3 has the potential to provide some guidance in this area. As notified, it read:
- “Promote energy and water efficiency opportunities, waste reduction and sustainable building and subdivision design.”*
993. Aside from Submissions 806 and 807, seeking that all the policies under Objective 3.2.3.1 be deleted, there were no submissions seeking its amendment. Submission 806 queried, in the alternative, the effectiveness of all three policies and whether they might be better addressed within specific zones.

⁵⁶² Submissions 806 and 807

⁵⁶³ Submission 238: Opposed in FS1107, FS1157, FS1226, FS1234, FS1239, FS1241, FS1244, FS1248 and FS1249

⁵⁶⁴ Proposed RPS, Policy 4.5.1(g), cross referencing Schedule 5 to the Proposed RPS. See also Policy 4.5.3 encouraging the use of the specified good urban design principles more directly.

⁵⁶⁵ Submission 383

994. We take the view that while generally expressed, this particular policy does add value to implementation of the Chapter 4 objectives we have recommended. It is also consistent with Policies 4.5.4 and 4.5.5 of the Proposed RPS, encouraging use of low impact design principles and that subdivision and development be designed to reduce the effect of the region’s colder climate. Given that no alternative wording has been suggested for its consideration, we recommend Policy 3.2.3.1.3 be shifted to Chapter 4 and renumbered 4.2.2.6, but otherwise not be amended.
995. We have already discussed a number of policies formerly located in Chapter 3 that, in our view, are more appropriately located in Chapter 4. At this point, we should discuss three further such policies. The first is Policy 3.2.6.2.3, which, as notified, read:
- “Explore and encourage innovative approaches to design to provide access to affordable housing.”*
996. The only submissions specifically on this policy supported its continued inclusion. Once again though, this policy along with the balance of Section 3.2.6, is the subject of a more general submission seeking the deletion of the entire section, or a significant reduction in the number of objectives and policies⁵⁶⁶.
997. Mr Paetz recommended that the word *“provide”* be substituted by *“help enable”*. The point of Mr Paetz’s recommendation is to make the obvious point that design can only make a contribution to provision of affordable housing. We also note a theme of the NZIA submissions, reinforced when its representatives appeared before us, that affordable housing did not need to be, and should not be, of substandard quality. We accept that point also. With those qualifications, however, and with a little grammatical tweaking to make it read more easily, we consider that this is a policy that adds some value to the package of urban development policies we are considering.
998. In summary, we recommend that Policy 3.2.6.2.3 be shifted from Chapter 3 into this part of Chapter 4, renumbered 4.2.2.7, and be amended to read:
- “Explore and encourage innovative approaches to design to assist provision of quality affordable housing.”*
999. The second policy notified in Chapter 3 that we consider is more appropriately located at this point of Chapter 4 is Policy 3.2.6.1.2. As notified, that policy read:
- “In applying plan provisions, have regard to the extent to which minimum size, density, height, building coverage and other controls influence Residential Activity affordability.”*
1000. The only submission specifically on this policy⁵⁶⁷ sought addition of reference to utilisation of community land by the Council for housing development to deliver quality affordable housing.
1001. Mr Paetz did not recommend any amendment to this policy.
1002. We recognise that the NZIA submission makes some valid points. Reducing the cost of housing construction does not ensure the availability of affordable housing, and a focus solely on affordability may risk a series of low quality developments creating slum-like conditions. The

⁵⁶⁶ Submission 807

⁵⁶⁷ Submission 238: Opposed in FS1107, FS1157, FS1226, FS1234, FS1241, FS1242, FS1248 and FS1249

potential for affordability issues to be addressed by use of community land is, however, a matter for Council to consider under the Local Government Act. As regards the broader issues raised by NZIA, in terms of the functions of the territorial authority under this Act, and the role of the District Plan, we regard it as being important to have regard to the impact regulation has on affordability, while not losing sight of desirability of not allowing concerns about affordability to be used as an excuse to promote poor quality developments. Both considerations have to be balanced against one another. We recommend that this tension be captured in this context with appropriate policy wording.

1003. The NZIA submission referred to ‘housing’ rather than ‘residential activity’. We view the former as identifying the subject matter more clearly and simply than the notified policy.

1004. Accordingly, we recommend that Policy 3.2.6.1.2 be shifted and relocated to this part of Chapter 4, renumbered 4.2.2.8 and amended to read:

“In applying plan provisions, have regard to the extent to which the minimum site size, density, height, building coverage and other quality controls have a disproportionate adverse effect on housing affordability.”

1005. The third policy in Chapter 3 that we consider would add value if relocated into this context is Policy 3.2.6.4.1 which as notified, read:

“Ensure Council-led and private design and development of public spaces and built development maximises public safety by adopting “Crime Prevention Through Environmental Design.”

1006. This policy was not the subject of any submission seeking its amendment and Mr Paetz did not recommend any amendment to it.

1007. Accordingly, we recommend that Policy 3.2.6.4.1 be relocated to this part of Chapter 4 and renumbered 4.2.2.9 but not otherwise amended.

1008. We have reviewed the other policies related to urban development that we have recommended be deleted from Chapter 3. The level of overlap if not duplication between the existing and amended policies we have recommended for Chapter 4 and the balance of deleted Chapter 3 policies means that we do not consider that they would add value in implementing our recommended Objectives 4.2.2A and 4.2.2B.

1009. We should, however, note submissions seeking recognition of the maintenance of the ability to view and appreciate the naturalness of the night sky and to avoid unnecessary light pollution in Chapter 3⁵⁶⁸. While we do not consider that this matter passes the rigorous requirement for inclusion in the overarching strategic chapter, we think this is matter that might appropriately be considered in the context of new urban development, as an aspect of maintaining and enhancing the environment. Clearly, protection of the night sky cannot be pressed too far - the evidence for QAC emphasised the importance of navigation lights for its operations - but the submission focussed on avoiding unnecessary light pollution, which we consider, strikes the right balance. In section 32 terms, it is the most appropriate way to achieve the relevant objective.

⁵⁶⁸ Submissions 340 and 568.

1010. Accordingly, we recommend a new policy be inserted into Chapter 4, renumbered 4.2.2.10, and worded as follows:

“Ensure lighting standards for urban development avoid unnecessary adverse effects on views of the night sky.”

1011. The same point arises also in the rural environment, and so we address it also in our Chapter 6 report.

1012. Proposed Policy 4.2.3.3 as notified read:

“Low density development does not compromise opportunities for future urban development.”

1013. The only submission specifically on this policy⁵⁶⁹ sought clarification as to how it would operate.

1014. Mr Paetz recommended that this policy be deleted in his Section 42A Report. Although Mr Paetz’s report did not explain his reasoning, when we discussed it with him, he explained that where land has been zoned for a certain intensity he thought it problematic to allow subsequent reconsideration of that position, notwithstanding the apparent inefficiency in land use. Mr Paetz emphasised that it was important to recognise that within the defined UGBs, there is a variable demand for residential development. In his words, it is not all about high density.

1015. While Mr Paetz’s recommendation could not be considered out of scope given more general submissions seeking deletion of the whole of Chapter 4, we consider that the policy does have a valid role in ensuring efficient use of the limited amount of land identified as appropriate for urban development. We agree with Mr Paetz that once low density development has occurred, it is problematic to impose intensification requirements. That is why, in fact, this policy is required, to ensure that where low density development occurs within UGBs, it is designed with an eye to subsequent potential infill development. The key aspects of design that determine the ability to accommodate infill development are the location of building platforms and the capacity of infrastructure (including roading), and we consider that these aspects should be referred to, to provide the clarification that NZIA seeks. Having said that, there is a practical limit to the extent future options can be preserved that needs to be acknowledged.

1016. In addition, as originally framed, the policy is expressed too broadly. It should apply only within UGBs, otherwise it might be read as constraining development of rural areas by reference to the demands of urban development that the PDP (as we recommend it be amended) seeks to avoid and that may well never occur.

1017. Lastly, the policy as notified was framed as an outcome/objective. It needs to start with a verb to state a course of action that will be followed.

1018. In summary, we recommend that Policy 4.2.3.3 be retained, renumbered 4.2.2.11, and clarified as sought by Submission 238 as follows:

⁵⁶⁹ Submission 238: Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

“Ensure that the location of building platforms in areas of low density development within Urban Growth Boundaries and the capacity of infrastructure servicing such development do not unnecessarily compromise opportunities for future urban development.”

1019. Following that theme, Policy 4.2.3.7 as notified read:

“The edges of Urban Growth Boundaries are managed to provide a sensitive transition to rural areas.”

1020. This Policy attracted a number of submissions ranging from seeking its deletion⁵⁷⁰, support for the Policy as proposed⁵⁷¹, detailed amendments to more clearly identify what adverse effects are being managed at the interface of urban/rural areas⁵⁷², and lastly, seeking recognition that a sensitive transition may not be appropriate⁵⁷³. The last submission drew attention to experience of rural residential zoning being based around the edge of urban areas in this district, and then failing to withstand development pressure. This submission suggests that in many cases, a hard urban edge is a better and more defensible approach.

1021. Mr Paetz recommended that this policy be retained but qualified to make it clear that the desired transition be addressed within UGBs. That suggested amendment reflected the discussion we had with both Mr Paetz and with Mr Bird as to where the transition needed to occur. Both agreed that if one accepted the principle of UGBs, the desired transition should occur within those boundaries.

1022. We agree in principle with Mr Paetz’s recommendation, largely for the practical reasons that Submission 836 draws attention to.

1023. We consider, however, that Submission 836 is correct in another respect. There are existing situations where it is impractical to contemplate a sensitive transition from urban to rural activities. Much of the existing urban area of inner Queenstown township is already built hard up to the UGB as it is, with the land (or water - Lake Wakatipu is the boundary for much of the town) on the rural side of the boundary being classified as an ONL. That position is not going to change and nor should it in our view. The policy therefore has to accommodate the fact that there will not be a sensitive transition in all cases. On the other hand, further development of Wanaka township towards the Cardrona Valley invites an appropriate transition from urban to rural activities.

1024. Lastly, while we think that the changes sought in Submission 608 would put too much detail around this policy, we regard the word ‘sensitive’ as somewhat problematic because of the lack of clarity as to what exactly it might mean in any given case.

1025. In summary, we recommend that Policy 4.2.3.7 be renumbered 4.2.2.12 and amended to read:

“Ensure that any transition to rural areas is contained within the relevant Urban Growth Boundary”.

1026. Policy 4.2.3.8 as notified read:

⁵⁷⁰ Submission 238 and 807: Supported in FS1097; Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

⁵⁷¹ Submission 600: Supported in FS1209; Opposed in FS1034

⁵⁷² Submission 608: Opposed in FS1034

⁵⁷³ Submission 836

“Land Use within the Air Noise Boundary or Outer Control Boundary of the Queenstown Airport is managed to prohibit or limit the establishment of Activities Sensitive to Aircraft Noise.”

1027. Submissions on this policy ranged from supporting the policy in whole or in part⁵⁷⁴, seeking its deletion⁵⁷⁵ and seeking amendment to soften its effect⁵⁷⁶.
1028. We heard extensive evidence on the significance of Queenstown Airport, and on the terms of Plan Change 35 (to the ODP and that, as at the date of our hearing, it was nearing finalisation) that address management of reverse sensitivity effects on the airport. Mr Winchester submitted for the Council that while we are not bound by the outcome of the Plan Change 35 process, we should give it careful consideration given the amount of work that went into it and the very recent nature of the Environment Court’s consideration of these issues. We agree with that submission.
1029. Mr Paetz recommended that this particular policy be deleted and replaced by more specific policies under the heading of Objective 4.2.4, which relates to urban growth within the Queenstown UGB. We agree that this is the more logical place to provide for reverse sensitivity issues associated with Queenstown Airport.
1030. Accordingly, we recommend that Policy 4.2.3.8 be deleted. We will return to Queenstown Airport Issues as part of our consideration of Objective 4.2.4 and the policies related to it.
1031. In summary, we consider that the policies we have recommended are the most appropriate way to implement Objectives 4.2.2A and 4.2.2B, given they will be supplemented by the area specific policies discussed below.

6.5. Area Specific Objectives and Policies – Sections 4.2.4 – 4.2.6

1032. As notified, Chapter 4 provided three objectives outlining the outcomes sought in Queenstown, Arrowtown and Wanaka respectively:

“4.2.4 Manage the scale and location of urban growth in the Queenstown urban growth boundary;

4.2.5 Manage the scale and location of urban growth in the Arrowtown urban growth boundary;

4.2.6 Manage the scale and location of urban growth in the Wanaka urban growth boundary.”

1033. Many of the submissions on these objectives related to the location of the UGB in each case and have been considered in the appropriate mapping hearings. Submissions made on Objective 4.2.4 specifically sought that the first word be ‘confine’ rather than ‘manage’⁵⁷⁷, its

⁵⁷⁴ Submissions 238, 271 and 433: Supported in FS1077, Opposed in FS1097, FS1107, FS1117, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

⁵⁷⁵ Submission 807

⁵⁷⁶ Submission 751: Supported in FS1061; Opposed in FS1061 and FS1340

⁵⁷⁷ Submission 238: Supported in FS1097 and FS1117; Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

amendment to refer to the Queenstown urban area rather than the Queenstown UGB⁵⁷⁸ and the deletion of the objective (and the associated policies)⁵⁷⁹.

1034. A number of submissions on Objective 4.2.5 likewise focused on the location of the UGB and will need to be considered in the mapping hearings. We note specifically Submission 285 seeking that the UGB for Arrowtown (4.2.5.1), be deleted. Most other submissions supported retention of the objective in its current form.
1035. Submissions on Objective 4.2.6 followed a similar pattern. Submission 608 sought reference to the Wanaka urban area rather than the Wanaka UGB⁵⁸⁰.
1036. We note also the submission by that submitter that the diagrams identifying the UGBs for Wanaka and Queenstown should be deleted.
1037. Mr Paetz did not recommend any change to these three objectives.
1038. For our part, we regard these three objectives as adding no value to the PDP. Currently they are all framed as policies (courses of action) rather than objectives, but more importantly, they provide no clear outcome against which policies can be managed other than that there will be a UGB at each location; something which is not necessary given the terms of Objective 4.2.2 (renumbered 4.2.1).
1039. We recommend that these three objectives might appropriately be deleted.
1040. We also recommend acceptance of Submission 608, that the diagrams showing the UGBs should likewise be deleted. The diagrams are at too large a scale to be useful and merely duplicate the much more detailed and useful information provided by the planning maps. Although Submission 608 was limited to the Wanaka and Queenstown UGB diagrams, we recommend deletion of the Arrowtown diagram as well for consistency. As above, the diagram duplicates information on the planning maps and therefore falls within the category of duplication that the Real Journeys' submission sought to be removed.
1041. Policy 4.2.4.1 as notified read:
- “Limit the spatial growth of Queenstown so that:*
- a. The natural environment is protected from encroachment by urban development;*
 - b. Sprawling of residential suburbs into rural areas is avoided;*
 - c. Residential settlements become better connected through the coordinated delivery of infrastructure and community facilities;*
 - d. Transport networks are integrated and the viability of public and active transport is improved;*
 - e. The provision of infrastructure occurs in a logical and sequenced manner;*
 - f. The role of Queenstown Town Centre as a key tourism and employment hub is strengthened;*
 - g. The role of Frankton in providing local, commercial and industrial services is strengthened.”*

1042. That might be compared with the comparable policy for Arrowtown (4.2.5.1), which read:

⁵⁷⁸ Submission 608: Opposed in FS1034

⁵⁷⁹ Submission 807

⁵⁸⁰ Opposed in FS1034

“Limit the spatial growth of Arrowtown, so that:

- a. *Adverse effects of development outside the Arrowtown urban growth boundary are avoided;*
- b. *The character and identity of the settlement, and its setting within the landscape is preserved or enhanced.”*

1043. Lastly, one might also have regard to Policy 4.2.6.1 which read:

“Limit the spatial growth of Wanaka so that:

- a. *The rural character of key entrances to the town is retained and protected, as provided by the natural boundaries of the Clutha River and Cardrona River;*
- b. *A distinction between urban and rural areas is maintained to protect the quality and character of the environment and visual amenity;*
- c. *Ad hoc development of rural land is avoided;*
- d. *Outstanding Natural Landscapes and Outstanding Natural Features are protected from encroachment by urban development.”*

1044. The submissions specifically on Policy 4.2.4.1 included:

- a. Support for the policy, with suggested changes to expand on the description of Queenstown Town Centre and to make additional reference to Frankton as a separate township with its own identity⁵⁸¹;
- b. Amendment to refer to the outward expansion of the Queenstown urban area into the surrounding rural environment (rather than spatial growth), and to narrow reference to the natural environment⁵⁸²;
- c. Amendment of the reference to infrastructure to focus on where the cost burden falls⁵⁸³;
- d. Amendment to refer to integration of both land use and transport networks⁵⁸⁴;
- e. Amendment to provide that development should enable the efficient use of public transport services⁵⁸⁵.

1045. Policy 4.2.5.1 is not the subject of any submission specifically seeking amendment to it.

1046. Policy 4.2.6.1 is the subject of submissions seeking that the reference to protection of ONLs and ONFs from encroachment by urban development is replaced by a focus on avoiding, remedying or mitigating the effects of urban development within those areas⁵⁸⁶, focusing the policy on outward expansion of the Wanaka urban area into the surrounding rural environment (rather than on spatial growth) and removal of reference to ad hoc development of rural land⁵⁸⁷.

1047. These specific submissions also need to be read against the background of more general submissions seeking that Chapter 4 be deleted in whole or in large part⁵⁸⁸.

⁵⁸¹ Submission 238: Supported in FS1097 and FS1117; Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

⁵⁸² Submission 608: Opposed in FS1034

⁵⁸³ Submission 608: Opposed in FS1034

⁵⁸⁴ Submission 719: Supported in FS1079

⁵⁸⁵ Submission 798

⁵⁸⁶ Submission 378: Supported in FS1097; Opposed in FS1049 and FS1095

⁵⁸⁷ Submission 608; Opposed in FS1034

⁵⁸⁸ Submissions 414, 653, 807 842: Supported in FS1255; Opposed in FS1071

1048. The only amendment to these three policies Mr Paetz recommended was the addition of reference to integration of land use and transport networks in Policy 4.2.4.1, as sought in Submission 719.
1049. When he appeared before us, Mr Goldsmith⁵⁸⁹ critiqued these policies focussing on their largely generic nature and what he asserted to be a lack of evidence to support key points. He argued that the urban settlement patterns of Wanaka and the Wakatipu Basin were quite different and that the policies governing urban growth needed to reflect those differences.
1050. In relation to Wanaka, Mr Goldsmith argued that a more robust site specific policy regime would acknowledge and reference the extent of Wanaka Community Planning processes that has been undertaken identifying the actual threat of urban growth that Wanaka faces, identify any structural constraints relevant to a Wanaka UGB, reference any specific adjoining ONL that requires additional protection, identify the time period being planned for and identify intended or desirable limitations on extension of the Wanaka UGB during the identified planning period.
1051. His critique of Policy 4.2.4.1 argued there was a lack of evidence to support the different elements of policy, particularly those related to provision of infrastructure. He also drew attention to the apparent lack of connection between the last two bullet points (focussing on the role of Queenstown and Frankton respectively) on the location of a UGB.
1052. In relation to Policy 4.2.5.1, Mr Goldsmith queried what the first bullet point quoted above actually meant, but accepted that the second bullet point correctly identifies the real (and in his submission, probably the only) reason for the Arrowtown UGB.
1053. We note in passing that none of Mr Goldsmith's clients lodged submissions or further submissions on these policies. His argument in relation to them was presumably premised on the '*collective scope*' argument provided, in particular, by general submissions seeking deletion of all of Chapter 4. For this reason, we have considered his submissions on their merits.
1054. We consider there is merit in some (but not all) of Mr Goldsmith's criticisms of Policies 4.2.4.1, 4.2.5.1 and 4.2.6.1. They do suffer from being excessively generic, and therefore provide little guidance as to the basis on which the existing UGBs have been determined or on which future plan changes considering amendment to the UGBs (or identification of new UGBs) might be undertaken.
1055. We also take the view that the area specific policies might be better compartmentalised into Wakatipu Basin specific policies and Upper Clutha Basin specific policies. This would have two benefits. The first is that while Arrowtown has discrete issues and a clear rationale for its UGB, that policy needs to be put in the context of the urban growth policies applied to the balance of the Wakatipu Basin. As Mr Goldsmith drew to our attention, the Arrowtown UGB does not purport to provide for the level of anticipated population growth that might occur in the absence of a UGB. Rather, the intention is that the UGBs provided in the balance of the Wakatipu Basin will meet the anticipated demand for housing across the Basin. Similarly, broadening the focus of what is currently Policy 4.2.6.1 is a necessary consequence of the

⁵⁸⁹ Initially in his capacity as counsel for Allenby Farms Limited (Submission 502) Crosshill Farm Limited (Submission 531) and Mt Cardrona Station Limited (Submission 407) and then as counsel for Ayrburn Farm Estate Limited (Submission 430), Bridesdale Farm Developments Limited (655), Shotover Country Limited (528) and Mt Cardrona Station Limited (Submission 407)

recommendation we have made that Lake Hawea Township should be defined by a UGB, given the interrelationship of the economy of that township and the Wanaka Township.

1056. To make that division clear, we recommend that appropriate headings be placed in this part of Chapter 4 to differentiate Wakatipu Basin specific policies from the Upper Clutha Basin specific policies.
1057. Turning to the content of the Wakatipu Basin-specific policies, we start with Arrowtown. Policy 4.2.5.1 seeks to avoid adverse effects of development outside the Arrowtown UGB. As Mr Goldsmith observed, this leaves it open to speculation as to what sort of adverse effects the policy is focussed on.
1058. In the context of defining a UGB, the adverse effects in question are those of uncontrolled urban sprawl. We think the policy should say that. The second limb of the policy, emphasising the desire to retain the character and identity of the Arrowtown settlement is clearly well accepted. We consider it might be stated more simply and clearly, but this is an issue of drafting rather than substance.
1059. Lastly, while we have recommended that the UGB diagrams be deleted, in favour of just relying on the planning maps to identify the location of UGBs, it would be helpful to the readers of Chapter 4 if they were directed to the District Plan maps to find the relevant UGB.
1060. We therefore recommend a cross reference be inserted in the policy.
1061. In summary, we recommend a new policy intended to state more clearly the course of action Policy 4.2.5.1 seeks to implement, worded as follows:
- “Define the urban growth boundary for Arrowtown, as shown on the District Plan Maps, that preserves the existing character of Arrowtown and avoids urban sprawl into the adjacent rural areas.”*
1062. Turning to the balance of the Wakatipu Basin, it is apparent that the areas defined by UGBs are based on existing or consented areas of urban development. Policy 4.2.4.1’s focus on avoidance of sprawling developments into rural areas is likewise an obvious issue.
1063. The existing focus on protecting the natural environment from encroachment by urban development needs clarification. In the context of the Wakatipu Basin, it is not all of the natural environment, but rather ONLs and ONFs that are the focus.
1064. Also, a key, but currently unacknowledged, rationale for the UGBs that have been defined, is making sufficient provision both within existing developed areas and future greenfield areas to accommodate predicted population increases over the planning period. As above, this is a key differentiating feature as between Arrowtown and the balance of the Wakatipu Basin. This is broader than just providing for sufficient areas of new housing to accommodate residential needs. The NPSUDC 2016 emphasises the need for a broader focus, including in particular, on working environments. Community well-being also requires provision of community (including recreation) facilities.
1065. We agree, however, with Mr Goldsmith’s submission that policies seeking to recognise and protect the role of Queenstown and Frankton town centres are not relevant to the fixing of UGBs.

1066. Mr Goldsmith also argued that there was no evidence that infrastructure constraints were relevant to the fixing of UGBs. We have already noted⁵⁹⁰ that the answers Mr Glasner provided to our written questions tended to support that contention, but that his evidence also identified that the ability to identify where urban growth would occur (and when) is a key determinant in the efficient rollout of Council infrastructure. That evidence supports recognition of the desirability of a logical and sequenced provision of infrastructure as currently provided for in Policy 4.2.3.1⁵⁹¹. We agree with that position in principle, but we consider that the way it is framed needs to be reframed to recognise that while planning for urban growth can make the efficient provision of the infrastructure easier to accomplish, it cannot ensure that it occurs.
1067. The reference in the existing policy to coordination of infrastructure and community facilities (so as to promote better connected residential areas) raises the same issue.
1068. We recommend that these considerations be combined in a single policy linking the definition of UGBs in the Wakatipu Basin with enabling logical and sequenced provision both of infrastructure and community facilities.
1069. Lastly, although the emphasis given to integration of transport networks was supported by a number of submissions, the current pattern of urban development (and UGBs) in the balance of the Wakatipu Basin, with a series of geographically separated residential areas, does not lend itself to integrated transport planning. Nor is it obvious how UGBs would be relevant to achieving such integration, or to improving public and active transport viability, other than by precluding further sporadic development – which in our view is better addressed more directly via other policies we have recommended (see Policies 4.2.1.2, 4.2.2.14 and 4.2.2.22).
1070. Similarly, while it is desirable that these separated residential settlements become better connected, the relevance of the UGBs to that outcome was not apparent to us.
1071. In summary, we recommend that the appropriate policy to implement the objectives in Chapter 3 and 4 related to urban development in the Wakatipu Basin other than Arrowtown is numbered 4.2.2.14 and reads as follows:

“Define the urban growth boundaries for the balance of the Wakatipu Basin, as shown on the District Plan Maps, that:

- a. *are based on existing urbanised areas;*
- b. *provide sufficient areas of urban development and the potential intensification of existing urban areas to accommodate predicted visitor and resident population increases over the planning period;*
- c. *enable the logical and sequenced provision of infrastructure to and community facilities in new areas of urban development.*
- d. *avoid Outstanding Natural Features and Outstanding Natural Landscapes;*
- e. *avoid sprawling and sporadic urban development across rural areas of the Wakatipu Basin.”*

1072. Policy 4.2.4.2 as notified read:

⁵⁹⁰ See the Chapter 3 (Part B) section of our report at [555]

⁵⁹¹ We note that although Darby Planning LP (Submission 608) sought to amend that aspect of the Policy, Mr Ferguson giving evidence for the submitter noted his acceptance of Mr Glasner’s evidence on this point.

“Ensure the development within the Queenstown Urban Growth Boundary:

- a. Provides a diverse supply of residential development to cater for the needs of residents and visitors;*
- b. Provides increased density and locations close to key public transport routes and with convenient access to the Queenstown town centre;*
- c. Provides an urban form that is sympathetic to the natural setting and enhances the quality of the built environment;*
- d. Provides infill development as a means to address future housing demand;*
- e. Provides a range of urban land uses that cater for the foreseeable needs of the community;*
- f. Maximises the efficiency of the existing infrastructure networks and avoids expansion of networks before it is needed for urban development;*
- g. Supports the co-ordinated planning for transport, public open space, walkways and cycleways and community facilities;*
- h. Does not diminish the qualities of significant landscape features.”*

1073. Submissions on this policy were largely supportive, but seeking specific amendments:
- a. To provide more emphasis on existing urban character and require that adverse effects of intensification be avoided, remedied or mitigated⁵⁹²;
 - b. To achieve a high quality urban environment responsive to the context of its surroundings, is respectful of view shafts, enhances and promotes Horne Creek and does not diminish the quality of other significant landscape features⁵⁹³;
 - c. To avoid reverse sensitivity effects on significant infrastructure⁵⁹⁴;
 - d. That refer to coordinated planning of education facilities⁵⁹⁵;
 - e. To delete reference to the UGB⁵⁹⁶;
 - f. To provide a more enabling approach to expansion of infrastructure networks⁵⁹⁷;
 - g. To add reference to wāhi tupuna⁵⁹⁸.
1074. The problem we have with Policy 4.2.4.2 is the extent of overlap and duplication with the policies in what is now Section 4.2.2. It also appears to us that Policy 4.2.4.2 over reaches in seeking to ensure a series of positive outcomes that at most, the District Plan can only encourage through an enabling zone and rule framework. From our perspective, the more general policies of what is now Section 4.2.2 better recognise the functions of the Council and the extent to which the District Plan can facilitate positive outcomes.
1075. We note also that the evidence of Mr Glasner did not support policies focussed on avoiding expansion of infrastructure networks within existing areas earmarked for urban development.
1076. In summary, we recommend that Policy 4.2.4.2 be deleted as not adding value to implementation of the relevant objectives (renumbered 4.2.2A and 4.2.2B).
1077. Policy 4.2.4.3 and 4.2.4.4 relate to Queenstown Airport issues. As notified, those policies read:

⁵⁹² Submission 208

⁵⁹³ Submission 238: Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

⁵⁹⁴ Submissions 271 and 805: Supported in FS1097 and FS1117; Opposed in FS1079 and FS1211

⁵⁹⁵ Submission 524

⁵⁹⁶ Submission 608: Opposed in FS1034

⁵⁹⁷ Submission 635

⁵⁹⁸ Submission 810

“4.2.4.3. Protect the Queenstown Airport from reverse sensitivity effects, and maintain residential amenity, through managing the effects of aircraft noise within critical listening environments or new or altered buildings within the Air, Noise, Boundary or Outer Control Boundary.

4.2.4.4 Manage the adverse effects of noise from Queenstown Airport by conditions in Designation 2 including the requirement for a Noise Management Plan and a Queenstown Airport Liaison Committee.”

1078. We also recall that notified Policy 4.2.3.8 addressed Queenstown Airport related to noise issues and we have recommended that be addressed at this juncture.

1079. Submissions on these policies ranged from querying whether they were expressed too strongly in favour of the airport⁵⁹⁹, seeking that the effect of the policies be strengthened⁶⁰⁰, to seeking to differentiate existing residential areas from rural and industrial areas and to add a new objective and policies on the subject⁶⁰¹.

1080. These provisions were the subject of extensive evidence and submission. Representatives of QAC emphasised to us that the Environment Court has only just resolved the final form of Plan Change 35 addressing these issues (as at the conclusion of the Stream 1 hearing, there was one issue only outstanding⁶⁰²) and counsel argued that the PDP ought not to deviate substantively from the result of Plan Change 35. The planning evidence from both Mr Kyle and Ms O’Sullivan for QAC suggested that there were substantive differences in meaning and outcome between Plan Change 35 and the PDP, both as notified, and as recommended by Council staff in the Section 42A Report.

1081. While, as counsel for the Council noted in his submissions, we are not legally bound by the outcome of the Plan Change 35 process, there is obvious sense in our being guided by the Environment Court as to how best to deal with reverse sensitivity effects on the airport’s operations in the absence of cogent evidence justifying an alternative approach. By contrast, Council staff appearing before us indicated that while they recommended changes from the wording of Plan Change 35, there was no intention for the end result to be substantively different. As already noted, we sought to reduce the issues in contention by directing expert caucusing.

1082. By the end of the hearing, Mr Paetz recommended a suite of objectives and policies addressing the issue and reflecting his discussions with the representatives of QAC and other stakeholders. The objectives recommended by Mr Paetz were in fact policies, not specifying an environmental outcome. We do not think objectives are necessary in this context given our recommendation that the objective governing urban development within UGBs is that it be integrated with provision and operation of infrastructure and services, of which Queenstown Airport is obviously one example.

1083. We accept, however, the policies that Mr Paetz recommended, renumbered 4.2.3.15-18 inclusive, with minor wording changes as follows:

⁵⁹⁹ Submission 238: Opposed in FS1077, FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

⁶⁰⁰ Submission 271: Opposed in FS1097, FS1117 and FS1270

⁶⁰¹ Submission 433: Supported in FS1077; Opposed in FS1097 and FS1117

⁶⁰² As at the date of our finalising this report, the Council’s website noted that it was still under appeal.

“Ensure appropriate noise boundaries are established and maintained to enable operations at Queenstown Airport to continue and to expand over time.

Manage the adverse effects of noise from aircraft on any Activity Sensitive to Aircraft Noise within the airport noise boundaries while at the same time providing for the efficient operation of Queenstown Airport.

Protect the airport from reverse sensitivity effects of any Activity Sensitive to Aircraft Noise via a range of zoning methods.

Ensure that Critical Listening Environments of all new buildings and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary or Outer Control Boundary are designed and built to achieve appropriate Indoor Design Sound Levels.”

1084. Mr Paetz did not recommend retention of existing Policy 4.2.4.4. Although the policy does no more than record the terms of the QAC designation, we consider that it provides a useful role for stakeholders reading the provisions related to Queenstown Airport to highlight the relevance of those designation provisions. Accordingly, we recommend that it be renumbered 4.2.2.19, but otherwise be retained unamended.
1085. Policy 4.2.5.2 provides guidance as to the nature of development within the Arrowtown UGB. Unlike Policy 4.2.4.2, the policy is quite detailed as to what it is seeking to achieve and Arrowtown-specific.
1086. The only submission specifically on this policy sought reference to coordinated planning for transport, public open space, walkways and cycleways, and community and education facilities⁶⁰³.
1087. Mr Paetz did not recommend any amendment to this policy. Subsequent to the hearing, the Council resolved to amend this policy⁶⁰⁴ to update the reference to the Arrowtown Design Guidelines to reflect notification of revised Design Guidelines in 2016 (Variation 1 to the PDP) and the recommendations on that variation are set out in Report 9B⁶⁰⁵. We consider that as amended, this is an appropriate policy to assist implementation of recommended Objectives 4.2.2A and 4.2.2B, subject only to correction of a cross reference to the Rural General zone, renumbering it 4.2.2.20 and some minor drafting changes. We do not recommend the amendments sought in submission 524 which are generic in nature and would largely duplicate recommended Policy 4.2.2.2. As a result, the wording recommended is:

“Ensure that development within the Arrowtown Urban Growth Boundary provides:

- a. an urban form that is sympathetic to the character of Arrowtown, including its scale, density, layout and legibility, guided by the Arrowtown Design Guidelines 2016;*
- b. opportunity for sensitively designed medium density infill development in a contained area closer to the town centre, so as to provide more housing diversity and choice and to help reduce future pressure for urban development adjacent or close to Arrowtown’s Urban Growth Boundary;*

⁶⁰³ Submission 524: Supported in FS1061

⁶⁰⁴ Pursuant to Clause 16(2)

⁶⁰⁵ Section 6.1 in that Report

- c. *a designed urban edge with landscaped gateways that promote or enhance the containment of the town within the landscape, where the development abuts the urban boundary for Arrowtown;*
- d. *for Feehley's Hill and land along the margins of Bush Creek and the Arrow River to be retained as reserve areas as part of Arrowtown's recreation and amenity resource; and*
- e. *recognition of the importance of the open space pattern that is created by the inter-connections between the golf courses and other Rural Zone land."*

1088. We note in passing that if the changes proposed in the Stage 2 Variations remain substantively as at present, Policy 4.2.2.2(e) will require consequential amendment.

1089. Lastly, in relation to policies governing urban development in the Wakatipu Basin, we recommend a new policy be inserted to clarify the role of UGBs and the process for providing for additional urban development land.

1090. As will be seen shortly, notified Policy 4.2.6.2 provides such guidance for development of rural land outside of the Wanaka UGB. We consider that exactly the same considerations would apply to development of rural land outside the UGBs of the Wakatipu Basin.

1091. The need for such a policy is consequential on our recommendation that urban development outside of UGBs be avoided.

1092. We recommend that this issue be addressed by Policy 4.2.2.21, reading:

"Rural land outside of the Urban Growth Boundaries is not used for urban development until further investigations indicate that more land is needed to meet demand for urban development in the Wakatipu Basin and a change to the Plan amends the Urban Growth Boundary and zones additional land for urban development purposes."

1093. We regard this as largely implicit in the objectives and policies we have recommended as above, but for similar reasons to other policies, we feel that providing this guidance would assist stakeholders reading Chapter 4 as a standalone guide to urban-development.

1094. Turning to the Upper Clutha area, we accept Mr Goldsmith's submission that Policy 4.2.6.1 needs to be more closely directed towards the specific situation in Wanaka (and now Lake Hawea Township, given our recommendation that a UGB be defined for that township). We also accept that a key feature of the Upper Clutha Basin is that long standing strategic community planning processes, identifying the boundaries to both Wanaka and Lake Hawea Township, have occurred and have widespread community support. We note in passing that we do not accept the criticism of Mr Dan Wells giving planning evidence for Bridesdale Farm Developments Ltd and Winton Partners Funds Management (No 2) Ltd, regarding the efficacy of community based structure plans as an expression of local opinion.

1095. In the case of Wanaka, we also consider that specific reference should be made to the natural boundaries provided by the Clutha and Cardrona Rivers, and Mount Alpha. Policy 4.2.6.1 refers to the rural character of the key entrances provided by the two rivers. We think that Mr Goldsmith's critique of that particular provision is well founded but we also agree with him that these key natural features (along with Mount Alpha) do have an important role – just not the role currently identified in the policy.

1096. As with Wakatipu Basin UGBs, it is clear that the existing UGB for Wanaka and that proposed by submitters for Lake Hawea are based on the existing urbanised area and are drawn with the intention of meeting anticipated population growth over the planning period. The policy should say that, and that the UGB has a role in avoiding sprawling and sporadic urban development across rural areas.

1097. In summary, we recommend the following policy, numbered 4.2.2.22, to replace existing Policy 4.2.6.1:

“Define the urban growth boundaries for Wanaka and Lake Hawea Township, as shown on the District Plan Maps, that:

- a. *are based on existing urbanised areas;*
- b. *provide sufficient areas of urban development and the potential intensification of existing urban areas to accommodate the predicted visitor and resident population increases in the Upper Clutha Basin over the planning period;*
- c. *have community support as expressed through strategic community planning processes;*
- d. *utilise the Clutha and Cardrona Rivers and the lower slopes of Mount Alpha as natural boundaries to the growth of Wanaka; and*
- e. *avoid sprawling and sporadic urban development across the rural areas of the Upper Clutha Basin.”*

1098. Policy 4.2.6.2 contains provisions seeking to guide development within the Wanaka UGB. As with the comparable policy for Queenstown (4.2.4.2) the suggested policy largely duplicates the more general policies we have recommended in 4.2.2.1 – 4.2.2.12. Hence, while submissions specifically on this policy are largely supportive, we do not view it as adding any great value to implementation of recommended Objective 4.2.2. and recommend that it be deleted.

1099. Lastly, existing Policy 4.2.6.2 reads:

“Rural land outside of the urban growth boundaries is not developed until further investigations indicate that more land is needed to meet demand.”

1100. Submissions vary from seeking that this aspect of the policy be expressed with greater finality (that rural land should not be developed irrespective of demand⁶⁰⁶) to submissions seeking that it be deleted⁶⁰⁷.

1101. We also bear in mind submissions seeking that the UGB should not be regarded as being set in stone⁶⁰⁸ and in the case of Wanaka should specifically identify the Outer Growth Boundary identified in the Wanaka 2020 structure plan process as the longer-term limit on urban sprawl⁶⁰⁹.

1102. We do not regard it as necessary to explicitly incorporate the Outer Growth Boundary at this time given the proposed recognition of the relevance of strategic community planning processes to fixing of the Wanaka UGB. We also consider that it is unrealistic to close the door on urban growth irrespective of demand in Wanaka. The situation is different to that in

⁶⁰⁶ Submission 69 and 795: Opposed in FS1012

⁶⁰⁷ Submission 608: Opposed in FS1034

⁶⁰⁸ Submission 335

⁶⁰⁹ Submission 773

Arrowtown, where a confined urban settlement pattern is sought to be preserved for reasons of urban character and the amenity that results from that character.

1103. Having said that, we regard it as important that the process by which the UGBs now being fixed might be changed should be clear. Accordingly, we recommend the same wording as for the comparable Wakatipu Basin Policy, numbered 4.2.2.23 and reading as follows:

“Rural land outside of the Urban Growth Boundaries is not used for urban development until further investigations indicate that more land is needed to meet demand for urban development in the Upper Clutha Basin and a change to the Plan amends the Urban Growth Boundary and zones additional land for urban development purposes.”

1104. We consider that the area-specific policies we have recommended individually, and collectively with the policies in the balance of Section 4.2.2, are the most appropriate way to achieve Objectives 4.2.2A and 4.2.2B.

7. PART C - RECOMMENDATIONS

1105. We have set out in Appendix 1 the objectives and policies we are recommending for Chapter 4.
1106. We also draw the Council’s attention to our recommendation⁶¹⁰ that it develop urban design guidelines for the balance of the Wakatipu Basin, Wanaka and Lake Hawea Township, drawing on any guidance in the Proposed RPS following resolution of the appeals on that document, and introduce those guidelines into the PDP by variation/plan change.

⁶¹⁰ At paragraph [985] above

PART D - CHAPTER 6

8. OVERVIEW

1107. The purpose of this chapter is to recognise the landscape as a significant resource to the District which requires protection from inappropriate activities that could degrade its qualities, character and values. General submissions on Chapter 6 included requests that the entire chapter, or alternatively the objectives and policies in the chapter, be deleted and either replaced with the provisions already in section 4.2 of the ODP or unspecified elements thereof⁶¹¹.
1108. Some of these submissions made quite specific suggestions as to desired amendments to the existing section 4.2 of the ODP. Others were more generalised. A variation was in submissions such as submissions 693⁶¹² and 702 asking that Chapter 6 be deleted, and parts amalgamated with the Rural Chapter Section.
1109. Collectively, these submissions provide a broad jurisdiction to amend Chapter 6.
1110. We have addressed at some length in the context of our discussion of submissions on Chapter 3 whether it is appropriate to revert to the approach taken in the ODP to landscape management and have concluded that while a number of aspects of the ODP remain both relevant and of considerable assistance, the changed circumstances some 17 years after the initial key decision of the Environment Court on the form of the ODP⁶¹³ mean that a more strategic, directive approach is required. The commentary provided by Mr Barr in his Section 42A Report on Chapter 6 provides additional support for this view.
1111. Accordingly, we do not recommend wholesale changes to Chapter 6 to bring it into line with the ODP. Nor do we recommend it be amalgamated into the rural chapters. We consider it provides valuable strategic direction, consistent with the general structure of the PDP, with separate 'strategic' chapters. At an overview level, though, we recommend that the title of the chapter be amended to "*Landscapes and Rural Character*" to more correctly describe its subject matter. We regard this as a minor non-substantive change.
1112. Another theme of submissions on landscape issues was that the PDP's provisions were too protective of landscape values and existing activities that contribute to those values⁶¹⁴. In his evidence, Mr Jeff Brown put to us the proposition that growth will inevitably affect landscape values, that this needed to be accepted and that the focus of PDP needed to be on appropriate management of those effects⁶¹⁵. Counsel for Skyline Enterprises Ltd and others, Ms Robb, put a similar proposition to us, submitting⁶¹⁶:

⁶¹¹ Submissions 145, 632, 636, 643, 669, 688, 693, 702: Opposed in FS1097, FS1162, FS1254 and FS1313

⁶¹² Supported in FS1097

⁶¹³ C180/99

⁶¹⁴ See e.g. Submission 806

⁶¹⁵ J Brown, EIC at [2.2]

⁶¹⁶ Summary of legal submissions for Skyline Enterprises Ltd, Totally Tourism Ltd, Barnhill Corporate Trustee Ltd, DE, ME Burn and LA Green, AK and RB Robins and Robins Farm Ltd and Slopehill JV at 6.1.-6.3

“The regime does not recognise the fundamental need for development to accommodate inevitable growth (both in the tourism and living sectors) or that certain development will contribute to people and communities’ appreciation of the District.

The assumption to be gained from the PDP is that Council is trying to protect rural areas from any development (other than productive rural activity) when in fact that is not what the PDP should be striving to achieve, at all.

Overall the PDP does not strike an appropriate balance between the protection, use and development of all resources. Accordingly, it is not the most appropriate regime to achieve the purpose of the Act.”

1113. Such submissions raise questions of the extent to which the PDP can and should provide for growth.
1114. We posed the question to Ms Black, who gave evidence on behalf of Real Journeys Ltd, whether it might be time to put out the “full up” sign at the entrance to Queenstown, rather than seek to cater for an ever-expanding influx of visitors to the District. Her initial reaction was one of surprise that one could contemplate such a position. Having reflected on the point, she suggested that it was very difficult to stop development. She drew our attention to the economic benefits to other districts from the number of visitors drawn to Queenstown and Wanaka, and also to the national objectives of the tourism industry.
1115. All of these matters are worthy of note, but Ms Black accepted also that there is a risk of too much development in the District ‘killing the golden goose’. Ms Black’s opinion might also be contrasted with the view expressed by Mr Goldsmith⁶¹⁷ that Queenstown can’t just keep growing.
1116. Overlaid on these considerations is now the NPSUDC 2016 which aims “to ensure that planning decisions enable the supply of housing needed to meet demand” while not anticipating “development occurring with disregard to its effect”⁶¹⁸.
1117. Ultimately, it is about arriving at the best balance we can between the use, development and protection of the District’s natural and physical resources⁶¹⁹, while complying with the legal obligations the Act imposes.
1118. We have not considered submissions⁶²⁰ that although nominally on Chapter 6, in fact raise issues outside the Council’s jurisdiction.
1119. Lastly, we note that our consideration of submissions on Chapter 6 needs to take into account the variation of some of its provisions notified on 23 November 2017. At a purely practical level, to the extent that the Stage 2 Variations delete or amend parts of Chapter 6, we do not need to make recommendations on those parts and existing submissions on them have been automatically transferred to the variation hearing process, by virtue of Clause 16B(1) of the First Schedule to the Act.

⁶¹⁷ When giving submissions for Ayrburn Farms Ltd, Bridesdale Farm Ltd, Shotover Country Ltd and Mt Cardrona Station Ltd

⁶¹⁸ NPSUDC 2016 Forward at pages 3 and 4

⁶¹⁹ Noting that that was how Ms Robb concluded her submissions – putting her position in terms of how the PDP had struck that balance.

⁶²⁰ See Submission 380

1120. Our recommended version of Chapter 6 in Appendix 1 therefore shows the provisions of the notified Chapter the subject of the Stage 2 Variation greyed out, to differentiate them from the provisions we recommend.

8.1. Section 6.1 - Purpose

1121. This section provides a general outline of the Purpose of the chapter as whole.

1122. The only submission seeking specific amendments to it was that of NZIA⁶²¹ seeking that it also refer to urban landscapes.

1123. Mr Barr recommended only drafting changes in his Section 42A Report.

1124. The primary focus of Chapter 6 is on rural landscapes, and the visual amenity issues in urban areas are dealt with in Chapter 4, and the more detailed provisions of Part Three of the PDP. However, Chapter 6 is not solely on rural landscapes and we accept that some amendment to the Statement of Purpose in Section 6.1 is appropriate to recognise that.

1125. In addition, submissions on Chapter 3 discussed above⁶²² sought greater guidance on the relationship between Chapter 3 and the balance of the PDP. We have recommended an amendment to Section 3.1 to provide such guidance. As a consequential measure, we recommend that parallel changes should be made to Section 6.1.

1126. Lastly, the second paragraph of Section 6.1 requires amendment in various respects:

- a. It is something of an overstatement to say categorisation of landscapes will provide certainty of their importance to the District. We recommend inserting the word “*greater*” to make it clear that this is an issue of degree;
- b. The reference to regional legislation needs to be corrected. The relevant instruments are Regional Policy Statements;
- c. Saying that categorisation of landscapes has been undertaken “*to align with*” regional [policy] and national legislation is somewhat misleading. Certainly, categorisation of landscapes aligns with the Proposed RPS, but it would be more correct to say that categorisation of landscapes “*responds to*” regional policy and national legislation;
- d. The reference to the RMA at the end of the second paragraph appears an unnecessary duplication, as well as lacking clarity. Given the specific reference to ONLs and ONFs, this is shorthand for consideration of adverse effects.

1127. In summary, we recommend that the Statement of Purpose be amended to read as:

“The purpose of this chapter is to provide greater detail as to how the landscape, particularly outside urban settlements, will be managed in order to implement the strategic objectives and policies in Chapter 3. It needs to be read with particular reference to the objectives in Chapter 3, which identify the outcomes the policies in this chapter are seeking to achieve.

Landscapes have been categorised to provide greater certainty of their importance to the District, and to respond to regional policy and national legislation. Categorisations of landscapes will provide decision makers with a basis to consider the appropriateness of activities that have adverse effects on those landscapes.”

⁶²¹ Submission 238: Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

⁶²² Submissions 179, 191, 781: Supported in FS1121; Opposed in FS1132

8.2. Section 6.2 - Values

1128. Section 6.2 contains a general discussion of landscape values that provide the background to the objectives and policies that follow in the balance of the chapter.
1129. Submissions on Section 6.2 include:
- a. Requesting that it be more descriptive and acknowledge the inherent values of the District's rural landscapes, especially ONLs and ONFs⁶²³;
 - b. Requesting it acknowledge urban landscapes and their values, and that references to farmland, farms and farming activities be amended⁶²⁴;
 - c. Requesting it acknowledge the role of infrastructure and the locational constraints that activity has⁶²⁵;
 - d. Requesting that it note the form of landscape Council wishes to retain and plan for a variety of future housing in both urban and rural areas⁶²⁶;
 - e. Requesting it acknowledge the appropriateness of rural living, subject to specified preconditions⁶²⁷;
 - f. Requesting insertion of a broader acknowledgement of activities that might be enabled in rural locations⁶²⁸;
 - g. Support for its current text⁶²⁹ or its intent⁶³⁰.
1130. Mr Barr recommended an amendment to the text to acknowledge that there is some, albeit limited, capacity for rural living in appropriate locations in rural areas, but otherwise recommends only minor drafting changes.
1131. We also record that the Stage 2 Variations delete the final (eighth) paragraph of the notified Section 6.2. Our recommended version of Chapter 6 accordingly shows that paragraph as greyed out, and we have not addressed submissions on it.
1132. We accept NZIA's request that reference in the fourth paragraph to productive farmland be amended to "*rural land*". While Dr Marion Read noted in her evidence the relationship of farming to rural character, its open character is not related to the productivity of the land. Otherwise, we do not recommend acceptance of the NZIA submissions, reflecting the fact that the primary focus of the chapter is on rural landscapes.
1133. We agree with Mr Barr that some acknowledgement of rural living is required. We take the view, however, that the amendments to the sixth paragraph of Section 6.2 need to be a little more extensive than Mr Barr suggests. If the discussion is going to acknowledge that rural living is appropriate in some locations, it needs to provide greater guidance as to where those locations might be (and equally where the locations are where such development would not be appropriate). We do not consider that the broader acknowledgement requested in submission 608 is required in an introductory discussion.

⁶²³ Submission 110: Opposed in FS1097

⁶²⁴ Submission 238: Opposed in FS1107, FS1226, FS1234, FS1238, FS1241, FS1242, FS1248, FS1249 and FS1255

⁶²⁵ Submissions 251, 433, 805: Supported in FS1077, FS1092, FS1097, FS1115 and FS1117

⁶²⁶ Submission 442

⁶²⁷ Submissions 375, 430, 437, 456: Supported in FS1097; Opposed in FS1084, FS1087, FS1160 and FS1282

⁶²⁸ Submission 608: Supported in FS1097, FS1154 and FS1158; Opposed in FS1034

⁶²⁹ Submission 600: Opposed in FS1034

⁶³⁰ Submission 755

1134. Similarly, we do not recommend that specific reference be made to infrastructure requirements in this context. While these issues are important and need to be addressed in the policies of Chapter 6, this introductory discussion does not purport to discuss every matter addressed in the substantive provisions that follow, nor need it to do so.
1135. We acknowledge that landscapes have inherent values, and agree that such values might be acknowledged.
1136. Other submissions are expressed too generally for us to base substantive amendments on.
1137. The first paragraph of Section 6.2 uses the term ‘*environmental image*’. The same term was used in Section 4.1 and we have recommended that “*the natural and built environment*” be substituted in that context. For consistency, the same amendment should be made in this context.
1138. The fifth paragraph refers to rural areas closer to Queenstown and Wanaka town centres as having particular characteristics. It would be more accurate to refer to rural areas closer to Queenstown and Wanaka urban areas.
1139. In summary, we recommend the following changes to Section 6.2:
- a. Substitute “*the natural and built environment*” for “*environmental image*” at the end of the first paragraph and add a further sentence:

“Those landscapes also have inherent values, particularly to tangata whenua.”
 - b. Substitute “*rural land*” for “*productive farmland*” in the first line of the fourth paragraph;
 - c. Substitute reference to “*urban areas*” for “*town centres*” in the fifth paragraph;
 - d. Amend the sixth paragraph to read as follows:

“While acknowledging these areas have established rural living and development, and a substantial amount of further subdivision and development has already been approved in these areas, the landscape values of these areas are vulnerable to degradation from further subdivision and development. Areas where rural living development is at or approaching the finite capacity of the landscape need to be identified if the District’s distinctive rural landscape values are to be sustained. Areas where the landscape can accommodate sensitive and sympathetic rural living developments similarly need to be identified.”

8.3. Section 6 Objectives

1140. A number of submissions have been made on the objectives of Chapter 6. Mr Barr recommended one objective be deleted and that amendments be made to the balance. We have taken a broader view of the matter.
1141. The objectives all overlap with the objectives of Chapter 3, insofar as the latter address landscape values and rural character. The submissions on the objectives, if accepted, would not materially alter this position⁶³¹. The Chapter 3 objectives already specify the desired end result and our view is that Chapter 6 need only specify additional policies to assist achievement of those broad objectives.

⁶³¹ Many submissions, if accepted, would make the objectives inconsistent with the direction provided in Chapter 3, or alternatively would make them generalised to the point where they provide no meaningful assistance in achieving the purpose of the Act.

1142. In summary, therefore, to avoid duplication⁶³² we recommend deletion of all of the objectives in Chapter 6 as being the most appropriate way to achieve the purpose of the Act, as it relates to landscape and rural character.

1143. We have generally classified the many submissions seeking to soften the effects of the objectives as notified in a multitude of different ways as ‘Accepted in Part’.

1144. Some submitters have sought additional objectives be inserted into Chapter 6. In particular, NZIA⁶³³ requests addition of a new objective framed:

“Recognise the importance of high quality town centre landscapes within the District’s natural landscape.”

1145. We do not recommend that this objective be inserted for the following reasons:

- a. It is not framed as an objective (an environmental end point) and it is difficult to discern how it could be redrafted in order to do so.
- b. The urban areas of the District are too small to constitute a landscape in their own right⁶³⁴.
- c. As above, the principal focus of Chapter 6 is on rural landscapes.

1146. None of the other objectives suggested appeared to us to add value against the background of the provisions recommended in Chapter 3.

8.4. Policies – Categorising Rural Landscapes

1147. As notified, Policies 6.3.1.1. and 6.3.1.2 provided for identification of ONLs and ONFs on the planning maps and classification of Rural Zoned landscapes as ONL, ONF and Rural Landscape Classification.

1148. The only submissions specifically seeking changes to them, sought their deletion⁶³⁵, identification of the balance of rural landscapes on the planning maps⁶³⁶ and a change in the label for those rural landscapes⁶³⁷.

1149. Policy 6.3.1.1 duplicated recommended Policy 3.3.29 and accordingly, we recommend that it be deleted.

1150. As regards Policy 6.3.1.2, the notified version of Chapter 6 has a number of other provisions relating to the landscape classifications: Policy 6.3.8.3 and 6.3.8.4 together with Rules 6.4.1.2-4. It is appropriate that those provisions be considered here, subject to the effect of the Stage 2 Variations.

1151. As notified, Policy 6.3.8.3 read:

⁶³² Consistent with Real Journeys Limited’s submission (Submission 621)

⁶³³ Submission 238: Supported in FS1097; Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

⁶³⁴ See the discussion for example in *Lakes District Rural Landowners Society Inc and Ors v Queenstown Lakes District Council C75/2001* at paragraph 7 on the need for a ‘landscape’ to meet a minimum areal requirement.

⁶³⁵ Submission 806

⁶³⁶ Submission 761

⁶³⁷ Submissions 375 and 456: Opposed in FS1282

“Exclude identified Ski Area Sub-Zones from the landscape categories and full assessment of the landscape provisions while controlling the impact of the ski field structures and activities on the wider environment.”

1152. Policy 6.3.8.4 read:

“Provide a separate regulatory regime for the Gibbston Valley, identified as the Gibbston Character Zone, in recognition of its contribution to tourism and viticulture while controlling the impact of buildings, earthworks and non-viticulture related activities on the wider environment.”

1153. Lastly, Rules 6.4.1.2-4 read:

“6.4.1.2 The landscape categories apply only to the Rural Zone. The Landscape Chapter and Strategic Directions Chapter’s objectives and policies are relevant and applicable in all zones where landscape values are in issue.

6.4.1.3 The landscape categories do not apply to the following within the Rural Zones:

- a. Ski Area Activities within the Ski Area Sub-Zones;*
- b. The area of the Frankton Arm located to the east of the Outstanding Natural Landscape Line as shown on the District Plan maps;*
- c. The Gibbston Character Zone;*
- d. The Rural Lifestyle Zone;*
- e. The Rural Residential Zone.*

6.4.1.4 The landscape categories apply to lakes and rivers. Except where otherwise stated or shown on the Planning Maps, lakes and rivers are categorised as Outstanding Natural Landscapes.”

1154. The Stage 2 Variations have made amendments to both Rules 6.4.1.2 and 6.4.1.3, which will need to be considered as part of the hearing process for these variations. Specifically:

- a. The first sentence of Rule 6.4.1.2 has been deleted;
- b. The first line of Rule 6.4.1.3 has been amended to refer to landscape “assessment matters” rather than landscape “categories”;
- c. Rules 6.4.1.3 c., d. and e. have been deleted.

1155. The submissions on the provisions quoted included:

- a. Support for exclusion of the ski areas from landscape categories⁶³⁸;
- b. A request to extend the ski area exclusion to include access corridors, delete reference to environmental controls and add recognition of the importance of these areas⁶³⁹;
- c. A request to extend the ambit of Rule 6.4.1.2 to exclude Chapter 6 from having any application outside the Rural Zone⁶⁴⁰;
- d. A request for clarification as to whether landscape classification objectives and policies apply to special zones like Millbrook⁶⁴¹;
- e. A request for clarification that landscape classification objectives and policies do not apply to the Rural Lifestyle Zone and the Rural Residential Zone⁶⁴²;

⁶³⁸ Submissions 608, 610, 613: Opposed in FS1034

⁶³⁹ Submission 806: Supported in FS1229

⁶⁴⁰ Submissions 443 and 452

⁶⁴¹ Submission 696

⁶⁴² Submissions 669 and 694

- f. A request to revise the drafting of Rule 6.4.1.2 and 6.4.1.3 to more clearly express what is included or excluded⁶⁴³;
 - g. A request to add the Hydro Generation Zone as a further zone excluded from the landscape classifications⁶⁴⁴;
 - h. A request to add reference to trails undertaken by the Queenstown Trail or Upper Clutha Tracks Trusts⁶⁴⁵;
 - i. A request to delete Rule 6.4.1.4 or clarify the reference to ONLs⁶⁴⁶.
1156. Mr Barr recommended deletion of Rules 6.4.1.2 and 6.4.1.4 and amendment of Rule 6.4.1.3 to refer to landscape assessment matters (rather than landscape categories) and to delete reference in the Rule to the Gibbston Character Zone, the Rural Lifestyle Zone and the Rural Residential Zone. Some of those recommendations have been overtaken by the Stage 2 Variations and do not need to be considered further. Mr Barr did not recommend amendment to the two policies noted above (which are not the subject of the Stage 2 Variations).
1157. We found these provisions collectively exceedingly confusing, overlapping, and, in part, contradictory. It is not surprising there were so many submissions seeking clarification of them.
1158. Mr Barr's recommendations did not materially assist and, in one view, confused the matter still further by implying that while the landscape assessment criteria apply only in the Rural Zone, the landscape categorisations as ONL, ONF and Rural Character Landscape (as relabelled) apply as shown on the planning maps, with the sole exceptions of the Ski Area Sub-Zones and the Gibbston Valley Character Zone (by virtue of Policies 6.3.8.3 and 6.3.8.4). That would mean all of the special zones, the Rural Lifestyle Zone and the Rural Residential zone are subject to the landscape categorisations. Inclusion of the special zones would in turn be inconsistent with Mr Barr's recommended revised Policy 6.3.1.1. (that like notified Policy 6.3.1.2) indicates that the intention is to classify the "*Rural Zoned Landscapes*". On the face of the matter, land in the Rural Lifestyle Zone and the Rural Residential Zone would not qualify as "*Rural Zoned landscapes*" either (given it refers to "*Rural Zoned*" rather than "*rural zoned*" landscapes).
1159. The effect of the Stage 2 Variations is to remove the explicit statements in Section 6.2 and Rule 6.4.1.2 that the landscape categories apply only in the Rural Zone, but does not change notified Policy 6.3.1.2.
1160. Last, but not least, as some submitters pointed out at the hearing, the planning maps identify ONFs within special zones in Arrowtown and at Jacks Point. The Stage 2 Variations do not change that position either.
1161. Stepping back from the explicit and implicit statements in the PDP regarding application of the landscape categories, we make the following observations:
- a. The Planning Maps do not clearly or consistently identify the boundaries of the areas denoted ONL, ONF and (particularly) RLC (now RCL) in all locations.
 - b. Land in the Rural Residential and Rural Lifestyle Zones has been identified as such either because it is already developed or because it has the capacity (in landscape terms) to absorb a greater density of development than the balance of rurally zoned areas. If more

⁶⁴³ Submission 836: Supported in FS1085

⁶⁴⁴ Submission 580: Opposed in FS1040

⁶⁴⁵ Submission 671

⁶⁴⁶ Submission 836

land is identified as appropriately having one or other of these zones applied to it following the mapping hearings, it will be for the same reasons. While the objectives and policies of Chapter 22 refer to the potential for such zones to be located in sensitive landscapes, and have provisions to address that situation, those provisions are not framed with reference to the landscape categories.

- c. The Gibbston Character Zone has its own specific provisions to manage landscape character and there might similarly be considered to be a case for it to sit outside the categorisation process as a result;
- d. The special zones are just that, "*special*". They vary in nature, but a common feature is that landscape provisions have already been taken into account in identifying the land as subject to a special zone. In addition, to the extent that Mr Barr's recommended relief would or might have the effect that special zones are subject to the landscape classifications, we consider there is no scope to make that change. Submission 836 (that Mr Barr has relied upon), seeks only non- substantive drafting changes. As regards the specific request by Contact Energy Ltd to add specific reference to the Hydro Generation Zone, this is neither necessary nor appropriate. The Hydro Generation Zone is a '*special*' zone under the ODP. Assuming it retains that status in subsequent stages of the District Plan process, it will be excluded automatically. More to the point, if we were to list that particular zone, we would presumably have to list all the special zones, to avoid the implication that they were not excluded;
- e. The Frankton Arm is not readily considered under a classification that seeks to retain its rural character. It is obviously not "*rural*". As such, it might appropriately be excluded from the classification process entirely, having been identified as not outstanding. That raises questions in our minds as to the apparent classification of a large section of the Hawea River, and the lower section of the Cardrona River, above its confluence with the Clutha, as Rural Character Landscapes, but those rivers might be considered small enough that the policies related to that classification are still applicable;
- f. The fact that the District Plan maps show parts of ONFs in Arrowtown and Jacks Point respectively as being within special zones is an anomaly if the intention is that all ONFs and ONLs be managed in accordance with the objectives and policies governing ONLs and ONFs. The special zone at Arrowtown will be considered as part of a subsequent stage of the District Plan review and we recommend the area occupied by the ONF be zoned Rural as part of that process. The Jacks Point Structure Plan already recognises the landscape values of the areas currently identified as ONF and ONL within the boundary of the zone, with provisions precluding development in those areas, reinforced by the recommended provisions of Chapter 41, and so there is not the same imperative to address it.
- g. The fact that the PDP maps shows ONL and ONF lines as extending into residential zones appears to be an error, given the provisions of the PDP already noted. We discussed the incursion of the Mt Iron ONF line into the residential zoned land on the west side of the mountain with Mr Barr and he advised it was a mapping error. We will treat that (and the other examples we noted) as being something to be addressed in the mapping hearings, assuming there is jurisdiction and evidence to do so.
- h. Although perpetuating the ODP in this regard, the exclusion for the Ski Area Sub-Zones is anomalous because it is contrary to case law⁶⁴⁷ holding that the inquiry as to whether a landscape is outstanding is a discrete issue that needs to be resolved on landscape grounds, and that the planning provisions are a consequence of its categorisation as outstanding, not the reverse. Counsel for Darby Planning LP argued that the ski areas were properly excluded from the ONL classification because they are not '*natural*'. That may be the case (Darby Planning did not adduce expert evidence to support that contention), but the ski areas appear too small to constitute a separate '*landscape*' based

⁶⁴⁷

Man O'War Station Limited v Auckland Council [2015] NZHC 767: Affirmed [2017] NZCA 24

on the tests previously applied by the Environment Court. In any event, we have no submission that would give us jurisdiction to delete the exclusion for the ski area subzones in Policy 6.3.8.3⁶⁴⁸ and thus we only note it as an anomaly. The Council should consider whether it is necessary to initiate a variation in this regard;

- i. Given the *Man O'War* decisions (referred to above) though, the submissions for Queenstown Park Limited⁶⁴⁹ and Queenstown Trails Trusts seeking additional exclusions from the consequences of classification as ONL (or ONF) cannot be accepted.

1162. We also note that it was not at all clear to us whether the contents of Section 6.4.1 are correctly described as “rules”.

1163. While section 76(4) of the Act is silent as to what a rule in a District Plan may do, normally rules govern activities having an adverse effect on the environment. Rules 6.4.1.2-4 quoted above are (as the heading for Section 6.4.1 suggests) essentially explanations as to how policies should be interpreted and applied. Rule 6.4.1.1. is a clarification of the term “*subdivision and development*”. Rule 6.4.1.5 is similarly a clarification as to the applicability of the objectives and policies of the landscape chapter to utilities. Mr Barr recommended, in any event, that it be deleted as it is not necessary.

1164. Mr Barr recommended in his reply evidence that Section 6.4 might more appropriately be headed Implementation Methods. That recommendation has now been overtaken by the Stage 2 Variations, meaning that Rules 6.4.1.2-3 must remain in Chapter 6, as amended, for future consideration. We consider, however, that the content of Rule 6.4.1.4 would more appropriately be addressed in policies in common with notified Policies 6.3.8.3 and 6.3.8.4. Rule 6.4.1.1 might appropriately be shifted to the definition section (Chapter 2). Currently that rule reads:

“The term ‘subdivision and development’ includes subdivision, identification of building platforms, any buildings and associated activities such as roading, earthworks, lighting, landscaping, planting and boundary fencing and access/gateway structures”.

1165. A submission was made on this ‘rule’ by PowerNet Limited⁶⁵⁰ seeking that “*subdivision and development*” should not include “*infrastructure structures and activities that are not associated with the subdivision and development*”.

1166. It is not clear whether the submitter seeks an exclusion from the policies in Chapter 6 for infrastructure that is associated with subdivision and development (read literally that would be the effect of the submission, if accepted). If that is the intention, we do not accept it. It is important that the effects of a subdivision be considered holistically. It would be unrealistic and undesirable if, for instance, the effects of a subdivision on landscape character were considered without taking into account the effects of the internal roading network necessitated by the subdivision. No amendment is necessary for infrastructure not associated with the subdivision and development because the existing rule only includes “*associated*” activities as it is.

1167. In summary, we recommend no change to the rule, but that it be shifted to Chapter 2. The end result will of course be the same.

⁶⁴⁸ The exclusion formerly in Rule 6.4.1.2(a) has been effectively removed by the Stage 2 Variations.

⁶⁴⁹ Submission 806

⁶⁵⁰ Submission 251: Supported in FS1092 and FS1097

1168. We agree with Mr Barr that Rule 6.4.1.5 is an unnecessary duplication and should be deleted.
1169. Turning then as to how Rule 6.4.1.4 might be amalgamated into the policies along with 6.3.8.3 and 6.3.8.4, we have no jurisdiction to expand notified Policy 6.3.1.2 to apply beyond the Rural Zone. Its deletion (as sought in Submission 806) would have the effect that the landscape categories would not have any policy support indicating where they apply. Given the deletions from the text of Chapter 6 accomplished by the Stage 2 Variations and the lack of consistency in the planning maps identifying their location, we do not regard that as a satisfactory outcome – the lack of clarity, legitimately the subject of a number of submissions, would be exacerbated.
1170. We do not regard retention of Policy 6.3.1.2 as inconsistent with the varied provisions notified in November 2017. While Rule 6.4.1.2, as revised by the Stage 2 Variations, states that the objectives and policies of Chapters 3 and 6 apply in all zones where landscape values are in issue, that application presumably must depend on the terms of the relevant objective or policy. Recommended Objective 3.2.5.1 for instance will not apply to landscapes that are not ONL's.
1171. In summary, therefore, we recommend that Policy 6.3.1.2 be renumbered 6.3.1, and refer to Rural Character Landscapes, but otherwise be retained unamended, and that two amended policies numbered 6.3.2 and 6.3.3 be inserted to follow it, building on existing policies as follows:
- “Exclude identified Ski Area Sub-Zones and the area of the Frankton Arm located to the east of the Outstanding Natural Landscape line as shown on the District Plan maps from the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape landscape categories applied to the balance of the Rural Zone.*
- Provide a separate regulatory regime for the Gibbston Character Zone, Rural Residential Zone, Rural Lifestyle Zone and the Special Zones within which the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape landscape categories, and the policies of this chapter related to those categories, do not apply unless otherwise stated.”*
1172. While the two policies have a similar end result and could potentially be collapsed together, we consider there is some value in differentiating the zones that have discrete chapters in the PDP outlining how they are to be managed, from the Ski Area Sub-Zones and the Frankton Arm that are part of the Rural Zone.
1173. We recommend that Rule 6.4.1.4 should be deleted, as a consequence.
1174. We consider that these policies, operating in conjunction with the policies of Chapter 3 related to categorisation of landscapes are the most appropriate way to achieve Objectives 3.2.1.1, 3.2.1.7, 3.2.1.8, 3.2.5.1 and 3.2.5.2 at a strategic level, having regard to the jurisdictional limitations on our consideration of these matters.
- 8.5. Policies – Managing Activities in the Rural Zones**
1175. Consequential on the suggested deletion of the objectives in this chapter, there is a need to organise the policies flowing from categorisation of rural landscapes into a logical order. We recommend that this be done first by grouping the policies managing activities throughout the

rural zones (that is, within the Rural, Rural Residential, Rural Lifestyle and Gibbston Character Zones); secondly by gathering the policies that are specific to managing activities in ONLs and ONFs; thirdly by grouping together policies related to managing activities in RCLs; and lastly by grouping together the policies related to managing activities related to lakes and rivers. We recommend that this division be made clear by including suitable headings as follows:

- a. *“Managing Activities in the Rural Zone, the Gibbston Character Zone, the Rural Residential Zone and the Rural Lifestyle Zone;*
- b. *Managing Activities in Outstanding Natural Landscapes and on Outstanding Natural Features;*
- c. *Managing Activities in Rural Character Landscapes;*
- d. *Managing Activities on Lakes and Rivers”.*

1176. Insertion of headings for the balance of the chapter requires a new heading for the three policies related to land categorisation that we have already recommended. We recommend the heading *“Rural Landscape Categorisation”* be inserted.

1177. Turning to the policies falling under the first bullet pointed heading above, the first that requires consideration is what was formerly numbered Policy 6.3.1.5, which read:

“Avoid urban subdivision and development in the rural zones.”

1178. Submissions on this policy sought a wide range of relief from its deletion to significant amendments. Mr Barr recommended its amendment to read:

“Discourage urban subdivision and urban development in the rural zones.”

1179. The substance of this policy has already been addressed in the context of our Chapter 3 report above and we have recommended that urban development outside the defined UGBs and existing settlements where UGBs have not been defined should be avoided. It follows that we recommend that all of the submissions on this policy (apart from the single submission seeking its retention) be rejected. The only amendment we recommend to the policy is to clarify what is meant by *“urban subdivision”*.

1180. Accordingly, we recommend that Policy 6.3.1.5 be renumbered 6.3.4 and amended to read:

“Avoid urban development and subdivision to urban densities in the rural zones”.

1181. The second policy common to all of the rural zones is Policy 6.3.1.8 which as notified, read:

“Ensure that the location and direction of lights does not cause glare to other properties, roads, and public places or the night sky.”

1182. Submissions on this policy sought variously its deletion⁶⁵¹, shifting provision for lighting into the rural chapter⁶⁵², carving out an exception for navigation and safety lighting⁶⁵³, and generally to give greater prominence to the significance of the night sky as a key aspect of the District’s natural environment⁶⁵⁴.

⁶⁵¹ Submission 761

⁶⁵² Submission 806

⁶⁵³ Submission 621: Supported in FS1097; Opposed in FS1282

⁶⁵⁴ Submission 340

1183. We also note a separate submission seeking recognition of the maintenance of the ability to view and appreciate the naturalness of the night sky and to avoid unnecessary light pollution in Chapter 3⁶⁵⁵. As discussed in Part C of our report, while we do not consider that this passes the rigorous requirement for inclusion in Chapter 3, we have taken this submission into account in this context.

1184. Mr Barr recommended the policy be amended to read:

“Ensure that the location and direction of lights avoids degradation of the night sky, landscape character and sense of remoteness where it is an important part of that character.”

1185. As Submission 568 (G Bisset) pointed out, the issue under this policy is views of the night sky (rather than degradation of the night sky per se). The night sky itself cannot be impacted by any actions taken on the ground.

1186. Second, we think that Real Journeys is correct, and provision needs to be made for navigation and safety lighting. We suggest that the policy refer to “unnecessary” degradation of views of the night sky. We also take on board a point made by Mr Ben Farrell in his evidence, that Mr Barr’s recommendation omitted reference to glare, the minimisation of which is important to night-time navigation on Lake Wakatipu.

1187. Mr Barr’s reasoning⁶⁵⁶ was that zone provisions control glare. However, in our view, some reference to glare is required at broader policy level. Again though, it is not all glare that needs to be avoided.

1188. We also think that Mr Barr’s suggested reformulation treats loss of remoteness as a discrete issue when (where applicable) it is an aspect of landscape character. It might also be seen to introduce some ambiguity as to what the qualifier (where it is an important part of that character) refers to. This can be avoided with a little redrafting.

1189. Accordingly, we recommend that Policy 6.3.1.8 be renumbered 6.3.5 and amended to read:

“Ensure that the location and direction of lights does not cause excessive glare and avoids unnecessary degradation of views of the night sky and landscape character, including of the sense of remoteness where it is an important part of that character.”

1190. Policy 6.3.1.9 as notified read:

“Ensure the District’s distinctive landscapes are not degraded by forestry and timber harvesting activities.”

1191. One submission on this policy sought clarification of linkages with provisions related to indigenous vegetation and biodiversity and as to the extent of any limitations on timber harvesting⁶⁵⁷. Another submission sought that the policy be deleted in this context and shifted to the rural chapter⁶⁵⁸.

⁶⁵⁵ Submission 568

⁶⁵⁶ In the Section 42A Report at page 22

⁶⁵⁷ Submission 117

⁶⁵⁸ Submission 806

1192. We do not recommend the latter as this is a landscape issue common to all rural zones. We do recommend minor changes responding to Submission 117, to make it clear that this policy has no connection to indigenous vegetation or biodiversity provisions and to limit the breadth of the reference to timber harvesting (which might otherwise be seen as inconsistent with the policy focus on controlling wilding species). Accordingly, we recommend that Policy 6.3.1.9 be renumbered 6.3.6 and amended to read:

“Ensure the District’s distinctive landscapes are not degraded by production forestry planting and harvesting activities.”

1193. Policy 6.3.1.10, as notified, read:

“Recognise that low-intensity pastoral farming on large land holdings contributes to the District’s landscape character.”

1194. Submissions on this policy sought variously deletion of specific reference to pastoral farming and to the size of land holdings⁶⁵⁹, deletion of the reference to the size of land holdings⁶⁶⁰, deletion of the policy entirely or its amendment to recognise that it is the maintenance of landscape values that contributes to landscape character⁶⁶¹.

1195. Mr Barr did not recommend any change to his policy. Consequent with our recommendations in relation to notified Policy 3.2.5.5.1, we recommend that the focus of this policy should be enabling low intensity pastoral farming to continue its contribution to landscape character. While it is understandable that submitters take the view that many activities contribute to rural landscape character, large pastoral land holdings in the District have a particular role in this regard and we consider it is appropriate that they be recognised. We also consider no specific reference is required to more intensive farming⁶⁶², since the policy does not purport to enable that.

1196. In summary, we recommend that Policy 6.3.1.10 be renumbered 6.3.7 and amended to read:

“Enable continuation of the contribution low-intensity pastoral farming on large land holdings makes to the District’s landscape character.”

1197. Policy 6.3.7.2, as notified, read:

“Avoid indigenous vegetation clearance where it would significantly degrade the visual character and qualities of the District’s distinctive landscapes.”

1198. Submissions on this policy sought variously its deletion⁶⁶³, its retention⁶⁶⁴ or softening the policy to refer to avoiding, remedying or mitigating indigenous vegetation clearance⁶⁶⁵ or

⁶⁵⁹ Submission 238: Supported in FS1097; Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

⁶⁶⁰ Submission 600: Supported in FS1209; Opposed in FS1034 and FS1282

⁶⁶¹ Submission 806

⁶⁶² See e.g. Submission 110

⁶⁶³ Submission 806

⁶⁶⁴ Submission 600: Supported in FS1209; Opposed in FS1034

⁶⁶⁵ Submissions 519 and 598 (the latter in tandem with deletion of the word “significantly”): Supported in FS1015, FS1097 and FS1287; Opposed in FS1356

alternatively to significant ONFs and ONLs⁶⁶⁶. Mr Barr did not recommend any change to the policy as notified.

1199. Given that the focus of the policy is on significant degradation to visual character and landscape qualities, we take the view that an avoidance policy is appropriate. It could be amended to expand its focus (as Submission 598 suggests) but we see little value in an “*avoid, remedy or mitigate*” type policy in this context. We also consider that the policy has broader application than just indigenous vegetation in ONLs and on ONFs (that are significant by definition).

1200. Accordingly, we recommend no change to this policy, other than to renumber it 6.3.8.

1201. Policy 6.3.7.1, as notified, read:

“Encourage subdivision and development proposals to promote indigenous biodiversity protection and regeneration where the landscape and nature conservation values would be maintained or enhanced, particularly where the subdivision or development constitutes a change in the intensity in the land use or the retirement of productive farm land.”

1202. Two submissions⁶⁶⁷ sought amendment to this policy – that it refers to ‘biodiversity’ rather than ‘nature conservation’ values, and recognise that values might change over time. Mr Barr recommended that it remain as notified and, other than renumbering it 6.3.9, we concur. Given the revised definition of ‘nature conservation values’ we consider it an appropriate focus in this context. Similarly, we consider the policy already contemplates change.

1203. We also consider that this policy provides adequate support at a high level for offsetting, fleshed out by the provisions of Chapters 21 and 33. We therefore concur with Mr Barr’s view that no new policy on the subject⁶⁶⁸ is required.

1204. Policies 6.3.8.1 and 6.3.8.2 related to tourism infrastructure, commercial recreation and tourism related activities. Policy 6.3.8.1 provided for acknowledgement of tourism infrastructure. 6.3.8.2 involved recognition of the appropriateness of commercial recreation and tourism related activities. Most of the submissions on these policies were supportive, seeking amendments to extend their ambit.

1205. We have recommended that Policy 6.3.8.2 be shifted into the Strategic Chapter to better recognise the importance of these matters. We do not see Policy 6.3.8.1 as adding any value independently of 6.3.8.2 and accordingly both should be deleted from this chapter, as a consequential change.

1206. Policy 6.3.3.2 as notified read:

“Ensure that subdivision and development in the Outstanding Natural Landscapes and Rural Landscapes adjacent to Outstanding Natural Features would not degrade the landscape quality, character and visual amenity of Outstanding Natural Features.”

⁶⁶⁶ Submission 378: Opposed in FS1049 and FS1282

⁶⁶⁷ Submissions 378 and 806: Opposed in FS1049 and FS1282

⁶⁶⁸ As sought in Submission 608: Supported in FS1097 and FS1117; Opposed in FS1015 and FS1034

1207. Submissions on this policy sought variously minor drafting changes⁶⁶⁹, clarification that a significant degree of degradation is required⁶⁷⁰ and its deletion⁶⁷¹.
1208. Mr Barr did not recommend any change to this policy.
1209. We have considered whether this policy should properly extend to subdivision and development in the Rural Residential, Rural Lifestyle and Gibbston Character Zones. While Mr Carey Vivian suggested an amendment that would have this effect, given the limited scope of submissions on this policy, an extension of its ambit would in our view be outside scope and require a variation. Having considered that possibility on its merits, we do not recommend such a variation be advanced. Land is zoned Rural Lifestyle, or Rural Residential in the knowledge that that zoning involves acceptance of a greater density of development than the Rural Zone. If land is adjacent to an ONF, that proximity, and the potential for adverse effects on the ONF should be considered at the point the land is zoned. The Gibbston Character Zone is not adjacent to an ONF, and so the issue does not arise for land in the Gibbston Valley.
1210. Returning to the notified form of Policy 6.3.3.2, we regard degradation as importing a more than minor adverse effect, but for clarity, recommend that the policy be amended to say that. We have considered the evidence as to alternative ways in which a qualitative element might be introduced into this policy. Ms Louise Taylor⁶⁷² suggested adding “*as a whole*”, so as to give it a spatial dimension. Mr Carey Vivian suggested that the test be whether the landscape quality and visual amenity “*values*” of the ONF are adversely affected. Given the objective sought to be achieved (3.2.5.1), we consider a ‘*more than minor adverse effect*’ test is a more appropriate test. We also think that a more than minor adverse effect would, in all likelihood degrade an ONF ‘*as a whole*’ and adversely affect the values that make it significant⁶⁷³. The only other amendments we would recommend are consequential (to refer to Rural Character Landscapes and renumber it 6.3.10) and clarification (to make it clear that the focus is on the ONF to which subdivision and development is adjacent).
1211. Accordingly, we recommend that this Policy be amended to read:
- “Ensure that subdivision and development in the Outstanding Natural Landscapes and Rural Character Landscapes adjacent to Outstanding Natural Features does not have more than minor adverse effects on the landscape quality, character and visual amenity of the relevant Outstanding Natural Feature(s).”*
1212. Policy 6.3.5.4 as notified read:
- “Encourage any landscaping to be sustainable and consistent with the established character of the area.”*
1213. The only submissions specifically on this policy sought its retention. Mr Barr recommended one minor change, to clarify that the reference to sustainability in this context is not the broad concept in section 5 of the Act, but rather relates to whether landscaping is viable.

⁶⁶⁹ Submission 375: Opposed in FS1097 and FS1282

⁶⁷⁰ Submissions 519 and 598: Supported in FS1015, FS1097 and FS1287; Opposed in FS1282 and FS1356

⁶⁷¹ Submissions 355 and 598: Supported in FS1287; Opposed in FS1282 and FS1320

⁶⁷² Giving evidence for Matukituki Trust

⁶⁷³ The focus of Proposed RPS, Policy 3.2.4

1214. We agree with the thinking behind that suggested change, but consider it could be made clearer. Accordingly, we recommend that this Policy be renumbered 6.3.11 and amended to read:

“Encourage any landscaping to be ecologically viable and consistent with the established character of the area.”

1215. In summary, having reviewed the policies in this section, we consider that individually and collectively with the policies both in Chapter 3 and in the balance of this chapter, they are the most appropriate way to achieve the objectives in Chapter 3 relevant to use, development and protection of the rural areas of the District at a strategic level.

8.6. Policies – Managing Activities in ONLs and on ONFs

1216. As notified, Policy 6.3.1.3 read:

“That subdivision and development proposals located within the Outstanding Natural Landscape, or an Outstanding Natural Feature, be assessed against the assessment matters in provisions 21.7.1. and 21.7.3 because subdivision and development is inappropriate in almost all locations meaning successful applications will be exceptional cases.”

1217. Submissions on this policy included:

- a. Seeking that the Policy be restricted to a cross reference to the assessment matters⁶⁷⁴;
- b. Seeking to delete reference to the assessment matters, but retain the emphasis on subdivision and development being generally inappropriate⁶⁷⁵;
- c. Seeking to delete it entirely⁶⁷⁶;
- d. Seeking to amend the concluding words to soften the expectations as the number of locations where developments will be inappropriate⁶⁷⁷;
- e. Seeking to amend the policy to state the intention to protect ONLs or ONFs from inappropriate subdivision, use or development⁶⁷⁸;
- f. Seeking to qualify the policy to provide specifically for infrastructure with its own test, or alternatively add a new policy the same effect⁶⁷⁹.

1218. In his reply evidence, Mr Barr recommended this policy be amended to read:

“That subdivision and development proposals located within the Outstanding Natural Landscape, or an Outstanding Natural Feature, be assessed against the assessment matters in provisions 21.7.1 and 21.7.3 because subdivision development is inappropriate in almost all locations within the Wakatipu Basin, and inappropriate in many locations throughout the districtwide Outstanding Natural Landscapes.”

⁶⁷⁴ Submissions 249, 355, 502, 519, 621: Supported in FS1012, FS1015 and FS1097; Opposed in FS1282, FS1320 and FS1356

⁶⁷⁵ Submissions 375, 437, 456: Opposed in FS1015, FS1097, FS1160 and FS1282

⁶⁷⁶ Submissions 624, 806

⁶⁷⁷ Submissions 598: Supported in FS1097, FS1117 and FS1287; Opposed in FS1282

⁶⁷⁸ Submission 581: Supported in FS1097; Opposed in FS1282

⁶⁷⁹ Submissions 251, 805: Supported in FS1092, FS1097 and FS1115; Opposed in FS1282

1219. The recommended amendment recognises a distinction drawn in the initial Environment Court decision on the ODP⁶⁸⁰ between the reduced capacity of the Wakatipu Basin ONLs to absorb change, compared to the ONLs in the balance of the District⁶⁸¹.
1220. A number of the planning witnesses who appeared at the hearing criticised this policy as notified as inappropriately prejudicing applications yet to be made. Ms Louise Taylor suggested to us for instance that such predetermination was inconsistent with the caselaw applying a *'broad judgment'* to resource consent applications.
1221. Mr Tim Williams noted also that there were a number of examples where developments in ONLs had been found to be appropriate. While Mr Williams did not say so explicitly, the implication was that it is not factually correct that appropriate development in an ONL is an exceptional case.
1222. As against those views, Mr John May gave evidence suggesting that the notified policy was both realistic and reflected the sensitivity and value of the District's landscapes.
1223. The Environment Court thought it was necessary to make comment about the likelihood of applications being successful in the ODP to make it clear that the discretionary activity status afforded activities in ONLs and ONFs under the ODP did not carry the usual connotation that such activities are potentially suitable in most if not all locations in a zone⁶⁸². The Environment Court made it clear that, were this not able to be stated, a more restrictive, non-complying activity would be appropriate.
1224. Mr Goldsmith⁶⁸³ submitted to us that the existing reference to appropriate development in ONLs being an exceptional case originated from the Environment Court's identification of the ONLs in the Wakatipu Basin as requiring a greater level of protection. He also submitted that elevation of the existing provision into a policy required justification and evidence⁶⁸⁴.
1225. We do not think Mr Goldsmith's first point is factually correct. While the initial consideration in the Environment Court's mind might have been the vulnerability of the Wakatipu Basin ONLs, the ODP text the Court approved reads:
- "... in or on outstanding natural landscapes and features, the relevant activities are inappropriate in almost all locations within the zone, particularly within the Wakatipu Basin or in the Inner Upper Clutha area..."* [Emphasis added]
1226. On the second point, we do not think elevation from a provision explaining the rule status ascribed to a policy requires justification in the sense Mr Goldsmith was arguing. Clearly the Environment Court thought that was the position as a fact. Whether it should now be expressed as a policy turns on whether that is the most appropriate way to achieve the relevant objective (3.2.5.1) which we have already found to be the most appropriate way to achieve the purpose of the Act. This is the basis on which we have approached the matter.

⁶⁸⁰ C180/99 at [136]

⁶⁸¹ See ODP Section 1.5.3iii(iii)

⁶⁸² Refer the discussion in *Lakes District Rural Landowners Society Inc v Queenstown Lakes District Council* C75/2001 at 41-46

⁶⁸³ When appearing for Ayrburn Farm Estate Ltd, Bridesdale Farm Developments Ltd, Shotover Country Ltd and Mt Cardrona Station Ltd. Mr Brown gave planning evidence supporting that submission.

⁶⁸⁴ Mr Carey Vivian also drew our attention to the way in which the language had been changed from the ODP, and expressed the view that it made little sense as a policy.

1227. As regards Ms Taylor’s ‘*broad judgment*’ point, we rely on the confirmation provided by the Supreme Court in *King Salmon* that plan policies may emphasise protection rather than use and development consistently with the purpose of the Act, depending on the circumstances. We also note more recent authority⁶⁸⁵ holding that reference back to Part 2 of the Act⁶⁸⁶ is only required where plan provisions are invalid, incomplete or unclear.
1228. For our part, we had a problem with Policy 6.3.1.3 (and Policy 6.3.1.4 that follows it) because of the way they refer to assessment matters. As Ms Taylor observed⁶⁸⁷, the role of assessment matters is to assist implementation of policies in a plan. We do not consider that it is appropriate that assessment matters act as quasi-policies. If they are effectively policies, they should be stated as policies in the Plan.
1229. We also consider it would be more helpful to explain not just that successful applications will be exceptional, but also to give some guidance as to what characteristics will determine whether they will be successful. As Mr Vivian observed, merely stating the general point makes little sense as a policy. The capacity to absorb change is clearly one important factor – refer notified Policy 6.3.4.1. The ODP identifies as another important touchstone (in the context of the policies governing ONLs in the Wakatipu Basin and ONFs) whether buildings and structures and associated roading and boundary developments are reasonably difficult to see. Mr Haworth (arguing in support of the more general UCES submission seeking that the ODP provisions governing development in rural areas should be retained in preference to the PDP provisions) was particularly critical of the loss of this criterion, and we consider it to be an aspect of the ODP that could usefully be carried over into the PDP.
1230. There is, however, one issue with the ODP wording. The ODP provides no indication of the viewpoint from which changes to the landscape must be reasonably difficult to see. This is surprising given that in the initial Environment Court decision on the ODP, the Environment Court observed:
- “Further, even if one considers landscapes in the loose sense of ‘views of scenery’ the first question that arises is as to where the view is from. One cannot separate the view from the viewer and their viewpoint.”*⁶⁸⁸
1231. The specific question of how this particular criterion should be framed was considered in a later decision in the sequence finalising the ODP⁶⁸⁹.
1232. From that decision, it appears that the Council proffered a test of visibility based on what could be seen *“outside the property they are located on”*. Mr Goldsmith, then acting for a number of parties on the ODP appeals, is recorded as having argued that that qualification was otiose⁶⁹⁰. Counsel for the Council, Mr Marquet, is recorded as having argued that they protected landowners’ rights.

⁶⁸⁵ *RJ Davidson Family Trust v Marlborough District Council* [2017] NZHC 52

⁶⁸⁶ And therefore to a broad judgment on the application of section 5

⁶⁸⁷ As part of her evidence on behalf of X-Ray Trust Ltd.

⁶⁸⁸ C180/99 at [74]

⁶⁸⁹ C74/2000

⁶⁹⁰ That is, serving no useful purpose

1233. The Court took the position⁶⁹¹ that the views enjoyed by neighbours should not be determinative, and directed that the qualification be deleted.
1234. With respect to the reasoning of the Environment Court, the problem we see with the end result is that without definition of the viewpoint, reasonable visibility should presumably be determined from every relevant point. Moreover, virtually nothing will be “*reasonably difficult to see*” if one views it from sufficiently close range (unless a development takes place entirely underground). The point of having a visibility test depends on having a viewpoint that is far enough away to provide a developer with an opportunity to construct a development that meets the test. Clearly that will not be possible in all cases, nor, perhaps, in many cases.
1235. But the developer needs to have that opportunity, otherwise the policy becomes one which, as counsel and witnesses for a number of submitters contended was the case with the existing PDP policies in relation to development in ONLs, can never be met.
1236. In summary, we think that the test needs to be what is reasonably difficult to see “*from beyond the boundary of the site the subject of application*”. The location of the boundary of the site in relation to the development will of course vary according to the circumstances. The land beyond the boundary might be privately or publicly owned. We considered specifying visibility from a public viewpoint (i.e. a road). Given, however, that the purpose of this requirement is ultimately to provide better definition of more than minor adverse effects of subdivision, use and development on (among other things) visual amenity values of ONLs (refer recommended Objective 3.2.5.1), this would not be the most appropriate way to achieve the objective in section 32 terms.
1237. Any alternative viewpoint would necessarily be arbitrary (some specified minimum distance perhaps) and somewhat unsatisfactory for that reason.
1238. In summary, therefore, we recommend that Policy 6.3.1.3 be renumbered 6.3.12 and amended to read:
- “Recognise that subdivision and development is inappropriate in almost all locations in Outstanding Natural Landscapes and on Outstanding Natural Features, meaning successful applications will be exceptional cases where the landscape or feature can absorb the change and where the buildings and structures and associated roading and boundary changes are reasonably difficult to see from beyond the boundary of the site the subject of application.”*
1239. Policy 6.3.1.12, as notified read:
- “Recognise and provide for the protection of Outstanding Natural Features and Landscapes with particular regard to values relating to cultural and historic elements, geological features and matters of cultural and spiritual value to Tangata Whenua including Tōpuni.”*
1240. Submissions on this policy sought variously its deletion⁶⁹², introduction of reference to inappropriate subdivision, use and development both with and without reference to the

⁶⁹¹ C74/2000 at [15]

⁶⁹² Submissions 621 and 806: Opposed in FS1282

specific values currently identified⁶⁹³, reference to a method that would identify the values in question⁶⁹⁴, and expansion of the policy to include reference to Wāhi Tupuna⁶⁹⁵

1241. When Mr Barr appeared at the hearing, we asked why it was appropriate to refer to the specific values noted in this policy as a subset of all of the values that ONLs and ONFs might have. He explained that the intention was to capture the values that might not be obvious, and he recommended no change to the policy.
1242. Mr Barr makes a good point, that these particular values would not be obvious to the casual observer. As is discussed in the Hearing Panel’s Stream 1A report (Report 2), consultation with Tangata Whenua is an important mechanism by which one can identify cultural elements in a landscape that would not otherwise be obvious. On that basis, we think it appropriate in principle to identify the significance of these particular values.
1243. For the same reason, we do not think it necessary or appropriate to insert reference to a method whereby the Council will identify all the values in question. In the case of cultural values at least, while the mapping of Wāhi Tupuna planned as part of a later stage in the District Plan review process will assist, it is primarily the responsibility of applicants for resource consent to identify whether and what values are present in landscapes that might be affected by their proposals.
1244. Submitter 810 makes a valid point, seeking reference to wāhi tupuna. The representatives of the submitter who gave evidence as part of the Stream 1A hearing indicated that there was likely to be an overlap in practice between ONLs and wāhi tupuna. Chapter 5 addresses the protection of wāhi tupuna, but if this policy is going to make specific reference to tōpuni as a matter of cultural and spiritual value to tangata whenua, we think that reference should also be made to wāhi tupuna.
1245. We have already discussed at length the utility of a qualification of policies such as this by reference to inappropriate subdivision, use and development. In summary, given the interpretation of that term by Supreme Court in its *King Salmon* decision, we do not think that it would materially alter the effect of a policy such as this.
1246. Having said that, we do have a problem with the existing wording in that recommended Objective 3.2.5.1. and Policy 3.3.29 already “*recognise and provide for*” the protection of ONLs and ONFs. The role of this policy is to flesh out how Objective 3.2.5.1 is achieved beyond what Policy 3.3.29 already says. To avoid that duplication, we recommend that the policy be renumbered 6.3.13 and reframed slightly to read:

“Ensure that the protection of Outstanding Natural Features and Outstanding Natural Landscapes includes recognition of any values relating to cultural and historic elements, geological features and matters of cultural and spiritual value to tangata whenua, including tōpuni and wāhi tupuna.”

1247. Policy 6.3.4.2 as notified read:

⁶⁹³ Submissions 355 and 806: Supported in FS1097; Opposed in FS1282 and FS1320

⁶⁹⁴ Submission 355: Supported in FS1097; Opposed in FS1282 and FS1320

⁶⁹⁵ Submission 810 (noting that the other aspect of the relief sought by this submitter – referring to Manawhenua rather than Tangata Whenua – was withdrawn by the submitter by submitters representatives when they appeared in the Stream 1A Hearing)

“Recognise that large parts of the District’s Outstanding Natural Landscapes include working farms and accept that viable farming involves activities which may modify the landscape, providing the quality and character of the Outstanding Natural Landscapes is not adversely affected.”

1248. Only one submitter sought amendments specifically to this policy, seeking that it be broadened to enable any uses that might modify the landscape⁶⁹⁶.
1249. Mr Barr did not recommend any change to this policy. We concur.
1250. In the part of our report addressing Chapter 3, we recommended that the viability of farming be identified as a specific issue to be addressed by the strategy objectives and policies of that chapter. The same reasoning supports this policy.
1251. We do not consider it is appropriate to provide an open-ended recognition for any changes to ONLs. We do not think such recognition would be consistent with recommended Objective 3.2.5.1. We note also that Mr Jeff Brown, giving evidence on behalf of submitter 806 among others, did not support the relief sought in this submission.
1252. Mr Tim Williams suggested that reference might be made to other land uses, while retaining reference to the quality and character of the ONLs. While that approach is not open to the obvious objection above, we regard the extent to which non-farming activities in ONLs are accommodated as something generally best left for determination under the more general policies of Chapter 3. We discuss possible exceptions to that position below.
1253. Accordingly, we recommend that policy 6.3.4.2 be renumbered 6.3.14 but otherwise adopted with only a minor grammatical change to read:

“Recognise that large parts of the District’s Outstanding Natural Landscapes include working farms and accept that viable farming involves activities that may modify the landscape, providing the quality and character of the Outstanding Natural Landscapes is not adversely affected.”

1254. Policy 6.3.3.1 of the PDP as notified read:

“Avoid subdivision and development on Outstanding Natural Features that does not protect, maintain or enhance Outstanding Natural Features.”

1255. Submitters on this policy sought that it be deleted or alternatively qualified to refer to qualities of the relevant ONFs, to refer to inappropriate subdivision and development, or to have less of an avoidance focus. Although Mr Barr did not recommend any change to this policy, we view it as duplicating recommended Policy 3.3.30 and therefore recommend that it be deleted as adding no additional value.
1256. Policy 6.3.4.4. as notified read:

“The landscape character and amenity values of the Outstanding Natural Landscape are a significant intrinsic, economic and recreational resource, such that large scale renewable electricity generation or new large scale mineral extraction development proposals including

⁶⁹⁶ Submission 806

windfarm or hydro energy generation are not likely to be compatible with the Outstanding Natural Landscapes of the District”.

1257. Submissions on this policy largely opposed it. The view was expressed that the policy inappropriately predetermines the outcome of resource consent applications yet to be made.
1258. Mr Barr recommended one minor change to make it clear that the policy refers to ‘new’ large scale renewable electricity generation proposals.
1259. Mr Vivian suggested to us that there was a need to balance the landscape values affected against the positive benefits of renewable electricity generation.
1260. At least in the case of ONLs and ONFs, we do not think there is scope for the balancing process Mr Vivian had in mind.
1261. Mr Napp, appearing for Straterra⁶⁹⁷ sought to persuade us that the Waihi and Macraes mines provided examples of large scale proposals with well-developed restoration protocols. Mr Napp, however, accepted that the nature of the terrain any open cast mine would encounter in this District would make reinstatement a difficult proposition and that it was hard to imagine any large open cast mining proposal in an ONL would be consentable. While Mr Napp emphasised that modern mining techniques are much less destructive of the landscape than was formerly the case, we think that the existing policy wording still leaves room for an exceptional proposal. Mr Napp also did not seek to persuade us that there was any great likelihood of such a proposal being launched within the planning period.
1262. Mr Druce, appearing as the representative of Contact Energy⁶⁹⁸, likewise indicated that that company was not anticipating any new generation being installed in the Upper Clutha Catchment. Given the terms of the Water Conservation Order on the Kawarau River and its tributaries (as recently extended to include the Nevis River), there would thus appear to be no likelihood of any new large hydro generation facilities being constructed in the District within the planning period either.
1263. The policy refers specifically to wind farm or hydro energy developments. We do not think that specific reference is necessary given the definition of renewable electricity generation in the NPSREG 2011. We think that a new large scale solar electricity generation plant would be equally unlikely to be compatible with the values of ONLs and the resources to fuel any other renewable electricity generation project are not available within the District.
1264. We also find the duplicated reference to ONLs somewhat clumsy and consider it could be shortened without loss of meaning.
1265. Accordingly, we recommend that this policy be renumbered 6.3.15 and amended to read:

“The landscape, character and amenity values of the Outstanding Natural Landscapes are a significant intrinsic, economic, and recreational resource, such that new large scale renewable electricity generation or new large-scale mineral extraction development proposals are not likely to be compatible with them.”

⁶⁹⁷ Submission 598

⁶⁹⁸ Submission 580

1266. In relation to activities in ONLs and ONFs, Trojan Helmet Limited⁶⁹⁹ sought that the notified Policy 6.3.5.6 (which applied to non-outstanding landscapes and emphasised the relevance of open landscape character where it is open at present), be shifted so as to apply to ONLs. As the submitter noted, this is already a policy of the ODP. Mr Jeff Brown supported that position in his evidence.
1267. We will address the relevance of open landscape character in non-outstanding landscapes shortly, but in summary, we agree that open landscape character is an aspect both of ONLs and ONFs that should be emphasised.
1268. Accordingly, we recommend that this submission be accepted and that a new policy related to managing activities of ONLs and ONFs numbered 6.3.16 be inserted as follows:
- “Maintain the open landscape character of Outstanding Natural Landscapes and Outstanding Natural Features where it is open at present.”*
1269. Another area where submissions sought new policies was in relation to recognition of infrastructure. We heard extensive evidence and legal argument from both Transpower New Zealand Limited and QAC seeking greater recognition of the significance of infrastructure and the locational constraints it is under. Representatives for Transpower also emphasised the relevance of the NPSET 2008 to this issue.
1270. We have already discussed at some length the latter point, but in summary, we recognise that greater recognition for regionally significant infrastructure is desirable.
1271. Mr Barr recommended that a new Policy 6.3.1.12 be inserted reading:
- “Regionally significant infrastructure shall be located to avoid, remedy or mitigate degradation of the landscape, while acknowledging location constraints, technical or operational requirements.”*
1272. We agree that the correct focus, consistent with Policy 4.3.2 and 4.3.3 of the Proposed RPS, is on regionally significant infrastructure. We have already commented on the appropriate definition of that term⁷⁰⁰.
1273. When we discussed this policy wording with Mr Barr, he explained that reference to *“acknowledging”* locational constraints was intended to mean something between just noting them and enabling infrastructure to proceed as a result of such constraints. He was reluctant, however, to recommend qualifiers that, in his view, would require a significant amplification of the text.
1274. We also bear in mind the reply evidence of Mr Paetz who, after initially been supportive of an alternative policy wording (in the context of Chapter 3) providing for mitigation of the impacts of regionally significant infrastructure on ONLs and ONFs where practicable, came to the view that this would not be likely to allow the Council to fulfil its functions in terms of sections 6(a) and 6(b) of the Act.

⁶⁹⁹ Submission 437: Supported (in part) in FS1097

⁷⁰⁰ Refer our discussion of this issue at Section 3.18 above.

1275. We note the comments of the Environment Court in its initial ODP decision⁷⁰¹ rejecting a “where practicable” exclusion for infrastructure effects on ONLs. The Court stated:

“That is not a correct approach. The policy should be one that gives the Council the final say on location within Outstanding Natural Features.”

1276. We record that counsel for Transpower Limited appeared reluctant to accept that even a “where practicable” type approach would be consistent with the NPSET 2008 formulation, “seek to avoid”. For the reasons stated in our Chapter 3 report, we do not agree with that interpretation of the NPSET 2008.

1277. Having regard to the fact that we are considering what policies would most appropriately give effect to our recommended Objectives 3.2.1.9 and 3.2.5.1, we think it follows that the policy cannot permit significant adverse effects on ONLs and ONFs.

1278. Similarly, and consistently with the NPSET 2008, we think the initial approach should be to seek to avoid all adverse effects. Where adverse effects cannot be avoided, we think that they should be reduced to the smallest extent practically possible; i.e. minimised.

1279. In summary, therefore, we recommend insertion of two new policies numbered 6.3.17 and 6.3.18, worded as follows:

“Locate, design, operate and maintain regionally significant infrastructure so as to seek to avoid adverse effects on Outstanding Natural Landscapes and Outstanding Natural Features, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases.

“In cases where it is demonstrated that regionally significant infrastructure cannot avoid adverse effects on Outstanding Natural Landscapes and Outstanding Natural Features, avoid significant adverse effects and minimise other adverse effects on those landscapes and features.”

1280. We recognise that this leaves a potential policy gap for infrastructure that does not fall within the definition of regionally significant infrastructure. We consider the issues posed by such infrastructure are appropriately addressed in the more detailed provisions of Chapters 21 and 30. This is also consistent with our recommendation above that the former Rule 6.4.1.1 be converted to a new definition. As a result, the provision of infrastructure associated with subdivision and development will be considered at the same time as the development to which it relates.

1281. Submission 608⁷⁰² also sought a new policy providing for offsetting for wilding tree control within ONLs and ONFs. The submitter did not provide evidence supporting the suggested policy, relying on the reasons in its submission which, while advocating for the policy, did not explain how it would work in practice. Mr Barr recommended against its acceptance. As he put it, it seemed “the submitter wishes to trade the removal of a pest for accepting degradation of the landscape resource”. We agree. In the context of ONLs and ONFs, whose protection we are required to recognise and provide for, we would require considerable convincing that this is an appropriate policy response, including but not limited to a cogent section 32AA analysis, which the submitter did not provide.

⁷⁰¹ C180/99 at [72]

⁷⁰² Supported in FS1097 and FS1117; Opposed in FS1015 and FS1034

1282. Lastly under this heading, we note that Policy 6.3.1.7 as notified read:

“When locating urban growth boundaries or extending urban settlements through plan changes, avoid impinging on Outstanding Natural Landscapes or Outstanding Natural Features and minimise disruption to the values derived from open rural landscapes.”

1283. Mr Barr recommended a minor drafting change to this policy. For our part, and for the reasons discussed in our Chapter 4 report, we view this as a matter that is more appropriately dealt with in Chapter 4. We recommend that it be deleted from Chapter 6 and the submissions on it addressed in the context of Chapter 4.

1284. In summary, having reviewed the policies in this section, we consider that individually and collectively with the policies of Chapter 3 and those in the balance of this chapter, these policies are the most appropriate way, at a strategic level, to achieve the objectives in Chapter 3 relevant to use, development and protection of ONLs and ONFs – principally Objective 3.2.5.1, but also including Objectives 3.2.1.1, 3.2.1.7, 3.2.1.9, 3.2.3.1, 3.2.4.1 and 3.2.7.1.

8.7. Policies – Managing Activities in Rural Character Landscapes

1285. Policy 6.3.1.4, as notified, read:

“That subdivision and development proposals located within the Rural Landscape be assessed against the assessment matters in provisions 21.7.2 and 21.7.3 because subdivision and development is inappropriate in many locations in these landscapes, meaning successful applications will be, on balance, consistent with the assessment matters.”

1286. This policy attracted a large number of submissions. Submissions included:

- a. Seeking deletion of the policy⁷⁰³;
- b. That it refer only to assessment against the assessment matters⁷⁰⁴;
- c. Deleting reference to the assessment matters and providing for adverse effects to be avoided, remedied or mitigated⁷⁰⁵;
- d. Qualifying the application of the policy by reference to the requirements of regionally significant infrastructure⁷⁰⁶.

1287. Mr Barr recommended that the word *“inappropriate”* be substituted by *“unsuitable”* but otherwise did not recommend any changes to this policy.

1288. For the reasons set out above in relation to Policy 6.3.1.3, we do not support a policy cross referencing the assessment criteria. The reference point should be the objectives and policies of the PDP. We also do not support a policy that refers simply to avoidance, remediation or mitigation of adverse effects. For the reasons set out at the outset of this report, such a policy would provide no guidance, and would not be satisfactory.

1289. We accept that regionally significant infrastructure raises particular issues. We recommend that those issues be dealt with in new and separate policies, which will be discussed shortly.

⁷⁰³ Submission 806

⁷⁰⁴ Submissions 355, 761: Supported in FS1097; Opposed in FS1282 and FS1320

⁷⁰⁵ Submissions 437, 456, 513, 515, 522, 531, 532, 534, 535, 537, 608: Supported in FS1097, FS1256, FS1286, FS1292 and FS1322; Opposed in FS1034, FS1120 and FS1160

⁷⁰⁶ Submissions 635, 805: Opposed in FS1282

1290. We accept Mr Barr’s suggested minor drafting change.
1291. In summary, we recommend that Policy 6.3.1.4 be renumbered 6.3.19 and reworded as follows:
- “Recognise that subdivision and development is unsuitable in many locations in these landscapes and successful applications will need to be, on balance, consistent with the objectives and policies of the Plan.”*
1292. Policy 6.3.1.6, as notified, read:
- “Enable rural lifestyle living through applying Rural Lifestyle Zone and Rural Residential Zone plan changes in areas where the landscape can accommodate change”.*
1293. A number of submissions on this policy sought amendments so it would refer to *“rural living”* rather than *“rural lifestyle living”*, deleting specific reference to the Rural Residential and Rural Lifestyle Zones, and adding reference to *“carefully considered applications for subdivision and development for rural living”*, or similar descriptions.
1294. Millbrook Country Club⁷⁰⁷ sought to broaden the focus of the policy to include resort activities and development.
1295. Queenstown Park Ltd⁷⁰⁸ sought that reference be added to the positive effects derived from rural living.
1296. Mr Barr initially recommended some recognition for resort zone plan changes in his Section 42A Report, but when we discussed the matter with him, accepted that given there is no *“Resort Zone”* as such, the matter needed further consideration⁷⁰⁹.
1297. In his reply evidence, Mr Barr discussed the issue more generally. He characterised some of the planning evidence for submitters seeking to rely on the extent to which the landscape character of the Wakatipu Basin has been and will continue to be affected by consented development as reading like *‘the horse has bolted’* and that this position should be accepted. Mr Barr did not agree. He relied on Dr Read’s evidence where she had stated that the ODP had not succeeded in appropriately managing adverse cumulative effects. We asked Dr Read that specific question: whether the horse had bolted? She did not think so, or that management of the cumulative effects of rural living in the Wakatipu Basin was a lost cause, and neither do we⁷¹⁰. However, it is clearly an issue that requires careful management.
1298. Mr Barr recommended in his reply evidence that this policy be reframed as follows:
- “Encourage rural lifestyle and rural residential zone plan changes in preference to ad-hoc subdivision and development and ensure these occur in areas where the landscape can accommodate change.”*

⁷⁰⁷ Submission 696

⁷⁰⁸ Submission 806

⁷⁰⁹ Mr Chris Ferguson suggested in his evidence that the reference be to Special Zones for this reason

⁷¹⁰ That conclusion also accords with Mr Baxter’s evidence that while the Wakatipu Basin is not composed of working farms any more, lots of properties in the Basin still look like farms, from which we infer they still have an identifiably *‘rural’* character.

1299. We largely accept the thinking underpinning Mr Barr’s recommendation. It follows that we do not accept the many submissions insofar as they sought that reference be made to rural living being enabled through resource consent applications (the epitome of ad-hoc development). Indeed, this policy is focussing on plan changes as an appropriate planning mechanism, in preference to development by a resource consent application. If anything, we think that needs to be made clearer.
1300. We do not think that specific reference needs to be made to plan reviews as an alternative planning mechanism to plan changes (as suggested by Mr Ferguson). On any plan review including management of residential development in rural areas, all of these issues will be considered afresh.
1301. Ideally also, this policy would refer to the new zone (the Wakatipu Basin Lifestyle Precinct) proposed in the Stage 2 Variations, but we cannot presume that zoning will be confirmed after the hearing of submissions on the variations, and we lack jurisdiction to do so in any event.
1302. In summary, therefore, we recommend that Policy 6.3.1.6 be renumbered 6.3.20 and reworded as follows:
- “Encourage Rural Lifestyle and Rural Residential Zone Plan Changes as the planning mechanism to provide for any new rural lifestyle and rural residential developments in preference to ad-hoc subdivision and development and ensure these zones are located in areas where the landscape can accommodate the change.”*
1303. Policy 6.3.2.3 as notified read:
- “Recognise that proposals for residential subdivision or development in the Rural Zone that seek support from existing and consented subdivision or development have potential for adverse cumulative effects. Particularly where the subdivision and development would constitute sprawl along roads.”*
1304. Submissions on this policy included:
- Seeking deletion of the final sentence referring to sprawl along roads⁷¹¹;
 - Seeking to insert reference to inappropriate development in the Rural Zone⁷¹²;
 - Seeking to delete this policy and the one following it, and substitute a policy that would ensure incremental subdivision and development does not degrade landscape character or visual amenity values including as a result of ‘mitigation’ of adverse effects⁷¹³.
1305. When Mr Barr appeared, we asked him what the words “seeking support” were intended to refer to, and he explained that this was intended to be a reference to the “existing environment” principle recognised in the case law⁷¹⁴. In his reply evidence, Mr Barr sought to make this clearer. He also recommended acceptance of a submission seeking deletion of the last sentence of the Policy, given that it duplicates matters covered in Policy 6.3.2.4.

⁷¹¹ Submission 456

⁷¹² Submission 600: Supported in FS1209; Opposed in FS1034

⁷¹³ Submission 761: Opposed in FS1015

⁷¹⁴ Acknowledging the observations of the High Court in *Royal Forest and Bird Protection Society v Buller District Council* [2013] NZHC1324 at [13] and following regarding the inappropriateness of it as a description of the relevant legal principles.

1306. We largely accept Mr Barr’s recommendation. The exception is that we think that the reference to “*residential subdivision or development*” would benefit from clarification. The term ‘rural living’ was used extensively in the planning evidence we heard and we suggest that as an appropriate descriptor. We do not accept the suggestion in Submission 761 – for the reasons set out in our discussion of the appropriate strategic policy in Chapter 3 governing rural character landscapes, a general policy of ‘*no degradation*’ would in our view go too far.

1307. However, we think there is room for a more restrictive approach to ‘*mitigation*’ of proposed developments, which is also suggested in this submission, but which more properly relates to Policy 6.3.2.5. This is addressed shortly.

1308. In summary, we recommend Policy 6.3.2.3 be renumbered 6.3.21 and amended to read:

“Require that proposals for subdivision or development for rural living in the Rural Zone take into account existing and consented subdivision or development in assessing the potential for adverse cumulative effects.”

1309. Policy 6.3.2.4 as notified read:

“Have particular regard to the potential adverse effects on landscape character and visual amenity values from infill within areas with existing rural lifestyle development or where further subdivision and development would constitute sprawl along roads.”

1310. Apart from Submission 761 already noted, submissions included a suggestion that reference to infill be deleted⁷¹⁵.

1311. Mr Barr recommended that that submission be accepted. We agree. To the extent the policy seeks to manage the adverse effects of infill development, this is caught by Policy 6.3.2.3 (now 6.3.21) and as Mr Jeff Brown noted in his evidence, the assessment should be the same for ‘*infill*’ as for ‘*outfill*’. Accordingly, we recommend that the policy be renumbered 6.3.22 and worded:

“Have particular regard to the potential adverse effects on landscape, character and visual amenity values where further subdivision and development would constitute sprawl along roads.”

1312. Policy 6.3.2.5 as notified read:

“Ensure incremental changes from subdivision and development do not degrade landscape quality, character or openness as a result of activities associated with mitigation of the visual effects of a proposed development such as a screening planting, mounding and earthworks.”

1313. Submissions included:

- a. Seeking deletion of the policy⁷¹⁶;
- a. Seeking to delete or amend reference to “*openness*”⁷¹⁷;
- b. Amending the policy to require a significant effect or to focus on significant values⁷¹⁸;

⁷¹⁵ Submission 456

⁷¹⁶ Submission 378: Opposed in FS1049 and FS1282

⁷¹⁷ Submissions 437, 456: Supported in FS1097; Opposed in FS1160

⁷¹⁸ Submissions 598 and 621: Supported in FS1287; Opposed in FS1282

- c. Seeking that specific reference to mitigation be deleted⁷¹⁹
- d. Softening the policy to be less directive⁷²⁰.

1314. Mr Barr did not recommend any changes to the policy as notified.

1315. As noted above in the discussion of the relief sought in Submission 761, we take the view that ‘mitigation’ of adverse effects from subdivision and development should not be permitted itself to degrade important values. Clearly landscape quality and character qualify.

1316. The submissions challenging reference to openness in this context, however, make a reasonable point. The policy overlaps with others referring to openness and this duplication is undesirable. The submission of Hogans Gully Farming Ltd⁷²¹ suggested that “important views” be substituted. We regard this suggestion as having merit, since it captures an additional consideration.

1317. We also find the term “screening planting” difficult to understand. We think the intention is to refer to “screen planting”.

1318. In summary, therefore, we recommend that this policy be renumbered 6.3.23 and read:

“Ensure incremental changes from subdivision and development do not degrade the landscape quality or character, or important views, as a result of activities associated with mitigation of the visual effects of proposed development such as screen planting, mounding and earthworks.”

1319. As above, we recognise that provision also needs to be made for regionally significant infrastructure in the management of activities in RCLs. Many of the considerations discussed above in relation to recognising the role of infrastructure in relation to the ONL policies also apply although clearly, given the lesser statutory protection for RCLs, a more enabling policy is appropriate in this context.

1320. Having said that, we still regard it as appropriate that infrastructure providers should seek to avoid significant adverse effects on the character of RCLs.

1321. In summary, we recommend that two new policies be inserted in this part of the PDP numbered 6.3.24 and 25, reading:

“Locate, design, operate and maintain regionally significant infrastructure so as to seek to avoid significant adverse effects on the character of the landscape, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases.

In cases where it is demonstrated that regionally significant infrastructure cannot avoid significant adverse effects on the character of the landscape, such adverse effects shall be minimised.”

1322. Policy 6.3.5.2 as notified read:

⁷¹⁹ Submission 621: Opposed in FS1282

⁷²⁰ Submission 696

⁷²¹ Submission 456

“Avoid adverse effects from subdivision and development that are:

- *Highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); and*
- *Visible from public roads.”*

1323. Again, a large number of submissions were made on this policy. Most of those submissions sought that the policy provide for avoiding, remedying or mitigating adverse effects (paralleling the ODP in this regard). Some submissions⁷²² sought deletion of visibility from public roads as a test.

1324. One submitter⁷²³ sought greater clarity that this policy relates to subdivision and development on RCLs. Another submitter⁷²⁴ sought reference be inserted to *“inappropriate subdivision, use and development”*.

1325. Lastly, Transpower New Zealand Limited⁷²⁵ sought an explicit exclusion for regionally significant infrastructure.

1326. Having initially (in his Section 42A Report) recommended against any change to the notified policy, Mr Barr recommended in his reply evidence that this policy be qualified in two ways – first to provide for avoiding, remedying or mitigating adverse effects, and secondly to limit the policy to focussing on visibility from public *‘formed’* roads.

1327. We accept the point underlying the many submissions on this policy that avoiding adverse effects (given the clarification the Supreme Court has provided as to the meaning of *“avoid”* in *King Salmon*) poses too high a test when the precondition is whether a subdivision and development is visible from any public road. On the other hand, if the precondition is that the subdivision and development is *“highly visible”* from public places, we take the view that an avoidance approach is appropriate, because of the greater level of effect.

1328. The first bullet in Policy 6.3.5.2 also needs to be read in the light of the definition of trails, given that trails are excluded from the list of relevant public places.

1329. The current definition of trail reads:

“Means any public access route (excluding (a) roads and (b) public access easements created by the process of tenure review under The Crown Pastoral Land Act) legally created by way of grant of easement registered after 11 December 2007 for the purpose of providing public access in favour of the Queenstown Lakes District Council, the Crown or any of its entities.”

1330. There are no submissions on this definition. However, we consider clarification is desirable as to the exclusions noted (which are places, the visibility from which will be relevant to the application of notified Policy 6.3.4.2). Among other things, we recommend that the status of public access routes over reserves be clarified. Such access routes will not be the subject of a grant of easement and so this is not a substantive change.

⁷²² E.g. Submissions 513, 515, 531, 537, 608: Supported in FS1097, FS1256, FS1286 and FS1292; Opposed in FS1034

⁷²³ Submission 761: Opposed in FS1015

⁷²⁴ Submission 806

⁷²⁵ Submission 805

1331. In summary, we recommend to the Stream 10 Hearing Panel that the definition of trail be amended to read:

“Means any public access route legally created by way of a grant of easement registered after 11 December 2007 for the purpose of providing public access in favour of the Queenstown Lakes District Council, the Crown or any of its entities, and specifically excludes:

- a. Roads, including road reserves;*
- b. Public access easements created by the process of a tenure review under the Crown Pastoral Land Act; and*
- c. Public access routes over any reserve administered by Queenstown Lakes District Council, the Crown or any of its entities.”*

1332. Returning to Policy 6.3.4.2, Mr Goldsmith⁷²⁶ sought to justify constraining the policy to refer to public formed roads on the basis that the policy should not apply to roads that were not actually used. He accepted, however, that paper roads were used in the District as cycle routes and agreed that visibility from such routes was something the policy might focus on.

1333. For the same reason, we do not accept Mr Barr’s recommendation that the policy refer to public formed roads.

1334. Rather than insert an ‘avoid, remedy or mitigate’ type policy or some variation thereof (Mr Jeff Brown suggested “avoid or appropriately mitigate”), we prefer to provide greater direction by limiting the scope of the policy in other ways.

1335. Given that public roads are public places (and as such, would be used when testing whether a proposal would be highly visible), we recommend greater focus on narrowing the description of roads that are relevant for this aspect of the policy. To us, the key roads where visibility is important are those where the land adjoining the road forms the foreground for ONLs or ONFs. Effects on visual amenity from such roads are important because they diminish the visual amenity of the ONL or ONF.

1336. The second way in which we suggest the restrictiveness of the policy might be lessened is to make it clear that what is in issue are adverse effects on visual amenity, rather than any other adverse effects subdivision and development might have.

1337. Lastly, we recommend that the focus of the policy should be on subdivision, use and development as suggested in Submission 806. For the reasons set out above, we do not consider adding the word “inappropriate” would materially change the meaning of the policy.

1338. In summary, we recommend that Policy 6.3.5.2 be renumbered 6.3.26 and amended to read:

“Avoid adverse effects on visual amenity from subdivision, use and development that:

- a. is highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); or*
- b. forms the foreground for an Outstanding Natural Landscape or Outstanding Natural Feature when viewed from public roads.”*

1339. Policies 6.3.5.3 and 6.3.5.6 both deal with the concept of openness. As notified, they read:

⁷²⁶ Then appearing for GW Stalker Family Trust (Submission 535) and others.

“6.3.5.3 Avoiding planting and screening, particularly along roads and boundaries, which would degrade openness where such openness is an important part of the landscape, quality or character;

6.3.5.6 Have regard to the adverse effects from subdivision and development on the open landscape character where it is open at present.”

1340. Submissions on Policy 6.3.5.3 included:
- a. Seeking amendment to refer to significant adverse effects on existing open landscape character⁷²⁷;
 - b. Seeking to substitute reference to views rather than openness, combined with emphasising that it is the appreciation of landscape quality or character which is important⁷²⁸;
 - c. Seeking to reframe the policy to be enabling of planting and screening where it contributes to landscape quality or character⁷²⁹.
1341. Many submitters sought deletion of the policy in the alternative. One submitter⁷³⁰ sought that reference be made to inappropriate subdivision use and development.
1342. A similar range of submissions were made on Policy 6.3.5.6.
1343. A number of parties appearing before us on these policies emphasised to us the finding of the Environment Court in its 1999 ODP decision that protection of the open character of landscape should be limited to ONLs and ONFs and that non-outstanding landscapes might be improved both aesthetically and ecologically by appropriate planting⁷³¹.
1344. We note that the Court also mentioned views from scenic roads as an exception which might justify constraints on planting, so clearly in the Court’s mind, it was not a legal principle that admitted of no exceptions.
1345. More generally, we think that open landscape character is not just an issue of views as many submitters suggest, although clearly views are important to visual amenity, and that a differentiation needs to be made between the floor of the Wakatipu Basin, on the one hand, and the Upper Clutha Basin on the other. It appears to us that the Environment Court’s comments were made in the context of evidence (and argument) regarding the Wakatipu Basin. In that context, and on the evidence we heard, the focus should be on openness where it is important to landscape character (i.e. applying notified policy 6.3.5.3). We note that the Stage 2 Variations provide detailed guidance of the particular landscape values of different parts of the Wakatipu Basin.
1346. Dr Read identified the different landscape character of the Wakatipu Basin compared to the Upper Clutha Basin in her evidence, with the former being marked by much more intensive use and development, as well as being more enclosed, whereas the Upper Clutha Basin is marked by more extensive farming activities and is much bigger. She noted though that on

⁷²⁷ Submission 356: Supported in FS1097

⁷²⁸ Submissions 437, 456, 513, 515, 522, 531, 537, 608: Supported in FS1097, FS1256, FS1286 and FS1292; Opposed in FS1034

⁷²⁹ Submission 806

⁷³⁰ Submission 513

⁷³¹ C180/99 at [154]

the Hawea Flat, existing shelter belts mean that while more open, the Upper Clutha Basin is not as open as one might think.

1347. In summary, we recommend that Policies 6.3.5.3 and 6.3.5.6 be renumbered 6.3.27 and 6.3.28 and amended to read as follows:

“In the Wakatipu Basin, avoid planting and screening, particularly along roads and boundaries, that would degrade openness where such openness is an important part of its landscape quality or character.”

In the Upper Clutha Basin, have regard to the adverse effects from subdivision and development on the open landscape character where it is open at present.”

1348. Policy 6.3.5.5 as notified read:

“Encourage development to utilise shared accesses and infrastructure, to locate within the parts of the site where they will be least visible, and have the least disruption of the landform and rural character.”

1349. Submissions on this policy sought variously, qualification to reflect what is operationally and technical feasible⁷³² and to delete reference to visibility substituting reference to minimising or mitigating disruption to natural landforms and rural character⁷³³.

1350. Mr Barr recommended acceptance of the substance of the latter submission. We agree. Visibility is dealt with by other policies and should not be duplicated in this context. However, saying both minimise or mitigate would make the policy unclear. Consistent with the existing wording, minimisation is the correct focus.

1351. We do not consider that qualification is necessary to refer to operational and technical feasibility given that the policy only seeks to encourage the desired outcomes.

1352. We do accept, however, that the focus should be on ‘natural’ landforms, as opposed to any landforms that might have been created artificially.

1353. In summary, we recommend that Policy 6.3.5.5 be renumbered 6.3.29 and amended to read:

“Encourage development to utilise shared accesses and infrastructure, and to locate within the parts of the site where it will minimise disruption to the natural landform and to rural character.”

1354. Policy 6.3.4.1 as notified read:

“Avoid subdivision and development that would degrade the important qualities of the landscape, character and amenity, particularly where there is little or no capacity to absorb change. “

1355. While Mr Barr recommended that this policy be retained as is, the amendments we have recommended to notified Policy 6.3.1.3 (in relation to ONLs and ONFs) means that Policy

⁷³² Submission 635

⁷³³ Submission 836: Supported in FS1097

- 6.3.4.1 no longer serves a useful purpose. Accordingly, it should be deleted as a consequential change.
1356. The same reasoning prompts us to recommend deletion of Policy 6.3.1.11 which as notified, read:
- “Recognise the importance of protecting the landscape character and visual amenity values particularly as viewed from public places.”*
1357. This policy has effectively been overtaken by the package of policies we have recommended and should be deleted as a consequential change.
1358. Policy 6.3.1.11 was almost identical to notified Policy 6.3.4.3 which read:
- “Have regard to adverse effects on landscape character and visual amenity values as viewed from public places, with emphasis on views from formed roads.”*
1359. It too should be deleted as a consequential change.
1360. Policy 6.3.5.1 as notified read:
- “Allow subdivision and development only where it will not degrade landscape quality or character, or diminish the visual amenity values identified for any Rural Landscape.”*
1361. While Mr Barr recommended that this policy remain as is, it overlaps (and conflicts) with Policy 3.3.32 that we have recommended.
1362. Accordingly, we recommend that this policy be deleted as a consequential change.
1363. Lastly, under this heading, we should discuss Policies 6.3.2.1 and 6.3.2.2, which relate to residential development in the rural zones. As notified, these policies read respectively:
- “Acknowledge that subdivision and development in the rural zones, specifically residential development, has a finite capacity if the District’s landscape quality, character and amenity values are to be sustained.*
- Allow residential subdivision only in locations where the District’s landscape character and visual amenity would not be degraded.”*
1364. While Mr Barr recommended that these policies be retained, we have a number of issues with them. As discussed in the context of Objective 3.2.5.2, a Plan provision referring to finite capacity for development is of little use without a statement as to where the line is drawn, and where existing development is in relation to the line. More materially, the two policies purport to govern development across the rural zones and therefore encompasses ONLs, ONFs and Rural Character Landscapes. We have endeavoured to emphasise the different tests that need to be applied, depending on whether a landscape is an ONL (or ONF) or not.
1365. Last but not least, these policies overlap (and in some respects conflict) with other policies we have recommended in Chapter 3 (specifically 3.3.21-23, 3.3.30 and 3.3.32) and in Chapter 6 (specifically 6.3.12). Therefore, we recommend they be deleted.

1366. In summary, having reviewed the policies in this section, we consider that individually and collectively with the policies of Chapter 3 and the balance of this chapter, these policies are the most appropriate way, at a strategic level, to achieve the objectives in Chapter 3 relevant to use, development and protection of landscapes that are not ONLs or ONFs – principally Objective 3.2.5.2 but also including Objectives 3.2.1.1, 3.2.1.7, 3.2.1.8, 3.2.1.9, 3.2.3.1, 3.2.4.1 and 3.2.7.1.

8.8. Policies – Managing Activities on Lakes and Rivers

1367. Policy 6.3.6.1 as notified read:

“Control the location, intensity and scale of buildings, jetties, moorings and utility structures on the surface and margins of water bodies and ensure these structures maintain or enhance the landscape quality, character and amenity values.”

1368. Submissions on this policy sought variously:

- a. Qualification of amenity values to refer to *“visual amenity values”*⁷³⁴;
- a. Deletion of the latter part of the policy identifying the nature of the controls intended⁷³⁵;
- b. Qualifying the reference to enhancement so that it occurs *“where appropriate”*⁷³⁶;
- c. Qualifying the policy so it refers to management rather than controlling, identifies the importance of lakes and rivers as a resource and refers to avoiding, remedying or mitigating effects⁷³⁷.

1369. Mr Barr recommended that the word *“infrastructure”* be substituted for utility structures as the only suggested change to this policy. This is more consistent with the terminology of the PDP and we do not regard it as a substantive change.

1370. Against the background of recommended Objective 3.2.4.3, which seeks that the natural character of the beds and margins of lakes, rivers and wetlands is preserved or enhanced, it is appropriate that buildings on the surface and margins of water bodies are controlled so as to assist achievement of the objective. For the same reason, a generalised *“avoid, remedy or mitigate”* policy is not adequate.

1371. We also do not consider that adding the words *“where appropriate”* will provide any additional guidance to the application of the policy.

1372. Further, we do not agree that reference to amenity values should be qualified and restricted to just visual amenity. To make that point clear requires a minor drafting change.

1373. We also recommend that the word *“the”* before landscape be deleted to avoid any ambiguity as to which values are in issue. Again, we consider that this is a minor non-substantive change.

1374. In summary, we recommend that these, together with the drafting change suggested by Mr Barr be the only substantive amendments, with the result that the policy, now renumbered 6.3.30, would read as follows:

⁷³⁴ Submission 110

⁷³⁵ Submission 621

⁷³⁶ Submission 635

⁷³⁷ Submission 766 and 806: Supported in FS1341

“Control the location, intensity and scale of buildings, jetties, moorings and infrastructure on the surface and margins of water bodies and ensure these structures maintain or enhance landscape quality and character, and amenity values.”

1375. Policy 6.3.6.2 as notified read:

“Recognise the character of the Frankton Arm including the established jetties and provide for these on the basis that the visual qualities of the District’s distinctive landscapes are maintained and enhanced.”

1376. Submissions on this policy included:

- a. A request to refer to the *“modified”* character of the Arm and to delete reference to how the Arm should be managed⁷³⁸.
- b. A request to provide greater guidance as to how this policy will be applied to applications for new structures and activities and to support the importance of providing a water based public transport system⁷³⁹

1377. Mr Barr did not recommend any change to this policy.

1378. We consider that, as with Policy 6.3.6.1, the relief suggested in Submission 621 would not be consistent with Objective 3.2.4.5. Having said that, to the extent that the existing character of the Frankton Arm is modified, the policy already provides for that. To the extent that other submissions seek greater guidance on how this policy might be applied, it is supplemented by more detailed provisions in the Rural Zone Chapter.

1379. Accordingly, we do not recommend any changes to this policy other than to renumber it 6.3.31.

1380. Policy 6.3.6.3 as notified read:

“Recognise the urban character of Queenstown Bay and provide for structures and facilities providing they protect, maintain or enhance the appreciation of the District’s distinct landscapes.”

1381. Submissions on this policy sought to delete the proviso⁷⁴⁰ and to seek additional guidance along the same lines as sought for the previous policy⁷⁴¹

1382. Mr Barr did not recommend any change.

1383. With one minor exception, we agree. A policy that recognises and provides for something with no indication of the extent of that provision is not satisfactory, as it provides no guidance to the implementation of the PDP. However, as with the previous policy, more detailed guidance is provided in the relevant zone chapter⁷⁴².

⁷³⁸ Submission 621

⁷³⁹ Submissions 766 and 806: Supported in FS1341

⁷⁴⁰ Submission 621

⁷⁴¹ Submissions 766, 608 and 806: Supported in FS1341

⁷⁴² Chapter 12: Queenstown Town Centre Zone

1384. The exception noted above relates to the reference to “*distinct*” landscapes in the policy. This appears to be a typographical error. The term should be “*distinctive*”. Correcting that error, the policy we recommend, renumbered 6.3.31, is:

“Recognise the urban character of Queenstown Bay and provide for structures and facilities providing they protect, maintain or enhance the appreciation of the District’s distinctive landscapes.”

1385. It is notable that the three policies we have just reviewed under the heading Lakes and Rivers all relate to structures and other facilities on the surface and margins of the District’s water bodies. There is no policy specifically relating to the use of the surface of the District’s water bodies. That omission was the subject of comment in the evidence. We have already discussed the submission of Kawarau Jet Services Limited⁷⁴³ seeking a new policy worded:

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

1386. In the part of this report discussing Chapter 3⁷⁴⁴, we said that we thought it appropriate that commercial recreation activities in rural areas be addressed there and that the specific issue of commercial recreation activities on the District’s waterways be addressed in Chapter 6. We also note the submission of Real Journeys Limited⁷⁴⁵ seeking, as part of greater recognition for tourism activities at a policy level, protection for “*existing transport routes and access to key visitor attractions from incompatible uses and development of land and water*”.

1387. Mr Ben Farrell provided evidence on this submission. Mr Farrell supported the concept proposed in the Real Journeys’ submission that there be a separate chapter for water, as he described it, “*to more appropriately recognise and provide for the significance of fresh water*”.

1388. When Mr Farrell appeared at the hearing in person, he clarified that what he was suggesting was greater emphasis on water issues and that this might be achieved either by a separate chapter, or at least a separate suite of provisions. He summarised his position as being one where he was not seeking substantive change in the provisions, but rather to focus attention on it as an issue. He noted specifically that the landscape provisions seemed silent on water.

1389. We concur that there appears insufficient emphasis on water issues in Chapter 6. We have endeavoured to address that by appropriate headings, but we think that the Kawarau Jet submission points the way to a need to address both recreational and commercial use of the District’s waterways in policy terms.

1390. Having said that, we think that there are flaws with the relief Kawarau Jet has sought. As the Real Journeys’ submission indicates, one of the issues that has to be confronted in the implementation of the PDP is competition for access to the District’s waterways. A policy providing for a range of activities on lakes and rivers could be read as implying that every waterway needs to accommodate a range of activities, whereas the reality is that in many situations, access is constrained because the waterways in question are not of sufficient breadth or depth to accommodate all potential users.

⁷⁴³ Submission 307

⁷⁴⁴ Refer Section 3.14 above

⁷⁴⁵ Submission 621

1391. The Kawarau Jet submission does not provide a sufficient jurisdictional basis for us to recommend direction on how these issues should be resolved. The Real Journeys’ submission gets closer to the point, but only addresses some of the issues. One point that can be made is that any general policy is not intended to cut across the more detailed policies already governing structures. Other than that however, while we would prefer a more directive policy, we have concluded that the best that can be done in the context of Chapter 6 is a policy that provides a framework for more detailed provisions in Chapters 12 and 21.
1392. We also do not consider that commercial use should be limited to commercial recreation – that would exclude water taxis and ferry services, and we do not consider there is a case for doing that.
1393. Accordingly, we recommend a new policy numbered 6.3.33, worded as follows:
- “Provide for appropriate commercial, and recreational activities on the surface of water bodies that do not involve construction of new structures.”*
1394. Contact Energy⁷⁴⁶ sought a new policy, seeking to recognise changes to landscape values on a seasonal basis resulting from electricity generation facilities. The submitter’s focus is obviously on changes to levels and flows in Lake Hawea and the Hawea River resulting from operation of the Hawea Control Structure. Those activities are regional council matters and we do not consider the proposed policy is required in this context.
1395. In summary, within the jurisdictional limits we are working within, we consider that the policies we have recommended in relation to lakes and rivers are the most appropriate way, at a strategic level, to achieve the objectives of Chapter 3 applying to waterways – specifically Objectives 3.2.1.1, 3.2.1.7, 3.2.4.1, 3.2.4.3, 3.2.4.4, 3.2.5.1 and 3.2.5.2.
1396. We have also stood back and reflected on the policies and other provisions of Chapter 6 as a whole. For the reasons set out above, we consider that individually and collectively the policies are the provisions recommended represent the most appropriate way to achieve the objectives of Chapter 3 relevant to landscape and rural character.

9. PART D RECOMMENDATIONS

1397. As with Chapters 3 and 4, Appendix 1 contains our recommended Chapter 6.
1398. In addition, we recommend⁷⁴⁷ that the Stream 10 Hearing Panel consider addition of a new definition of ‘subdivision and development’ be inserted in Chapter 2, worded as follows:
- “Subdivision and Development - includes subdivision, identification of building platforms, any buildings and associated activities such as roading, earthworks, lighting, landscaping, planting and boundary fencing and access/gateway structures”.*
1399. We also recommend⁷⁴⁸ the Stream 10 Hearing Panel consider amendment of the existing definition of ‘trail’ as follows:

⁷⁴⁶ Submission 580: Opposed in FS1040

⁷⁴⁷ Refer the discussion of this point at Section 8.4 above.

⁷⁴⁸ Refer in this instance to Section 8.7above.

Trail – means any public access route legally created by way of a grant of easement registered after 11 December 2007 for the purpose of providing public access in favour of the Queenstown Lakes District Council, the Crown or any of its entities, and specifically excludes:

- a. roads, including road reserves;
- d. public access easements created by the process of tenure review under the Crown Pastoral Land Act; and
- e. public access routes over any reserve administered by Queenstown Lakes District Council, the Crown or any of its entities

PART E: OVERALL RECOMMENDATIONS

1400. For the reasons we have set out above, we recommend to the Council that:
- a. Chapter 3 be adopted in the form set out in Appendix 1;
 - b. Chapter 4 be adopted in the form set out in Appendix 2;
 - c. Chapter 6 be adopted in the form set out in Appendix 3; and
 - d. The relevant submissions and further submissions be accepted, accepted in part or rejected as set out in Appendix 4.
1401. We also recommend to the Stream 10 Hearing Panel that the definitions discussed above of the terms:
- a. nature conservation values;
 - b. regionally significant infrastructure;
 - c. urban development;
 - d. resort;
 - e. subdivision and development; and
 - f. trail

be included in Chapter 2 for the reasons set out in our report.

For the Hearing Panel

A handwritten signature in blue ink, appearing to read 'Nugent', is written over a light blue circular stamp.

Denis Nugent, Chair
Date: 16 March 2018

Appendix 1: Chapter 3 as Recommended

3 STRATEGIC DIRECTION



This chapter sets out the over-arching strategic direction for the management of growth, land use and development in a manner that ensures sustainable management of the Queenstown Lakes District's special qualities:

- a. dramatic alpine landscapes free of inappropriate development;
- b. clean air and pristine water;
- c. vibrant and compact town centres;
- d. compact and connected settlements that encourage public transport, biking and walking;
- e. diverse, resilient, inclusive and connected communities;
- f. a district providing a variety of lifestyle choices;
- g. an innovative and diversifying economy based around a strong visitor industry;
- h. a unique and distinctive heritage;
- i. distinctive Ngāi Tahu values, rights and interests.

The following issues need to be addressed to enable the retention of these special qualities:

- a. Issue 1: Economic prosperity and equity, including strong and robust town centres, requires economic diversification to enable the social and economic wellbeing of people and communities.
- b. Issue 2: Growth pressure impacts on the functioning and sustainability of urban areas, and risks detracting from rural landscapes, particularly its outstanding landscapes.
- c. Issue 3: High growth rates can challenge the qualities that people value in their communities.
- d. Issue 4: The District's natural environment, particularly its outstanding landscapes, has intrinsic qualities and values worthy of protection in their own right, as well as offering significant economic value to the District.
- e. Issue 5: The design of developments and environments can either promote or weaken safety, health and social, economic and cultural wellbeing.
- f. Issue 6: Tangata Whenua status and values require recognition in the District Plan.

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

3.2 Strategic Objectives

3.2.1 The development of a prosperous, resilient and equitable economy in the District. (addresses Issue 1)

- 3.2.1.1** The significant socioeconomic benefits of well designed and appropriately located visitor industry facilities and services are realised across the District.
- 3.2.1.2** The Queenstown and Wanaka town centres¹ are the hubs of New Zealand's premier alpine visitor resorts and the District's economy.
- 3.2.1.3** The Frankton urban area functions as a commercial and industrial service centre, and provides community facilities, for the people of the Wakatipu Basin.
- 3.2.1.4** The key function of the commercial core of Three Parks is focused on large format retail development.
- 3.2.1.5** Local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka town centres², Frankton and Three Parks, are sustained.
- 3.2.1.6** Diversification of the District's economic base and creation of employment opportunities through the development of innovative and sustainable enterprises.
- 3.2.1.7** Agricultural land uses consistent with the maintenance of the character of rural landscapes and significant nature conservation values are enabled. (also elaborates on SO 3.2.4 and 3.2.5 following)
- 3.2.1.8** Diversification of land use in rural areas beyond traditional activities, including farming, provided that the character of rural landscapes, significant nature conservation values and Ngāi Tahu values, interests and customary resources, are maintained. (also elaborates on S.O.3.2.5 following)
- 3.2.1.9** Infrastructure in the District that is operated, maintained, developed and upgraded efficiently and effectively to meet community needs and to maintain the quality of the environment. (also elaborates on S.O. 3.2.2 following)

¹ Defined by the extent of the Town Centre Zone in each case

² Defined by the extent of the Town Centre Zone in each case

3.2.2 Urban growth is managed in a strategic and integrated manner. (addresses Issue 2)

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

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

(also elaborates on S.O. 3.2.3, 3.2.5 and 3.2.6 following)

3.2.3 A quality built environment taking into account the character of individual communities. (addresses Issues 3 and 5)

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

3.2.4 The distinctive natural environments and ecosystems of the District are protected. (addresses Issue 4)

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

3.2.4.2 The spread of wilding exotic vegetation is avoided.

3.2.4.3 The natural character of the beds and margins of the District's lakes, rivers and wetlands is preserved or enhanced.

3.2.4.4 The water quality and functions of the District's lakes, rivers and wetlands are maintained or enhanced.

3.2.4.5 Public access to the natural environment is maintained or enhanced.

3.2.5 The retention of the District’s distinctive landscapes. (addresses Issues 2 and 4)

- 3.2.5.1** The landscape and visual amenity values and the natural character of Outstanding Natural Landscapes and Outstanding Natural Features are protected from adverse effects of subdivision, use and development that are more than minor and/or not temporary in duration.
- 3.2.5.2** The rural character and visual amenity values in identified Rural Character Landscapes are maintained or enhanced by directing new subdivision, use or development to occur in those areas that have the potential to absorb change without materially detracting from those values.

3.2.6 The District’s residents and communities are able to provide for their social, cultural and economic wellbeing and their health and safety. (addresses Issues 1 and 6)

3.2.7 The partnership between Council and Ngāi Tahu is nurtured. (addresses Issue 6).

- 3.2.7.1** Ngāi Tahu values, interests and customary resources, including taonga species and habitats, and wahi tupuna, are protected.
- 3.2.7.2** The expression of kaitiakitanga is enabled by providing for meaningful collaboration with Ngāi Tahu in resource management decision making and implementation.

3.3 Strategic Policies

Visitor Industry

- 3.3.1** Make provision for the visitor industry to maintain and enhance attractions, facilities and services within the Queenstown and Wanaka town centre areas and elsewhere within the District’s urban areas and settlements at locations where this is consistent with objectives and policies for the relevant zone. (relevant to S.O. 3.2.1.1 and 3.2.1.2)

Town Centres and other Commercial and Industrial Areas

- 3.3.2** Provide a planning framework for the Queenstown and Wanaka town centres that enables quality development and enhancement of the centres as the key commercial, civic and cultural hubs of the District, building on their existing functions and strengths. (relevant to S.O. 3.2.1.2)

- 3.3.3** Avoid commercial zoning that could undermine the role of the Queenstown and Wanaka town centres as the primary focus for the District's economic activity. (relevant to S.O. 3.2.1.2)
- 3.3.4** Provide a planning framework for the Frankton urban area that facilitates the integration of the various development nodes. (relevant to S.O. 3.2.1.3)
- 3.3.5** Recognise that Queenstown Airport makes an important contribution to the prosperity and resilience of the District. (relevant to S.O. 3.2.1.3)
- 3.3.6** Avoid additional commercial zoning that will undermine the function and viability of the Frankton commercial areas as the key service centre for the Wakatipu Basin, or which will undermine increasing integration between those areas and the industrial and residential areas of Frankton. (relevant to S.O. 3.2.1.3)
- 3.3.7** Provide a planning framework for the commercial core of Three Parks that enables large format retail development. (relevant to S.O. 3.2.1.4)
- 3.3.8** Avoid non-industrial activities not ancillary to industrial activities occurring within areas zoned for industrial activities. (relevant to S.O. 3.2.1.3 and 3.2.1.5)
- 3.3.9** Support the role township commercial precincts and local shopping centres fulfil in serving local needs by enabling commercial development that is appropriately sized for that purpose. (relevant to S.O. 3.2.1.5)
- 3.3.10** Avoid commercial rezoning that would undermine the key local service and employment function role that the centres outside of the Queenstown and Wanaka town centres, Frankton and Three Parks fulfil. (relevant to S.O. 3.2.1.5)
- 3.3.11** Provide for a wide variety of activities and sufficient capacity within commercially zoned land to accommodate business growth and diversification. (relevant to S.O. 3.2.1.1, 3.2.1.2, 3.2.1.5, 3.2.1.6 and 3.2.1.9)
- Climate Change**
- 3.3.12** Encourage economic activity to adapt to and recognise opportunities and risks associated with climate change.
- Urban Development**
- 3.3.13** Apply Urban Growth Boundaries (UGBs) around the urban areas in the Wakatipu Basin (including Jack's Point), Wanaka and Lake Hawea Township. (relevant to S.O. 3.2.2.1)
- 3.3.14** Apply provisions that enable urban development within the UGBs and avoid urban development outside of the UGBs. (relevant to S.O. 3.2.1.8, 3.2.2.1, 3.2.3.1, 3.2.5.1 and 3.2.5.2)
- 3.3.15** Locate urban development of the settlements where no UGB is provided within the land zoned for that purpose. (relevant to S.O. 3.2.1.8, 3.2.2.1, 3.2.3.1, 3.2.5.1 and 3.2.5.2)
- Heritage**
- 3.3.16** Identify heritage items and ensure they are protected from inappropriate development. (relevant to S.O. 3.2.2.1, and 3.2.3.1)

Natural Environment

- 3.3.17** Identify areas of significant indigenous vegetation and significant habitats of indigenous fauna, as Significant Natural Areas on the District Plan maps (SNAs). (relevant to S.O. 3.2.1.7, 3.2.1.8, 3.2.4.1, 3.2.4.3 and 3.2.4.4)
- 3.3.18** Protect SNAs from significant adverse effects and ensure enhanced indigenous biodiversity outcomes to the extent that other adverse effects on SNAs cannot be avoided or remedied. (relevant to S.O. 3.2.1.7, 3.2.1.8, 3.2.4.1, 3.2.1.2, 3.2.4.3 and 3.2.4.4)
- 3.3.19** Manage subdivision and / or development that may have adverse effects on the natural character and nature conservation values of the District's lakes, rivers, wetlands and their beds and margins so that their life-supporting capacity and natural character is maintained or enhanced. (relevant to S.O. 3.2.1.8, 3.2.4.1, 3.2.4.3, 3.2.4.4, 3.2.5.1 and 3.2.5.2)

Rural Activities

- 3.3.20** Enable continuation of existing farming activities and evolving forms of agricultural land use in rural areas except where those activities conflict with significant nature conservation values or degrade the existing character of rural landscapes. (relevant to S.O. 3.2.1.7, 3.2.5.1 and 3.2.5.2)
- 3.3.21** Recognise that commercial recreation and tourism related activities seeking to locate within the Rural Zone may be appropriate where these activities enhance the appreciation of landscapes, and on the basis they would protect, maintain or enhance landscape quality, character and visual amenity values. (relevant to S.O. 3.2.1.1, 3.2.1.8, 3.2.5.1 and 3.2.5.2)
- 3.3.22** Provide for rural living opportunities in areas identified on the District Plan maps as appropriate for rural living developments. (relevant to S.O. 3.2.1.7, 3.2.5.1 and 3.2.5.2)
- 3.3.23** Identify areas on the District Plan maps that are not within Outstanding Natural Landscapes or Outstanding Natural Features and that cannot absorb further change, and avoid residential development in those areas. (relevant to S.O. 3.2.1.8 and 3.2.5.2)
- 3.3.24** Ensure that cumulative effects of new subdivision and development for the purposes of rural living does not result in the alteration of the character of the rural environment to the point where the area is no longer rural in character. (relevant to S.O. 3.2.1.8, 3.2.5.1 and 3.2.5.2)
- 3.3.25** Provide for non-residential development with a functional need to locate in the rural environment, including regionally significant infrastructure where applicable, through a planning framework that recognises its locational constraints, while ensuring maintenance and enhancement of the rural environment. (relevant to S.O. 3.2.1.8, 3.2.1.9, 3.2.5.1 and 3.2.5.2)
- 3.3.26** That subdivision and / or development be designed in accordance with best practice land use management so as to avoid or minimise adverse effects on the water quality of lakes, rivers and wetlands in the District. (relevant to S.O. 3.2.1.8, 3.2.4.1 and 3.2.4.3)
- 3.3.27** Prohibit the planting of identified exotic vegetation with the potential to spread and naturalise unless spread can be acceptably managed for the life of the planting. (relevant to S.O.3.2.4.2)
- 3.3.28** Seek opportunities to provide public access to the natural environment at the time of plan change, subdivision or development. (relevant to S.O.3.2.4.6)

Landscapes

- 3.3.29** Identify the District’s Outstanding Natural Landscapes and Outstanding Natural Features on the District Plan maps. (relevant to S.O.3.2.5.1)
- 3.3.30** Avoid adverse effects on the landscape and visual amenity values and natural character of the District’s Outstanding Natural Landscapes and Outstanding Natural Features that are more than minor and or not temporary in duration. (relevant to S.O.3.2.5.1)
- 3.3.31** Identify the District’s Rural Character Landscapes on the District Plan maps. (relevant to S.O.3.2.5.2)
- 3.3.32** Only allow further land use change in areas of the Rural Character Landscapes able to absorb that change and limit the extent of any change so that landscape character and visual amenity values are not materially degraded. (relevant to S.O. 3.2.19 and 3.2.5.2)

Cultural Environment

- 3.3.33** Avoid significant adverse effects on wāhi tūpuna within the District. (relevant to S.O.3.2.7.1)
- 3.3.34** Avoid remedy or mitigate other adverse effects on wāhi tūpuna within the District. (relevant to S.O.3.2.7.1)
- 3.3.35** Manage wāhi tūpuna within the District, including taonga species and habitats, in a culturally appropriate manner through early consultation and involvement of relevant iwi or hapū. (relevant to S.O.3.2.7.1 and 3.2.7.2)

Appendix 2: Chapter 4 as Recommended

4 URBAN DEVELOPMENT

4.1 Purpose

The purpose of this Chapter is to set out the objectives and policies for managing the spatial location and layout of urban development within the District. This chapter forms part of the strategic intentions of this District Plan and will guide planning and decision making for the District's major urban settlements and smaller urban townships. This chapter does not address site or location specific physical aspects of urban development (such as built form) - reference to zone and District wide chapters is required for these matters.

The District experiences considerable growth pressures. Urban growth within the District occurs within an environment that is revered for its natural amenity values, and the District relies, in large part for its social and economic wellbeing on the quality of the landscape, open spaces and the natural and built environment. If not properly controlled, urban growth can result in adverse effects on the quality of the built environment, with flow on effects to the impression and enjoyment of the District by residents and visitors. Uncontrolled urban development can result in the fragmentation of rural land; and poses risks of urban sprawl, disconnected urban settlements and a poorly coordinated infrastructure network. The roading network of the District is under some pressure and more low density residential development located remote from employment and service centres has the potential to exacerbate such problems.

The objectives and policies for Urban Development provide a framework for a managed approach to urban development that utilises land and resources in an efficient manner, and preserves and enhances natural amenity values. The approach seeks to achieve integration between land use, transportation, services, open space networks, community facilities and education; and increases the viability and vibrancy of urban areas.

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

4.2 Objectives and Policies

4.2.1 **Objective - Urban Growth Boundaries used as a tool to manage the growth of larger urban areas within distinct and defensible urban edges. (from Policies 3.3.12 and 3.3.13)**

Policies	4.2.1.1	Define Urban Growth Boundaries to identify the areas that are available for the growth of the main urban settlements.
	4.2.1.2	Focus urban development on land within and at selected locations adjacent to the existing larger urban settlements and to a lesser extent, accommodate urban development within smaller rural settlements.
	4.2.1.3	Ensure that urban development is contained within the defined Urban Growth Boundaries, and that aside from urban development within existing rural settlements, urban development is avoided outside of those boundaries.

4.2.1.4 Ensure Urban Growth Boundaries encompass a sufficient area consistent with:

- a. the anticipated demand for urban development within the Wakatipu and Upper Clutha Basins over the planning period assuming a mix of housing densities and form;
- b. ensuring the ongoing availability of a competitive land supply for urban purposes;
- c. the constraints on development of the land such as its topography, its ecological, heritage, cultural or landscape significance; or the risk of natural hazards limiting the ability of the land to accommodate growth;
- d. the need to make provision for the location and efficient operation of infrastructure, commercial and industrial uses, and a range of community activities and facilities;
- e. a compact and efficient urban form;
- f. avoiding sporadic urban development in rural areas;
- g. minimising the loss of the productive potential and soil resource of rural land.

4.2.1.5 When locating Urban Growth Boundaries or extending urban settlements through plan changes, avoid impinging on Outstanding Natural Landscapes or Outstanding Natural Features and minimise degradation of the values derived from open rural landscapes

4.2.1.6 Review and amend Urban Growth Boundaries over time, as required to address changing community needs.

4.2.1.7 Contain urban development of existing rural settlements that have no defined Urban Growth Boundary within land zoned for that purpose.

4.2.2A Objective - A compact and integrated urban form within the Urban Growth Boundaries that is coordinated with the efficient provision and operation of infrastructure and services.

4.2.2B Objective - Urban development within Urban Growth Boundaries that maintains and enhances the environment and rural amenity and protects Outstanding Natural Landscapes and Outstanding Natural Features, and areas supporting significant indigenous flora and fauna. (From Policy 3.3.13, 3.3.17, 3.3.29)

Policies **4.2.2.1** Integrate urban development with the capacity of existing or planned infrastructure so that the capacity of that infrastructure is not exceeded and reverse sensitivity effects on regionally significant infrastructure are minimised.

4.2.2.2 Allocate land within Urban Growth Boundaries into zones which are reflective of the appropriate land use having regard to:

- a. its topography;
- b. its ecological, heritage, cultural or landscape significance if any;
- c. any risk of natural hazards, taking into account the effects of climate change;
- d. connectivity and integration with existing urban development;
- e. convenient linkages with public transport;
- f. the need to provide a mix of housing densities and forms within a compact and integrated urban environment;
- g. the need to make provision for the location and efficient operation of regionally significant infrastructure;
- h. the need to provide open spaces and community facilities that are located and designed to be safe, desirable and accessible;
- i. the function and role of the town centres and other commercial and industrial areas as provided for in Chapter 3 Strategic Objectives 3.2.1.2 - 3.2.1.5 and associated policies; and
- j. the need to locate emergency services at strategic locations.

4.2.2.3 Enable an increased density of well-designed residential development in close proximity to town centres, public transport routes, community and education facilities, while ensuring development is consistent with any structure plan for the area and responds to the character of its site, the street, open space and surrounding area.

4.2.2.4 Encourage urban development that enhances connections to public recreation facilities, reserves, open space and active transport networks.

4.2.2.5 Require larger scale development to be comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design.

4.2.2.6 Promote energy and water efficiency opportunities, waste reduction and sustainable building and subdivision design.

4.2.2.7 Explore and encourage innovative approaches to design to assist provision of quality affordable housing.

4.2.2.8 In applying plan provisions, have regard to the extent to which the minimum site size, density, height, building coverage and other quality controls have a disproportionate adverse effect on housing affordability.

4.2.2.9 Ensure Council-led and private design and development of public spaces and built development maximises public safety by adopting "Crime Prevention Through Environmental Design".

4.2.2.10 Ensure lighting standards for urban development avoid unnecessary adverse effects on views of the night sky.

- 4.2.2.11** Ensure that the location of building platforms in areas of low density development within Urban Growth Boundaries and the capacity of infrastructure servicing such development does not unnecessarily compromise opportunities for future urban development.
- 4.2.2.12** Ensure that any transition to rural areas is contained within the relevant Urban Growth Boundary.

Wakatipu Basin Specific Policies

- 4.2.2.13** Define the Urban Growth Boundary for Arrowtown, as shown on the District Plan Maps that preserves the existing urban character of Arrowtown and avoids urban sprawl into the adjacent rural areas.
- 4.2.2.14** Define the Urban Growth Boundaries for the balance of the Wakatipu Basin, as shown on the District Plan Maps that:
- are based on existing urbanised areas;
 - identify sufficient areas of urban development and the potential intensification of existing urban areas to provide for predicted visitor and resident population increases over the planning period;
 - enable the logical and sequenced provision of infrastructure to and community facilities in new areas of urban development;
 - avoid Outstanding Natural Features and Outstanding Natural Landscapes;
 - avoid sprawling and sporadic urban development across the rural areas of the Wakatipu Basin.
- 4.2.2.15** Ensure appropriate noise boundaries are established and maintained to enable operations at Queenstown Airport to continue and to expand over time.
- 4.2.2.16** Manage the adverse effects of noise from aircraft on any Activity Sensitive to Aircraft Noise within the airport noise boundaries while at the same time providing for the efficient operation of Queenstown Airport.
- 4.2.2.17** Protect the airport from reverse sensitivity effects of any Activity Sensitive to Aircraft Noise via a range of zoning methods.
- 4.2.2.18** Ensure that Critical Listening Environments of all new buildings and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary or Outer Control Boundary are designed and built to achieve appropriate Indoor Design Sound Levels.
- 4.2.2.19** Manage the adverse effects of noise from Queenstown Airport by conditions in Designation 2 including a requirement for a Noise Management Plan and a Queenstown Airport Liaison Committee.
- 4.2.2.20** Ensure that development within the Arrowtown Urban Growth Boundary provides:
- an urban form that is sympathetic to the character of Arrowtown, including its scale, density, layout and legibility, guided by the Arrowtown Design Guidelines 2016;

- b. opportunity for sensitively designed medium density infill development in a contained area closer to the town centre, so as to provide more housing diversity and choice and to help reduce future pressure for urban development adjacent or close to Arrowtown's Urban Growth Boundary;
- c. a designed urban edge with landscaped gateways that promote or enhance the containment of the town within the landscape, where the development abuts the urban boundary for Arrowtown;
- d. for Feehley's Hill and land along the margins of Bush Creek and the Arrow River to be retained as reserve areas as part of Arrowtown's recreation and amenity resource;
- e. recognition of the importance of the open space pattern that is created by the inter-connections between the golf courses and other Rural Zone land.

4.2.2.21

Rural land outside of the Urban Growth Boundaries is not used for urban development until further investigations indicate that more land is needed to meet demand for urban development in the Wakatipu Basin and a change to the Plan amends the Urban Growth Boundary and zones additional land for urban development purposes.

Upper Clutha Basin Specific Policies

4.2.2.22

Define the Urban Growth Boundaries for Wanaka and Lake Hawea Township, as shown on the District Plan Maps that:

- a. are based on existing urbanised areas;
- b. identify sufficient areas of urban development and the potential intensification of existing urban areas to provide for predicted visitor and resident population increases in the Upper Clutha Basin over the planning period;
- c. have community support as expressed through strategic community planning processes;
- d. utilise the Clutha and Cardrona Rivers and the lower slopes of Mt. Alpha as natural boundaries to the growth of Wanaka; and
- e. avoid sprawling and sporadic urban development across the rural areas of the Upper Clutha Basin.

4.2.2.23

Rural land outside of the Urban Growth Boundaries is not used for urban development until further investigations indicate that more land is needed to meet demand for urban development in the Upper Clutha Basin and a change to the Plan amends the Urban Growth Boundary and zones additional land for urban development purposes.

Appendix 3: Chapter 6 as Recommended

6 LANDSCAPES AND RURAL CHARACTER

6.1

Purpose

The purpose of this chapter is to provide greater detail as to how the landscape, particularly outside urban settlements, will be managed in order to implement the strategic objectives and policies in Chapter 3. This chapter needs to be read with particular reference to the objectives in Chapter 3, which identify the outcomes the policies in this chapter are seeking to achieve. The relevant Chapter 3 objectives and policies are identified in brackets following each policy.

Landscapes have been categorised to provide greater certainty of their importance to the District, and to respond to regional policy and national legislation. Categorisations of landscapes will provide decision makers with a basis to consider the appropriateness of activities that have adverse effects on those landscapes.

6.2

Values

The District's landscapes are of significant value to the people who live in, work in or visit the District. The District relies in a large part for its social and economic wellbeing on the quality of the landscape, open spaces and the natural and built environment. Those landscapes also have inherent values, particularly to tangata whenua.

The landscapes consist of a variety of landforms created by uplift and glaciations, which include mountains, ice-sculpted rock, scree slopes, moraine fans, a variety of confined and braided river systems, valley floors and lake basins. These distinct landforms remain easily legible and strong features of the present landscape.

Indigenous vegetation also contributes to the quality of the District's landscapes. While much of the original vegetation has been modified, the colour and texture of indigenous vegetation within these landforms contribute to the distinctive identity of the District's landscapes.

The open character of rural land is a key element of the landscape character that can be vulnerable to degradation from subdivision, development and non-farming activities. The prevalence of large farms and landholdings contributes to the open space and rural working character of the landscape. The predominance of open space over housing and related domestic elements is a strong determinant of the character of the District's rural landscapes.

Some rural areas, particularly those closer to the Queenstown and Wanaka urban areas and within parts of the Wakatipu Basin, have an established pattern of housing on smaller landholdings. The landscape character of these areas has been modified by vehicle accesses, earthworks and vegetation planting for amenity, screening and shelter, which have reduced the open character exhibited by larger scale farming activities.

While acknowledging these rural areas have established rural living and development, and a substantial amount of further subdivision and development has already been approved in these areas, the landscape values of these areas are vulnerable to degradation from further subdivision and development. Areas where rural living development is at or is approaching the finite capacity of the landscape need to be identified if the District's distinctive rural landscape values are to be sustained. Areas where the landscape can accommodate sensitive and sympathetic rural living developments similarly need to be identified.

The lakes and rivers both on their own and, when viewed as part of the distinctive landscape, are a significant element of the national and international identity of the District and provide for a wide range of amenity and recreational opportunities. They are nationally and internationally recognised as part of the reason for the District's importance as a visitor destination, as well as one of the reasons for residents to belong to the area. Managing the landscape and recreational values on the surface of lakes and rivers is an important District Plan function.

Landscapes have been categorised into three classifications within the Rural Zone. These are Outstanding Natural Landscapes (ONL) and Outstanding Natural Features (ONF), where their use, development and protection are a matter of national importance under Section 6 of the RMA. The Rural Landscapes (RLC) makes up the remaining Rural Zoned land and has varying types of landscape character and amenity values. Specific policy and assessment matters are provided to manage the potential effects of subdivision and development in these locations¹.

6.3

Policies

Rural Landscape Categorisation

- 6.3.1** Classify the Rural Zoned landscapes in the District as:
- Outstanding Natural Feature (ONF);
 - Outstanding Natural Landscape (ONL);
 - Rural Character Landscape (RCL) (3.2.5.1, 3.2.5.2, 3.3.29, 3.3.31).
- 6.3.2** Exclude identified Ski Area Sub-Zones and the area of the Frankton Arm located to the east of the Outstanding Natural Landscape line as shown on the District Plan maps from the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape categories applied to the balance of the Rural Zone and from the policies of this chapter related to those categories. (3.2.1.1, 3.4.4.4, 3.3.21).
- 6.3.3** Provide a separate regulatory regime for the Gibbston Valley (identified as the Gibbston Character Zone), Rural Residential Zone, Rural Lifestyle Zone and the Special Zones within which the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape categories and the policies of this chapter related to those categories do not apply unless otherwise stated. (3.2.1.1, 3.2.1.7, 3.2.1.8, 3.2.5.2, 3.3.20-24, 3.3.32).

Managing Activities in the Rural Zone, the Gibbston Character Zone, the Rural Residential Zone and the Rural Lifestyle Zone

- 6.3.4** Avoid urban development and subdivision to urban densities in the rural zones. (3.2.2.1, 3.2.5.1, 3.2.5.2, 3.3.13-15, 3.3.23, 3.3.30, 3.3.32).
- 6.3.5** Ensure that the location and direction of lights does not cause excessive glare and avoids unnecessary degradation of views of the night sky and of landscape character, including of the sense of remoteness where it is an important part of that character. (3.2.5.1, 3.2.5.2, 3.3.19, 3.3.20, 3.3.30, 3.3.32).
- 6.3.6** Ensure the District's distinctive landscapes are not degraded by production forestry planting and harvesting activities. (3.2.1.8, 3.2.5.1, 3.2.5.2, 3.3.19, 3.3.29, 3.3.31).
- 6.3.7** Enable continuation of the contribution low-intensity pastoral farming on large landholdings makes to the District's landscape character. (3.2.1.7, 3.2.5.1, 3.2.5.2, 3.3.20).

¹. Greyed out text indicated the provision is subject to variation and is therefore not part of the Hearing Panel's recommendation.

- 6.3.8** Avoid indigenous vegetation clearance where it would significantly degrade the visual character and qualities of the District's distinctive landscapes. (3.2.1.8, 3.2.5.1, 3.2.5.2, 3.3.19, 3.3.30, 3.3.32).
- 6.3.9** Encourage subdivision and development proposals to promote indigenous biodiversity protection and regeneration where the landscape and nature conservation values would be maintained or enhanced, particularly where the subdivision or development constitutes a change in the intensity in the land use or the retirement of productive farm land. (3.2.1.7, 3.2.4.1, 3.2.5.1, 3.2.5.2, 3.3.19, 3.3.20, 3.3.30, 3.3.32).
- 6.3.10** Ensure that subdivision and development in the Outstanding Natural Landscapes and Rural Character Landscapes adjacent to Outstanding Natural Features does not have more than minor adverse effects on the landscape quality, character and visual amenity of the relevant Outstanding Natural Feature(s). (3.2.5.1, 3.3.30).
- 6.3.11** Encourage any landscaping to be ecologically viable and consistent with the established character of the area. (3.2.1.8, 3.2.5.1, 3.2.5.2, 3.3.30, 3.3.32).

Managing Activities in Outstanding Natural Landscapes and on Outstanding Natural Features

- 6.3.12** Recognise that subdivision and development is inappropriate in almost all locations in Outstanding Natural Landscapes and on Outstanding Natural Features, meaning successful applications will be exceptional cases where the landscape or feature can absorb the change and where the buildings and structures and associated roading and boundary changes will be reasonably difficult to see from beyond the boundary of the site the subject of application. (3.2.1.1, 3.2.5.1, 3.3.21, 3.3.30).
- 6.3.13** Ensure that the protection of Outstanding Natural Features and Outstanding Natural Landscapes includes recognition of any values relating to cultural and historic elements, geological features and matters of cultural and spiritual value to tangata whenua, including tōpuni and wahi tūpuna. (3.2.3.1, 3.2.5.1, 3.2.7.1, 3.3.16, 3.3.30, 3.3.33 – 35, Chapter 5).
- 6.3.14** Recognise that large parts of the District's Outstanding Natural Landscapes include working farms and accept that viable farming involves activities that may modify the landscape, providing the quality and character of the Outstanding Natural Landscape is not adversely affected. (3.2.1.7, 3.2.1.8, 3.2.4.1, 3.2.5.1, 3.3.20, 3.3.30).
- 6.3.15** The landscape character and amenity values of Outstanding Natural Landscapes are a significant intrinsic, economic and recreational resource, such that new large scale renewable electricity generation or new large scale mineral extraction development proposals are not likely to be compatible with them. (3.2.5.1, 3.3.25, 3.3.30).
- 6.3.16** Maintain the open landscape character of Outstanding Natural Features and Outstanding Natural Landscapes where it is open at present. (3.2.1.7, 3.2.1.8, 3.2.4.1, 3.2.5.1, 3.3.20-21, 3.3.30).
- 6.3.17** Locate, design, operate and maintain regionally significant infrastructure so as to avoid adverse effects on Outstanding Natural Landscapes and Outstanding Natural Features, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases. (3.2.1.9, 3.2.5.1, 3.3.25, 3.3.30).
- 6.3.18** In cases where it is demonstrated that regionally significant infrastructure cannot avoid adverse effects on Outstanding Natural Landscapes and Outstanding Natural Features, avoid significant adverse effects and minimise other adverse effects on those landscapes and features. (3.2.1.9, 3.2.5.1, 3.3.25, 3.3.30).

Managing Activities in Rural Character Landscapes

- 6.3.19** Recognise that subdivision and development is unsuitable in many locations in Rural Character Landscapes and successful applications will need to be, on balance, consistent with the objectives and policies of the Plan. (3.2.1.1, 3.2.1.7, 3.2.5.2, 3.3.20-24, 3.3.32).
- 6.3.20** Encourage plan changes applying Rural Lifestyle and Rural Residential Zones to land as the appropriate planning mechanism to provide for any new rural lifestyle and rural residential developments in preference to ad-hoc subdivision and development and ensure these zones are located in areas where the landscape can accommodate the change. (3.2.1.8, 3.2.5.2, 3.3.22, 3.3.24, 3.3.32).
- 6.3.21** Require that proposals for subdivision or development for rural living in the Rural Zone take into account existing and consented subdivision or development in assessing the potential for adverse cumulative effects. (3.2.1.8, 3.2.5.2, 3.3.23, 3.3.32).
- 6.3.22** Have particular regard to the potential adverse effects on landscape character and visual amenity values where further subdivision and development would constitute sprawl along roads. (3.2.1.1, 3.2.1.7, 3.2.5.2, 3.3.21, 3.3.24-25, 3.3.32).
- 6.3.23** Ensure incremental changes from subdivision and development do not degrade landscape quality or character, or important views as a result of activities associated with mitigation of the visual effects of proposed development such as screen planting, mounding and earthworks. (3.2.1.1, 3.2.1.8, 3.2.5.2, 3.3.21, 3.3.24, 3.3.32).
- 6.3.24** Locate, design, operate and maintain regionally significant infrastructure so as to seek to avoid significant adverse effects on the character of the landscape, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases. (3.2.1.9, 3.2.5.2, 3.3.25, 3.3.32).
- 6.3.25** In cases where it is demonstrated that regionally significant infrastructure cannot avoid significant adverse effects on the character of the landscape, such adverse effects shall be minimised. (3.2.1.9, 3.2.5.2, 3.3.25, 3.3.32).
- 6.3.26** Avoid adverse effects on visual amenity from subdivision, use and development that:
- is highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); or
 - forms the foreground for an Outstanding Natural Landscape or Outstanding Natural Feature when viewed from public roads. (3.2.1.1, 3.2.1.8, 3.2.5.1, 3.2.5.2, 3.3.20-21, 3.3.24-25, 3.3.30, 3.3.32).
- 6.3.27** In the Wakatipu Basin, avoid planting and screening, particularly along roads and boundaries that would degrade openness where such openness is an important part of its landscape quality or character. (3.2.1.1, 3.2.1.8, 3.2.5.2, 3.3.20-21, 3.3.24-25, 3.3.32).
- 6.3.28** In the Upper Clutha Basin, have regard to the adverse effects from subdivision and development on the open landscape character where it is open at present. (3.2.1.1, 3.2.1.8, 3.2.5.2, 3.3.20-21, 3.3.24-26, 3.3.32).
- 6.3.29** Encourage development to utilise shared accesses and infrastructure, and to locate within the parts of the site where it will minimise disruption to natural landforms and to rural character. (3.2.1.1, 3.2.1.8, 3.3.21, 3.3.24, 3.3.32).

Managing Activities on Lakes and Rivers

- 6.3.30** Control the location, intensity and scale of buildings, jetties, moorings and infrastructure on the surface and margins of water bodies and ensure these structures maintain or enhance landscape quality and character, and amenity values. (3.2.1.1, 3.2.4.1, 3.2.4.3, 3.2.5.1, 3.2.5.2, 3.3.19, 3.3.21, 3.3.26, 3.3.30, 3.3.32).
- 6.3.31** Recognise the character of the Frankton Arm including the established jetties and provide for these on the basis that the visual qualities of the District's distinctive landscapes are maintained and enhanced. (3.2.4.3, 3.2.5.1, 3.3.30).
- 6.3.32** Recognise the urban character of Queenstown Bay and provide for structures and facilities providing they protect, maintain or enhance the appreciation of the District's distinctive landscapes. (3.2.1.1, 3.2.4.1, 3.2.4.4, 3.2.5.1, 3.2.5.2, 3.3.19, 3.3.21, 3.3.30, 3.3.32).
- 6.3.33** Provide for appropriate commercial and recreational activities on the surface of water bodies that do not involve construction of new structures. (3.2.1.1, 3.2.4.4, 3.2.5.1, 3.2.5.2, 3.3.21, 3.3.30, 3.3.32).

6.4 Rules

- 6.4.1** **The Landscape Chapter and Strategic Direction Chapter's objectives and policies are relevant and applicable in all zones where landscape values are at issue.**
- 6.4.2** **The landscape assessment matters do not apply to the following within the Rural Zone:**
- ski Area Activities within the Ski Area Sub Zones;
 - the area of the Frankton Arm located to the east of the Outstanding Natural Landscape line as shown on the District Plan maps;
 - the Gibbston Character Zone;
 - the Rural Lifestyle Zone;
 - the Rural Residential Zone¹.

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

Appendix 4: Summary of Recommendations on Submission and Further Submissions

Part A: Submissions

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
10.1	Elizabeth Hanan	Accept in part	3.5
10.2	Elizabeth Hanan	Accept in part	2.6
10.3	Elizabeth Hanan	Accept in part	2.8
10.4	Elizabeth Hanan	Accept in part	2.10
10.5	Elizabeth Hanan	Accept in part	2.12
10.6	Elizabeth Hanan	Accept in Part	6.5
10.7	Elizabeth Hanan	Accept in part	2.3
18.1	John Murray Hanan	Accept in Part	6.3
18.2	John Murray Hanan	Accept in Part	6.5
19.2	Kain Fround	Accept in part	Part B
19.3	Kain Fround	Accept in Part	6.1-6.5
20.5	Aaron Cowie	Accept in Part	6.1-6.5
20.7	Aaron Cowie	Reject	2
21.10	Alison Walsh	Accept in Part	Part B
21.11	Alison Walsh	Accept in Part	2.1
21.12	Alison Walsh	Accept in Part	2.1
21.13	Alison Walsh	Accept in Part	2.1
21.14	Alison Walsh	Accept in part	Part B
21.15	Alison Walsh	Accept in part	Part B
21.16	Alison Walsh	Accept in part	Part B
21.17	Alison Walsh	Accept in part	Part B
21.18	Alison Walsh	Accept in part	2.2
21.19	Alison Walsh	Accept in part	2.4
21.20	Alison Walsh	Accept in part	2.6
21.21	Alison Walsh	Accept in part	2.8
21.22	Alison Walsh	Accept in part	2.10
21.23	Alison Walsh	Accept in part	2.12
21.25	Alison Walsh	Accept in Part	6.1-6.5
21.26	Alison Walsh	Accept in Part	6.1
21.27	Alison Walsh	Accept in Part	6.1
21.28	Alison Walsh	Accept in Part	6.1
21.29	Alison Walsh	Accept in Part	6.4
21.30	Alison Walsh	Accept in Part	6.3
21.31	Alison Walsh	Accept in Part	6.3
21.32	Alison Walsh	Accept in Part	6.4
21.33	Alison Walsh	Reject	6.5
21.34	Alison Walsh	Reject	6.5
21.35	Alison Walsh	Reject	6.5
21.36	Alison Walsh	Reject	6.5
21.38	Alison Walsh	Accept in part	8.1-8.8
21.39	Alison Walsh	Accept in part	8.1-8.8
21.9	Alison Walsh	Accept in Part	Part B
22.1	Raymond Walsh	Accept in part	8.1-8.8
28.1	John Hogue	Accept in part	2.3
46.1	Dave Attwell	Reject	2
69.2	Terence Hetherington	Reject	6.5
69.3	Terence Hetherington	Accept in Part	6.5
72.3	Kelvin Peninsula Community Association	Accept	6.3

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
86.2	Jeff Aldridge	Accept in Part	6.1-6.5
86.3	Jeff Aldridge	Accept in Part	6.1-6.5
86.4	Jeff Aldridge	Accept in Part	6.1-6.5
86.5	Jeff Aldridge	Accept in Part	6.1-6.5
91.1	Orchard Road Holdings Limited	Accept in part	3.5, 6.3, 6.4
110.15	Alan Cutler	Reject	8.8
110.16	Alan Cutler	Reject	8.4
110.2	Alan Cutler	Accept in part	8.2
110.3	Alan Cutler	Reject	8.4
115.2	Florence Micoud	Reject	2.2
115.3	Florence Micoud	Accept in Part	6.4
117.1	Maggie Lawton	Accept in Part	Part B
117.14	Maggie Lawton	Accept in part	8.5
117.37	Maggie Lawton	Accept in Part	6.3-6.5
117.38	Maggie Lawton	Reject	2.3
117.39	Maggie Lawton	Accept in part	2.9, 3.9
117.40	Maggie Lawton	Accept in part	2.9
117.41	Maggie Lawton	Accept in part	2.9
117.42	Maggie Lawton		2.9
117.43	Maggie Lawton	Accept in part	2.10
117.44	Maggie Lawton	Accept in part	2.12, 6.3, 6.4
117.45	Maggie Lawton	Accept in part	2.5, 2.12
120.2	Elizabeth Macdonald	Accept in part	Part B
145.12	Upper Clutha Environmental Society (Inc)	Accept in part	8.6, 8.7
145.14	Upper Clutha Environmental Society (Inc)	Reject	3.16
145.15	Upper Clutha Environmental Society (Inc)	Reject	3.16
145.18	Upper Clutha Environmental Society (Inc)	Accept in part	8.3-8.8
145.19	Upper Clutha Environmental Society (Inc)	Accept in Part	2, 2.11, 8.6
145.21	Upper Clutha Environmental Society (Inc)	Accept in part	8.6
145.27	Upper Clutha Environmental Society (Inc)	Accept in Part	2, 2.4, 2.9, 3.4, 3.14
145.29	Upper Clutha Environmental Society (Inc)	Accept in Part	6.3
145.30	Upper Clutha Environmental Society (Inc)	Accept in part	8.4
145.5	Upper Clutha Environmental Society (Inc)	Accept in Part	2, 2.9, 3.14
145.9	Upper Clutha Environmental Society (Inc)	Reject	8.3
172.1	Peter Roberts	Accept in Part	6.4
179.8	Vodafone NZ	Accept in Part	2,3.18
187.1	Nicholas Kiddle	Accept in Part	Part B
187.10	Nicholas Kiddle	Accept in Part	6.4
187.2	Nicholas Kiddle	Accept in Part	6.4

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
187.3	Nicholas Kiddle	Accept in part	8.1-8.8
189.2	Anne Gormack	Accept in Part	6.5
191.7	Spark Trading NZ Limited	Accept in Part	2, 3.18
197.10	Jeffrey Hylton	Accept in part	2.6
197.11	Jeffrey Hylton	Accept in part	2.6
197.12	Jeffrey Hylton	Accept in part	2.6
197.13	Jeffrey Hylton	Accept in part	2.6
197.14	Jeffrey Hylton	Accept in part	2.8
197.15	Jeffrey Hylton	Accept in part	2.10
197.16	Jeffrey Hylton	Accept in part	2.10
197.17	Jeffrey Hylton	Accept in part	2.10
197.18	Jeffrey Hylton	Accept in part	2.12
197.20	Jeffrey Hylton	Accept in Part	6.4
197.21	Jeffrey Hylton	Reject	8.3
197.7	Jeffrey Hylton	Accept in Part	2.1
197.8	Jeffrey Hylton	Accept in part	2.2
197.9	Jeffrey Hylton	Accept in part	2.4
199.1	Craig Douglas	Accept in part	2.2
199.2	Craig Douglas	Accept in part	2.2
199.21	Craig Douglas	Accept in Part	6.5
199.3	Craig Douglas	Reject	2.4
199.4	Craig Douglas	Accept in part	2.6
199.5	Craig Douglas	Accept in part	2.8
199.6	Craig Douglas	Accept in part	2.10
199.7	Craig Douglas	Accept in part	2.12
205.1	J E Boyer	Accept in Part	6.3, 6.4
208.29	Pounamu Body Corporate Committee	Accept in part	3.5, 6.3, 6.4
208.30	Pounamu Body Corporate Committee	Accept in part	3.5, 6.3, 6.4
208.31	Pounamu Body Corporate Committee	Accept in part	3.7, 6.3, 6.4
208.32	Pounamu Body Corporate Committee	Accept in Part	6.4
208.33	Pounamu Body Corporate Committee	Accept in Part	6.4
208.34	Pounamu Body Corporate Committee	Accept in Part	6.3, 6.5
217.1	Jay Berriman	Accept in part	2.3
217.2	Jay Berriman	Accept in part	2.6
217.3	Jay Berriman	Accept in part	2.8
217.4	Jay Berriman	Accept in part	2.10
217.5	Jay Berriman	Accept in part	2.10
221.1	Susan Cleaver	Accept in part	2.10
226.1	Guardians of Lake Hawea	Accept in part	2.8
238.1	NZIA Southern and Architecture + Women Southern	Accept in Part	2.1, 2.2, 2.4, 3.5, 6.4
238.12	NZIA Southern and Architecture + Women Southern	Accept in Part	6.1
238.134	NZIA Southern and Architecture + Women Southern	Accept in Part	2.1
238.135	NZIA Southern and Architecture + Women Southern	Reject	2.15
238.136	NZIA Southern and Architecture + Women Southern	Accept in part	3.2

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
238.137	NZIA Southern and Architecture + Women Southern	Accept in part	2.3
238.138	NZIA Southern and Architecture + Women Southern	Accept in part	2.3
238.139	NZIA Southern and Architecture + Women Southern	Accept in part	3.5, 6.3, 6.4
238.140	NZIA Southern and Architecture + Women Southern	Accept in part	3.5, 6.3, 6.4
238.141	NZIA Southern and Architecture + Women Southern	Accept in part	2.6
238.142	NZIA Southern and Architecture + Women Southern	Reject	2.9
238.143	NZIA Southern and Architecture + Women Southern	Accept in part	2.12
238.144	NZIA Southern and Architecture + Women Southern	Accept in part	2.5, 2.12
238.145	NZIA Southern and Architecture + Women Southern	Accept in part	3.20, 6.3, 6.4
238.146	NZIA Southern and Architecture + Women Southern	Accept in part	2.5, 2.12
238.147	NZIA Southern and Architecture + Women Southern	Accept in part	2.12, 6.3, 6.4
238.148	NZIA Southern and Architecture + Women Southern	Accept in part	2.5, 2.12
238.16	NZIA Southern and Architecture + Women Southern	Accept in Part	6.3
238.17	NZIA Southern and Architecture + Women Southern	Accept in Part	6.4
238.18	NZIA Southern and Architecture + Women Southern	Accept in Part	6.4
238.19	NZIA Southern and Architecture + Women Southern	Accept in Part	6.4
238.2	NZIA Southern and Architecture + Women Southern	Accept in Part	6.1
238.20	NZIA Southern and Architecture + Women Southern	Accept in Part	6.3
238.21	NZIA Southern and Architecture + Women Southern	Accept in Part	6.3
238.22	NZIA Southern and Architecture + Women Southern	Accept in Part	6.3
238.23	NZIA Southern and Architecture + Women Southern	Accept in Part	6.3
238.24	NZIA Southern and Architecture + Women Southern	Accept in Part	6.3
238.25	NZIA Southern and Architecture + Women Southern	Accept in Part	6.4
238.26	NZIA Southern and Architecture + Women Southern	Accept in Part	6.3
238.27	NZIA Southern and Architecture + Women Southern	Accept in Part	6.4

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
238.28	NZIA Southern and Architecture + Women Southern	Accept in Part	6.4
238.29	NZIA Southern and Architecture + Women Southern	Accept in Part	6.4
238.30	NZIA Southern and Architecture + Women Southern	Accept in Part	6.4
238.3	NZIA Southern and Architecture + Women Southern	Accept in part	8.1-8.7
238.31	NZIA Southern and Architecture + Women Southern	Accept in Part	6.4
238.32	NZIA Southern and Architecture + Women Southern	Accept in Part	6.4
238.33	NZIA Southern and Architecture + Women Southern	Accept in Part	6.4
238.34	NZIA Southern and Architecture + Women Southern	Accept in Part	6.4
238.35	NZIA Southern and Architecture + Women Southern	Accept in Part	6.4
238.36	NZIA Southern and Architecture + Women Southern	Accept in Part	6.5
238.37	NZIA Southern and Architecture + Women Southern	Accept in Part	6.3, 6.5
238.38	NZIA Southern and Architecture + Women Southern	Accept in Part	6.5
238.39	NZIA Southern and Architecture + Women Southern	Accept in Part	6.3, 6.5
238.64	NZIA Southern and Architecture + Women Southern	Accept in Part	2.1
238.83	NZIA Southern and Architecture + Women Southern	Accept in part	8.1
238.84	NZIA Southern and Architecture + Women Southern	Accept in part	8.2
238.85	NZIA Southern and Architecture + Women Southern	Reject	8.3, 8.5
238.86	NZIA Southern and Architecture + Women Southern	Reject	8.5
238.88	NZIA Southern and Architecture + Women Southern	Accept in Part	6.5
244.2	Tania Flight	Accept in Part	6.5
248.11	Shotover Trust	Accept in part	2.11
248.12	Shotover Trust	Accept in part	2.11
248.13	Shotover Trust	Reject	8.3
248.14	Shotover Trust	Accept in part	8.3, 8.6, 8.7
248.15	Shotover Trust	Accept in part	8.7
248.16	Shotover Trust	Reject	8.7
248.17	Shotover Trust	Accept in part	8.7
249.2	Willowridge Developments Limited	Accept in part	2.3
249.3	Willowridge Developments Limited	Accept in part	3.2
249.4	Willowridge Developments Limited	Accept in part	3.2
249.5	Willowridge Developments Limited	Accept in part	3.1
249.6	Willowridge Developments Limited	Accept in part	2.3

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
249.7	Willowridge Developments Limited	Accept in part	3.5, 6.3, 6.4
249.9	Willowridge Developments Limited	Accept in part	8.6
251.1	PowerNet Limited	Accept in part	2.3, 3.18
251.2	PowerNet Limited	Accept in part	2.10, 2.11, 3.16
251.3	PowerNet Limited	Accept in part	2.3
251.4	PowerNet Limited	Reject	8.2
251.5	PowerNet Limited	Accept in part	8.6, 8.7
251.6	PowerNet Limited	Reject	8.4
255.1	N.W. & C.E. BEGGS	Accept in part	2.4
255.2	N.W. & C.E. BEGGS	Accept in part	2.6
255.3	N.W. & C.E. BEGGS	Accept in part	2.11
255.4	N.W. & C.E. BEGGS	Reject	8.3
255.5	N.W. & C.E. BEGGS		8.3
257.2	Louise Shackleton	Accept	6.3
265.1	Phillip Bunn	Accept in part	2.10
265.7	Phillip Bunn	Accept in Part	6.5
269.1	David Barton	Accept in Part	6.1-6.5
271.10	Board of Airline Representatives of New Zealand (BARNZ)	Accept in Part	6.3, 6.5
271.3	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	2.3
271.4	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	2.5
271.5	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	3.5, 6.3, 6.4
271.6	Board of Airline Representatives of New Zealand (BARNZ)	Accept in Part	6.4
271.7	Board of Airline Representatives of New Zealand (BARNZ)	Accept in Part	6.4
271.8	Board of Airline Representatives of New Zealand (BARNZ)	Accept in Part	6.4
271.9	Board of Airline Representatives of New Zealand (BARNZ)	Accept in Part	6.3, 6.5
276.3	Jane Hazlett	Accept in Part	6.5
285.1	Debbie MacColl	Accept in part	3.5
285.12	Debbie MacColl	Reject	8.7
285.13	Debbie MacColl	Reject	8.3
285.2	Debbie MacColl	Accept in part	2.10
285.20	Debbie MacColl	Reject	6.5
285.21	Debbie MacColl	Accept in part	3.8
285.3	Debbie MacColl	Accept in part	3.19
285.4	Debbie MacColl	Accept in part	2.12
285.5	Debbie MacColl	Accept in Part	6.4
285.6	Debbie MacColl	Reject	6.5
285.7	Debbie MacColl	Reject	6.5
285.8	Debbie MacColl	Reject	8.4
285.9	Debbie MacColl	Accept	8.3
288.1	Barn Hill Limited	Accept in part	2.10
289.1	A Brown	Accept in part	2.3
289.10	A Brown	Accept in part	2.9

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
289.11	A Brown	Accept in part	2.11
289.12	A Brown	Accept in part	2.11
289.13	A Brown	Accept in part	2.3
289.2	A Brown	Accept in part	2.5
289.3	A Brown	Accept	3.5
289.4	A Brown	Accept in part	3.5, 6.3, 6.4
289.5	A Brown	Accept in part	3.5, 6.3, 6.4
289.8	A Brown	Accept in part	2.9
289.9	A Brown	Accept	2.9
292.1	John Walker	Accept	2.1
292.2	John Walker	Accept in part	3.2, 3.3
292.3	John Walker	Accept in part	2.4
292.4	John Walker	Accept in part	2.6, 3.8
292.5	John Walker	Accept in part	3.20, 6.3, 6.4
294.1	Steven Bunn	Accept in part	2.4
297.1	Taco Medic	Accept	2.1
300.2	Rob Jewell	Reject	8.3
300.3	Rob Jewell	Accept in part	8.4
307.1	Kawarau Jet Services Holdings Ltd	Accept in part	3.14, 8.8
313.1	John Langley	Accept in part	8.5
315.2	The Alpine Group Limited	Accept in part	2.3
315.3	The Alpine Group Limited	Accept in part	2.3
315.4	The Alpine Group Limited	Accept in part	8.4
325.1	Solobio Ltd - owner of Matukituki Station	Accept in part	8.3-8.5
325.10	Solobio Ltd - owner of Matukituki Station	Accept in part	8.5
325.11	Solobio Ltd - owner of Matukituki Station	Reject	8.7
325.12	Solobio Ltd - owner of Matukituki Station	Reject	8.7
325.13	Solobio Ltd - owner of Matukituki Station	Accept	8.6
325.14	Solobio Ltd - owner of Matukituki Station	Reject	8.7
325.15	Solobio Ltd - owner of Matukituki Station	Accept in part	8.6
325.2	Solobio Ltd - owner of Matukituki Station	Accept in part	8.3, 8.6, 8.7
325.8	Solobio Ltd - owner of Matukituki Station	Reject	8.4
325.9	Solobio Ltd - owner of Matukituki Station	Accept in part	8.4
332.1	this is a personal submission	Accept in Part	2
333.1	Tim Medland	Accept in Part	2
333.2	Tim Medland	Accept	6.4
335.1	Nic Blennerhassett	Accept in Part	5, 6.5
335.3	Nic Blennerhassett	Accept in Part	6.1-6.5
339.14	Evan Alty	Accept in part	2.8
339.15	Evan Alty	Accept in part	2.9

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
339.16	Evan Alty	Reject	3.9
339.17	Evan Alty	Accept in part	3.9
339.18	Evan Alty	Reject	3.9
339.19	Evan Alty	Reject	2.9
339.2	Evan Alty	Accept in Part	2.8, 2.9
339.20	Evan Alty		2.9, 3.10
339.21	Evan Alty	Accept in part	3.11
339.22	Evan Alty	Reject	2.9
339.23	Evan Alty	Reject	3.12
339.24	Evan Alty	Accept in part	2.9
339.25	Evan Alty	Accept in part	2.9
339.26	Evan Alty	Accept in part	3.14
339.27	Evan Alty	Reject	2.9
339.28	Evan Alty	Reject	3.15
339.3	Evan Alty	Accept in part	2.8
339.4	Evan Alty	Accept	2.9
340.1	Ros & Dennis Hughes	Accept in part	8.5
340.3	Ros & Dennis Hughes	Accept in Part	6.4, 8.5
340.4	Ros & Dennis Hughes	Accept in part	8.5
343.1	ZJV (NZ) Limited	Accept in part	2.3
343.2	ZJV (NZ) Limited	Accept in part	2.3
343.3	ZJV (NZ) Limited	Accept in part	3.19
343.9	ZJV (NZ) Limited	Accept in part	3.19
345.1	(K)John McQuilkin	Accept in part	2.3
345.2	(K)John McQuilkin	Accept in part	2.3
345.3	(K)John McQuilkin	Accept in part	3.19
345.4	(K)John McQuilkin	Accept in part	3.19
355.1	Matukituki Trust	Accept in Part	Part B
355.10	Matukituki Trust	Reject	8.5
355.11	Matukituki Trust	Reject	8.3
355.12	Matukituki Trust	Accept	8.7
355.18	Matukituki Trust	Accept in part	8.1-8.8
355.2	Matukituki Trust	Accept in part	2.11
355.3	Matukituki Trust	Accept in part	3.16
355.4	Matukituki Trust	Reject	8.3
355.5	Matukituki Trust	Accept in part	8.6
355.6	Matukituki Trust	Accept in part	8.7
355.7	Matukituki Trust	Reject	8.6
355.8	Matukituki Trust	Accept	8.3
355.9	Matukituki Trust	Accept	8.6
356.10	X-Ray Trust Limited	Accept in part	8.5
356.34	X-Ray Trust Limited	Accept in Part	Part B
356.35	X-Ray Trust Limited	Accept in part	8.1-8.8
356.5	X-Ray Trust Limited	Reject	8.5
356.6	X-Ray Trust Limited	Reject	8.7
356.7	X-Ray Trust Limited	Accept in part	8.3
356.8	X-Ray Trust Limited	Accept in part	8.7
356.9	X-Ray Trust Limited	Accept in part	8.7
361.5	Grant Hylton Hensman, Sharyn Hensman & Bruce Herbert Robertson,	Accept in part	3.3

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
	Scope Resources Ltd, Granty Hylton Hensman & Noel Thomas van Wichen, Trojan Holdings Ltd		
373.10	Department of Conservation	Accept in part	3.11
373.11	Department of Conservation	Accept in part	8.4, 8.6
373.12	Department of Conservation	Reject	8.3
373.4	Department of Conservation	Accept in part	2.8
373.5	Department of Conservation	Reject	3.9
373.6	Department of Conservation	Accept in part	3.9
373.7	Department of Conservation	Reject	2.9
373.8	Department of Conservation	Reject	2.9, 3.10
373.9	Department of Conservation	Accept in part	2.9
375.1	Jeremy Carey-Smith	Accept in part	2.3
375.10	Jeremy Carey-Smith	Accept in part	8.6
375.11	Jeremy Carey-Smith	Reject	8.6
375.12	Jeremy Carey-Smith	Reject	8.6
375.13	Jeremy Carey-Smith	Reject	8.5
375.14	Jeremy Carey-Smith	Accept in part	8.6, 8.7
375.2	Jeremy Carey-Smith	Accept in part	2.11
375.3	Jeremy Carey-Smith	Accept in part	3.16
375.4	Jeremy Carey-Smith	Accept in part	2.3
375.5	Jeremy Carey-Smith	Accept in part	3.19
375.6	Jeremy Carey-Smith	Accept in part	3.19
375.7	Jeremy Carey-Smith	Accept in part	8.2
375.8	Jeremy Carey-Smith	Accept in part	8.3
375.9	Jeremy Carey-Smith	Accept in part	8.4
378.1	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in part	2.4
378.10	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in Part	6.4
378.11	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in Part	6.4
378.12	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in Part	6.4
378.13	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in Part	6.5
378.14	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in part	8.6
378.15	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in part	6.3
378.16	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Reject	8.7

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
378.17	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in part	8.3
378.18	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Reject	8.7
378.19	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in part	8.7
378.2	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in part	2.9, 3.9
378.20	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in part	8.7
378.21	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept	8.7
378.22	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Reject	8.5
378.3	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in part	2.9, 3.10
378.31	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in Part	Part B
378.32	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in Part	6.1-6.5
378.33	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in part	8.1-8.8
378.4	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in part	2.9
378.5	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in part	2.11
378.6	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in part	2.11
378.7	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in part	2.5, 2.12
380.1	Villa delLago	Accept in Part	6.4
380.14	Villa delLago	Reject	8.3
380.15	Villa delLago	Reject	8.3
380.16	Villa delLago	Reject	8.3
380.17	Villa delLago	Reject	8
380.18	Villa delLago	Reject	8.3

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
380.19	Villa delLago	Reject	8.3
380.2	Villa delLago	Accept in Part	6.3
380.20	Villa delLago	Reject	8.3
380.21	Villa delLago	Reject	8.3
380.22	Villa delLago	Reject	8.3
380.3	Villa delLago	Accept in Part	6.3
380.4	Villa delLago	Accept in Part	6.4
380.5	Villa delLago	Reject	6.5
380.59	Villa delLago	Accept in Part	6.4
380.6	Villa delLago	Reject	6.5
380.7	Villa delLago	Reject	6.5
380.8	Villa delLago	Reject	6.5
383.10	Queenstown Lakes District Council	Accept in part	2.8
383.11	Queenstown Lakes District Council	Accept in part	2.12
383.12	Queenstown Lakes District Council	Accept in Part	6.3
383.9	Queenstown Lakes District Council	Reject	2.5
407.2	Mount Cardrona Station Limited	Accept in part	2.3
407.3	Mount Cardrona Station Limited	Accept in part	2.3
414.2	Clark Fortune McDonald & Associates Ltd	Reject	6.3
421.7	Two Degrees Mobile Limited	Accept in Part	2, 3.18
423.1	Carol Bunn	Accept in part	2.10
430.3	Ayrburn Farm Estate Ltd	Accept in part	2.3, 2.11, 3.16
430.4	Ayrburn Farm Estate Ltd	Accept in part	8.2
430.5	Ayrburn Farm Estate Ltd	Accept in part	8.3-8.4, 8.6-8.7
430.6	Ayrburn Farm Estate Ltd	Accept in part	8.3, 8.7
430.7	Ayrburn Farm Estate Ltd	Accept in part	8.3, 8.7
433.37	Queenstown Airport Corporation	Accept in part	2.3
433.38	Queenstown Airport Corporation	Accept in part	2.10, 2.11, 3.16
433.39	Queenstown Airport Corporation	Accept in part	2.3
433.40	Queenstown Airport Corporation	Reject	6.1
433.41	Queenstown Airport Corporation	Accept in Part	6.4
433.42	Queenstown Airport Corporation	Accept in Part	6.4
433.43	Queenstown Airport Corporation	Accept in Part	6.5
433.44	Queenstown Airport Corporation	Accept in Part	6.3, 6.5
433.45	Queenstown Airport Corporation	Accept in Part	6.5
433.46	Queenstown Airport Corporation	Reject	8.2
433.47	Queenstown Airport Corporation	Accept in part	8.6-8.7
433.48	Queenstown Airport Corporation	Accept in part	8.6
433.49	Queenstown Airport Corporation	Accept in part	8.6
433.50	Queenstown Airport Corporation	Accept in part	8.7
435.1	Catherine Fallon	Accept in Part	6.1
437.10	Trojan Helmet Limited	Accept in part	3.19
437.11	Trojan Helmet Limited	Accept in part	3.19
437.13	Trojan Helmet Limited	Accept in part	8.2
437.14	Trojan Helmet Limited	Reject	8.3
437.15	Trojan Helmet Limited	Reject	8.4

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
437.16	Trojan Helmet Limited	Accept in part	8.4
437.17	Trojan Helmet Limited	Accept in part	8.6
437.18	Trojan Helmet Limited	Accept in part	8.7
437.19	Trojan Helmet Limited	Accept in part	8.5
437.20	Trojan Helmet Limited	Accept in part	8.7
437.21	Trojan Helmet Limited	Accept in part	8.3
437.22	Trojan Helmet Limited	Reject	8.7
437.23	Trojan Helmet Limited	Reject	8.7
437.24	Trojan Helmet Limited	Accept in part	8.7
437.25	Trojan Helmet Limited	Accept in part	8.7
437.26	Trojan Helmet Limited	Accept in part	8.7
437.27	Trojan Helmet Limited	Accept in part	8.7
437.28	Trojan Helmet Limited	Accept in part	8.6
437.29	Trojan Helmet Limited	Accept in part	8.3
437.3	Trojan Helmet Limited	Accept in part	2.3
437.30	Trojan Helmet Limited	Reject	8.7
437.31	Trojan Helmet Limited	Accept in part	8.7
437.32	Trojan Helmet Limited	Reject	8.7
437.33	Trojan Helmet Limited	Accept in part	8.5
437.34	Trojan Helmet Limited	Accept in part	8.7
437.35	Trojan Helmet Limited	Reject	8.3
437.5	Trojan Helmet Limited	Accept in part	2.11
437.6	Trojan Helmet Limited	Accept in part	3.16
437.7	Trojan Helmet Limited	Accept in part	3.16
437.9	Trojan Helmet Limited	Accept in part	2.3
438.3	New Zealand Fire Service	Accept in part	2.3
442.1	David and Margaret Bunn	Accept in Part	2.1, 2.5
442.2	David and Margaret Bunn	Reject	2.4, 2.5
442.3	David and Margaret Bunn	Accept in part	2.10, 2.11, 3.16
442.4	David and Margaret Bunn	Accept in part	2.12
442.5	David and Margaret Bunn	Accept in Part	6.5
442.6	David and Margaret Bunn	Reject	8.2
456.1	Hogans Gully Farming Limited	Accept in part	2.3
456.10	Hogans Gully Farming Limited	Accept in part	8.4
456.11	Hogans Gully Farming Limited	Accept in part	8.6
456.12	Hogans Gully Farming Limited	Accept in part	8.7
456.13	Hogans Gully Farming Limited	Reject	8.7
456.14	Hogans Gully Farming Limited	Accept in part	8.3
456.15	Hogans Gully Farming Limited	Reject	8.3, 8.7
456.16	Hogans Gully Farming Limited	Accept in part	8.7
456.17	Hogans Gully Farming Limited	Accept in part	8.7
456.18	Hogans Gully Farming Limited	Accept in part	8.7
456.19	Hogans Gully Farming Limited	Accept in part	8.3
456.2	Hogans Gully Farming Limited	Accept in part	2.11
456.20	Hogans Gully Farming Limited	Accept in part	8.7
456.21	Hogans Gully Farming Limited	Accept in part	8.7
456.22	Hogans Gully Farming Limited	Reject	8.7
456.23	Hogans Gully Farming Limited	Accept in part	8.7
456.3	Hogans Gully Farming Limited	Accept in part	3.16

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
456.4	Hogans Gully Farming Limited	Accept in part	2.11
456.5	Hogans Gully Farming Limited	Accept in part	2.3
456.6	Hogans Gully Farming Limited	Accept in part	3.19
456.7	Hogans Gully Farming Limited	Accept in part	3.19
456.8	Hogans Gully Farming Limited	Accept in part	8.2
456.9	Hogans Gully Farming Limited	Accept in part	8.3, 8.6-8.7
463.1	Zuzana Millson	Accept in part	8.6, 8.7
469.1	Julie Newell	Accept in part	2.12
471.1	Reece Gibson	Accept in part	2.4
502.1	Allenby Farms Limited	Accept in part	2.11
502.2	Allenby Farms Limited	Accept in part	2.11
502.3	Allenby Farms Limited	Accept in part	8.6
502.4	Allenby Farms Limited	Reject	8.7
513.1	Jenny Barb	Accept in part	2.3
513.10	Jenny Barb	Accept in part	2.5, 2.12
513.11	Jenny Barb	Accept in part	8.7
513.12	Jenny Barb	Reject	8.7
513.13	Jenny Barb	Reject	8.7
513.14	Jenny Barb	Accept in part	8.3
513.15	Jenny Barb	Accept	8.7
513.16	Jenny Barb	Reject	8.7
513.17	Jenny Barb	Reject	8.3
513.18	Jenny Barb	Accept in part	8.7
513.19	Jenny Barb	Accept in part	8.7
513.2	Jenny Barb	Accept in part	2.11
513.20	Jenny Barb	Reject	8.7
513.21	Jenny Barb	Reject	8.7
513.22	Jenny Barb	Reject	8.7
513.23	Jenny Barb	Reject	8.7
513.3	Jenny Barb	Accept in part	3.16
513.4	Jenny Barb	Accept in part	3.16
513.5	Jenny Barb	Accept in part	2.11
513.6	Jenny Barb	Accept in part	2.11
513.7	Jenny Barb	Accept in part	2.11
513.8	Jenny Barb	Accept in part	2.3
513.9	Jenny Barb	Accept in part	3.19
515.1	Wakatipu Equities	Accept in part	2.11
515.10	Wakatipu Equities	Reject	8.7
515.11	Wakatipu Equities	Reject	8.7
515.12	Wakatipu Equities	Accept in part	8.3
515.13	Wakatipu Equities	Accept	8.7
515.14	Wakatipu Equities	Reject	8.7
515.15	Wakatipu Equities	Reject	8.3
515.16	Wakatipu Equities	Accept in part	8.7
515.17	Wakatipu Equities	Accept in part	8.7
515.18	Wakatipu Equities	Reject	8.7
515.19	Wakatipu Equities	Reject	8.7
515.2	Wakatipu Equities	Accept in part	3.16
515.3	Wakatipu Equities	Accept in part	2.11
515.4	Wakatipu Equities	Accept in part	2.11

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
515.5	Wakatipu Equities	Accept in part	2.3
515.6	Wakatipu Equities	Accept in part	3.19
515.7	Wakatipu Equities	Accept in part	3.19
515.8	Wakatipu Equities	Accept in part	2.5, 2.12
515.9	Wakatipu Equities	Accept in part	8.7
519.10	New Zealand Tungsten Mining Limited	Accept in part	2.3
519.11	New Zealand Tungsten Mining Limited	Accept in part	3.9
519.12	New Zealand Tungsten Mining Limited	Reject	2.9
519.13	New Zealand Tungsten Mining Limited	Reject	3.14
519.14	New Zealand Tungsten Mining Limited	Accept in part	3.15
519.15	New Zealand Tungsten Mining Limited	Accept in part	2.11
519.16	New Zealand Tungsten Mining Limited	Accept in part	3.16
519.17	New Zealand Tungsten Mining Limited	Accept in part	3.16
519.18	New Zealand Tungsten Mining Limited	Accept in part	2.11
519.19	New Zealand Tungsten Mining Limited	Accept in part	3.16
519.20	New Zealand Tungsten Mining Limited	Accept in part	2.11, 3.18
519.21	New Zealand Tungsten Mining Limited	Accept in part	3.18
519.23	New Zealand Tungsten Mining Limited	Accept in part	8.6
519.24	New Zealand Tungsten Mining Limited	Reject	8.7
519.25	New Zealand Tungsten Mining Limited	Accept in part	8.3
519.26	New Zealand Tungsten Mining Limited	Accept in part	8.5
519.27	New Zealand Tungsten Mining Limited	Reject	8.3
519.28	New Zealand Tungsten Mining Limited	Accept in part	8.7
519.29	New Zealand Tungsten Mining Limited	Reject	8.6
519.30	New Zealand Tungsten Mining Limited	Accept in part	8.3
519.31	New Zealand Tungsten Mining Limited	Accept	8.5
519.32	New Zealand Tungsten Mining Limited	Reject	8.5
519.8	New Zealand Tungsten Mining Limited	Accept in part	3.18
519.9	New Zealand Tungsten Mining Limited	Accept in part	2.3
522.1	Kristie Jean Brustad and Harry James Inch	Accept in part	2.3
522.10	Kristie Jean Brustad and Harry James Inch	Accept in part	3.19
522.11	Kristie Jean Brustad and Harry James Inch	Accept in part	2.5, 2.12
522.12	Kristie Jean Brustad and Harry James Inch	Accept in part	8.7
522.13	Kristie Jean Brustad and Harry James Inch	Reject	8.7
522.14	Kristie Jean Brustad and Harry James Inch	Reject	8.7
522.15	Kristie Jean Brustad and Harry James Inch	Accept in part	8.3
522.16	Kristie Jean Brustad and Harry James Inch	Accept	8.7
522.17	Kristie Jean Brustad and Harry James Inch	Reject	8.7
522.18	Kristie Jean Brustad and Harry James Inch	Reject	8.3
522.19	Kristie Jean Brustad and Harry James Inch	Accept in part	8.7

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
522.2	Kristie Jean Brustad and Harry James Inch	Accept in part	2.11
522.20	Kristie Jean Brustad and Harry James Inch	Accept in part	8.7
522.21	Kristie Jean Brustad and Harry James Inch	Reject	8.7
522.22	Kristie Jean Brustad and Harry James Inch	Reject	8.7
522.23	Kristie Jean Brustad and Harry James Inch	Reject	8.7
522.3	Kristie Jean Brustad and Harry James Inch	Accept in part	3.16
522.4	Kristie Jean Brustad and Harry James Inch	Accept in part	3.16
522.5	Kristie Jean Brustad and Harry James Inch	Accept in part	2.11
522.6	Kristie Jean Brustad and Harry James Inch	Accept in part	2.11
522.7	Kristie Jean Brustad and Harry James Inch	Accept in part	2.11
522.8	Kristie Jean Brustad and Harry James Inch	Accept in part	2.3
522.9	Kristie Jean Brustad and Harry James Inch	Accept in part	3.19
524.10	Ministry of Education	Accept in Part	6.3, 6.5
524.11	Ministry of Education	Reject	6.5
524.12	Ministry of Education	Reject	6.5
524.13	Ministry of Education	Reject	6.5
524.5	Ministry of Education	Accept in part	3.5, 6.3, 6.4
524.6	Ministry of Education	Accept in part	3.5, 6.3, 6.4
524.7	Ministry of Education	Accept in part	2.5, 2.12
524.8	Ministry of Education	Accept in Part	6.1
524.9	Ministry of Education	Accept	6.4
528.1	Shotover Country Limited	Accept in part	2.11
528.2	Shotover Country Limited	Accept in part	2.5, 2.12
528.3	Shotover Country Limited	Reject	8.4
528.4	Shotover Country Limited	Accept in part	8.3
528.5	Shotover Country Limited	Reject	8.3
528.6	Shotover Country Limited	Accept in part	8.7
531.1	Crosshill Farms Limited	Accept in part	2.11
531.10	Crosshill Farms Limited	Reject	8.7
531.11	Crosshill Farms Limited	Reject	8.7
531.12	Crosshill Farms Limited	Accept in part	8.3
531.13	Crosshill Farms Limited	Accept	8.7
531.14	Crosshill Farms Limited	Reject	8.7
531.15	Crosshill Farms Limited	Reject	8.3
531.16	Crosshill Farms Limited	Accept in part	8.7
531.17	Crosshill Farms Limited	Accept in part	8.7
531.18	Crosshill Farms Limited	Reject	8.7
531.19	Crosshill Farms Limited	Reject	8.7
531.2	Crosshill Farms Limited	Accept in part	3.16

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
531.3	Crosshill Farms Limited	Accept in part	2.11
531.4	Crosshill Farms Limited	Accept in part	2.11
531.5	Crosshill Farms Limited	Accept in part	2.3
531.6	Crosshill Farms Limited	Accept in part	3.19
531.7	Crosshill Farms Limited	Accept in part	3.19
531.8	Crosshill Farms Limited	Accept in part	2.5, 2.12
531.9	Crosshill Farms Limited	Accept in part	8.7
532.1	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Accept in part	2.3
532.10	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Accept in part	8.7
532.11	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Reject	8.7
532.12	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Reject	8.7
532.13	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Accept in part	8.3
532.14	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Reject	8.7
532.15	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Reject	8.3
532.16	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Accept in part	8.7
532.2	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Accept in part	2.11
532.3	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Accept in part	3.16
532.4	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Accept in part	3.16
532.5	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Accept in part	2.11
532.6	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Accept in part	2.3
532.7	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Accept in part	3.19

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
532.8	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Accept in part	3.19
532.9	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Accept in part	2.5, 2.12
534.1	Wayne Evans, G W Stalker Family Trust, Mike Henry	Accept in part	2.3
534.10	Wayne Evans, G W Stalker Family Trust, Mike Henry	Accept in part	8.7
534.11	Wayne Evans, G W Stalker Family Trust, Mike Henry	Reject	8.7
534.12	Wayne Evans, G W Stalker Family Trust, Mike Henry	Reject	8.7
534.13	Wayne Evans, G W Stalker Family Trust, Mike Henry	Accept in part	8.3
534.14	Wayne Evans, G W Stalker Family Trust, Mike Henry	Reject	8.7
534.15	Wayne Evans, G W Stalker Family Trust, Mike Henry	Reject	8.3
534.16	Wayne Evans, G W Stalker Family Trust, Mike Henry	Accept in part	8.7
534.2	Wayne Evans, G W Stalker Family Trust, Mike Henry	Accept in part	2.11
534.3	Wayne Evans, G W Stalker Family Trust, Mike Henry	Accept in part	3.16
534.4	Wayne Evans, G W Stalker Family Trust, Mike Henry	Accept in part	3.16
534.5	Wayne Evans, G W Stalker Family Trust, Mike Henry	Accept in part	2.11
534.6	Wayne Evans, G W Stalker Family Trust, Mike Henry	Accept in part	2.3
534.7	Wayne Evans, G W Stalker Family Trust, Mike Henry	Accept in part	3.19
534.8	Wayne Evans, G W Stalker Family Trust, Mike Henry	Accept in part	3.19
534.9	Wayne Evans, G W Stalker Family Trust, Mike Henry	Accept in part	2.5, 2.12
535.1	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Accept in part	2.3
535.10	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Accept in part	8.7
535.11	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Reject	8.7
535.12	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Reject	8.7

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
535.13	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Accept in part	8.3
535.14	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Reject	8.7
535.15	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Reject	8.3
535.16	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Accept in part	8.7
535.2	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Accept in part	2.11
535.3	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Accept in part	3.16
535.4	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Accept in part	3.16
535.5	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Accept in part	2.11
535.6	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Accept in part	2.3
535.7	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Accept in part	3.19
535.8	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Accept in part	3.19
535.9	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Accept in part	2.5, 2.12
537.1	Slopehill Joint Venture	Accept in part	2.3
537.10	Slopehill Joint Venture	Accept in part	2.5, 2.12
537.11	Slopehill Joint Venture	Accept in part	8.7
537.12	Slopehill Joint Venture	Reject	8.7
537.13	Slopehill Joint Venture	Reject	8.7
537.14	Slopehill Joint Venture	Accept in part	8.3
537.15	Slopehill Joint Venture	Accept	8.7
537.16	Slopehill Joint Venture	Reject	8.7
537.17	Slopehill Joint Venture	Reject	8.3
537.18	Slopehill Joint Venture	Accept in part	8.7
537.19	Slopehill Joint Venture	Accept in part	8.7
537.2	Slopehill Joint Venture	Accept in part	3.16
537.20	Slopehill Joint Venture	Reject	8.7
537.21	Slopehill Joint Venture	Reject	8.7
537.22	Slopehill Joint Venture	Reject	8.7

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
537.3	Slopehill Joint Venture	Accept in part	2.11
537.4	Slopehill Joint Venture	Accept in part	3.16
537.43	Slopehill Joint Venture	Accept in part	2.3
537.5	Slopehill Joint Venture	Accept in part	2.11
537.6	Slopehill Joint Venture	Accept in part	2.11
537.7	Slopehill Joint Venture	Accept in part	2.11
537.8	Slopehill Joint Venture	Accept in part	2.3
537.9	Slopehill Joint Venture	Accept in part	3.19
568.6	Grant Laurie Bissett	Accept in part	8.5
570.3	Shotover Hamlet Investments Limited	Accept in Part	Part B
570.5	Shotover Hamlet Investments Limited	Accept in part	8.1-8.8
571.6	Totally Tourism Limited	Accept in Part	2.3, 3.1
580.2	Contact Energy Limited	Accept in part	8.4
580.3	Contact Energy Limited	Reject	8.6
580.6	Contact Energy Limited	Reject	8.8
581.10	Lesley and Jerry Burdon	Accept	8.7
581.11	Lesley and Jerry Burdon	Reject	8.7
581.12	Lesley and Jerry Burdon	Reject	8.7
581.5	Lesley and Jerry Burdon	Accept in part	2.11
581.6	Lesley and Jerry Burdon	Accept in part	2.11
581.7	Lesley and Jerry Burdon	Accept in part	8.6
581.8	Lesley and Jerry Burdon	Reject	8.7
581.9	Lesley and Jerry Burdon	Accept in part	8.3
590.1	Sam Kane	Accept in part	2.9
590.3	Sam Kane	Accept in part	8.5
590.4	Sam Kane	Reject	8.7
590.5	Sam Kane	Accept	8.6
598.1	Straterra	Reject	2.1
598.10	Straterra	Accept in part	2.9
598.11	Straterra	Accept in part	3.13
598.12	Straterra	Accept in part	2.9
598.13	Straterra	Accept in part	3.15
598.14	Straterra	Accept in part	2.10
598.15	Straterra	Accept in part	2.11
598.16	Straterra	Accept in part	3.16
598.17	Straterra	Accept in part	2.11
598.18	Straterra	Accept in part	3.16
598.19	Straterra	Accept in part	2.11, 3.18
598.2	Straterra	Accept in part	2.2
598.20	Straterra	Accept in part	2.3
598.21	Straterra	Accept in part	3.19
598.22	Straterra	Accept in part	3.19
598.23	Straterra	Accept in part	8.1
598.24	Straterra	Reject	8.3
598.25	Straterra	Accept in part	8.6
598.27	Straterra	Accept in part	8.7
598.28	Straterra	Accept in part	8.3
598.29	Straterra	Reject	8.7
598.3	Straterra	Accept in part	2.3
598.30	Straterra	Accept in part	8.5

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
598.31	Straterra	Reject	8.3
598.32	Straterra	Accept in part	8.7
598.33	Straterra	Reject	8.6
598.34	Straterra	Accept in part	8.3
598.35	Straterra	Accept in part	8.7
598.36	Straterra	Reject	8.3
598.37	Straterra	Accept	8.5
598.38	Straterra	Reject	8.5
598.4	Straterra	Accept in part	3.4
598.5	Straterra	Accept in part	2.3
598.6	Straterra	Reject	2.9
598.7	Straterra	Accept in part	3.9
598.8	Straterra	Reject	2.9
598.9	Straterra	Accept in part	3.12
600.11	Federated Farmers of New Zealand	Accept in Part	2.1
600.12	Federated Farmers of New Zealand	Accept in part	2.2
600.13	Federated Farmers of New Zealand	Accept in part	2.3
600.14	Federated Farmers of New Zealand	Accept in part	2.4, 2.5
600.15	Federated Farmers of New Zealand	Accept in part	2.9
600.16	Federated Farmers of New Zealand	Accept in part	2.9
600.17	Federated Farmers of New Zealand	Accept in part	3.9
600.18	Federated Farmers of New Zealand	Accept in part	3.9
600.19	Federated Farmers of New Zealand	Reject	2.9
600.20	Federated Farmers of New Zealand	Accept in part	2.9, 3.10
600.21	Federated Farmers of New Zealand	Accept in part	2.9
600.22	Federated Farmers of New Zealand	Accept in part	3.11
600.23	Federated Farmers of New Zealand	Accept in part	3.12
600.24	Federated Farmers of New Zealand	Accept in part	2.9
600.25	Federated Farmers of New Zealand	Reject	3.13
600.26	Federated Farmers of New Zealand	Reject	2.9
600.27	Federated Farmers of New Zealand	Accept in part	3.14
600.28	Federated Farmers of New Zealand	Accept in part	2.10
600.29	Federated Farmers of New Zealand	Accept in part	2.11
600.30	Federated Farmers of New Zealand	Accept in part	3.16
600.31	Federated Farmers of New Zealand	Accept in part	2.11
600.32	Federated Farmers of New Zealand	Accept in part	2.11
600.33	Federated Farmers of New Zealand	Accept in part	2.11
600.34	Federated Farmers of New Zealand	Accept in part	3.18
600.35	Federated Farmers of New Zealand	Accept in part	2.3
600.36	Federated Farmers of New Zealand	Accept in part	3.19
600.37	Federated Farmers of New Zealand	Accept in part	3.19
600.39	Federated Farmers of New Zealand	Accept in Part	6.4
600.42	Federated Farmers of New Zealand	Accept in part	8.2
600.43	Federated Farmers of New Zealand	Reject	8.3
600.44	Federated Farmers of New Zealand	Reject	8.5
600.45	Federated Farmers of New Zealand	Reject	8.7
600.46	Federated Farmers of New Zealand	Accept in part	8.3
600.47	Federated Farmers of New Zealand	Reject	8.7
600.48	Federated Farmers of New Zealand	Reject	8.7
600.49	Federated Farmers of New Zealand	Reject	8.3

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
600.50	Federated Farmers of New Zealand	Reject	8.3
600.51	Federated Farmers of New Zealand	Accept	8.6
600.52	Federated Farmers of New Zealand	Reject	8.7
600.53	Federated Farmers of New Zealand	Reject	8.3
600.54	Federated Farmers of New Zealand	Accept	8.5
607.10	Te Anau Developments Limited	Accept in part	3.1
607.11	Te Anau Developments Limited	Reject	3.4
607.12	Te Anau Developments Limited	Accept in part	2.3
607.13	Te Anau Developments Limited	Accept in part	2.7
607.14	Te Anau Developments Limited	Reject	3.8
607.15	Te Anau Developments Limited	Reject	2.9
607.16	Te Anau Developments Limited	Accept in part	2.11
607.17	Te Anau Developments Limited	Accept in part	3.16
607.18	Te Anau Developments Limited	Accept in part	2.11
607.19	Te Anau Developments Limited	Accept in part	3.19
607.6	Te Anau Developments Limited	Reject	2.15
607.7	Te Anau Developments Limited	Accept in part	2.3
607.8	Te Anau Developments Limited	Accept in part	3.1
608.1	Darby Planning LP	Accept in part	2
608.10	Darby Planning LP	Reject	3.5
608.11	Darby Planning LP	Reject	3.5
608.12	Darby Planning LP	Accept in part	3.5, 6.3, 6.4
608.13	Darby Planning LP	Accept in part	3.5, 6.3, 6.4
608.14	Darby Planning LP	Accept in part	3.5, 6.3, 6.4
608.15	Darby Planning LP	Accept in part	2.9
608.16	Darby Planning LP	Accept in part	3.11
608.17	Darby Planning LP	Accept in part	2.11
608.18	Darby Planning LP	Accept in part	3.16
608.19	Darby Planning LP	Accept in part	2.11
608.2	Darby Planning LP	Accept in Part	2.1
608.20	Darby Planning LP	Accept in part	3.5, 3.17
608.21	Darby Planning LP	Accept in part	2.3
608.22	Darby Planning LP	Accept in part	3.19
608.23	Darby Planning LP	Accept in part	2.5, 2.12
608.24	Darby Planning LP	Accept in Part	6.4
608.25	Darby Planning LP	Accept in Part	6.4
608.26	Darby Planning LP	Accept in Part	6.3
608.27	Darby Planning LP	Accept in Part	6.3
608.28	Darby Planning LP	Accept in Part	6.3
608.29	Darby Planning LP	Accept in Part	6.4
608.3	Darby Planning LP	Accept in part	2.3, 3.2, 3.18
608.30	Darby Planning LP	Accept in Part	6.4
608.31	Darby Planning LP	Accept in Part	6.5
608.32	Darby Planning LP	Accept in Part	6.3, 6.5
608.33	Darby Planning LP	Accept in Part	6.3, 6.5
608.34	Darby Planning LP	Accept in Part	6.5
608.35	Darby Planning LP	Accept in Part	6.5
608.36	Darby Planning LP	Reject	6.5
608.37	Darby Planning LP	Accept in part	8.2

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
608.38	Darby Planning LP	Reject	8.3
608.39	Darby Planning LP	Accept in part	8.7
608.4	Darby Planning LP	Accept in part	2.3
608.40	Darby Planning LP	Reject	8.7
608.41	Darby Planning LP	Reject	8.7
608.42	Darby Planning LP	Accept in part	8.3
608.43	Darby Planning LP	Reject	8.7
608.44	Darby Planning LP	Reject	8.3
608.45	Darby Planning LP	Accept in part	8.7
608.46	Darby Planning LP	Accept in part	8.7
608.47	Darby Planning LP	Reject	8.7
608.48	Darby Planning LP	Reject	8.7
608.49	Darby Planning LP	Reject	8.6
608.5	Darby Planning LP	Accept in part	3.3
608.50	Darby Planning LP	Reject	8.3
608.51	Darby Planning LP	Reject	8.3
608.52	Darby Planning LP	Accept	3.19
608.53	Darby Planning LP	Accept in part	8.4
608.6	Darby Planning LP	Accept in part	2.3
608.7	Darby Planning LP	Accept	3.4
608.74	Darby Planning LP	Accept in Part	6.4
608.8	Darby Planning LP	Accept in part	2.3
608.9	Darby Planning LP	Accept in part	2.5
610.1	Soho Ski Area Limited and Blackmans Creek No. 1 LP	Reject	8.3
610.2	Soho Ski Area Limited and Blackmans Creek No. 1 LP	Reject	8.5
610.3	Soho Ski Area Limited and Blackmans Creek No. 1 LP	Reject	3.19
610.4	Soho Ski Area Limited and Blackmans Creek No. 1 LP	Accept in part	8.4
613.1	Treble Cone Investments Limited.	Reject	8.3
613.2	Treble Cone Investments Limited.	Reject	8.5
613.3	Treble Cone Investments Limited.	Reject	3.19
613.4	Treble Cone Investments Limited.	Accept in part	8.4
615.10	Cardrona Alpine Resort Limited	Accept in part	3.1
615.11	Cardrona Alpine Resort Limited	Reject	3.4
615.12	Cardrona Alpine Resort Limited	Accept in part	2.3
615.13	Cardrona Alpine Resort Limited	Accept in part	2.7
615.14	Cardrona Alpine Resort Limited	Reject	3.8
615.15	Cardrona Alpine Resort Limited	Reject	2.9
615.16	Cardrona Alpine Resort Limited	Accept in part	3.16
615.17	Cardrona Alpine Resort Limited	Accept in part	2.11
615.18	Cardrona Alpine Resort Limited	Accept in part	3.19
615.25	Cardrona Alpine Resort Limited	Accept in part	2.11
615.6	Cardrona Alpine Resort Limited	Reject	2.15
615.7	Cardrona Alpine Resort Limited	Accept in part	2.3
615.8	Cardrona Alpine Resort Limited	Accept in part	3.1
621.10	Real Journeys Limited	Accept in part	3.1
621.11	Real Journeys Limited	Reject	3.4

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
621.12	Real Journeys Limited	Accept in part	2.3
621.13	Real Journeys Limited	Accept in part	2.7
621.14	Real Journeys Limited	Reject	3.8
621.15	Real Journeys Limited	Reject	2.9
621.16	Real Journeys Limited	Accept in part	2.11
621.17	Real Journeys Limited	Accept in part	3.16
621.18	Real Journeys Limited	Accept in part	2.11
621.19	Real Journeys Limited	Accept in part	3.19
621.26	Real Journeys Limited	Accept in part	8.6
621.27	Real Journeys Limited		8.5
621.28	Real Journeys Limited	Accept in part	8.5
621.29	Real Journeys Limited	Reject	8.6
621.30	Real Journeys Limited	Accept	8.3
621.31	Real Journeys Limited	Reject	8.7
621.32	Real Journeys Limited	Reject	8.7
621.33	Real Journeys Limited	Reject	8.3
621.34	Real Journeys Limited	Accept	8.3
621.35	Real Journeys Limited	Accept in part	8.3
621.36	Real Journeys Limited	Accept in part	8.3
621.37	Real Journeys Limited	Reject	8.8
621.38	Real Journeys Limited	Reject	8.8
621.39	Real Journeys Limited	Reject	8.8
621.40	Real Journeys Limited	Reject	3.19
621.41	Real Journeys Limited	Accept in part	8.4
621.6	Real Journeys Limited	Reject	2.15
621.7	Real Journeys Limited	Accept in part	2.3
621.8	Real Journeys Limited	Accept in part	3.1
624.10	D & M Columb	Accept in part	3.1
624.11	D & M Columb	Accept in part	2.3
624.12	D & M Columb	Accept in part	2.11
624.13	D & M Columb	Accept in part	3.16
624.14	D & M Columb	Accept in part	2.11
624.15	D & M Columb	Accept in part	3.19
624.16	D & M Columb	Accept in part	8.6
624.17	D & M Columb	Accept	8.3
624.18	D & M Columb	Reject	8.7
624.19	D & M Columb	Reject	8.3
624.20	D & M Columb	Accept	8.3
624.21	D & M Columb	Reject	3.19
624.6	D & M Columb	Accept in Part	2.3, 3.1
624.7	D & M Columb	Accept in part	2.3
624.8	D & M Columb	Accept in part	3.1
625.10	Upper Clutha Track Trust	Reject	2.15
625.1	Upper Clutha Track Trust	Accept in part	2.9
625.11	Upper Clutha Track Trust	Reject	2.15
625.12	Upper Clutha Track Trust	Reject	8.4
625.2	Upper Clutha Track Trust	Accept in part	3.14
625.3	Upper Clutha Track Trust	Accept in part	2.12, 6.3, 6.4

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
625.4	Upper Clutha Track Trust	Accept in part	3.20, 6.3, 6.4
625.6	Upper Clutha Track Trust	Reject	2.15
625.7	Upper Clutha Track Trust	Reject	2.15
625.8	Upper Clutha Track Trust	Reject	2.15
625.9	Upper Clutha Track Trust	Reject	2.15
632.2	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in part	2.10, 2.11, 3.16
632.3	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in part	8.3-8.8
633.2	Nick Flight	Accept in part	3.18
635.10	Aurora Energy Limited	Accept in part	2.3
635.11	Aurora Energy Limited	Accept in part	2.3
635.12	Aurora Energy Limited	Accept in part	2.5
635.13	Aurora Energy Limited	Accept in part	3.5, 6.3, 6.4
635.14	Aurora Energy Limited	Accept in part	3.7, 6.3, 6.4
635.15	Aurora Energy Limited	Accept in part	3.13
635.16	Aurora Energy Limited	Accept in part	2.10, 2.11, 3.16
635.17	Aurora Energy Limited	Accept in part	2.10, 2.11, 3.16
635.18	Aurora Energy Limited	Accept in part	2.5, 2.7
635.19	Aurora Energy Limited	Accept in Part	6.4
635.20	Aurora Energy Limited	Accept in Part	6.4
635.21	Aurora Energy Limited	Accept in Part	6.4
635.22	Aurora Energy Limited	Accept in Part	6.4
635.23	Aurora Energy Limited	Accept in Part	6.4
635.24	Aurora Energy Limited	Accept in Part	6.3, 6.5
635.25	Aurora Energy Limited	Accept in Part	6.3, 6.5
635.26	Aurora Energy Limited	Reject	6.5
635.27	Aurora Energy Limited	Reject	8.3
635.28	Aurora Energy Limited	Accept in part	8.6
635.29	Aurora Energy Limited	Accept in part	8.7
635.30	Aurora Energy Limited	Reject	8.7
635.31	Aurora Energy Limited	Accept in part	8.3
635.32	Aurora Energy Limited	Reject	8.8
636.3	Crown Range Holdings Ltd	Accept in part	2.10, 2.11, 3.16
636.4	Crown Range Holdings Ltd	Accept in part	8.3-8.8
640.1	John Wellington	Accept in part	2.9
640.2	John Wellington	Accept in part	3.14
640.3	John Wellington	Accept in part	2.12, 6.3, 6.4
640.4	John Wellington	Accept in part	3.20, 6.3, 6.4
643.2	Crown Range Enterprises	Accept in part	2.10, 2.11, 3.16
643.3	Crown Range Enterprises	Accept in part	2.11
643.4	Crown Range Enterprises	Accept in part	3.16
643.5	Crown Range Enterprises	Accept in part	2.3
643.6	Crown Range Enterprises	Accept in part	3.19

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643.7	Crown Range Enterprises	Accept in part	3.19
643.8	Crown Range Enterprises	Accept in part	8.3-8.8
651.2	David & Vivki Caesar	Accept in Part	6.5
653.3	Winton Partners Funds Management No 2 Limited.	Accept in Part	5, 6.1-6.5
655.2	Bridesdale Farm Developments Limited	Accept in Part	6.1-6.5
661.1	Land Information New Zealand	Accept in Part	6.3
669.7	Cook Adam Trustees Limited, C & M Burgess	Accept in part	2.10, 2.11, 3.16
669.8	Cook Adam Trustees Limited, C & M Burgess	Accept in part	8.3-8.8
671.1	Queenstown Trails Trust	Reject	2.15
671.2	Queenstown Trails Trust	Reject	8.4
677.2	Amrta Land Ltd	Reject	2.15
677.3	Amrta Land Ltd	Accept in part	2.3
677.4	Amrta Land Ltd	Accept in part	3.1
677.6	Amrta Land Ltd	Reject	8.5
677.7	Amrta Land Ltd	Reject	3.19
688.2	Justin Crane and Kirsty Mactaggart	Accept in part	2.10, 2.11, 3.16
688.3	Justin Crane and Kirsty Mactaggart	Accept in part	2.10, 2.11, 3.16
688.4	Justin Crane and Kirsty Mactaggart	Accept in part	8.3-8.8
693.3	Private Property Limited	Accept in part	2.10, 2.11, 3.16
693.4	Private Property Limited	Accept in part	2.10, 2.11, 3.16
693.5	Private Property Limited	Reject	8
693.6	Private Property Limited	Accept in part	8.3-8.8
696.10	Millbrook Country Club Ltd	Accept	8.7
696.11	Millbrook Country Club Ltd	Reject	8.7
696.12	Millbrook Country Club Ltd	Accept in part	8.7
696.13	Millbrook Country Club Ltd	Reject	8.5
696.14	Millbrook Country Club Ltd	Reject	3.19
696.2	Millbrook Country Club Ltd	Accept in part	2.3
696.3	Millbrook Country Club Ltd	Accept in part	2.3
696.4	Millbrook Country Club Ltd	Accept in part	2.11
696.5	Millbrook Country Club Ltd	Accept in part	3.16
696.6	Millbrook Country Club Ltd	Accept in part	3.19
696.7	Millbrook Country Club Ltd	Accept in part	8.7
696.8	Millbrook Country Club Ltd	Reject	8.7
696.9	Millbrook Country Club Ltd	Accept	8.7
701.3	Paul Kane	Accept in part	2.9, 3.10
701.4	Paul Kane	Accept in part	2.9, 3.10
701.5	Paul Kane	Accept in part	3.19
702.1	Lake Wakatipu Stations Limited	Accept in part	2.10, 2.11, 3.16
702.2	Lake Wakatipu Stations Limited	Accept in part	2.10, 2.11, 3.16
702.3	Lake Wakatipu Stations Limited	Reject	8
702.4	Lake Wakatipu Stations Limited	Accept in part	8.3-8.8

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706.10	Forest and Bird NZ	Reject	3.9
706.11	Forest and Bird NZ	Reject	2.9
706.12	Forest and Bird NZ	Accept in part	2.9, 3.10
706.13	Forest and Bird NZ	Accept in part	3.11
706.14	Forest and Bird NZ	Reject	2.9
706.15	Forest and Bird NZ	Reject	3.12
706.16	Forest and Bird NZ	Accept in part	2.9
706.17	Forest and Bird NZ	Accept in part	2.9
706.18	Forest and Bird NZ	Accept in part	3.14
706.19	Forest and Bird NZ	Reject	2.9
706.20	Forest and Bird NZ	Reject	3.15
706.6	Forest and Bird NZ	Accept in part	2.8
706.7	Forest and Bird NZ	Accept in part	2.9
706.8	Forest and Bird NZ	Reject	3.9
706.9	Forest and Bird NZ	Accept in part	3.9
707.1	Wanaka on Water	Accept in part	2.2, 2.3, 3.2
707.2	Wanaka on Water	Accept in part	2.2, 2.3, 3.2
707.3	Wanaka on Water	Accept in part	2.2, 2.3, 3.2
711.1	Richard Lawrie Hewitt	Reject	2.8
711.2	Richard Lawrie Hewitt	Reject	2.9
711.3	Richard Lawrie Hewitt	Reject	2.9
716.10	Ngai Tahu Tourism Ltd	Accept in part	2.7
716.11	Ngai Tahu Tourism Ltd	Reject	2.9
716.12	Ngai Tahu Tourism Ltd	Accept in part	2.11
716.13	Ngai Tahu Tourism Ltd	Accept in part	3.16
716.14	Ngai Tahu Tourism Ltd	Accept in part	2.11
716.15	Ngai Tahu Tourism Ltd	Accept in part	3.19
716.4	Ngai Tahu Tourism Ltd	Reject	2.15
716.5	Ngai Tahu Tourism Ltd	Accept in part	2.3
716.6	Ngai Tahu Tourism Ltd	Accept in part	3.1
716.8	Ngai Tahu Tourism Ltd	Reject	3.4
716.9	Ngai Tahu Tourism Ltd	Accept in part	2.3
719.10	NZ Transport Agency	Accept in part	3.5, 6.3, 6.4
719.11	NZ Transport Agency	Reject	3.15
719.12	NZ Transport Agency	Accept in Part	6.1
719.13	NZ Transport Agency	Accept in Part	6.4
719.14	NZ Transport Agency	Accept in Part	6.4
719.15	NZ Transport Agency	Accept in Part	6.3
719.16	NZ Transport Agency	Accept in Part	6.3
719.17	NZ Transport Agency	Accept in Part	6.3
719.18	NZ Transport Agency	Accept in Part	6.3
719.19	NZ Transport Agency	Accept in Part	6.3
719.20	NZ Transport Agency	Accept in Part	6.4
719.21	NZ Transport Agency	Accept in Part	6.4
719.22	NZ Transport Agency	Accept in Part	6.4
719.23	NZ Transport Agency	Accept in Part	6.3, 6.5
719.24	NZ Transport Agency	Accept in Part	6.3, 6.5
719.25	NZ Transport Agency	Reject	6.5
719.26	NZ Transport Agency	Accept in Part	6.5
719.27	NZ Transport Agency	Reject	6.5

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719.28	NZ Transport Agency	Accept in part	8.5
719.29	NZ Transport Agency	Accept in part	8.7
719.30	NZ Transport Agency	Accept in part	8.7
719.4	NZ Transport Agency	Accept in Part	2.1
719.5	NZ Transport Agency	Accept in part	2.3
719.6	NZ Transport Agency	Accept in part	2.4
719.7	NZ Transport Agency	Accept in part	2.5
719.8	NZ Transport Agency	Accept in part	3.5
719.9	NZ Transport Agency	Accept	3.5
725.1	Ian Percy & Fiona Aitken Family Trust	Accept in part	2.3
726.1	Upper Clutha Transport	Accept in part	2.3
726.2	Upper Clutha Transport	Accept in part	3.3
751.7	Hansen Family Partnership	Accept in Part	6.4
755.10	Guardians of Lake Wanaka	Accept in part	8.3
755.11	Guardians of Lake Wanaka	Accept	8.8
755.12	Guardians of Lake Wanaka	Accept in part	8.4
755.13	Guardians of Lake Wanaka	Reject	8.7
755.3	Guardians of Lake Wanaka	Accept in Part	2.1
755.4	Guardians of Lake Wanaka	Accept in part	2.9
755.5	Guardians of Lake Wanaka	Accept in part	2.9
755.6	Guardians of Lake Wanaka	Accept in part	2.9
755.7	Guardians of Lake Wanaka	Accept in part	3.12
755.8	Guardians of Lake Wanaka	Accept in part	3.13
755.9	Guardians of Lake Wanaka	Accept in part	8.2
761.1	ORFEL Ltd	Accept	2.3
761.10	ORFEL Ltd	Reject	8.3
761.11	ORFEL Ltd	Accept	8.7
761.12	ORFEL Ltd	Accept in part	8.7
761.13	ORFEL Ltd	Accept in part	8.7
761.14	ORFEL Ltd	Accept in part	8.7
761.15	ORFEL Ltd	Accept in part	8.3
761.16	ORFEL Ltd	Accept in part	8.7
761.17	ORFEL Ltd	Accept in part	8.7
761.18	ORFEL Ltd	Reject	8.3
761.2	ORFEL Ltd	Accept in part	2.11
761.3	ORFEL Ltd	Accept in part	2.11
761.35	ORFEL Ltd	Accept in part	2.3
761.36	ORFEL Ltd	Accept in part	2.3
761.4	ORFEL Ltd	Accept in part	2.11
761.5	ORFEL Ltd	Reject	8.3
761.6	ORFEL Ltd	Reject	8.4
761.7	ORFEL Ltd	Accept in part	8.7
761.8	ORFEL Ltd	Reject	8.5
761.9	ORFEL Ltd	Accept	8.7
766.14	Queenstown Wharves GP Limited	Accept	8.3
766.15	Queenstown Wharves GP Limited	Reject	8.8
766.16	Queenstown Wharves GP Limited	Reject	8.8
766.17	Queenstown Wharves GP Limited	Reject	8.8
768.10	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept	8.3, 8.6

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768.11	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept	8.3
768.12	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept	8.3
768.13	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept	8.3
768.14	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept	8.3
768.15	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	8.3
768.16	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Reject	8.5
768.5	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	3.3
768.6	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	2.9
768.7	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	3.13
768.8	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Reject	8.3
768.9	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept	8.3, 8.6,
771.4	Hawea Community Association	Accept	3.5
771.5	Hawea Community Association	Accept	6.4
773.1	John & Jill Blennerhassett	Accept in part	Part B
773.2	John & Jill Blennerhassett	Accept in Part	6.3
781.34	Chorus New Zealand Limited	Accept in Part	2,3,18
784.24	Jeremy Bell Investments Limited	Accept in part	2.3
784.25	Jeremy Bell Investments Limited	Accept in part	3.19
784.26	Jeremy Bell Investments Limited	Accept in part	3.19
784.3	Jeremy Bell Investments Limited	Accept in part	2.9, 3.10
784.4	Jeremy Bell Investments Limited	Accept in part	2.9, 3.11
791.4	Tim Burdon	Accept in part	2.3
791.5	Tim Burdon	Accept in part	2.3
791.6	Tim Burdon	Accept in part	3.19
791.7	Tim Burdon	Accept in part	3.19
791.8	Tim Burdon	Reject	8.7
791.9	Tim Burdon	Accept	8.6
794.4	Lakes Land Care	Accept in part	2.3
794.5	Lakes Land Care	Accept in part	2.3
794.6	Lakes Land Care	Accept in part	3.19
794.7	Lakes Land Care	Accept in part	3.19
794.8	Lakes Land Care	Reject	8.7
794.9	Lakes Land Care	Accept	8.6
795.1	Noel Williams	Accept in Part	6.5
798.1	Otago Regional Council	Accept in part	8.6
798.21	Otago Regional Council	Accept in Part	Part B
798.23	Otago Regional Council	Accept in part	2.5
798.24	Otago Regional Council	Accept in part	3.15
798.25	Otago Regional Council	Accept in part	2.5
798.27	Otago Regional Council	Accept in Part	6.3

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798.28	Otago Regional Council	Accept in Part	6.3, 6.5
798.30	Otago Regional Council	Accept in part	2.5, 2.12
798.53	Otago Regional Council	Accept in Part	6.3, 6.5
805.22	Transpower New Zealand Limited	Accept in part	2.3
805.23	Transpower New Zealand Limited	Accept in part	2.5
805.24	Transpower New Zealand Limited	Accept in part	3.5, 6.3, 6.4
805.25	Transpower New Zealand Limited	Accept in part	3.9
805.26	Transpower New Zealand Limited	Accept in part	3.13
805.27	Transpower New Zealand Limited	Accept in part	2.11
805.28	Transpower New Zealand Limited	Accept in part	3.16
805.29	Transpower New Zealand Limited	Accept in part	2.11
805.30	Transpower New Zealand Limited	Accept in part	3.16
805.31	Transpower New Zealand Limited	Accept in part	6.4
805.32	Transpower New Zealand Limited	Accept in Part	6.1
805.33	Transpower New Zealand Limited	Accept in Part	6.4
805.34	Transpower New Zealand Limited	Accept in Part	6.4
805.35	Transpower New Zealand Limited	Accept in Part	6.4
805.36	Transpower New Zealand Limited	Accept in Part	6.4
805.37	Transpower New Zealand Limited	Accept in Part	6.4
805.38	Transpower New Zealand Limited	Accept in Part	6.3, 6.5
805.40	Transpower New Zealand Limited	Reject	8.2
805.41	Transpower New Zealand Limited	Accept in part	8.6
805.42	Transpower New Zealand Limited	Accept in part	8.7
805.43	Transpower New Zealand Limited	Reject	8.6
805.44	Transpower New Zealand Limited	Accept in part	8.7
805.45	Transpower New Zealand Limited	Accept in part	8.7
806.10	Queenstown Park Limited	Accept in part	2.3
806.11	Queenstown Park Limited	Accept in part	3.2
806.12	Queenstown Park Limited	Accept in part	3.2
806.13	Queenstown Park Limited	Accept in part	3.1
806.14	Queenstown Park Limited	Accept in part	2.3
806.15	Queenstown Park Limited	Accept in part	3.3
806.16	Queenstown Park Limited	Accept in part	3.3
806.17	Queenstown Park Limited	Accept in part	3.3
806.18	Queenstown Park Limited	Accept in part	2.3
806.19	Queenstown Park Limited	Reject	3.4
806.20	Queenstown Park Limited	Accept in part	3.4
806.21	Queenstown Park Limited	Accept in part	2.3
806.22	Queenstown Park Limited	Accept in part	2.3
806.23	Queenstown Park Limited	Accept in part	2.4, 2.5, 3.5
806.24	Queenstown Park Limited	Accept in part	2.5
806.25	Queenstown Park Limited	Reject	3.5
806.26	Queenstown Park Limited	Reject	3.5
806.27	Queenstown Park Limited	Accept in part	3.5, 6.3, 6.4
806.28	Queenstown Park Limited	Accept in part	3.5, 6.3, 6.4
806.29	Queenstown Park Limited	Accept in part	3.5, 6.3, 6.4
806.30	Queenstown Park Limited	Accept in part	3.5, 6.3, 6.4
806.31	Queenstown Park Limited	Accept in part	3.5, 6.3, 6.4
806.32	Queenstown Park Limited	Accept in part	2.5, 3.8
806.33	Queenstown Park Limited	Accept in part	2.7, 3.8

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806.34	Queenstown Park Limited	Accept in part	2.8, 2.9, 3.9-3.13
806.35	Queenstown Park Limited	Accept in part	2.9, 3.14
806.36	Queenstown Park Limited	Accept in part	2.9, 3.15
806.37	Queenstown Park Limited	Accept in part	2.10, 2.11, 3.16
806.38	Queenstown Park Limited	Accept in part	2.11
806.39	Queenstown Park Limited	Accept in part	3.5, 3.17
806.40	Queenstown Park Limited	Accept in part	2.11, 3.18
806.41	Queenstown Park Limited	Accept in part	3.18
806.42	Queenstown Park Limited	Accept in part	2.3, 3.19
806.43	Queenstown Park Limited	Accept in part	2.5, 2.12, 3.20
806.44	Queenstown Park Limited	Accept in part	2.5, 2.12
806.45	Queenstown Park Limited	Accept in part	2.5, 2.12, 3.20, 6.3, 6.4
806.46	Queenstown Park Limited	Accept in part	2.12, 6.3, 6.4
806.48	Queenstown Park Limited	Accept in Part	6.3, 6.4
806.55	Queenstown Park Limited	Accept in part	8.6-8.7
806.56	Queenstown Park Limited	Accept	8.3
806.57	Queenstown Park Limited	Accept in part	8.4
806.58	Queenstown Park Limited	Accept in part	8.4
806.59	Queenstown Park Limited	Accept in part	8.6, 8.7
806.60	Queenstown Park Limited	Accept in part	8.6, 8.7
806.61	Queenstown Park Limited	Reject	8.5
806.62	Queenstown Park Limited	Reject	8.7
806.63	Queenstown Park Limited	Reject	6.3
806.64	Queenstown Park Limited	Reject	8.5
806.65	Queenstown Park Limited	Reject	8.5
806.66	Queenstown Park Limited	Accept	8.7
806.67	Queenstown Park Limited	Reject	8.6
806.68	Queenstown Park Limited	Accept in part	8.3
806.69	Queenstown Park Limited	Accept in part	8.7
806.70	Queenstown Park Limited	Reject	8.6
806.71	Queenstown Park Limited	Reject	8.5
806.72	Queenstown Park Limited	Reject	8.3
806.73	Queenstown Park Limited	Accept in part	8.7
806.74	Queenstown Park Limited	Reject	8.6
806.75	Queenstown Park Limited	Reject	8.7
806.76	Queenstown Park Limited	Reject	8.6
806.77	Queenstown Park Limited	Reject	8.3
806.78	Queenstown Park Limited	Accept	8.7
806.79	Queenstown Park Limited	Accept in part	8.7
806.8	Queenstown Park Limited	Accept in Part	1.9
806.80	Queenstown Park Limited	Reject	8.7
806.81	Queenstown Park Limited	Accept in part	8.5
806.82	Queenstown Park Limited	Accept in part	8.7
806.83	Queenstown Park Limited	Reject	8.7

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806.84	Queenstown Park Limited	Accept	8.3
806.85	Queenstown Park Limited	Reject	8.8
806.86	Queenstown Park Limited	Reject	8.8
806.87	Queenstown Park Limited	Reject	8.8
806.88	Queenstown Park Limited	Reject	8.3
806.89	Queenstown Park Limited	Reject	8.5
806.9	Queenstown Park Limited	Accept in part	2, 2.2
806.90	Queenstown Park Limited	Reject	8.3
806.91	Queenstown Park Limited	Reject	8.3
806.92	Queenstown Park Limited	Reject	3.19
806.93	Queenstown Park Limited	Reject	8.4
807.10	Remarkables Park Limited	Accept in Part	2.3, 3.2
807.30	Remarkables Park Limited	Accept in Part	2.3
807.31	Remarkables Park Limited	Accept in part	Part B
807.32	Remarkables Park Limited	Accept in part	2
807.33	Remarkables Park Limited	Accept in part	2.3
807.34	Remarkables Park Limited	Accept in part	2.3
807.35	Remarkables Park Limited	Accept	2.3
807.36	Remarkables Park Limited	Accept in part	2.3
807.37	Remarkables Park Limited	Accept in part	2.3
807.38	Remarkables Park Limited	Accept	2.3
807.39	Remarkables Park Limited	Accept in part	2.3
807.40	Remarkables Park Limited	Reject	3.4
807.41	Remarkables Park Limited	Accept in part	2.3
807.42	Remarkables Park Limited	Accept in part	2.3
807.43	Remarkables Park Limited	Reject	3.5
807.44	Remarkables Park Limited	Accept in part	2.5
807.45	Remarkables Park Limited	Accept in part	3.5
807.46	Remarkables Park Limited	Reject	3.5
807.47	Remarkables Park Limited	Accept in part	3.5, 6.3, 6.4
807.48	Remarkables Park Limited	Accept in part	3.5, 6.3, 6.4
807.49	Remarkables Park Limited	Accept in part	3.5, 6.3, 6.4
807.50	Remarkables Park Limited	Accept in part	3.5, 6.3, 6.4
807.51	Remarkables Park Limited	Accept in part	2.5- 2.7, 3.8
807.52	Remarkables Park Limited	Accept in part	2.8, 2.9. 3.9-3.13
807.53	Remarkables Park Limited	Accept in part	3.13
807.54	Remarkables Park Limited	Accept in part	2.9, 3.14
807.55	Remarkables Park Limited	Accept in part	2.9, 3.15
807.56	Remarkables Park Limited	Accept in part	2.10, 2.11, 3.16
807.57	Remarkables Park Limited	Accept in part	2.11, 3.16
807.58	Remarkables Park Limited	Accept in part	2.11
807.59	Remarkables Park Limited	Accept in part	2.11, 3.18
807.60	Remarkables Park Limited	Accept in part	2.3, 3.19
807.6	Remarkables Park Limited	Reject	6.3
807.61	Remarkables Park Limited	Accept in part	2.5, 2.12, 3.20
807.63	Remarkables Park Limited	Accept in Part	5, 6.3-6.5

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
807.64	Remarkables Park Limited	Accept in Part	2.3, 3.2, 6.3, 6.4
807.65	Remarkables Park Limited	Reject	6.3
807.66	Remarkables Park Limited	Accept in Part	6.4
807.67	Remarkables Park Limited	Accept in Part	6.4
807.68	Remarkables Park Limited	Accept in Part	6.4
807.69	Remarkables Park Limited	Accept in Part	6.4
807.70	Remarkables Park Limited	Accept in Part	6.4
807.71	Remarkables Park Limited	Accept in Part	6.4
807.72	Remarkables Park Limited	Accept in Part	6.5
807.74	Remarkables Park Limited	Reject	8.6
807.75	Remarkables Park Limited	Accept in part	8.3, 8.6, 8.7
807.9	Remarkables Park Limited	Accept in Part	2.3
808.1	Shotover Park Limited	Reject	2
808.2	Shotover Park Limited	Accept in Part	2.3, 3.2, 3.3
808.3	Shotover Park Limited	Accept in Part	2.3, 3.2, 3.3
809.1	Queenstown Lakes District Council	Accept in part	2.11
809.2	Queenstown Lakes District Council	Accept in Part	6.4
809.3	Queenstown Lakes District Council	Reject	8.7
809.4	Queenstown Lakes District Council	Accept in part	8.3
810.10	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua	Accept in Part	6.3, 6.5
810.11	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua	Reject	6.5
810.29	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua	Accept in part	8.6
810.3	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua	Reject	2.1
810.30	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua	Reject	2.1, 8.8
810.31	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua	Reject	3.19
810.4	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua	Reject	2.1
810.5	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o	Reject	3.8

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	Otakou and Hokonui Runanga collectively Manawhenua		
810.6	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua	Accept in part	2.8
810.7	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua	Reject	2.11
810.9	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua	Accept in Part	6.3
836.15	Arcadian Triangle Limited	Accept in Part	2.8, 3.14
836.16	Arcadian Triangle Limited	Accept in Part	6.3
836.17	Arcadian Triangle Limited	Accept in Part	6.4
836.18	Arcadian Triangle Limited	Accept in part	8.7
836.22	Arcadian Triangle Limited	Accept in part	8.4
842.4	Scott Crawford	Accept in Part	5, 6.1-6.5
854.4	Slopehill Properties Limited	Reject	2.15

Part B: Further Submissions

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1004.6	513.1	Elizabeth & Murray Hanan	Accept in part	2.3
FS1004.8	10.1	Elizabeth & Murray Hanan	Accept in part	3.5
FS1012.16	69.2	Willowridge Developments Limited	Accept	6.5
FS1012.17	69.3	Willowridge Developments Limited	Accept in Part	6.5
FS1012.47	502.1	Willowridge Developments Limited	Accept in part	2.11
FS1012.48	502.2	Willowridge Developments Limited	Accept in part	2.11
FS1012.49	502.3	Willowridge Developments Limited	Accept in part	8.6
FS1012.50	502.4	Willowridge Developments Limited	Reject	8.7
FS1012.57	806.10	Willowridge Developments Limited	Accept in part	2.3
FS1012.58	806.11	Willowridge Developments Limited	Accept in part	3.2
FS1012.59	806.12	Willowridge Developments Limited	Accept in part	3.2
FS1013.4	725.1	Orchard Road Holdings Limited	Accept in part	2.3
FS1015.101	608.37	Straterra	Accept in part	8.2
FS1015.102	608.49	Straterra	Accept	8.6
FS1015.103	608.50	Straterra	Accept	8.3
FS1015.104	671.1	Straterra	Accept	2.15
FS1015.105	677.4	Straterra	Accept in part	3.1
FS1015.107	706.9	Straterra	Accept in part	3.9
FS1015.108	706.14	Straterra	Accept	2.9
FS1015.125	761.2	Straterra	Accept in part	2.11
FS1015.126	761.10	Straterra	Accept in part	8.3
FS1015.127	761.12	Straterra	Accept in part	8.7
FS1015.128	761.15	Straterra	Accept in part	8.3
FS1015.129	761.16	Straterra	Accept in part	8.7
FS1015.130	761.17	Straterra	Accept in part	8.7
FS1015.131	761.18	Straterra	Reject	8.3
FS1015.135	768.15	Straterra	Accept in part	8.3
FS1015.2	339.17	Straterra	Accept in part	3.9
FS1015.21	373.6	Straterra	Accept in part	3.9
FS1015.22	373.11	Straterra	Accept in part	8.4, 8.6
FS1015.3	339.23	Straterra	Reject	1.7, 3.12
FS1015.30	375.3	Straterra	Accept in part	3.16
FS1015.31	375.10	Straterra	Accept in part	8.6
FS1015.32	375.11	Straterra	Reject	8.6
FS1015.33	375.14	Straterra	Accept in part	8.7
FS1015.44	519.8	Straterra	Accept in part	3.18
FS1015.45	519.9	Straterra	Accept in part	2.3
FS1015.46	519.10	Straterra	Accept in part	2.3

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1015.47	519.11	Straterra	Accept in part	3.9
FS1015.48	519.12	Straterra	Reject	2.9
FS1015.49	519.13	Straterra	Reject	3.14
FS1015.50	519.14	Straterra	Accept in part	3.15
FS1015.51	519.15	Straterra	Accept in part	2.11
FS1015.52	519.16	Straterra	Accept in part	3.16
FS1015.53	519.17	Straterra	Accept in part	3.16
FS1015.54	519.18	Straterra	Accept in part	2.11
FS1015.55	519.19	Straterra	Accept in part	3.16
FS1015.56	519.20	Straterra	Accept in part	2.11, 3.18
FS1015.57	519.21	Straterra	Accept in part	3.18
FS1015.59	519.23	Straterra	Accept in part	8.6
FS1015.60	519.24	Straterra	Reject	8.7
FS1015.61	519.25	Straterra	Accept in part	8.3
FS1015.62	519.26	Straterra	Accept in part	8.5
FS1015.63	519.27	Straterra	Reject	8.3
FS1015.64	519.28	Straterra	Accept in part	8.7
FS1015.65	519.29	Straterra	Reject	8.6
FS1015.66	519.30	Straterra	Accept in part	8.3
FS1015.67	519.31	Straterra	Accept	8.5
FS1015.68	519.32	Straterra	Reject	8.5
FS1029.31	221.1	Universal Developments Limited	Accept in part	2.10
FS1029.34	423.1	Universal Developments Limited	Accept in part	2.10
FS1034.11	600.11	Upper Clutha Environmental Society (Inc.)	Accept in Part	2.1
FS1034.12	600.12	Upper Clutha Environmental Society (Inc.)	Accept in part	2.2
FS1034.13	600.13	Upper Clutha Environmental Society (Inc.)	Accept in part	2.3
FS1034.14	600.14	Upper Clutha Environmental Society (Inc.)	Accept in part	2.4, 2.5
FS1034.15	600.15	Upper Clutha Environmental Society (Inc.)	Accept in part	2.9
FS1034.159	608.1	Upper Clutha Environmental Society (Inc.)	Accept in part	2
FS1034.16	600.16	Upper Clutha Environmental Society (Inc.)	Accept in part	2.9
FS1034.160	608.2	Upper Clutha Environmental Society (Inc.)	Accept in Part	2.1
FS1034.161	608.3	Upper Clutha Environmental Society (Inc.)	Accept in part	2.3, 3.2, 3.18
FS1034.162	608.4	Upper Clutha Environmental Society (Inc.)	Accept in part	2.3
FS1034.163	608.5	Upper Clutha Environmental Society (Inc.)	Accept in part	3.3
FS1034.164	608.6	Upper Clutha Environmental Society (Inc.)	Accept in part	2.3

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1034.165	608.7	Upper Clutha Environmental Society (Inc.)	Reject	3.4
FS1034.166	608.8	Upper Clutha Environmental Society (Inc.)	Accept in part	2.3
FS1034.167	608.9	Upper Clutha Environmental Society (Inc.)	Accept in part	2.5
FS1034.168	608.10	Upper Clutha Environmental Society (Inc.)	Accept	3.5
FS1034.169	608.11	Upper Clutha Environmental Society (Inc.)	Accept	3.5
FS1034.17	600.17	Upper Clutha Environmental Society (Inc.)	Accept in part	3.9
FS1034.170	608.12	Upper Clutha Environmental Society (Inc.)	Accept in part	3.5, 6.3, 6.4
FS1034.171	608.13	Upper Clutha Environmental Society (Inc.)	Accept in part	3.5, 6.3, 6.4
FS1034.172	608.14	Upper Clutha Environmental Society (Inc.)	Accept in part	3.5, 6.3, 6.4
FS1034.173	608.15	Upper Clutha Environmental Society (Inc.)	Accept in part	2.9
FS1034.174	608.16	Upper Clutha Environmental Society (Inc.)	Accept in part	3.11
FS1034.175	608.17	Upper Clutha Environmental Society (Inc.)	Accept in part	2.11
FS1034.176	608.18	Upper Clutha Environmental Society (Inc.)	Accept in part	3.16
FS1034.177	608.19	Upper Clutha Environmental Society (Inc.)	Accept in part	2.11
FS1034.178	608.20	Upper Clutha Environmental Society (Inc.)	Accept in part	3.5, 3.17
FS1034.179	608.21	Upper Clutha Environmental Society (Inc.)	Accept in part	2.3
FS1034.18	600.18	Upper Clutha Environmental Society (Inc.)	Accept in part	3.9
FS1034.180	608.22	Upper Clutha Environmental Society (Inc.)	Accept in part	3.19
FS1034.181	608.23	Upper Clutha Environmental Society (Inc.)	Accept in part	2.5, 2.12
FS1034.182	608.24	Upper Clutha Environmental Society (Inc.)	Accept in Part	6.4
FS1034.183	608.25	Upper Clutha Environmental Society (Inc.)	Accept in Part	6.4
FS1034.184	608.26	Upper Clutha Environmental Society (Inc.)	Accept in Part	6.3
FS1034.185	608.27	Upper Clutha Environmental Society (Inc.)	Accept in Part	6.3
FS1034.186	608.28	Upper Clutha Environmental Society (Inc.)	Accept in Part	6.3
FS1034.187	608.29	Upper Clutha Environmental Society (Inc.)	Accept in Part	6.4

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1034.188	608.30	Upper Clutha Environmental Society (Inc.)	Accept in Part	6.4
FS1034.189	608.31	Upper Clutha Environmental Society (Inc.)	Accept in Part	6.5
FS1034.19	600.19	Upper Clutha Environmental Society (Inc.)	Accept	2.9
FS1034.190	608.32	Upper Clutha Environmental Society (Inc.)	Accept in Part	6.3, 6.5
FS1034.191	608.33	Upper Clutha Environmental Society (Inc.)	Accept in Part	6.3, 6.5
FS1034.192	608.34	Upper Clutha Environmental Society (Inc.)	Accept in Part	6.5
FS1034.193	608.35	Upper Clutha Environmental Society (Inc.)	Accept in Part	6.5
FS1034.194	608.36	Upper Clutha Environmental Society (Inc.)	Reject	6.5
FS1034.195	608.37	Upper Clutha Environmental Society (Inc.)	Accept in part	8.2
FS1034.196	608.38	Upper Clutha Environmental Society (Inc.)	Accept	8.3
FS1034.197	608.39	Upper Clutha Environmental Society (Inc.)	Accept in part	8.7
FS1034.198	608.40	Upper Clutha Environmental Society (Inc.)	Reject	8.7
FS1034.199	608.41	Upper Clutha Environmental Society (Inc.)	Accept	8.7
FS1034.20	600.20	Upper Clutha Environmental Society (Inc.)	Accept in part	2.9, 3.10
FS1034.200	608.42	Upper Clutha Environmental Society (Inc.)	Accept in part	8.3
FS1034.201	608.43	Upper Clutha Environmental Society (Inc.)	Accept	8.7
FS1034.202	608.44	Upper Clutha Environmental Society (Inc.)	Accept	8.3
FS1034.203	608.45	Upper Clutha Environmental Society (Inc.)	Accept in part	8.7
FS1034.204	608.46	Upper Clutha Environmental Society (Inc.)	Accept in part	8.7
FS1034.205	608.47	Upper Clutha Environmental Society (Inc.)	Reject	8.7
FS1034.206	608.48	Upper Clutha Environmental Society (Inc.)	Accept	8.7
FS1034.207	608.49	Upper Clutha Environmental Society (Inc.)	Accept	8.6
FS1034.208	608.50	Upper Clutha Environmental Society (Inc.)	Accept	8.3
FS1034.209	608.51	Upper Clutha Environmental Society (Inc.)	Accept	8.3
FS1034.21	600.21	Upper Clutha Environmental Society (Inc.)	Accept in part	2.9

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1034.210	608.52	Upper Clutha Environmental Society (Inc.)	Reject	3.19
FS1034.211	608.53	Upper Clutha Environmental Society (Inc.)	Accept in part	8.4
FS1034.22	600.22	Upper Clutha Environmental Society (Inc.)	Accept in part	3.11
FS1034.23	600.23	Upper Clutha Environmental Society (Inc.)	Accept in part	3.12
FS1034.232	608.74	Upper Clutha Environmental Society (Inc.)	Accept in Part	6.4
FS1034.24	600.24	Upper Clutha Environmental Society (Inc.)	Accept in part	2.9
FS1034.25	600.25	Upper Clutha Environmental Society (Inc.)	Accept	3.13
FS1034.26	600.26	Upper Clutha Environmental Society (Inc.)	Accept	2.9
FS1034.27	600.27	Upper Clutha Environmental Society (Inc.)	Accept in part	3.14
FS1034.28	600.28	Upper Clutha Environmental Society (Inc.)	Accept in part	2.10
FS1034.29	600.29	Upper Clutha Environmental Society (Inc.)	Accept in part	2.11
FS1034.30	600.30	Upper Clutha Environmental Society (Inc.)	Accept in part	3.16
FS1034.31	600.31	Upper Clutha Environmental Society (Inc.)	Accept in part	2.11
FS1034.32	600.32	Upper Clutha Environmental Society (Inc.)	Accept in part	2.11
FS1034.33	600.33	Upper Clutha Environmental Society (Inc.)	Accept in part	2.11
FS1034.34	600.34	Upper Clutha Environmental Society (Inc.)	Accept in part	3.18
FS1034.35	600.35	Upper Clutha Environmental Society (Inc.)	Accept in part	2.3
FS1034.36	600.36	Upper Clutha Environmental Society (Inc.)	Accept in part	3.19
FS1034.37	600.37	Upper Clutha Environmental Society (Inc.)	Accept in part	3.19
FS1034.39	600.39	Upper Clutha Environmental Society (Inc.)	Accept in Part	6.4
FS1034.42	600.42	Upper Clutha Environmental Society (Inc.)	Accept in part	8.2
FS1034.43	600.43	Upper Clutha Environmental Society (Inc.)	Accept	8.3
FS1034.44	600.44	Upper Clutha Environmental Society (Inc.)	Accept	8.5
FS1034.45	600.45	Upper Clutha Environmental Society (Inc.)	Accept	8.7
FS1034.46	600.46	Upper Clutha Environmental Society (Inc.)	Accept in part	8.3

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1034.47	600.47	Upper Clutha Environmental Society (Inc.)	Accept	8.7
FS1034.48	600.48	Upper Clutha Environmental Society (Inc.)	Accept	8.7
FS1034.49	600.49	Upper Clutha Environmental Society (Inc.)	Accept	8.3
FS1034.50	600.50	Upper Clutha Environmental Society (Inc.)	Accept	8.3
FS1034.51	600.51	Upper Clutha Environmental Society (Inc.)	Reject	8.6
FS1034.52	600.52	Upper Clutha Environmental Society (Inc.)	Accept	8.7
FS1034.53	600.53	Upper Clutha Environmental Society (Inc.)	Accept	8.3
FS1034.54	600.54	Upper Clutha Environmental Society (Inc.)	Reject	8.5
FS1035.2	677.2	Mark Crook	Accept	2.15
FS1035.3	677.3	Mark Crook	Accept in part	2.3
FS1035.4	677.4	Mark Crook	Accept in part	3.1
FS1040.2	251.3	Forest and Bird	Accept in part	2.3
FS1040.29	580.6	Forest and Bird	Accept	8.8
FS1040.31	598.3	Forest and Bird	Accept in part	2.3
FS1040.32	598.6	Forest and Bird	Accept	2.9
FS1040.33	598.7	Forest and Bird	Accept in part	3.9
FS1040.34	598.11	Forest and Bird	Accept in part	3.13
FS1040.35	598.12	Forest and Bird	Accept in part	2.9
FS1040.42	600.13	Forest and Bird	Accept in part	2.3
FS1040.43	600.16	Forest and Bird	Accept in part	2.9
FS1040.44	600.17	Forest and Bird	Accept in part	3.9
FS1040.45	600.20	Forest and Bird	Accept in part	2.9, 3.10
FS1040.46	600.21	Forest and Bird	Accept in part	2.9
FS1040.47	600.22	Forest and Bird	Accept in part	3.11
FS1040.48	600.24	Forest and Bird	Accept in part	2.9
FS1040.49	600.45	Forest and Bird	Reject	8.7
FS1040.6	373.5	Forest and Bird	Reject	3.9
FS1040.7	373.6	Forest and Bird	Accept in part	3.9
FS1043.5	217.3	Grand Lakes Management Limited	Accept in part	2.8
FS1049.1	378.1	LAC Property Trustees Limited	Accept in part	2.4
FS1049.10	378.10	LAC Property Trustees Limited	Accept in Part	6.4
FS1049.11	378.11	LAC Property Trustees Limited	Accept in Part	6.4
FS1049.12	378.12	LAC Property Trustees Limited	Accept in Part	6.4
FS1049.13	378.13	LAC Property Trustees Limited	Accept in Part	6.5
FS1049.14	378.14	LAC Property Trustees Limited	Accept in part	8.6

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1049.15	378.15	LAC Property Trustees Limited	Accept in part	6.3
FS1049.16	378.16	LAC Property Trustees Limited	Accept	8.7
FS1049.17	378.17	LAC Property Trustees Limited	Accept	8.3
FS1049.18	378.18	LAC Property Trustees Limited	Accept	8.7
FS1049.19	378.19	LAC Property Trustees Limited	Accept in part	8.7
FS1049.2	378.2	LAC Property Trustees Limited	Accept in part	2.9, 3.9
FS1049.20	378.20	LAC Property Trustees Limited	Accept in part	8.7
FS1049.21	378.21	LAC Property Trustees Limited	Reject	8.7
FS1049.22	378.22	LAC Property Trustees Limited	Accept	8.3
FS1049.3	378.3	LAC Property Trustees Limited	Accept in part	2.9, 3.10
FS1049.32	378.32	LAC Property Trustees Limited	Accept in Part	6.1-6.5
FS1049.33	378.33	LAC Property Trustees Limited	Accept in part	8.1-8.8
FS1049.4	378.4	LAC Property Trustees Limited	Accept in part	2.9
FS1049.5	378.5	LAC Property Trustees Limited	Accept in part	2.11
FS1049.6	378.6	LAC Property Trustees Limited	Accept in part	2.11
FS1049.7	378.7	LAC Property Trustees Limited	Accept in part	2.5, 2.12
FS1050.23	430.3	Jan Andersson	Accept in part	2.3, 2.11, 3.16
FS1050.25	430.5	Jan Andersson	Accept in part	8.3-8.4, 8.6-8.7
FS1050.26	430.6	Jan Andersson	Accept in part	8.3, 8.7
FS1050.27	430.7	Jan Andersson	Accept in part	8.3, 8.7
FS1059.42	469.1	Erna Spijkerbosch	Accept in part	2.12
FS1059.73	289.5	Erna Spijkerbosch	Accept in part	3.5, 6.3, 6.4
FS1061.22	751.7	Otago Foundation Trust Board	Accept in Part	6.4
FS1061.26	265.1	Otago Foundation Trust Board	Accept in part	2.10
FS1061.29	423.1	Otago Foundation Trust Board	Accept in part	2.10
FS1061.3	221.1	Otago Foundation Trust Board	Accept in part	2.10
FS1061.35	524.5	Otago Foundation Trust Board	Accept in part	3.5, 6.3, 6.4
FS1061.36	524.6	Otago Foundation Trust Board	Accept in part	3.5, 6.3, 6.4

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1061.37	524.12	Otago Foundation Trust Board	Reject	6.5
FS1061.38	524.13	Otago Foundation Trust Board	Reject	6.5
FS1064.2	655.2	Martin MacDonald	Accept in Part	6.1
FS1068.1	535.1	Keri & Roland Lemaire-Sicre	Accept in part	2.3
FS1068.2	535.2	Keri & Roland Lemaire-Sicre	Accept in part	2.11
FS1068.3	535.3	Keri & Roland Lemaire-Sicre	Accept in part	3.16
FS1068.4	535.4	Keri & Roland Lemaire-Sicre	Accept in part	3.16
FS1068.5	535.5	Keri & Roland Lemaire-Sicre	Accept in part	2.11
FS1068.6	535.6	Keri & Roland Lemaire-Sicre	Accept in part	2.3
FS1068.7	535.7	Keri & Roland Lemaire-Sicre	Accept in part	3.19
FS1068.8	535.8	Keri & Roland Lemaire-Sicre	Accept in part	3.19
FS1068.9	535.9	Keri & Roland Lemaire-Sicre	Accept in part	2.5, 2.12
FS1071.105	414.2	Lake Hayes Estate Community Association	Accept	6.3
FS1071.14	535.1	Lake Hayes Estate Community Association	Accept in part	2.3
FS1071.15	535.2	Lake Hayes Estate Community Association	Accept in part	2.11
FS1071.16	535.3	Lake Hayes Estate Community Association	Accept in part	3.16
FS1071.17	535.4	Lake Hayes Estate Community Association	Accept in part	3.16
FS1071.18	535.5	Lake Hayes Estate Community Association	Accept in part	2.11
FS1071.19	535.6	Lake Hayes Estate Community Association	Accept in part	2.3
FS1071.20	535.7	Lake Hayes Estate Community Association	Accept in part	3.19
FS1071.21	535.8	Lake Hayes Estate Community Association	Accept in part	3.19
FS1071.22	535.9	Lake Hayes Estate Community Association	Accept in part	2.5, 2.12
FS1071.3	655.2	Lake Hayes Estate Community Association	Accept in Part	6.1
FS1071.59	532.1	Lake Hayes Estate Community Association	Accept in part	2.3
FS1071.60	532.2	Lake Hayes Estate Community Association	Accept in part	2.11
FS1071.61	532.3	Lake Hayes Estate Community Association	Accept in part	3.16
FS1071.62	532.4	Lake Hayes Estate Community Association	Accept in part	3.16
FS1071.63	532.5	Lake Hayes Estate Community Association	Accept in part	2.11
FS1071.64	532.6	Lake Hayes Estate Community Association	Accept in part	2.3
FS1071.65	532.7	Lake Hayes Estate Community Association	Accept in part	3.19

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1071.66	532.8	Lake Hayes Estate Community Association	Accept in part	3.19
FS1071.67	532.9	Lake Hayes Estate Community Association	Accept in part	2.5, 2.12
FS1074.2	677.2	Alistair Angus	Accept	2.15
FS1074.3	677.3	Alistair Angus	Accept in part	2.3
FS1074.4	677.4	Alistair Angus	Accept in part	3.1
FS1077.11	238.39	Board of Airline Representatives of New Zealand (BARNZ)	Accept in Part	6.3, 6.5
FS1077.19	433.37	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	2.3
FS1077.20	433.38	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	2.10, 2.11, 3.16
FS1077.21	433.39	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	2.3
FS1077.22	433.40	Board of Airline Representatives of New Zealand (BARNZ)	Reject	6.1
FS1077.23	433.41	Board of Airline Representatives of New Zealand (BARNZ)	Accept in Part	6.4
FS1077.24	433.42	Board of Airline Representatives of New Zealand (BARNZ)	Accept in Part	6.4
FS1077.25	433.43	Board of Airline Representatives of New Zealand (BARNZ)	Accept in Part	6.5
FS1077.26	433.44	Board of Airline Representatives of New Zealand (BARNZ)	Accept in Part	6.3, 6.5
FS1077.27	433.45	Board of Airline Representatives of New Zealand (BARNZ)	Accept in Part	6.5
FS1077.28	433.46	Board of Airline Representatives of New Zealand (BARNZ)	Reject	8.2
FS1077.29	433.47	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	8.6-8.7
FS1077.30	433.48	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	8.6
FS1077.31	433.49	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	8.6

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1077.32	433.50	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	8.7
FS1077.63	751.7	Board of Airline Representatives of New Zealand (BARNZ)	Accept in Part	6.4
FS1077.66	806.21	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	2.3
FS1077.69	807.42	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	2.3
FS1080.1	600.16	Director General of Conservation	Accept in part	2.9
FS1082.20	430.3	J and R Hadley	Accept in part	2.3, 2.11, 3.16
FS1084.4	430.3	Wendy Clarke	Accept in part	2.3, 2.11, 3.16
FS1084.5	430.4	Wendy Clarke	Accept in part	8.2
FS1084.6	430.5	Wendy Clarke	Accept in part	8.3-8.4, 8.6-8.7
FS1084.7	430.6	Wendy Clarke	Accept in part	8.3, 8.7
FS1084.8	430.7	Wendy Clarke	Accept in part	8.3, 8.7
FS1085.1	519.29	Contact Energy Limited	Reject	8.6
FS1085.10	221.1	Contact Energy Limited	Accept in part	2.10
FS1085.15	423.1	Contact Energy Limited	Accept in part	2.10
FS1085.2	598.33	Contact Energy Limited	Reject	8.6
FS1085.3	806.76	Contact Energy Limited	Reject	8.6
FS1085.4	325.15	Contact Energy Limited	Accept in part	8.6
FS1085.7	836.22	Contact Energy Limited	Accept in part	8.4
FS1086.6	430.3	J Hadley	Accept in part	2.3, 2.11, 3.16
FS1087.4	430.3	Robyn Hart	Accept in part	2.3, 2.11, 3.16
FS1087.5	430.4	Robyn Hart	Accept in part	8.2
FS1087.6	430.5	Robyn Hart	Accept in part	8.3-8.4, 8.6-8.7
FS1087.7	430.6	Robyn Hart	Accept in part	8.3, 8.7
FS1087.8	430.7	Robyn Hart	Accept in part	8.3, 8.7
FS1089.22	430.3	Mark McGuinness	Accept in part	2.3, 2.11, 3.16
FS1091.14	598.20	Jeremy Bell Investments Limited	Accept in part	2.3
FS1091.17	600.22	Jeremy Bell Investments Limited	Accept in part	3.11
FS1091.18	600.35	Jeremy Bell Investments Limited	Accept in part	2.3
FS1091.2	373.9	Jeremy Bell Investments Limited	Accept in part	2.9
FS1091.23	696.6	Jeremy Bell Investments Limited	Accept in part	3.19
FS1091.3	373.10	Jeremy Bell Investments Limited	Accept in part	3.11
FS1091.31	806.42	Jeremy Bell Investments Limited	Accept in part	2.3, 3.19

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1092.12	433.39	NZ Transport Agency	Accept in part	2.3
FS1092.13	433.48	NZ Transport Agency	Accept in part	8.6
FS1092.14	433.49	NZ Transport Agency	Accept in part	8.6
FS1092.15	433.50	NZ Transport Agency	Accept in part	8.7
FS1092.17	471.1	NZ Transport Agency	Accept in part	2.4
FS1092.29	805.23	NZ Transport Agency	Accept in part	2.5
FS1092.3	251.1	NZ Transport Agency	Accept in part	2.3, 3.18
FS1092.30	805.24	NZ Transport Agency	Accept in part	3.5, 6.3, 6.4
FS1092.4	251.4	NZ Transport Agency	Reject	8.2
FS1092.5	251.5	NZ Transport Agency	Accept in part	8.6, 8.7
FS1092.6	251.6	NZ Transport Agency	Reject	8.4
FS1095.1	378.1	Nick Brasington	Accept in part	2.4
FS1095.10	378.10	Nick Brasington	Accept in Part	6.4
FS1095.11	378.11	Nick Brasington	Accept in Part	6.4
FS1095.12	378.12	Nick Brasington	Accept in Part	6.4
FS1095.13	378.13	Nick Brasington	Accept in Part	6.5
FS1095.2	378.2	Nick Brasington	Accept in part	2.9, 3.9
FS1095.3	378.3	Nick Brasington	Accept in part	2.9, 3.10
FS1095.32	378.32	Nick Brasington	Accept in Part	6.1-6.5
FS1095.4	378.4	Nick Brasington	Accept in part	2.9
FS1095.5	378.5	Nick Brasington	Accept in part	2.11
FS1095.6	378.6	Nick Brasington	Accept in part	2.11
FS1095.7	378.7	Nick Brasington	Accept in part	2.5, 2.12
FS1097.10	20.5	Queenstown Park Limited	Accept in Part	6.1-6.5
FS1097.102	257.2	Queenstown Park Limited	Reject	6.3
FS1097.103	265.1	Queenstown Park Limited	Accept in part	2.10
FS1097.106	271.3	Queenstown Park Limited	Accept in part	2.3
FS1097.107	271.4	Queenstown Park Limited	Accept in part	2.5
FS1097.108	271.5	Queenstown Park Limited	Accept in part	3.5, 6.3, 6.4
FS1097.109	271.6	Queenstown Park Limited	Accept in Part	6.4
FS1097.110	271.7	Queenstown Park Limited	Accept in Part	6.4
FS1097.111	271.8	Queenstown Park Limited	Accept in Part	6.4
FS1097.112	271.9	Queenstown Park Limited	Accept in Part	6.3, 6.5
FS1097.113	271.10	Queenstown Park Limited	Accept in Part	6.3, 6.5
FS1097.123	285.2	Queenstown Park Limited	Accept in part	2.10
FS1097.124	285.3	Queenstown Park Limited	Accept in part	3.19
FS1097.125	285.6	Queenstown Park Limited	Accept	6.5
FS1097.126	285.8	Queenstown Park Limited	Reject	8.4
FS1097.128	285.13	Queenstown Park Limited	Reject	8.3
FS1097.139	307.1	Queenstown Park Limited	Accept in part	3.14, 8.8
FS1097.142	315.3	Queenstown Park Limited	Accept in part	2.3
FS1097.15	72.3	Queenstown Park Limited	Reject	6.3
FS1097.155	339.15	Queenstown Park Limited	Accept in part	2.9
FS1097.156	339.17	Queenstown Park Limited	Accept in part	3.9
FS1097.157	339.25	Queenstown Park Limited	Accept in part	2.9
FS1097.17	110.2	Queenstown Park Limited	Accept in part	8.2
FS1097.187	343.1	Queenstown Park Limited	Accept in part	2.3
FS1097.188	343.3	Queenstown Park Limited	Accept in part	3.19
FS1097.193	343.9	Queenstown Park Limited	Accept in part	3.19
FS1097.194	345.1	Queenstown Park Limited	Accept in part	2.3

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1097.195	345.2	Queenstown Park Limited	Accept in part	2.3
FS1097.196	345.3	Queenstown Park Limited	Accept in part	3.19
FS1097.197	345.4	Queenstown Park Limited	Accept in part	3.19
FS1097.2	10.1	Queenstown Park Limited	Reject	3.5
FS1097.202	355.2	Queenstown Park Limited	Accept in part	2.11
FS1097.203	355.4	Queenstown Park Limited	Reject	8.3
FS1097.204	355.5	Queenstown Park Limited	Accept in part	8.6
FS1097.205	355.6	Queenstown Park Limited	Accept in part	8.7
FS1097.206	355.7	Queenstown Park Limited	Reject	8.6
FS1097.208	356.7	Queenstown Park Limited	Accept in part	8.3
FS1097.209	356.8	Queenstown Park Limited	Accept in part	8.7
FS1097.21	120.2	Queenstown Park Limited	Accept in part	Part B
FS1097.210	356.9	Queenstown Park Limited	Accept in part	8.7
FS1097.217	373.5	Queenstown Park Limited	Accept	3.9
FS1097.218	373.6	Queenstown Park Limited	Accept in part	3.9
FS1097.231	375.1	Queenstown Park Limited	Accept in part	2.3
FS1097.232	375.2	Queenstown Park Limited	Accept in part	2.11
FS1097.233	375.3	Queenstown Park Limited	Accept in part	3.16
FS1097.234	375.6	Queenstown Park Limited	Accept in part	3.19
FS1097.235	375.8	Queenstown Park Limited	Reject	8.3
FS1097.239	375.10	Queenstown Park Limited	Accept in part	8.6
FS1097.240	375.13	Queenstown Park Limited	Accept	8.5
FS1097.241	375.14	Queenstown Park Limited	Accept in part	8.6, 8.7
FS1097.243	378.10	Queenstown Park Limited	Accept in Part	6.4
FS1097.244	378.13	Queenstown Park Limited	Accept in Part	6.5
FS1097.245	378.14	Queenstown Park Limited	Accept in part	8.6
FS1097.246	378.15	Queenstown Park Limited	Accept in part	6.3
FS1097.247	378.16	Queenstown Park Limited	Reject	8.7
FS1097.248	378.17	Queenstown Park Limited	Reject	8.3
FS1097.249	378.18	Queenstown Park Limited	Reject	8.7
FS1097.250	378.3	Queenstown Park Limited	Accept in part	2.9, 3.10
FS1097.251	378.5	Queenstown Park Limited	Accept in part	2.11
FS1097.252	378.20	Queenstown Park Limited	Accept in part	8.7
FS1097.263	407.2	Queenstown Park Limited	Accept in part	2.3
FS1097.264	407.3	Queenstown Park Limited	Accept in part	2.3
FS1097.27	145.5	Queenstown Park Limited	Reject	2, 2.9, 3.14
FS1097.281	430.3	Queenstown Park Limited	Accept in part	2.3, 2.11, 3.16
FS1097.283	430.6	Queenstown Park Limited	Accept in part	8.3, 8.7
FS1097.284	430.7	Queenstown Park Limited	Accept in part	8.3, 8.7
FS1097.29	145.9	Queenstown Park Limited	Accept	8.3
FS1097.3	10.3	Queenstown Park Limited	Accept in part	2.8
FS1097.32	145.12	Queenstown Park Limited	Accept in part	8.6, 8.7
FS1097.323	433.37	Queenstown Park Limited	Accept in part	2.3
FS1097.324	433.38	Queenstown Park Limited	Accept in part	2.10, 2.11, 3.16
FS1097.325	433.39	Queenstown Park Limited	Accept in part	2.3
FS1097.326	433.40	Queenstown Park Limited	Accept	6.1
FS1097.327	433.41	Queenstown Park Limited	Accept in Part	6.4
FS1097.328	433.42	Queenstown Park Limited	Accept in Part	6.4
FS1097.329	433.43	Queenstown Park Limited	Accept in Part	6.5

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1097.33	145.14	Queenstown Park Limited	Reject	3.16
FS1097.330	433.44	Queenstown Park Limited	Accept in Part	6.3, 6.5
FS1097.331	433.45	Queenstown Park Limited	Accept in Part	6.5
FS1097.332	433.46	Queenstown Park Limited	Reject	8.2
FS1097.333	433.47	Queenstown Park Limited	Accept in part	8.6-8.7
FS1097.334	433.48	Queenstown Park Limited	Accept in part	8.6
FS1097.335	433.49	Queenstown Park Limited	Accept in part	8.6
FS1097.336	433.50	Queenstown Park Limited	Accept in part	8.7
FS1097.34	145.15	Queenstown Park Limited	Reject	3.16
FS1097.37	145.18	Queenstown Park Limited	Accept in part	8.3-8.8
FS1097.38	145.21	Queenstown Park Limited	Accept in part	8.6
FS1097.4	10.4	Queenstown Park Limited	Accept in part	2.10
FS1097.42	145.29	Queenstown Park Limited	Accept in Part	6.3
FS1097.422	442.3	Queenstown Park Limited	Accept in part	2.10
FS1097.426	456.1	Queenstown Park Limited	Accept in part	2.3
FS1097.427	456.3	Queenstown Park Limited	Accept in part	3.16
FS1097.428	456.7	Queenstown Park Limited	Accept in part	3.19
FS1097.429	456.14	Queenstown Park Limited	Accept in part	8.3
FS1097.43	145.30	Queenstown Park Limited	Accept in part	8.4
FS1097.430	456.15	Queenstown Park Limited	Reject	8.7
FS1097.431	456.19	Queenstown Park Limited	Accept in part	8.3
FS1097.432	456.20	Queenstown Park Limited	Accept in part	8.7
FS1097.433	456.21	Queenstown Park Limited	Accept in part	8.7
FS1097.434	456.8	Queenstown Park Limited	Accept in part	8.2
FS1097.435	463.1	Queenstown Park Limited	Accept in part	8.6, 8.7
FS1097.440	502.1	Queenstown Park Limited	Accept in part	2.11
FS1097.441	502.2	Queenstown Park Limited	Accept in part	2.11
FS1097.442	502.4	Queenstown Park Limited	Reject	8.7
FS1097.443	513.1	Queenstown Park Limited	Accept in part	2.3
FS1097.444	513.5	Queenstown Park Limited	Accept in part	2.11
FS1097.445	513.7	Queenstown Park Limited	Accept in part	2.11
FS1097.446	513.8	Queenstown Park Limited	Accept in part	2.3
FS1097.447	513.11	Queenstown Park Limited	Accept in part	8.7
FS1097.448	513.15	Queenstown Park Limited	Accept	8.7
FS1097.450	513.2	Queenstown Park Limited	Accept in part	2.11
FS1097.451	513.3	Queenstown Park Limited	Accept in part	3.16
FS1097.452	513.13	Queenstown Park Limited	Reject	8.7
FS1097.453	513.14	Queenstown Park Limited	Accept in part	8.3
FS1097.454	513.16	Queenstown Park Limited	Reject	8.7
FS1097.455	513.17	Queenstown Park Limited	Reject	8.3
FS1097.456	513.18	Queenstown Park Limited	Accept in part	8.7
FS1097.457	513.19	Queenstown Park Limited	Accept in part	8.7
FS1097.458	513.23	Queenstown Park Limited	Reject	8.7
FS1097.460	515.3	Queenstown Park Limited	Accept in part	2.11
FS1097.461	515.5	Queenstown Park Limited	Accept in part	2.3
FS1097.462	515.7	Queenstown Park Limited	Accept in part	3.19
FS1097.463	515.15	Queenstown Park Limited	Reject	8.3
FS1097.464	515.16	Queenstown Park Limited	Accept in part	8.7
FS1097.465	515.17	Queenstown Park Limited	Accept in part	8.7
FS1097.466	515.18	Queenstown Park Limited	Reject	8.7

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1097.467	515.19	Queenstown Park Limited	Reject	8.7
FS1097.474	515.4	Queenstown Park Limited	Accept in part	2.11
FS1097.475	515.10	Queenstown Park Limited	Reject	8.7
FS1097.476	515.14	Queenstown Park Limited	Reject	8.7
FS1097.477	515.9	Queenstown Park Limited	Accept in part	8.7
FS1097.478	515.11	Queenstown Park Limited	Reject	8.7
FS1097.479	515.12	Queenstown Park Limited	Accept in part	8.3
FS1097.480	515.13	Queenstown Park Limited	Accept	8.7
FS1097.482	519.9	Queenstown Park Limited	Accept in part	2.3
FS1097.483	519.10	Queenstown Park Limited	Accept in part	2.3
FS1097.484	519.15	Queenstown Park Limited	Accept in part	2.11
FS1097.485	519.24	Queenstown Park Limited	Reject	8.7
FS1097.486	519.25	Queenstown Park Limited	Accept in part	8.3
FS1097.487	519.26	Queenstown Park Limited	Accept in part	8.5
FS1097.488	519.31	Queenstown Park Limited	Accept	8.5
FS1097.489	519.32	Queenstown Park Limited	Reject	8.5
FS1097.491	522.5	Queenstown Park Limited	Accept in part	2.11
FS1097.492	522.7	Queenstown Park Limited	Accept in part	2.11
FS1097.493	522.14	Queenstown Park Limited	Reject	8.7
FS1097.494	522.15	Queenstown Park Limited	Accept in part	8.3
FS1097.495	522.17	Queenstown Park Limited	Reject	8.7
FS1097.496	522.20	Queenstown Park Limited	Accept in part	8.7
FS1097.5	18.1	Queenstown Park Limited	Accept in Part	6.3
FS1097.501	528.1	Queenstown Park Limited	Accept in part	2.11
FS1097.502	528.3	Queenstown Park Limited	Reject	8.4
FS1097.503	528.4	Queenstown Park Limited	Accept in part	8.3
FS1097.504	528.5	Queenstown Park Limited	Reject	8.3
FS1097.505	528.6	Queenstown Park Limited	Accept in part	8.7
FS1097.508	531.3	Queenstown Park Limited	Accept in part	2.11
FS1097.509	531.4	Queenstown Park Limited	Accept in part	2.11
FS1097.510	531.10	Queenstown Park Limited	Reject	8.7
FS1097.511	531.11	Queenstown Park Limited	Reject	8.7
FS1097.512	531.12	Queenstown Park Limited	Accept in part	8.3
FS1097.513	531.17	Queenstown Park Limited	Accept in part	8.7
FS1097.514	534.14	Queenstown Park Limited	Reject	8.7
FS1097.525	581.5	Queenstown Park Limited	Accept in part	2.11
FS1097.526	581.6	Queenstown Park Limited	Accept in part	2.11
FS1097.527	581.7	Queenstown Park Limited	Accept in part	8.6
FS1097.528	581.8	Queenstown Park Limited	Reject	8.7
FS1097.529	581.9	Queenstown Park Limited	Accept in part	8.3
FS1097.530	581.11	Queenstown Park Limited	Reject	8.7
FS1097.531	598.17	Queenstown Park Limited	Accept in part	2.11
FS1097.532	598.25	Queenstown Park Limited	Accept in part	8.6
FS1097.535	600.16	Queenstown Park Limited	Accept in part	2.9
FS1097.536	600.29	Queenstown Park Limited	Accept in part	2.11
FS1097.537	600.30	Queenstown Park Limited	Accept in part	3.16
FS1097.545	607.6	Queenstown Park Limited	Reject	2.15
FS1097.546	607.7	Queenstown Park Limited	Accept in part	2.3
FS1097.548	607.10	Queenstown Park Limited	Accept in part	3.1
FS1097.549	607.12	Queenstown Park Limited	Accept in part	2.3

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1097.550	607.15	Queenstown Park Limited	Reject	2.9
FS1097.551	607.16	Queenstown Park Limited	Accept in part	2.11
FS1097.552	607.17	Queenstown Park Limited	Accept in part	3.16
FS1097.553	607.18	Queenstown Park Limited	Accept in part	2.11
FS1097.554	607.19	Queenstown Park Limited	Accept in part	3.19
FS1097.558	607.8	Queenstown Park Limited	Accept in part	3.1
FS1097.564	608.3	Queenstown Park Limited	Accept in part	2.3, 3.2, 3.18
FS1097.565	608.8	Queenstown Park Limited	Accept in part	2.3
FS1097.566	608.19	Queenstown Park Limited	Accept in part	2.11
FS1097.567	608.21	Queenstown Park Limited	Accept in part	2.3
FS1097.568	608.22	Queenstown Park Limited	Accept in part	3.19
FS1097.569	608.37	Queenstown Park Limited	Accept in part	8.2
FS1097.578	608.40	Queenstown Park Limited	Reject	8.7
FS1097.579	608.49	Queenstown Park Limited	Reject	8.6
FS1097.580	608.50	Queenstown Park Limited	Reject	8.3
FS1097.581	610.3	Queenstown Park Limited	Reject	3.19
FS1097.589	613.3	Queenstown Park Limited	Reject	3.19
FS1097.597	615.6	Queenstown Park Limited	Reject	2.15
FS1097.598	615.7	Queenstown Park Limited	Accept in part	2.3
FS1097.599	615.8	Queenstown Park Limited	Accept in part	3.1
FS1097.6	19.3	Queenstown Park Limited	Reject	6.1-6.5
FS1097.601	615.10	Queenstown Park Limited	Accept in part	3.1
FS1097.602	615.12	Queenstown Park Limited	Accept in part	2.3
FS1097.605	621.8	Queenstown Park Limited	Accept in part	3.1
FS1097.607	621.40	Queenstown Park Limited	Reject	3.19
FS1097.610	621.6	Queenstown Park Limited	Reject	2.15
FS1097.611	621.7	Queenstown Park Limited	Accept in part	2.3
FS1097.612	621.10	Queenstown Park Limited	Accept in part	3.1
FS1097.616	621.28	Queenstown Park Limited	Accept in part	8.5
FS1097.623	625.6	Queenstown Park Limited	Reject	2.15
FS1097.624	625.7	Queenstown Park Limited	Reject	2.15
FS1097.625	625.8	Queenstown Park Limited	Reject	2.15
FS1097.626	625.9	Queenstown Park Limited	Accept	2.15
FS1097.627	625.10	Queenstown Park Limited	Reject	2.15
FS1097.628	625.11	Queenstown Park Limited	Reject	2.15
FS1097.629	625.12	Queenstown Park Limited	Reject	8.4
FS1097.641	635.10	Queenstown Park Limited	Accept in part	2.3
FS1097.642	635.16	Queenstown Park Limited	Accept in part	2.10, 2.11, 3.16
FS1097.643	635.28	Queenstown Park Limited	Accept in part	8.6
FS1097.645	636.3	Queenstown Park Limited	Accept in part	2.10, 2.11, 3.16
FS1097.648	671.1	Queenstown Park Limited	Reject	2.15
FS1097.649	671.2	Queenstown Park Limited	Reject	8.4
FS1097.652	677.2	Queenstown Park Limited	Reject	2.15
FS1097.653	677.3	Queenstown Park Limited	Accept in part	2.3
FS1097.654	677.4	Queenstown Park Limited	Accept in part	3.1
FS1097.656	677.6	Queenstown Park Limited	Reject	8.5
FS1097.657	677.7	Queenstown Park Limited	Reject	3.19
FS1097.659	693.5	Queenstown Park Limited	Reject	8

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1097.661	696.13	Queenstown Park Limited	Reject	8.5
FS1097.662	696.14	Queenstown Park Limited	Reject	3.19
FS1097.666	702.2	Queenstown Park Limited	Accept in part	2.10, 2.11, 3.16
FS1097.667	706.8	Queenstown Park Limited	Accept	3.9
FS1097.668	706.9	Queenstown Park Limited	Accept in part	3.9
FS1097.669	706.17	Queenstown Park Limited	Accept in part	2.9
FS1097.68	221.1	Queenstown Park Limited	Accept in part	2.10
FS1097.686	716.4	Queenstown Park Limited	Reject	2.15
FS1097.687	716.5	Queenstown Park Limited	Accept in part	2.3
FS1097.688	716.6	Queenstown Park Limited	Accept in part	3.1
FS1097.69	238.1	Queenstown Park Limited	Accept in Part	2.1, 2.2, 2.4, 3.5, 6.4
FS1097.690	716.8	Queenstown Park Limited	Reject	3.4
FS1097.691	716.9	Queenstown Park Limited	Accept in part	2.3
FS1097.692	716.15	Queenstown Park Limited	Accept in part	3.19
FS1097.694	719.7	Queenstown Park Limited	Accept in part	2.5
FS1097.695	719.21	Queenstown Park Limited	Accept in Part	6.4
FS1097.696	719.23	Queenstown Park Limited	Accept in Part	6.3, 6.5
FS1097.70	238.3	Queenstown Park Limited	Accept in part	8.1-8.7
FS1097.703	761.36	Queenstown Park Limited	Accept in part	2.3
FS1097.705	768.16	Queenstown Park Limited	Reject	8.5
FS1097.71	238.36	Queenstown Park Limited	Accept in Part	6.5
FS1097.716	798.25	Queenstown Park Limited	Accept in part	2.5
FS1097.718	809.1	Queenstown Park Limited	Accept in part	2.11
FS1097.719	809.3	Queenstown Park Limited	Reject	8.7
FS1097.72	238.38	Queenstown Park Limited	Accept in Part	6.5
FS1097.724	836.15	Queenstown Park Limited	Accept in Part	2.8, 3.14
FS1097.725	836.18	Queenstown Park Limited	Accept in part	8.7
FS1097.727	836.22	Queenstown Park Limited	Accept in part	8.4
FS1097.733	437.3	Queenstown Park Limited	Accept in part	2.3
FS1097.734	437.4	Queenstown Park Limited	Accept in part	2.10, 2.11, 3.16
FS1097.735	437.5	Queenstown Park Limited	Accept in part	2.11
FS1097.736	437.6	Queenstown Park Limited	Accept in part	3.16
FS1097.737	437.7	Queenstown Park Limited	Accept in part	3.16
FS1097.738	437.8	Queenstown Park Limited	Accept in part	3.18
FS1097.739	437.9	Queenstown Park Limited	Accept in part	2.3
FS1097.74	238.34	Queenstown Park Limited	Accept in Part	6.4
FS1097.740	437.10	Queenstown Park Limited	Accept in part	3.19
FS1097.741	437.11	Queenstown Park Limited	Accept in part	3.19
FS1097.743	437.13	Queenstown Park Limited	Accept in part	8.2
FS1097.744	437.14	Queenstown Park Limited	Reject	8.3
FS1097.745	437.15	Queenstown Park Limited	Reject	8.4
FS1097.746	437.16	Queenstown Park Limited	Accept in part	8.4
FS1097.747	437.17	Queenstown Park Limited	Accept in part	8.6
FS1097.748	437.18	Queenstown Park Limited	Accept in part	8.7
FS1097.749	437.19	Queenstown Park Limited	Accept in part	8.5
FS1097.75	238.85	Queenstown Park Limited	Reject	8.3, 8.5
FS1097.750	437.20	Queenstown Park Limited	Accept in part	8.7

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1097.751	437.21	Queenstown Park Limited	Accept in part	8.3
FS1097.752	437.22	Queenstown Park Limited	Reject	8.7
FS1097.753	437.23	Queenstown Park Limited	Reject	8.7
FS1097.754	437.24	Queenstown Park Limited	Accept in part	8.7
FS1097.755	437.25	Queenstown Park Limited	Accept in part	8.7
FS1097.756	437.26	Queenstown Park Limited	Accept in part	8.7
FS1097.757	437.27	Queenstown Park Limited	Accept in part	8.7
FS1097.758	437.28	Queenstown Park Limited	Accept in part	8.6
FS1097.759	437.29	Queenstown Park Limited	Accept in part	8.3
FS1097.76	238.86	Queenstown Park Limited	Reject	8.5
FS1097.760	437.31	Queenstown Park Limited	Accept in part	8.7
FS1097.761	437.32	Queenstown Park Limited	Reject	8.7
FS1097.762	437.33	Queenstown Park Limited	Accept in part	8.5
FS1097.763	437.34	Queenstown Park Limited	Accept in part	8.7
FS1097.764	437.35	Queenstown Park Limited	Reject	8.3
FS1097.79	238.136	Queenstown Park Limited	Accept in part	3.2
FS1097.80	238.139	Queenstown Park Limited	Accept in part	3.5, 6.3, 6.4
FS1097.87	249.4	Queenstown Park Limited	Accept in part	3.2
FS1097.88	249.9	Queenstown Park Limited	Accept in part	8.6
FS1097.89	251.1	Queenstown Park Limited	Accept in part	2.3, 3.18
FS1097.90	251.3	Queenstown Park Limited	Accept in part	2.3
FS1097.91	251.4	Queenstown Park Limited	Reject	8.2
FS1097.92	251.5	Queenstown Park Limited	Accept in part	8.6, 8.7
FS1097.93	251.6	Queenstown Park Limited	Reject	8.4
FS1098.13	810.5	Heritage New Zealand Pouhere Taonga	Reject	3.8
FS1098.14	810.7	Heritage New Zealand Pouhere Taonga	Reject	2.11
FS1099.3	430.3	Brendon and Katrina Thomas	Accept in part	2.3, 2.11, 3.16
FS1105.10	615.10	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	3.1
FS1105.11	615.11	Cardrona Valley Residents and Ratepayers Society Inc	Reject	3.4
FS1105.12	615.12	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	2.3
FS1105.13	615.13	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	2.7
FS1105.14	615.14	Cardrona Valley Residents and Ratepayers Society Inc	Reject	3.8
FS1105.15	615.15	Cardrona Valley Residents and Ratepayers Society Inc	Reject	2.9
FS1105.16	615.16	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	3.16
FS1105.17	615.17	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	2.11
FS1105.18	615.18	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	3.19
FS1105.25	615.25	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	2.11

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FS1105.6	615.6	Cardrona Valley Residents and Ratepayers Society Inc	Reject	2.15
FS1105.7	615.7	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	2.3
FS1105.8	615.8	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	3.1
FS1106.5	433.47	Chorus New Zealand Limited	Accept in part	8.6-8.7
FS1106.6	433.48	Chorus New Zealand Limited	Accept in part	8.6
FS1106.7	433.49	Chorus New Zealand Limited	Accept in part	8.6
FS1106.8	433.50	Chorus New Zealand Limited	Accept in part	8.7
FS1107.139	238.134	Man Street Properties Ltd	Accept	2.1
FS1107.140	238.135	Man Street Properties Ltd	Accept	2.15
FS1107.141	238.136	Man Street Properties Ltd	Accept in part	3.2
FS1107.142	238.137	Man Street Properties Ltd	Accept in part	2.3
FS1107.143	238.138	Man Street Properties Ltd	Accept in part	2.3
FS1107.144	238.139	Man Street Properties Ltd	Accept in part	3.5, 6.3, 6.4
FS1107.145	238.140	Man Street Properties Ltd	Accept in part	3.5, 6.3, 6.4
FS1107.146	238.141	Man Street Properties Ltd	Accept in part	2.6
FS1107.147	238.142	Man Street Properties Ltd	Accept	2.9
FS1107.148	238.143	Man Street Properties Ltd	Accept in part	2.12
FS1107.149	238.144	Man Street Properties Ltd	Accept in part	2.5, 2.12
FS1107.150	238.145	Man Street Properties Ltd	Accept in part	3.20, 6.3, 6.4
FS1107.151	238.146	Man Street Properties Ltd	Accept in part	2.5, 2.12
FS1107.152	238.147	Man Street Properties Ltd	Accept in part	2.12, 6.3, 6.4
FS1107.153	238.148	Man Street Properties Ltd	Accept in part	2.5, 2.12
FS1107.17	238.12	Man Street Properties Ltd	Accept in Part	6.1
FS1107.21	238.16	Man Street Properties Ltd	Accept in Part	6.3
FS1107.22	238.17	Man Street Properties Ltd	Accept in Part	6.4
FS1107.23	238.18	Man Street Properties Ltd	Accept in Part	6.4
FS1107.24	238.19	Man Street Properties Ltd	Accept in Part	6.4
FS1107.25	238.20	Man Street Properties Ltd	Accept in Part	6.3
FS1107.26	238.21	Man Street Properties Ltd	Accept in Part	6.3
FS1107.27	238.22	Man Street Properties Ltd	Accept in Part	6.3
FS1107.28	238.23	Man Street Properties Ltd	Accept in Part	6.3
FS1107.29	238.24	Man Street Properties Ltd	Accept in Part	6.3
FS1107.30	238.25	Man Street Properties Ltd	Accept in Part	6.4
FS1107.31	238.26	Man Street Properties Ltd	Accept in Part	6.3
FS1107.32	238.27	Man Street Properties Ltd	Accept in Part	6.4
FS1107.33	238.28	Man Street Properties Ltd	Accept in Part	6.4
FS1107.34	238.29	Man Street Properties Ltd	Accept in Part	6.4
FS1107.35	238.30	Man Street Properties Ltd	Accept in Part	6.4
FS1107.36	238.31	Man Street Properties Ltd	Accept in Part	6.4
FS1107.37	238.32	Man Street Properties Ltd	Accept in Part	6.4
FS1107.38	238.33	Man Street Properties Ltd	Accept in Part	6.4
FS1107.39	238.34	Man Street Properties Ltd	Accept in Part	6.4
FS1107.40	238.35	Man Street Properties Ltd	Accept in Part	6.4
FS1107.41	238.36	Man Street Properties Ltd	Accept in Part	6.5
FS1107.42	238.37	Man Street Properties Ltd	Accept in Part	6.3, 6.5
FS1107.43	238.38	Man Street Properties Ltd	Accept in Part	6.5
FS1107.44	238.39	Man Street Properties Ltd	Accept in Part	6.3, 6.5

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FS1107.6	238.1	Man Street Properties Ltd	Accept in Part	2.1, 2.2, 2.4, 3.5, 6.4
FS1107.69	238.64	Man Street Properties Ltd	Accept	2.1
FS1107.7	238.2	Man Street Properties Ltd	Accept in Part	6.1
FS1107.8	238.3	Man Street Properties Ltd	Accept in part	8.1-8.7
FS1107.88	238.83	Man Street Properties Ltd	Accept in part	8.1
FS1107.89	238.84	Man Street Properties Ltd	Accept in part	8.2
FS1107.90	238.85	Man Street Properties Ltd	Accept	8.3, 8.5
FS1107.91	238.86	Man Street Properties Ltd	Accept	8.5
FS1107.93	238.88	Man Street Properties Ltd	Accept in Part	6.5
FS1115.1	251.1	Queenstown Wharves Limited	Accept in part	2.3, 3.18
FS1115.2	251.3	Queenstown Wharves Limited	Accept in part	2.3
FS1115.3	251.4	Queenstown Wharves Limited	Reject	8.2
FS1115.4	251.5	Queenstown Wharves Limited	Accept in part	8.6, 8.7
FS1117.1	10.7	Remarkables Park Limited	Accept in part	2.3
FS1117.11	238.136	Remarkables Park Limited	Accept in part	3.2
FS1117.12	238.137	Remarkables Park Limited	Accept in part	2.3
FS1117.13	238.138	Remarkables Park Limited	Accept in part	2.3
FS1117.17	249.2	Remarkables Park Limited	Accept in part	2.3
FS1117.179	433.38	Remarkables Park Limited	Accept in part	2.10, 2.11, 3.16
FS1117.18	249.5	Remarkables Park Limited	Accept in part	3.1
FS1117.180	433.39	Remarkables Park Limited	Accept in part	2.3
FS1117.181	433.46	Remarkables Park Limited	Reject	8.2
FS1117.182	433.47	Remarkables Park Limited	Accept in part	8.6-8.7
FS1117.183	433.48	Remarkables Park Limited	Accept in part	8.6
FS1117.184	433.49	Remarkables Park Limited	Accept in part	8.6
FS1117.185	433.50	Remarkables Park Limited	Accept in part	8.7
FS1117.19	251.1	Remarkables Park Limited	Accept in part	2.3, 3.18
FS1117.195	515.14	Remarkables Park Limited	Reject	8.7
FS1117.197	519.15	Remarkables Park Limited	Accept in part	2.11
FS1117.2	19.2	Remarkables Park Limited	Accept in part	Part B
FS1117.206	524.5	Remarkables Park Limited	Accept in part	3.5, 6.3, 6.4
FS1117.228	598.15	Remarkables Park Limited	Accept in part	2.11
FS1117.229	598.16	Remarkables Park Limited	Accept in part	3.16
FS1117.23	271.3	Remarkables Park Limited	Accept in part	2.3
FS1117.230	598.17	Remarkables Park Limited	Accept in part	2.11
FS1117.231	598.18	Remarkables Park Limited	Accept in part	3.16
FS1117.232	598.25	Remarkables Park Limited	Accept in part	8.6
FS1117.239	607.6	Remarkables Park Limited	Reject	2.15
FS1117.24	271.4	Remarkables Park Limited	Accept in part	2.5
FS1117.240	607.7	Remarkables Park Limited	Accept in part	2.3
FS1117.241	607.8	Remarkables Park Limited	Accept in part	3.1
FS1117.243	607.10	Remarkables Park Limited	Accept in part	3.1
FS1117.244	607.11	Remarkables Park Limited	Reject	3.4
FS1117.245	608.8	Remarkables Park Limited	Accept in part	2.3

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FS1117.246	608.49	Remarkables Park Limited	Reject	8.6
FS1117.247	608.50	Remarkables Park Limited	Reject	8.3
FS1117.249	615.6	Remarkables Park Limited	Reject	2.15
FS1117.25	271.5	Remarkables Park Limited	Accept in part	3.5, 6.3, 6.4
FS1117.250	615.7	Remarkables Park Limited	Accept in part	2.3
FS1117.251	615.8	Remarkables Park Limited	Accept in part	3.1
FS1117.253	615.11	Remarkables Park Limited	Reject	3.4
FS1117.254	615.10	Remarkables Park Limited	Accept in part	3.1
FS1117.256	621.6	Remarkables Park Limited	Reject	2.15
FS1117.257	621.7	Remarkables Park Limited	Accept in part	2.3
FS1117.258	621.8	Remarkables Park Limited	Accept in part	3.1
FS1117.26	271.6	Remarkables Park Limited	Accept in Part	6.4
FS1117.260	621.10	Remarkables Park Limited	Accept in part	3.1
FS1117.266	677.2	Remarkables Park Limited	Reject	2.15
FS1117.267	677.3	Remarkables Park Limited	Accept in part	2.3
FS1117.268	677.4	Remarkables Park Limited	Accept in part	3.1
FS1117.27	271.7	Remarkables Park Limited	Accept in Part	6.4
FS1117.270	677.6	Remarkables Park Limited	Reject	8.5
FS1117.272	702.2	Remarkables Park Limited	Accept in part	2.10, 2.11, 3.16
FS1117.274	716.4	Remarkables Park Limited	Reject	2.15
FS1117.275	716.5	Remarkables Park Limited	Accept in part	2.3
FS1117.276	716.6	Remarkables Park Limited	Accept in part	3.1
FS1117.278	716.8	Remarkables Park Limited	Reject	3.4
FS1117.279	716.9	Remarkables Park Limited	Accept in part	2.3
FS1117.28	271.8	Remarkables Park Limited	Accept in Part	6.4
FS1117.280	751.7	Remarkables Park Limited	Accept in Part	6.4
FS1117.29	271.9	Remarkables Park Limited	Accept in Part	6.3, 6.5
FS1117.30	271.10	Remarkables Park Limited	Accept in Part	6.3, 6.5
FS1117.4	21.9	Remarkables Park Limited	Reject	1.7
FS1117.40	285.6	Remarkables Park Limited	Accept	6.5
FS1117.7	238.3	Remarkables Park Limited	Accept in part	8.1-8.7
FS1117.8	238.36	Remarkables Park Limited	Accept in Part	6.5
FS1117.9	238.38	Remarkables Park Limited	Accept in Part	6.5
FS1117.93	433.37	Remarkables Park Limited	Accept in part	2.3
FS1117.94	433.40	Remarkables Park Limited	Accept	6.1
FS1117.95	433.41	Remarkables Park Limited	Accept in Part	6.4
FS1117.96	433.42	Remarkables Park Limited	Accept in Part	6.4
FS1117.97	433.43	Remarkables Park Limited	Accept in Part	6.5
FS1117.98	433.44	Remarkables Park Limited	Accept in Part	6.3, 6.5
FS1117.99	433.45	Remarkables Park Limited	Accept in Part	6.5
FS1118.5	361.5	Robins Road Limited	Accept in part	3.3
FS1119.2	18.1	Banco Trustees Limited, McCulloch Trustees 2004 Limited, and others	Accept in Part	6.3
FS1120.10	537.6	Michael Brial	Accept in part	2.11
FS1120.11	537.7	Michael Brial	Accept in part	2.11
FS1120.12	537.8	Michael Brial	Accept in part	2.3
FS1120.13	537.9	Michael Brial	Accept in part	3.19
FS1120.14	537.10	Michael Brial	Accept in part	2.5, 2.12

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FS1120.15	537.11	Michael Brial	Accept in part	8.7
FS1120.47	537.43	Michael Brial	Accept in part	2.3
FS1120.5	537.1	Michael Brial	Accept in part	2.3
FS1120.6	537.2	Michael Brial	Accept in part	3.16
FS1120.7	537.3	Michael Brial	Accept in part	2.11
FS1120.8	537.4	Michael Brial	Accept in part	3.16
FS1120.9	537.5	Michael Brial	Accept in part	2.11
FS1121.10	271.4	Aurora Energy Limited	Accept in part	2.5
FS1121.11	271.5	Aurora Energy Limited	Accept in part	3.5, 6.3, 6.4
FS1121.13	271.5	Aurora Energy Limited	Accept in part	3.5, 6.3, 6.4
FS1121.14	271.7	Aurora Energy Limited	Accept in Part	6.4
FS1121.15	719.7	Aurora Energy Limited	Accept in part	2.5
FS1121.16	805.34	Aurora Energy Limited	Accept in Part	6.4
FS1121.4	179.8	Aurora Energy Limited	Accept in Part	2,3.18
FS1121.7	191.7	Aurora Energy Limited	Accept in Part	2, 3.18
FS1121.8	251.1	Aurora Energy Limited	Accept in part	2.3, 3.18
FS1121.9	251.3	Aurora Energy Limited	Accept in part	2.3
FS1130.1	297.1	Robbie McGillivray	Accept	2.1
FS1132.1	145.5	Federated Farmers of New Zealand	Accept	2, 2.9, 3.14
FS1132.14	251.1	Federated Farmers of New Zealand	Accept in part	2.3, 3.18
FS1132.15	251.3	Federated Farmers of New Zealand	Accept in part	2.3
FS1132.30	590.1	Federated Farmers of New Zealand	Accept in part	2.9
FS1132.31	598.21	Federated Farmers of New Zealand	Accept in part	3.19
FS1132.32	598.22	Federated Farmers of New Zealand	Accept in part	3.19
FS1132.35	625.9	Federated Farmers of New Zealand	Accept	2.15
FS1132.36	625.10	Federated Farmers of New Zealand	Accept	2.15
FS1132.4	179.8	Federated Farmers of New Zealand	Accept in Part	2,3.18
FS1132.47	671.1	Federated Farmers of New Zealand	Accept	2.15
FS1132.48	677.4	Federated Farmers of New Zealand	Accept in part	3.1
FS1132.52	706.10	Federated Farmers of New Zealand	Accept	3.9
FS1132.72	810.7	Federated Farmers of New Zealand	Accept	2.11
FS1137.11	615.10	Kay Curtis	Accept in part	3.1
FS1137.12	615.11	Kay Curtis	Reject	3.4
FS1137.13	615.12	Kay Curtis	Accept in part	2.3
FS1137.14	615.13	Kay Curtis	Accept in part	2.7
FS1137.15	615.14	Kay Curtis	Reject	3.8
FS1137.16	615.15	Kay Curtis	Reject	2.9

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FS1137.17	615.16	Kay Curtis	Accept in part	3.16
FS1137.18	615.17	Kay Curtis	Accept in part	2.11
FS1137.19	615.18	Kay Curtis	Accept in part	3.19
FS1137.26	615.25	Kay Curtis	Accept in part	2.11
FS1137.7	615.6	Kay Curtis	Reject	2.15
FS1137.8	615.7	Kay Curtis	Accept in part	2.3
FS1137.9	615.8	Kay Curtis	Accept in part	3.1
FS1143.1	10.1	James Schmidt	Accept in part	3.5
FS1146.21	430.3	Lee Nicolson	Accept in part	2.3, 2.11, 3.16
FS1146.25	430.7	Lee Nicolson	Accept in part	8.2
FS1152.2	621.6	Kawarau Jet Services Holdings Ltd	Reject	2.15
FS1152.3	621.7	Kawarau Jet Services Holdings Ltd	Accept in part	2.3
FS1152.4	621.8	Kawarau Jet Services Holdings Ltd	Accept in part	3.1
FS1152.6	621.10	Kawarau Jet Services Holdings Ltd	Accept in part	3.1
FS1153.6	615.6	Mount Cardrona Station Ltd	Reject	2.15
FS1153.7	615.7	Mount Cardrona Station Ltd	Accept in part	2.3
FS1153.8	615.8	Mount Cardrona Station Ltd	Accept in part	3.1
FS1154.1	10.1	Hogans Gully Farm Ltd	Accept in part	3.5
FS1154.2	18.1	Hogans Gully Farm Ltd	Accept in Part	6.3
FS1154.3	238.1	Hogans Gully Farm Ltd	Accept in Part	2.1, 2.2, 2.4, 3.5, 6.4
FS1154.7	608.8	Hogans Gully Farm Ltd	Accept in part	2.3
FS1154.8	608.37	Hogans Gully Farm Ltd	Accept in part	8.2
FS1157.1	10.1	Trojan Helmet Ltd	Accept in part	3.5
FS1157.10	238.1	Trojan Helmet Ltd	Accept in Part	2.1, 2.2, 2.4, 3.5, 6.4
FS1157.11	238.64	Trojan Helmet Ltd	Accept	2.1
FS1157.12	238.134	Trojan Helmet Ltd	Accept	2.1
FS1157.13	238.135	Trojan Helmet Ltd	Accept	2.15
FS1157.14	238.136	Trojan Helmet Ltd	Accept in part	3.2
FS1157.15	238.137	Trojan Helmet Ltd	Accept in part	2.3
FS1157.16	238.138	Trojan Helmet Ltd	Accept in part	2.3
FS1157.17	238.139	Trojan Helmet Ltd	Accept in part	3.5, 6.3, 6.4
FS1157.18	238.140	Trojan Helmet Ltd	Accept in part	3.5, 6.3, 6.4
FS1157.19	238.141	Trojan Helmet Ltd	Accept in part	2.6
FS1157.2	10.2	Trojan Helmet Ltd	Reject	2.6
FS1157.20	238.142	Trojan Helmet Ltd	Accept	2.9
FS1157.21	238.143	Trojan Helmet Ltd	Accept in part	2.12
FS1157.22	238.144	Trojan Helmet Ltd	Accept in part	2.5, 2.12
FS1157.23	238.145	Trojan Helmet Ltd	Accept in part	3.20, 6.3, 6.4
FS1157.24	238.146	Trojan Helmet Ltd	Accept in part	2.5, 2.12
FS1157.25	238.147	Trojan Helmet Ltd	Accept in part	2.12, 6.3, 6.4
FS1157.26	238.148	Trojan Helmet Ltd	Accept in part	2.5, 2.12
FS1157.3	10.3	Trojan Helmet Ltd	Accept in part	2.8
FS1157.4	10.4	Trojan Helmet Ltd	Accept in part	2.10
FS1157.5	10.5	Trojan Helmet Ltd	Accept in part	2.12

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FS1157.6	10.6	Trojan Helmet Ltd	Accept in Part	6.5
FS1157.7	10.7	Trojan Helmet Ltd	Accept in part	2.3
FS1157.8	18.1	Trojan Helmet Ltd	Accept in Part	6.3
FS1157.9	18.2	Trojan Helmet Ltd	Accept in Part	6.5
FS1158.3	608.8	ZJV (NZ) Ltd	Accept in part	2.3
FS1158.4	608.37	ZJV (NZ) Ltd	Accept in part	8.2
FS1159.2	635.11	PowerNet Ltd	Accept in part	2.3
FS1159.3	805.38	PowerNet Ltd	Accept in Part	6.3, 6.5
FS1160.12	437.13	Otago Regional Council	Accept in part	8.2
FS1160.13	437.14	Otago Regional Council	Reject	8.3
FS1160.14	437.17	Otago Regional Council	Accept in part	8.6
FS1160.15	437.18	Otago Regional Council	Accept in part	8.7
FS1160.16	437.21	Otago Regional Council	Accept in part	8.3
FS1160.17	437.23	Otago Regional Council	Accept	8.7
FS1160.18	437.26	Otago Regional Council	Accept in part	8.7
FS1160.19	437.27	Otago Regional Council	Accept in part	8.7
FS1160.2	438.3	Otago Regional Council	Accept in part	2.3
FS1160.20	437.29	Otago Regional Council	Accept in part	8.3
FS1160.7	711.3	Otago Regional Council	Reject	2.9
FS1160.8	343.9	Otago Regional Council	Accept in part	3.19
FS1160.9	20.5	Otago Regional Council	Accept in Part	6.1-6.5
FS1162.12	145.12	James Wilson Cooper	Accept in part	8.6, 8.7
FS1162.14	145.14	James Wilson Cooper	Accept	3.16
FS1162.15	145.15	James Wilson Cooper	Accept	3.16
FS1162.18	145.18	James Wilson Cooper	Accept in part	8.3-8.8
FS1162.19	145.19	James Wilson Cooper	Accept in Part	2, 2.11, 8.6
FS1162.21	145.21	James Wilson Cooper	Accept in part	8.6
FS1162.27	145.27	James Wilson Cooper	Accept in Part	2, 2.4, 2.9, 3.4, 3.14
FS1162.29	145.29	James Wilson Cooper	Accept in Part	6.3
FS1162.30	145.30	James Wilson Cooper	Accept in part	8.4
FS1162.38	701.3	James Wilson Cooper	Accept in part	2.9
FS1162.39	701.4	James Wilson Cooper	Accept in part	2.9, 3.10
FS1162.40	701.5	James Wilson Cooper	Accept in part	3.19
FS1162.5	145.5	James Wilson Cooper	Accept	2, 2.9, 3.14
FS1162.60	706.6	James Wilson Cooper	Accept in part	2.8
FS1162.61	706.7	James Wilson Cooper	Accept in part	2.9
FS1162.62	706.8	James Wilson Cooper	Accept	3.9
FS1162.63	706.9	James Wilson Cooper	Accept in part	3.9
FS1162.64	706.10	James Wilson Cooper	Accept	3.9
FS1162.65	706.11	James Wilson Cooper	Accept	2.9
FS1162.66	706.12	James Wilson Cooper	Accept in part	2.9, 3.10
FS1162.67	706.13	James Wilson Cooper	Accept in part	3.11
FS1162.68	706.14	James Wilson Cooper	Accept	2.9
FS1162.69	706.15	James Wilson Cooper	Accept	3.12
FS1162.70	706.16	James Wilson Cooper	Accept in part	2.9
FS1162.71	706.17	James Wilson Cooper	Accept in part	2.9
FS1162.72	706.18	James Wilson Cooper	Accept in part	3.14
FS1162.73	706.19	James Wilson Cooper	Accept	2.9
FS1162.74	706.20	James Wilson Cooper	Accept	3.15

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FS1162.9	145.9	James Wilson Cooper	Accept	8.3
FS1164.14	768.5	Shotover Park Limited	Accept in part	3.3
FS1164.2	361.5	Shotover Park Limited	Accept in part	3.3
FS1208.5	433.47	Vodafone New Zealand Limited	Accept in part	8.6-8.7
FS1208.6	433.48	Vodafone New Zealand Limited	Accept in part	8.6
FS1208.7	433.49	Vodafone New Zealand Limited	Accept in part	8.6
FS1208.8	433.50	Vodafone New Zealand Limited	Accept in part	8.7
FS1209.11	600.11	Richard Burdon	Accept in Part	2.1
FS1209.12	600.12	Richard Burdon	Accept in part	2.2
FS1209.13	600.13	Richard Burdon	Accept in part	2.3
FS1209.14	600.14	Richard Burdon	Accept in part	2.4, 2.5
FS1209.15	600.15	Richard Burdon	Accept in part	2.9
FS1209.16	600.16	Richard Burdon	Accept in part	2.9
FS1209.17	600.17	Richard Burdon	Accept in part	3.9
FS1209.18	600.18	Richard Burdon	Accept in part	3.9
FS1209.19	600.19	Richard Burdon	Reject	2.9
FS1209.20	600.20	Richard Burdon	Accept in part	2.9, 3.10
FS1209.21	600.21	Richard Burdon	Accept in part	2.9
FS1209.22	600.22	Richard Burdon	Accept in part	3.11
FS1209.23	600.23	Richard Burdon	Accept in part	3.12
FS1209.24	600.24	Richard Burdon	Accept in part	2.9
FS1209.25	600.25	Richard Burdon	Reject	3.13
FS1209.26	600.26	Richard Burdon	Reject	2.9
FS1209.27	600.27	Richard Burdon	Accept in part	3.14
FS1209.28	600.28	Richard Burdon	Accept in part	2.10
FS1209.29	600.29	Richard Burdon	Accept in part	2.11
FS1209.30	600.30	Richard Burdon	Accept in part	3.16
FS1209.31	600.31	Richard Burdon	Accept in part	2.11
FS1209.32	600.32	Richard Burdon	Accept in part	2.11
FS1209.33	600.33	Richard Burdon	Accept in part	2.11
FS1209.34	600.34	Richard Burdon	Accept in part	3.18
FS1209.35	600.35	Richard Burdon	Accept in part	2.3
FS1209.36	600.36	Richard Burdon	Accept in part	3.19
FS1209.37	600.37	Richard Burdon	Accept in part	3.19
FS1209.39	600.39	Richard Burdon	Accept in Part	6.4
FS1209.42	600.42	Richard Burdon	Accept in part	8.2
FS1209.43	600.43	Richard Burdon	Reject	8.3
FS1209.44	600.44	Richard Burdon	Reject	8.5
FS1209.45	600.45	Richard Burdon	Reject	8.7
FS1209.46	600.46	Richard Burdon	Reject	8.3
FS1209.47	600.47	Richard Burdon	Reject	8.7
FS1209.48	600.48	Richard Burdon	Reject	8.7
FS1209.49	600.49	Richard Burdon	Reject	8.3
FS1209.50	600.50	Richard Burdon	Reject	8.3
FS1209.51	600.51	Richard Burdon	Accept	8.6
FS1209.52	600.52	Richard Burdon	Reject	8.7

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1209.53	600.53	Richard Burdon	Reject	8.3
FS1209.54	600.54	Richard Burdon	Accept	8.5
FS1211.15	635.10	New Zealand Defence Force	Accept in part	2.3
FS1211.16	635.16	New Zealand Defence Force	Accept in part	2.10, 2.11, 3.16
FS1211.17	635.17	New Zealand Defence Force	Accept in part	2.10, 2.11, 3.16
FS1211.21	805.23	New Zealand Defence Force	Accept in part	2.5
FS1211.22	805.24	New Zealand Defence Force	Accept in part	3.5, 6.3, 6.4
FS1211.23	805.32	New Zealand Defence Force	Accept in Part	6.1
FS1211.24	805.34	New Zealand Defence Force	Accept in Part	6.4
FS1211.25	805.35	New Zealand Defence Force	Accept in Part	6.4
FS1211.26	805.36	New Zealand Defence Force	Accept in Part	6.4
FS1211.27	805.38	New Zealand Defence Force	Accept in Part	6.3, 6.5
FS1211.33	251.3	New Zealand Defence Force	Accept in part	2.3
FS1211.35	433.39	New Zealand Defence Force	Accept in part	2.3
FS1219.3	632.2	Bravo Trustee Company	Accept in part	2.10, 2.11, 3.16
FS1221.1	285.8	Robins Farm Limited	Reject	8.4
FS1226.139	238.134	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	2.1
FS1226.140	238.135	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	2.15
FS1226.141	238.136	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	3.2
FS1226.142	238.137	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	2.3
FS1226.143	238.138	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	2.3
FS1226.144	238.139	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	3.5, 6.3, 6.4
FS1226.145	238.140	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	3.5, 6.3, 6.4
FS1226.146	238.141	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	2.6
FS1226.147	238.142	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	2.9
FS1226.148	238.143	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	2.12

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1226.149	238.144	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	2.5, 2.12
FS1226.150	238.145	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	3.20, 6.3, 6.4
FS1226.151	238.146	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	2.5, 2.12
FS1226.152	238.147	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	2.12, 6.3, 6.4
FS1226.153	238.148	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	2.5, 2.12
FS1226.17	238.12	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.1
FS1226.21	238.16	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.3
FS1226.22	238.17	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.4
FS1226.23	238.18	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.4
FS1226.24	238.19	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.4
FS1226.25	238.20	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.3
FS1226.26	238.21	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.3
FS1226.27	238.22	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.3
FS1226.28	238.23	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.3
FS1226.29	238.24	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.3
FS1226.30	238.25	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.4
FS1226.31	238.26	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.3

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1226.32	238.27	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.4
FS1226.33	238.28	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.4
FS1226.34	238.29	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.4
FS1226.35	238.30	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.4
FS1226.36	238.31	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.4
FS1226.37	238.32	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.4
FS1226.38	238.33	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.4
FS1226.39	238.34	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.4
FS1226.40	238.35	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.4
FS1226.41	238.36	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.5
FS1226.42	238.37	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.3, 6.5
FS1226.43	238.38	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.5
FS1226.44	238.39	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.3, 6.5
FS1226.6	238.1	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	2.1, 2.2, 2.4, 3.5, 6.4
FS1226.69	238.64	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	2.1
FS1226.7	238.2	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.1
FS1226.8	238.3	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	8.1-8.7

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1226.88	238.83	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	8.1
FS1226.89	238.84	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	8.2
FS1226.90	238.85	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	8.3, 8.5
FS1226.91	238.86	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	8.5
FS1226.93	238.88	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.5
FS1229.31	806.93	NXSki Limited	Reject	8.4
FS1229.5	361.5	NXSki Limited	Accept in part	3.3
FS1234.139	238.134	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	2.1
FS1234.140	238.135	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	2.15
FS1234.141	238.136	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	3.2
FS1234.142	238.137	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	2.3
FS1234.143	238.138	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	2.3
FS1234.144	238.139	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	3.5, 6.3, 6.4
FS1234.145	238.140	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	3.5, 6.3, 6.4
FS1234.146	238.141	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	2.6
FS1234.147	238.142	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	2.9
FS1234.148	238.143	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	2.12
FS1234.149	238.144	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	2.5, 2.12

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1234.150	238.145	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	3.20, 6.3, 6.4
FS1234.151	238.146	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	2.5, 2.12
FS1234.152	238.147	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	2.12, 6.3, 6.4
FS1234.153	238.148	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	2.5, 2.12
FS1234.17	238.12	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.1
FS1234.21	238.16	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.3
FS1234.22	238.17	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.4
FS1234.23	238.18	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.4
FS1234.24	238.19	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.4
FS1234.25	238.20	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.3
FS1234.26	238.21	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.3
FS1234.27	238.22	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.3
FS1234.28	238.23	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.3
FS1234.29	238.24	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.3
FS1234.30	238.25	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.4
FS1234.31	238.26	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.3
FS1234.32	238.27	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.4

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1234.33	238.28	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.4
FS1234.34	238.29	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.4
FS1234.35	238.30	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.4
FS1234.36	238.31	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.4
FS1234.37	238.32	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.4
FS1234.38	238.33	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.4
FS1234.39	238.34	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.4
FS1234.40	238.35	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.4
FS1234.41	238.36	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.5
FS1234.42	238.37	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.3, 6.5
FS1234.43	238.38	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.5
FS1234.44	238.39	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.3, 6.5
FS1234.6	238.1	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	2.1, 2.2, 2.4, 3.5, 6.4
FS1234.69	238.64	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	2.1
FS1234.7	238.2	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.1
FS1234.8	238.3	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	8.1-8.7
FS1234.88	238.83	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	8.1

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1234.89	238.84	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	8.2
FS1234.90	238.85	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	8.3, 8.5
FS1234.91	238.86	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	8.5
FS1234.93	238.88	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.5
FS1235.15	307.1	Jet Boating New Zealand	Accept in part	3.14, 8.8
FS1239.139	238.134	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	2.1
FS1239.140	238.135	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	2.15
FS1239.141	238.136	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	3.2
FS1239.142	238.137	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	2.3
FS1239.143	238.138	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	2.3
FS1239.144	238.139	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	3.5, 6.3, 6.4
FS1239.145	238.140	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	3.5, 6.3, 6.4
FS1239.146	238.141	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	2.6
FS1239.147	238.142	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	2.9
FS1239.148	238.143	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	2.12
FS1239.149	238.144	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	2.5, 2.12
FS1239.150	238.145	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	3.20, 6.3, 6.4
FS1239.151	238.146	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	2.5, 2.12
FS1239.152	238.147	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	2.12, 6.3, 6.4
FS1239.153	238.148	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	2.5, 2.12
FS1239.17	238.12	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.1
FS1239.21	238.16	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.3
FS1239.22	238.17	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.4
FS1239.23	238.18	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.4

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1239.24	238.19	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.4
FS1239.25	238.20	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.3
FS1239.26	238.21	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.3
FS1239.27	238.22	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.3
FS1239.28	238.23	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.3
FS1239.29	238.24	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.3
FS1239.30	238.25	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.4
FS1239.31	238.26	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.3
FS1239.32	238.27	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.4
FS1239.33	238.28	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.4
FS1239.34	238.29	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.4
FS1239.35	238.30	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.4
FS1239.36	238.31	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.4
FS1239.37	238.32	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.4
FS1239.38	238.33	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.4
FS1239.39	238.34	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.4
FS1239.40	238.35	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.4
FS1239.41	238.36	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.5
FS1239.42	238.37	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.3, 6.5
FS1239.43	238.38	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.5
FS1239.44	238.39	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.3, 6.5
FS1239.6	238.1	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	2.1, 2.2, 2.4, 3.5, 6.4
FS1239.69	238.64	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	2.1
FS1239.7	238.2	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.1
FS1239.8	238.3	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	8.1-8.7

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1239.88	238.83	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	8.1
FS1239.89	238.84	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	8.2
FS1239.90	238.85	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	8.3, 8.5
FS1239.91	238.86	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	8.5
FS1239.93	238.88	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.5
FS1241.139	238.134	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	2.1
FS1241.140	238.135	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	2.15
FS1241.141	238.136	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	3.2
FS1241.142	238.137	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	2.3
FS1241.143	238.138	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	2.3
FS1241.144	238.139	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	3.5, 6.3, 6.4
FS1241.145	238.140	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	3.5, 6.3, 6.4
FS1241.146	238.141	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	2.6
FS1241.147	238.142	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	2.9
FS1241.148	238.143	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	2.12
FS1241.149	238.144	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	2.5, 2.12
FS1241.150	238.145	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	3.20, 6.3, 6.4
FS1241.151	238.146	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	2.5, 2.12

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1241.152	238.147	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	2.12, 6.3, 6.4
FS1241.153	238.148	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	2.5, 2.12
FS1241.17	238.12	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.1
FS1241.21	238.16	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.3
FS1241.22	238.17	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.4
FS1241.23	238.18	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.4
FS1241.24	238.19	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.4
FS1241.25	238.20	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.3
FS1241.26	238.21	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.3
FS1241.27	238.22	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.3
FS1241.28	238.23	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.3
FS1241.29	238.24	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.3
FS1241.30	238.25	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.4
FS1241.31	238.26	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.3
FS1241.32	238.27	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.4
FS1241.33	238.28	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.4
FS1241.34	238.29	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.4

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1241.35	238.30	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.4
FS1241.36	238.31	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.4
FS1241.37	238.32	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.4
FS1241.38	238.33	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.4
FS1241.39	238.34	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.4
FS1241.40	238.35	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.4
FS1241.41	238.36	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.5
FS1241.42	238.37	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.3, 6.5
FS1241.43	238.38	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.5
FS1241.44	238.39	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.3, 6.5
FS1241.6	238.1	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	2.1, 2.2, 2.4, 3.5, 6.4
FS1241.69	238.64	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	2.1
FS1241.7	238.2	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.1
FS1241.8	238.3	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	8.1-8.7
FS1241.88	238.83	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	8.1
FS1241.89	238.84	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	8.2
FS1241.90	238.85	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	8.3, 8.5

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1241.91	238.86	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	8.5
FS1241.93	238.88	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.5
FS1242.114	238.86	Antony & Ruth Stokes	Accept	8.5
FS1242.116	238.88	Antony & Ruth Stokes	Accept in Part	6.5
FS1242.162	238.134	Antony & Ruth Stokes	Accept	2.1
FS1242.163	238.135	Antony & Ruth Stokes	Accept	2.15
FS1242.164	238.136	Antony & Ruth Stokes	Accept in part	3.2
FS1242.165	238.137	Antony & Ruth Stokes	Accept in part	2.3
FS1242.166	238.138	Antony & Ruth Stokes	Accept in part	2.3
FS1242.167	238.139	Antony & Ruth Stokes	Accept in part	3.5, 6.3, 6.4
FS1242.168	238.140	Antony & Ruth Stokes	Accept in part	3.5, 6.3, 6.4
FS1242.169	238.141	Antony & Ruth Stokes	Accept in part	2.6
FS1242.170	238.142	Antony & Ruth Stokes	Accept	2.9
FS1242.171	238.143	Antony & Ruth Stokes	Accept in part	2.12
FS1242.172	238.144	Antony & Ruth Stokes	Accept in part	2.5, 2.12
FS1242.173	238.145	Antony & Ruth Stokes	Accept in part	3.20, 6.3, 6.4
FS1242.174	238.146	Antony & Ruth Stokes	Accept in part	2.5, 2.12
FS1242.175	238.147	Antony & Ruth Stokes	Accept in part	2.12, 6.3, 6.4
FS1242.176	238.148	Antony & Ruth Stokes	Accept in part	2.5, 2.12
FS1242.29	238.1	Antony & Ruth Stokes	Accept in Part	2.1, 2.2, 2.4, 3.5, 6.4
FS1242.30	238.2	Antony & Ruth Stokes	Accept in Part	6.1
FS1242.31	238.3	Antony & Ruth Stokes	Accept in part	8.1-8.7
FS1242.40	238.12	Antony & Ruth Stokes	Accept in Part	6.1
FS1242.44	238.16	Antony & Ruth Stokes	Accept in Part	6.3
FS1242.45	238.17	Antony & Ruth Stokes	Accept in Part	6.4
FS1242.46	238.18	Antony & Ruth Stokes	Accept in Part	6.4
FS1242.47	238.19	Antony & Ruth Stokes	Accept in Part	6.4
FS1242.48	238.20	Antony & Ruth Stokes	Accept in Part	6.3
FS1242.49	238.21	Antony & Ruth Stokes	Accept in Part	6.3
FS1242.50	238.22	Antony & Ruth Stokes	Accept in Part	6.3
FS1242.51	238.23	Antony & Ruth Stokes	Accept in Part	6.3
FS1242.52	238.24	Antony & Ruth Stokes	Accept in Part	6.3
FS1242.53	238.25	Antony & Ruth Stokes	Accept in Part	6.4
FS1242.54	238.26	Antony & Ruth Stokes	Accept in Part	6.3
FS1242.55	238.27	Antony & Ruth Stokes	Accept in Part	6.4
FS1242.56	238.28	Antony & Ruth Stokes	Accept in Part	6.4
FS1242.57	238.29	Antony & Ruth Stokes	Accept in Part	6.4
FS1242.58	238.30	Antony & Ruth Stokes	Accept in Part	6.4
FS1242.59	238.31	Antony & Ruth Stokes	Accept in Part	6.4
FS1242.60	238.32	Antony & Ruth Stokes	Accept in Part	6.4
FS1242.61	238.33	Antony & Ruth Stokes	Accept in Part	6.4
FS1242.62	238.34	Antony & Ruth Stokes	Accept in Part	6.4
FS1242.63	238.35	Antony & Ruth Stokes	Accept in Part	6.4
FS1242.64	238.36	Antony & Ruth Stokes	Accept in Part	6.5
FS1242.65	238.37	Antony & Ruth Stokes	Accept in Part	6.3, 6.5

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FS1242.66	238.38	Antony & Ruth Stokes	Accept in Part	6.5
FS1242.67	238.39	Antony & Ruth Stokes	Accept in Part	6.3, 6.5
FS1248.139	238.134	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	2.1
FS1248.140	238.135	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	2.15
FS1248.141	238.136	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	3.2
FS1248.142	238.137	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	2.3
FS1248.143	238.138	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	2.3
FS1248.144	238.139	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	3.5, 6.3, 6.4
FS1248.145	238.140	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	3.5, 6.3, 6.4
FS1248.146	238.141	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	2.6
FS1248.147	238.142	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	2.9
FS1248.148	238.143	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	2.12
FS1248.149	238.144	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	2.5, 2.12
FS1248.150	238.145	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	3.20, 6.3, 6.4
FS1248.151	238.146	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	2.5, 2.12
FS1248.152	238.147	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	2.12, 6.3, 6.4
FS1248.153	238.148	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	2.5, 2.12
FS1248.17	238.12	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.1

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1248.21	238.16	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.3
FS1248.22	238.17	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.4
FS1248.23	238.18	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.4
FS1248.24	238.19	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.4
FS1248.25	238.20	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.3
FS1248.26	238.21	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.3
FS1248.27	238.22	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.3
FS1248.28	238.23	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.3
FS1248.29	238.24	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.3
FS1248.30	238.25	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.4
FS1248.31	238.26	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.3
FS1248.32	238.27	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.4
FS1248.33	238.28	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.4
FS1248.34	238.29	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.4
FS1248.35	238.30	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.4
FS1248.36	238.31	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.4
FS1248.37	238.32	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.4

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1248.38	238.33	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.4
FS1248.39	238.34	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.4
FS1248.40	238.35	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.4
FS1248.41	238.36	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.5
FS1248.42	238.37	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.3, 6.5
FS1248.43	238.38	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.5
FS1248.44	238.39	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.3, 6.5
FS1248.6	238.1	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	2.1, 2.2, 2.4, 3.5, 6.4
FS1248.69	238.64	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	2.1
FS1248.7	238.2	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.1
FS1248.8	238.3	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	8.1-8.7
FS1248.88	238.83	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	8.1
FS1248.89	238.84	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	8.2
FS1248.90	238.85	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	8.3, 8.5
FS1248.91	238.86	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	8.5
FS1248.93	238.88	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.5
FS1249.139	238.134	Tweed Development Limited	Accept	2.1
FS1249.140	238.135	Tweed Development Limited	Accept	2.15
FS1249.141	238.136	Tweed Development Limited	Accept in part	3.2

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1249.142	238.137	Tweed Development Limited	Accept in part	2.3
FS1249.143	238.138	Tweed Development Limited	Accept in part	2.3
FS1249.144	238.139	Tweed Development Limited	Accept in part	3.5, 6.3, 6.4
FS1249.145	238.140	Tweed Development Limited	Accept in part	3.5, 6.3, 6.4
FS1249.146	238.141	Tweed Development Limited	Accept in part	2.6
FS1249.147	238.142	Tweed Development Limited	Accept	2.9
FS1249.148	238.143	Tweed Development Limited	Accept in part	2.12
FS1249.149	238.144	Tweed Development Limited	Accept in part	2.5, 2.12
FS1249.150	238.145	Tweed Development Limited	Accept in part	3.20, 6.3, 6.4
FS1249.151	238.146	Tweed Development Limited	Accept in part	2.5, 2.12
FS1249.152	238.147	Tweed Development Limited	Accept in part	2.12, 6.3, 6.4
FS1249.153	238.148	Tweed Development Limited	Accept in part	2.5, 2.12
FS1249.17	238.12	Tweed Development Limited	Accept in Part	6.1
FS1249.21	238.16	Tweed Development Limited	Accept in Part	6.3
FS1249.22	238.17	Tweed Development Limited	Accept in Part	6.4
FS1249.23	238.18	Tweed Development Limited	Accept in Part	6.4
FS1249.24	238.19	Tweed Development Limited	Accept in Part	6.4
FS1249.25	238.20	Tweed Development Limited	Accept in Part	6.3
FS1249.26	238.21	Tweed Development Limited	Accept in Part	6.3
FS1249.27	238.22	Tweed Development Limited	Accept in Part	6.3
FS1249.28	238.23	Tweed Development Limited	Accept in Part	6.3
FS1249.29	238.24	Tweed Development Limited	Accept in Part	6.3
FS1249.30	238.25	Tweed Development Limited	Accept in Part	6.4
FS1249.31	238.26	Tweed Development Limited	Accept in Part	6.3
FS1249.32	238.27	Tweed Development Limited	Accept in Part	6.4
FS1249.33	238.28	Tweed Development Limited	Accept in Part	6.4
FS1249.34	238.29	Tweed Development Limited	Accept in Part	6.4
FS1249.35	238.30	Tweed Development Limited	Accept in Part	6.4
FS1249.36	238.31	Tweed Development Limited	Accept in Part	6.4
FS1249.37	238.32	Tweed Development Limited	Accept in Part	6.4
FS1249.38	238.33	Tweed Development Limited	Accept in Part	6.4
FS1249.39	238.34	Tweed Development Limited	Accept in Part	6.4
FS1249.40	238.35	Tweed Development Limited	Accept in Part	6.4
FS1249.41	238.36	Tweed Development Limited	Accept in Part	6.5
FS1249.42	238.37	Tweed Development Limited	Accept in Part	6.3, 6.5
FS1249.43	238.38	Tweed Development Limited	Accept in Part	6.5
FS1249.44	238.39	Tweed Development Limited	Accept in Part	6.3, 6.5
FS1249.6	238.1	Tweed Development Limited	Accept in Part	2.1, 2.2, 2.4, 3.5, 6.4
FS1249.69	238.64	Tweed Development Limited	Accept	2.1
FS1249.7	238.2	Tweed Development Limited	Accept in Part	6.1
FS1249.8	238.3	Tweed Development Limited	Accept in part	8.1-8.7
FS1249.88	238.83	Tweed Development Limited	Accept in part	8.1
FS1249.89	238.84	Tweed Development Limited	Accept in part	8.2
FS1249.90	238.85	Tweed Development Limited	Accept	8.3, 8.5
FS1249.91	238.86	Tweed Development Limited	Accept	8.5
FS1249.93	238.88	Tweed Development Limited	Accept in Part	6.5
FS1252.3	632.2	Tim & Paula Williams	Accept in part	2.10, 2.11, 3.16

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1253.5	433.47	Spark New Zealand Trading Limited	Accept in part	8.6-8.7
FS1253.6	433.48	Spark New Zealand Trading Limited	Accept in part	8.6
FS1253.7	433.49	Spark New Zealand Trading Limited	Accept in part	8.6
FS1253.8	433.50	Spark New Zealand Trading Limited	Accept in part	8.7
FS1254.1	373.6	Allenby Farms Limited	Accept in part	3.9
FS1254.108		Allenby Farms Limited	Accept	2, 2.9, 3.14
FS1254.111	145.9	Allenby Farms Limited	Accept	8.3
FS1254.114	145.12	Allenby Farms Limited	Accept in part	8.6, 8.7
FS1254.116	145.14	Allenby Farms Limited	Accept	3.16
FS1254.117	145.15	Allenby Farms Limited	Accept	3.16
FS1254.118	145.18	Allenby Farms Limited	Accept in part	8.3-8.8
FS1254.119	145.19	Allenby Farms Limited	Accept in Part	2, 2.11, 8.6
FS1254.121	145.21	Allenby Farms Limited	Accept in part	8.6
FS1254.124	145.27	Allenby Farms Limited	Accept in Part	2, 2.4, 2.9, 3.4, 3.14
FS1254.125	145.30	Allenby Farms Limited	Accept in part	8.4
FS1254.44	706.6	Allenby Farms Limited	Accept in part	2.8
FS1254.45	706.7	Allenby Farms Limited	Accept in part	2.9
FS1254.46	706.8	Allenby Farms Limited	Accept	3.9
FS1254.47	706.9	Allenby Farms Limited	Accept in part	3.9
FS1254.48	706.10	Allenby Farms Limited	Accept	3.9
FS1254.49	706.14	Allenby Farms Limited	Accept	2.9
FS1254.50	706.15	Allenby Farms Limited	Accept	3.12
FS1254.51	706.17	Allenby Farms Limited	Accept in part	2.9
FS1254.52	706.18	Allenby Farms Limited	Accept in part	3.14
FS1255.11	414.2	Arcadian Triangle Limited	Reject	6.3
FS1255.23	238.84	Arcadian Triangle Limited	Accept in part	8.2
FS1256.19	537.1	Ashford Trust	Accept in part	2.3
FS1256.20	537.2	Ashford Trust	Accept in part	3.16
FS1256.21	537.3	Ashford Trust	Accept in part	2.11
FS1256.22	537.4	Ashford Trust	Accept in part	3.16
FS1256.23	537.5	Ashford Trust	Accept in part	2.11
FS1256.24	537.6	Ashford Trust	Accept in part	2.11
FS1256.25	537.7	Ashford Trust	Accept in part	2.11
FS1256.26	537.8	Ashford Trust	Accept in part	2.3
FS1256.27	537.9	Ashford Trust	Accept in part	3.19
FS1256.28	537.10	Ashford Trust	Accept in part	2.5, 2.12
FS1256.29	537.11	Ashford Trust	Accept in part	8.7
FS1256.30	537.12	Ashford Trust	Reject	8.7
FS1256.31	537.13	Ashford Trust	Reject	8.7
FS1256.32	537.14	Ashford Trust	Accept in part	8.3
FS1256.33	537.15	Ashford Trust	Accept	8.7
FS1256.34	537.16	Ashford Trust	Reject	8.7
FS1256.35	537.17	Ashford Trust	Reject	8.3
FS1256.36	537.18	Ashford Trust	Accept in part	8.7
FS1256.37	537.19	Ashford Trust	Accept in part	8.7

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FS1256.38	537.20	Ashford Trust	Reject	8.7
FS1256.39	537.21	Ashford Trust	Reject	8.7
FS1256.61	537.43	Ashford Trust	Accept in part	2.3
FS1270.69	433.45	Hansen Family Partnership	Accept in Part	6.5
FS1270.70	271.10	Hansen Family Partnership	Accept in Part	6.3, 6.5
FS1275.176	632.2	"Jacks Point" (Submitter number 762 and 856)	Accept in part	2.10, 2.11, 3.16
FS1277.6	632.2	Jacks Point Residents and Owners Association	Accept in part	2.10, 2.11, 3.16
FS1282.10	355.9	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.100	621.32	Longview Environmental Trust	Accept	8.7
FS1282.101	621.33	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.102	621.34	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.104	716.12	Longview Environmental Trust	Accept in part	2.11
FS1282.105	716.13	Longview Environmental Trust	Accept in part	3.16
FS1282.106	805.27	Longview Environmental Trust	Accept in part	2.11
FS1282.107	805.28	Longview Environmental Trust	Accept in part	3.16
FS1282.108	805.41	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.109	805.42	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.11	355.10	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.110	805.43	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.111	805.44	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.12	355.11	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.13	355.12	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.14	355.18	Longview Environmental Trust	Accept in part	8.6
FS1282.15	375.1	Longview Environmental Trust	Accept in part	2.3
FS1282.16	375.2	Longview Environmental Trust	Accept in part	2.11
FS1282.17	375.3	Longview Environmental Trust	Accept in part	3.16
FS1282.18	375.4	Longview Environmental Trust	Accept in part	2.3
FS1282.19	375.5	Longview Environmental Trust	Accept in part	3.19

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1282.2	355.1	Longview Environmental Trust	Accept in Part	2.11, 3.15
FS1282.20	375.6	Longview Environmental Trust	Accept in part	3.19
FS1282.21	375.7	Longview Environmental Trust	Accept in part	8.2
FS1282.22	375.8	Longview Environmental Trust	Accept in part	8.3-8.6
FS1282.23	375.9	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.24	375.10	Longview Environmental Trust	Accept in part	8.6
FS1282.25	375.11	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.26	375.12	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.27	375.13	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.28	375.14	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.29	378.5	Longview Environmental Trust	Accept in part	2.11
FS1282.3	355.2	Longview Environmental Trust	Accept in part	2.11
FS1282.30	378.6	Longview Environmental Trust	Accept in part	2.11
FS1282.32	378.14	Longview Environmental Trust	Accept in part	8.6
FS1282.33	378.15	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.34	378.16	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.35	378.17	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.36	378.18	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.37	378.19	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.38	378.20	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.39	378.21	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.4	355.3	Longview Environmental Trust	Accept in part	3.16
FS1282.40	378.22	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.43	378.33	Longview Environmental Trust	Accept in part	8.4, 8.6
FS1282.44	502.1	Longview Environmental Trust	Accept in part	2.11

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1282.45	502.2	Longview Environmental Trust	Accept in part	2.11
FS1282.46	502.3	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.47	502.4	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.48	519.8	Longview Environmental Trust	Accept in part	3.18
FS1282.49	519.15	Longview Environmental Trust	Accept in part	2.11
FS1282.5	355.4	Longview Environmental Trust	Accept in part	8.3-8.6
FS1282.50	519.16	Longview Environmental Trust	Accept in part	3.16
FS1282.51	519.17	Longview Environmental Trust	Accept in part	3.16
FS1282.52	519.18	Longview Environmental Trust	Accept in part	2.11
FS1282.53	519.19	Longview Environmental Trust	Accept in part	3.16
FS1282.54	519.20	Longview Environmental Trust	Accept in part	2.11, 3.18
FS1282.55	519.23	Longview Environmental Trust	Accept in part	8.6
FS1282.56	519.24	Longview Environmental Trust	Reject	8.7
FS1282.57	519.25	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.58	519.26	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.59	519.27	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.6	355.5	Longview Environmental Trust	Accept in part	8.6
FS1282.60	519.28	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.61	519.29	Longview Environmental Trust	Accept	8.6
FS1282.63	581.5	Longview Environmental Trust	Accept in part	2.11
FS1282.64	581.6	Longview Environmental Trust	Accept in part	2.11
FS1282.65	581.7	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.66	581.8	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.67	581.9	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.68	581.10	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1282.69	581.11	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.7	355.6	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.70	581.12	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.71	598.14	Longview Environmental Trust	Accept in part	2.10
FS1282.72	598.15	Longview Environmental Trust	Accept in part	2.11
FS1282.73	598.16	Longview Environmental Trust	Accept in part	3.16
FS1282.74	598.24	Longview Environmental Trust	Accept in part	8.3, 8.6
FS1282.75	598.25	Longview Environmental Trust	Accept in part	8.6
FS1282.77	598.27	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.78	598.28	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.79	598.29	Longview Environmental Trust	Accept	8.7
FS1282.8	355.7	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.80	598.30	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.81	598.31	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.82	598.32	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.83	598.33	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.84	600.29	Longview Environmental Trust	Accept in part	2.11
FS1282.85	600.30	Longview Environmental Trust	Accept in part	3.16
FS1282.86	600.44	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.87	600.45	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.88	607.16	Longview Environmental Trust	Accept in part	2.11
FS1282.89	607.17	Longview Environmental Trust	Accept in part	3.16
FS1282.9	355.8	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.90	615.16	Longview Environmental Trust	Accept in part	3.16
FS1282.91	615.25	Longview Environmental Trust	Accept in part	2.11

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1282.92	621.16	Longview Environmental Trust	Accept in part	2.11
FS1282.93	621.17	Longview Environmental Trust	Accept in part	3.16
FS1282.94	621.26	Longview Environmental Trust	Accept in part	8.6
FS1282.95	621.27	Longview Environmental Trust		8.5
FS1282.96	621.28	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1282.97	621.29	Longview Environmental Trust	Accept in part	8.3,8.4, 8.6
FS1282.98	621.30	Longview Environmental Trust	Reject	8.3
FS1282.99	621.31	Longview Environmental Trust	Accept in part	8.3, 8.4, 8.6
FS1283.116	632.2	MJ and RB Williams and Brabant	Accept in part	2.10, 2.11, 3.16
FS1286.10	537.1	Mr M and Mrs J Henry	Accept in part	2.3
FS1286.11	537.2	Mr M and Mrs J Henry	Accept in part	3.16
FS1286.12	537.3	Mr M and Mrs J Henry	Accept in part	2.11
FS1286.13	537.4	Mr M and Mrs J Henry	Accept in part	3.16
FS1286.14	537.5	Mr M and Mrs J Henry	Accept in part	2.11
FS1286.15	537.6	Mr M and Mrs J Henry	Accept in part	2.11
FS1286.16	537.7	Mr M and Mrs J Henry	Accept in part	2.11
FS1286.17	537.8	Mr M and Mrs J Henry	Accept in part	2.3
FS1286.18	537.9	Mr M and Mrs J Henry	Accept in part	3.19
FS1286.19	537.10	Mr M and Mrs J Henry	Accept in part	2.5, 2.12
FS1286.20	537.11	Mr M and Mrs J Henry	Accept in part	8.7
FS1286.21	537.12	Mr M and Mrs J Henry	Reject	8.7
FS1286.22	537.13	Mr M and Mrs J Henry	Reject	8.7
FS1286.23	537.14	Mr M and Mrs J Henry	Accept in part	8.3
FS1286.24	537.15	Mr M and Mrs J Henry	Accept	8.7
FS1286.25	537.16	Mr M and Mrs J Henry	Reject	8.7
FS1286.26	537.17	Mr M and Mrs J Henry	Reject	8.3
FS1286.27	537.18	Mr M and Mrs J Henry	Accept in part	8.7
FS1286.28	537.19	Mr M and Mrs J Henry	Accept in part	8.7
FS1286.29	537.20	Mr M and Mrs J Henry	Reject	8.7
FS1286.30	537.21	Mr M and Mrs J Henry	Reject	8.7
FS1286.31	537.22	Mr M and Mrs J Henry	Accept	8.7
FS1286.52	537.43	Mr M and Mrs J Henry	Accept in part	2.3
FS1287.136	768.5	New Zealand Tungsten Mining Limited	Accept in part	3.3
FS1287.137	768.16	New Zealand Tungsten Mining Limited	Reject	8.5
FS1287.146	671.1	New Zealand Tungsten Mining Limited	Accept	2.15
FS1287.29	598.1	New Zealand Tungsten Mining Limited	Reject	2.1

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1287.3	373.6	New Zealand Tungsten Mining Limited	Accept in part	3.9
FS1287.30	598.2	New Zealand Tungsten Mining Limited	Accept in part	2.2
FS1287.31	598.3	New Zealand Tungsten Mining Limited	Accept in part	2.3
FS1287.32	598.4	New Zealand Tungsten Mining Limited	Accept in part	3.4
FS1287.33	598.5	New Zealand Tungsten Mining Limited	Accept in part	2.3
FS1287.34	598.6	New Zealand Tungsten Mining Limited	Reject	2.9
FS1287.35	598.7	New Zealand Tungsten Mining Limited	Accept in part	3.9
FS1287.36	598.8	New Zealand Tungsten Mining Limited	Reject	2.9
FS1287.37	598.9	New Zealand Tungsten Mining Limited	Accept in part	3.12
FS1287.38	598.10	New Zealand Tungsten Mining Limited	Accept in part	2.9
FS1287.39	598.11	New Zealand Tungsten Mining Limited	Accept in part	3.13
FS1287.4	373.12	New Zealand Tungsten Mining Limited	Reject	8.3
FS1287.40	598.12	New Zealand Tungsten Mining Limited	Accept in part	2.9
FS1287.41	598.13	New Zealand Tungsten Mining Limited	Accept in part	3.15
FS1287.42	598.14	New Zealand Tungsten Mining Limited	Accept in part	2.10
FS1287.43	598.15	New Zealand Tungsten Mining Limited	Accept in part	2.11
FS1287.44	598.16	New Zealand Tungsten Mining Limited	Accept in part	3.16
FS1287.45	598.17	New Zealand Tungsten Mining Limited	Accept in part	2.11
FS1287.46	598.18	New Zealand Tungsten Mining Limited	Accept in part	3.16
FS1287.47	598.19	New Zealand Tungsten Mining Limited	Accept in part	2.11, 3.18
FS1287.48	598.20	New Zealand Tungsten Mining Limited	Accept in part	2.3
FS1287.49	598.21	New Zealand Tungsten Mining Limited	Accept in part	3.19
FS1287.50	598.22	New Zealand Tungsten Mining Limited	Accept in part	3.19
FS1287.51	598.23	New Zealand Tungsten Mining Limited	Accept in part	8.1
FS1287.52	598.24	New Zealand Tungsten Mining Limited	Reject	8.3

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1287.53	598.25	New Zealand Tungsten Mining Limited	Accept in part	8.6
FS1287.55	598.27	New Zealand Tungsten Mining Limited	Accept in part	8.7
FS1287.56	598.28	New Zealand Tungsten Mining Limited	Accept in part	8.3
FS1287.57	598.29	New Zealand Tungsten Mining Limited	Reject	8.7
FS1287.58	598.30	New Zealand Tungsten Mining Limited	Accept in part	8.5
FS1287.59	598.31	New Zealand Tungsten Mining Limited	Accept	8.3
FS1287.60	598.32	New Zealand Tungsten Mining Limited	Accept in part	8.7
FS1287.61	598.33	New Zealand Tungsten Mining Limited	Reject	8.6
FS1287.62	598.34	New Zealand Tungsten Mining Limited	Accept in part	8.3
FS1287.63	598.35	New Zealand Tungsten Mining Limited	Accept in part	8.7
FS1287.64	598.36	New Zealand Tungsten Mining Limited	Reject	8.3
FS1287.65	598.37	New Zealand Tungsten Mining Limited	Accept	8.5
FS1287.66	598.38	New Zealand Tungsten Mining Limited	Reject	8.5
FS1287.83	706.6	New Zealand Tungsten Mining Limited	Accept in part	2.8
FS1287.84	706.8	New Zealand Tungsten Mining Limited	Accept	3.9
FS1287.85	706.9	New Zealand Tungsten Mining Limited	Accept in part	3.9
FS1287.86	706.11	New Zealand Tungsten Mining Limited	Accept	2.9
FS1287.87	706.14	New Zealand Tungsten Mining Limited	Accept	2.9
FS1287.88	706.15	New Zealand Tungsten Mining Limited	Accept	3.12
FS1287.89	706.17	New Zealand Tungsten Mining Limited	Accept in part	2.9
FS1287.90	706.18	New Zealand Tungsten Mining Limited	Accept in part	3.14
FS1287.91	706.10	New Zealand Tungsten Mining Limited	Accept	3.9
FS1292.10	537.6	Roger and Carol Wilkinson	Accept in part	2.11
FS1292.11	537.7	Roger and Carol Wilkinson	Accept in part	2.11
FS1292.12	537.8	Roger and Carol Wilkinson	Accept in part	2.3
FS1292.13	537.9	Roger and Carol Wilkinson	Accept in part	3.19
FS1292.14	537.10	Roger and Carol Wilkinson	Accept in part	2.5, 2.12
FS1292.15	537.11	Roger and Carol Wilkinson	Accept in part	8.7
FS1292.16	537.12	Roger and Carol Wilkinson	Reject	8.7

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1292.17	537.13	Roger and Carol Wilkinson	Reject	8.7
FS1292.18	537.14	Roger and Carol Wilkinson	Accept in part	8.3
FS1292.19	537.15	Roger and Carol Wilkinson	Accept	8.7
FS1292.20	537.16	Roger and Carol Wilkinson	Reject	8.7
FS1292.21	537.17	Roger and Carol Wilkinson	Reject	8.3
FS1292.22	537.18	Roger and Carol Wilkinson	Accept in part	8.7
FS1292.23	537.19	Roger and Carol Wilkinson	Accept in part	8.7
FS1292.24	537.20	Roger and Carol Wilkinson	Reject	8.7
FS1292.25	537.21	Roger and Carol Wilkinson	Reject	8.7
FS1292.26	537.22	Roger and Carol Wilkinson	Reject	8.7
FS1292.47	537.43	Roger and Carol Wilkinson	Accept in part	2.3
FS1292.5	537.1	Roger and Carol Wilkinson	Accept in part	2.3
FS1292.50	522.1	Roger and Carol Wilkinson	Accept in part	2.3
FS1292.51	522.2	Roger and Carol Wilkinson	Accept in part	2.11
FS1292.52	522.3	Roger and Carol Wilkinson	Accept in part	3.16
FS1292.53	522.4	Roger and Carol Wilkinson	Accept in part	3.16
FS1292.54	522.5	Roger and Carol Wilkinson	Accept in part	2.11
FS1292.55	522.6	Roger and Carol Wilkinson	Accept in part	2.11
FS1292.56	522.7	Roger and Carol Wilkinson	Accept in part	2.11
FS1292.57	522.8	Roger and Carol Wilkinson	Accept in part	2.3
FS1292.58	522.9	Roger and Carol Wilkinson	Accept in part	3.19
FS1292.59	522.10	Roger and Carol Wilkinson	Accept in part	3.19
FS1292.6	537.2	Roger and Carol Wilkinson	Accept in part	3.16
FS1292.60	522.11	Roger and Carol Wilkinson	Accept in part	2.5, 2.12
FS1292.61	522.12	Roger and Carol Wilkinson	Accept in part	8.7
FS1292.62	522.13	Roger and Carol Wilkinson	Reject	8.7
FS1292.63	522.14	Roger and Carol Wilkinson	Reject	8.7
FS1292.64	522.15	Roger and Carol Wilkinson	Accept in part	8.3
FS1292.65	522.16	Roger and Carol Wilkinson	Accept	8.7
FS1292.66	522.17	Roger and Carol Wilkinson	Reject	8.7
FS1292.67	522.18	Roger and Carol Wilkinson	Reject	8.3
FS1292.68	522.19	Roger and Carol Wilkinson	Accept in part	8.7
FS1292.69	522.20	Roger and Carol Wilkinson	Accept in part	8.7
FS1292.7	537.3	Roger and Carol Wilkinson	Accept in part	2.11
FS1292.70	522.21	Roger and Carol Wilkinson	Reject	8.7
FS1292.71	522.22	Roger and Carol Wilkinson	Reject	8.7
FS1292.72	522.23	Roger and Carol Wilkinson	Reject	8.7
FS1292.8	537.4	Roger and Carol Wilkinson	Accept in part	3.16
FS1292.9	537.5	Roger and Carol Wilkinson	Accept in part	2.11
FS1297.5	570.5	Robert Stewart	Accept in part	8.1-8.8
FS1301.10	635.16	Transpower New Zealand Limited (Transpower)	Accept in part	2.10, 2.11, 3.16
FS1301.11	635.17	Transpower New Zealand Limited (Transpower)	Accept in part	2.10, 2.11, 3.16
FS1301.9	635.15	Transpower New Zealand Limited (Transpower)	Accept in part	3.13
FS1312.2	677.2	AG Angus	Accept	2.15
FS1312.3	677.3	AG Angus	Accept in part	2.3
FS1312.4	677.4	AG Angus	Accept in part	3.1
FS1312.6	677.6	AG Angus	Accept in part	8.3-8.8

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1312.7	677.7	AG Angus	Accept in part	8.3-8.8
FS1313.1	373.5	Darby Planning LP	Accept	3.9
FS1313.45	636.4	Darby Planning LP	Accept in part	8.3-8.8
FS1313.46	643.8	Darby Planning LP	Accept in part	8.7
FS1313.47	669.8	Darby Planning LP	Accept in part	8.3-8.8
FS1313.48	706.8	Darby Planning LP	Accept	3.9
FS1313.49	706.9	Darby Planning LP	Accept in part	3.9
FS1313.50	806.40	Darby Planning LP	Accept in part	2.11, 3.18
FS1313.51	806.48	Darby Planning LP	Reject	6.3
FS1313.52	806.61	Darby Planning LP	Reject	8.5
FS1313.62	145.27	Darby Planning LP	Accept in Part	2, 2.4, 2.9, 3.4, 3.14
FS1313.74	145.30	Darby Planning LP	Accept in part	8.4
FS1313.76	145.18	Darby Planning LP	Accept in part	8.3-8.8
FS1313.77	145.19	Darby Planning LP	Accept in Part	2, 2.11, 8.6
FS1313.79	145.30	Darby Planning LP	Accept in part	8.4
FS1316.2	632.2	Harris-Wingrove Trust	Accept in part	2.10, 2.11, 3.16
FS1320.1	355.8	Just One Life Limited	Reject	8.3
FS1320.10	355.6	Just One Life Limited	Accept in part	8.7
FS1320.11	355.7	Just One Life Limited	Accept	8.6
FS1320.12	355.11	Just One Life Limited	Accept in part	8.3, 8.6, 8.7
FS1320.18	355.18	Just One Life Limited	Accept in part	8.6
FS1320.2	355.10	Just One Life Limited	Accept in part	8.5
FS1320.3	355.9	Just One Life Limited	Reject	8.6
FS1320.4	355.12	Just One Life Limited	Reject	8.7
FS1320.5	355.1	Just One Life Limited	Accept in Part	Part B
FS1320.6	355.2	Just One Life Limited	Accept in part	2.11
FS1320.7	355.3	Just One Life Limited	Accept in part	3.16
FS1320.8	355.4	Just One Life Limited	Accept in part	8.3
FS1320.9	355.5	Just One Life Limited	Accept in part	8.6
FS1322.10	532.6	Juie Q.T. Limited	Accept in part	2.3
FS1322.11	532.7	Juie Q.T. Limited	Accept in part	3.19
FS1322.12	532.8	Juie Q.T. Limited	Accept in part	3.19
FS1322.13	532.9	Juie Q.T. Limited	Accept in part	2.5, 2.12
FS1322.14	532.10	Juie Q.T. Limited	Accept in part	8.7
FS1322.15	532.11	Juie Q.T. Limited	Reject	8.7
FS1322.16	532.12	Juie Q.T. Limited	Reject	8.7
FS1322.17	532.13	Juie Q.T. Limited	Accept in part	8.3
FS1322.18	532.14	Juie Q.T. Limited	Reject	8.7
FS1322.19	532.15	Juie Q.T. Limited	Reject	8.3
FS1322.20	532.16	Juie Q.T. Limited	Accept in part	8.7
FS1322.41	534.1	Juie Q.T. Limited	Accept in part	2.3
FS1322.42	534.2	Juie Q.T. Limited	Accept in part	2.11
FS1322.43	534.3	Juie Q.T. Limited	Accept in part	3.16
FS1322.44	534.4	Juie Q.T. Limited	Accept in part	3.16
FS1322.45	534.5	Juie Q.T. Limited	Accept in part	2.11
FS1322.46	534.6	Juie Q.T. Limited	Accept in part	2.3
FS1322.47	534.7	Juie Q.T. Limited	Accept in part	3.19
FS1322.48	534.8	Juie Q.T. Limited	Accept in part	3.19

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1322.49	534.9	Juie Q.T. Limited	Accept in part	2.5, 2.12
FS1322.5	532.1	Juie Q.T. Limited	Accept in part	2.3
FS1322.50	534.10	Juie Q.T. Limited	Accept in part	8.7
FS1322.51	534.11	Juie Q.T. Limited	Reject	8.7
FS1322.52	534.12	Juie Q.T. Limited	Reject	8.7
FS1322.53	534.13	Juie Q.T. Limited	Accept in part	8.3
FS1322.54	534.14	Juie Q.T. Limited	Reject	8.7
FS1322.55	534.15	Juie Q.T. Limited	Reject	8.3
FS1322.56	534.16	Juie Q.T. Limited	Accept in part	8.7
FS1322.6	532.2	Juie Q.T. Limited	Accept in part	2.11
FS1322.7	532.3	Juie Q.T. Limited	Accept in part	3.16
FS1322.78	535.1	Juie Q.T. Limited	Accept in part	2.3
FS1322.79	535.2	Juie Q.T. Limited	Accept in part	2.11
FS1322.8	532.4	Juie Q.T. Limited	Accept in part	3.16
FS1322.80	535.3	Juie Q.T. Limited	Accept in part	3.16
FS1322.81	535.4	Juie Q.T. Limited	Accept in part	3.16
FS1322.82	535.5	Juie Q.T. Limited	Accept in part	2.11
FS1322.83	535.6	Juie Q.T. Limited	Accept in part	2.3
FS1322.84	535.7	Juie Q.T. Limited	Accept in part	3.19
FS1322.85	535.8	Juie Q.T. Limited	Accept in part	3.19
FS1322.86	535.9	Juie Q.T. Limited	Accept in part	2.5, 2.12
FS1322.87	535.10	Juie Q.T. Limited	Accept in part	8.7
FS1322.88	535.11	Juie Q.T. Limited	Reject	8.7
FS1322.89	535.12	Juie Q.T. Limited	Reject	8.7
FS1322.9	532.5	Juie Q.T. Limited	Accept in part	2.11
FS1322.90	535.13	Juie Q.T. Limited	Accept in part	8.3
FS1322.91	535.14	Juie Q.T. Limited	Reject	8.7
FS1322.92	535.15	Juie Q.T. Limited	Reject	8.3
FS1322.93	535.16	Juie Q.T. Limited	Accept in part	8.7
FS1324.1	807.65	The Kingston Lifestyle Family Trust	Reject	6.3
FS1329.1	615.8	Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP	Accept in part	3.1
FS1329.18	621.8	Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP	Accept in part	3.1
FS1330.1	615.8	Treble Cone Investments Limited	Accept in part	3.1
FS1330.11	621.6	Treble Cone Investments Limited	Reject	2.15
FS1333.5	621.7	Queenstown Rafting Limited	Accept in part	2.3
FS1336.4	145.29	Peninsula Bay Joint Venture	Accept in Part	6.3
FS1340.10	271.5	Queenstown Airport Corporation	Accept in part	3.5, 6.3, 6.4
FS1340.11	805.23	Queenstown Airport Corporation	Accept in part	2.5
FS1340.12	807.48	Queenstown Airport Corporation	Accept in part	3.5, 6.3, 6.4

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1340.13	751.7	Queenstown Airport Corporation	Accept in Part	6.4
FS1340.14	805.34	Queenstown Airport Corporation	Accept in Part	6.4
FS1340.8	271.3	Queenstown Airport Corporation	Accept in part	2.3
FS1340.9	271.4	Queenstown Airport Corporation	Accept in part	2.5
FS1341.10	766.14	Real Journeys Limited	Accept	8.3
FS1341.11	766.15	Real Journeys Limited	Reject	8.8
FS1341.16	766.17	Real Journeys Limited	Reject	8.8
FS1341.17	766.16	Real Journeys Limited	Reject	8.8
FS1341.29	836.15	Real Journeys Limited	Accept in Part	2.8, 3.14
FS1341.30	836.22	Real Journeys Limited	Accept in part	8.4
FS1341.33	307.1	Real Journeys Limited	Accept in part	3.14, 8.8
FS1342.19	836.15	Te Anau Developments Limited	Accept in Part	2.8, 3.14
FS1342.20	836.22	Te Anau Developments Limited	Accept in part	8.4
FS1342.24	373.5	Te Anau Developments Limited	Accept	3.9
FS1342.25	373.6	Te Anau Developments Limited	Accept in part	3.9
FS1344.1	807.65	Tim Taylor	Reject	6.3
FS1345.13	607.6	Skydive Queenstown Limited	Reject	2.15
FS1345.14	607.7	Skydive Queenstown Limited	Accept in part	2.3
FS1345.15	607.8	Skydive Queenstown Limited	Accept in part	3.1
FS1345.16	607.10	Skydive Queenstown Limited	Accept in part	3.1
FS1345.17	607.11	Skydive Queenstown Limited	Reject	3.4
FS1345.18	607.13	Skydive Queenstown Limited	Accept in part	2.7
FS1345.19	607.12	Skydive Queenstown Limited	Accept in part	2.3
FS1345.20	607.14	Skydive Queenstown Limited	Reject	3.8
FS1345.21	607.15	Skydive Queenstown Limited	Reject	2.9
FS1345.22	621.6	Skydive Queenstown Limited	Reject	2.15
FS1345.23	621.7	Skydive Queenstown Limited	Accept in part	2.3
FS1345.24	621.8	Skydive Queenstown Limited	Accept in part	3.1
FS1345.25	621.11	Skydive Queenstown Limited	Reject	3.4
FS1345.26	621.10	Skydive Queenstown Limited	Accept in part	3.1
FS1345.27	621.13	Skydive Queenstown Limited	Accept in part	2.7
FS1345.28	621.14	Skydive Queenstown Limited	Reject	3.8
FS1345.31	716.4	Skydive Queenstown Limited	Reject	2.15
FS1345.32	716.5	Skydive Queenstown Limited	Accept in part	2.3
FS1345.33	716.6	Skydive Queenstown Limited	Accept in part	3.1
FS1345.34	716.8	Skydive Queenstown Limited	Reject	3.4
FS1346.3	807.45	Vivo Capital Limited	Accept in part	3.5
FS1347.10	145.18	Lakes Land Care	Accept in part	8.3-8.8
FS1347.11	145.19	Lakes Land Care	Accept in Part	2, 2.11, 8.6
FS1347.16	145.29	Lakes Land Care	Accept in Part	6.3
FS1347.21	373.4	Lakes Land Care	Accept in part	2.8
FS1347.22	373.5	Lakes Land Care	Accept	3.9

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1347.23	373.6	Lakes Land Care	Accept in part	3.9
FS1347.24	373.7	Lakes Land Care	Accept	2.9
FS1347.25	373.8	Lakes Land Care	Accept	2.9, 3.10
FS1347.26	373.9	Lakes Land Care	Accept in part	2.9
FS1347.27	373.10	Lakes Land Care	Accept in part	3.11
FS1347.8	145.12	Lakes Land Care	Accept in part	8.6, 8.7
FS1347.81	625.1	Lakes Land Care	Accept in part	2.9
FS1347.82	625.2	Lakes Land Care	Accept in part	3.14
FS1347.83	625.3	Lakes Land Care	Accept in part	2.12, 6.3, 6.4
FS1347.84	625.4	Lakes Land Care	Accept in part	3.20, 6.3, 6.4
FS1347.86	625.6	Lakes Land Care	Accept	2.15
FS1347.87	625.7	Lakes Land Care	Accept	2.15
FS1347.88	625.8	Lakes Land Care	Accept	2.15
FS1347.89	625.9	Lakes Land Care	Accept	2.15
FS1347.90	625.10	Lakes Land Care	Accept	2.15
FS1347.91	625.11	Lakes Land Care	Accept	2.15
FS1347.92	625.12	Lakes Land Care	Accept	8.4
FS1348.1	807.65	M & C Wilson	Reject	6.3
FS1349.1	430.3	X-Ray Trust	Accept in part	3.16
FS1349.10	430.6	X-Ray Trust	Accept in part	8.3, 8.7
FS1349.11	430.7	X-Ray Trust	Accept	8.7
FS1349.12	430.7	X-Ray Trust	Accept	8.7
FS1349.13	696.9	X-Ray Trust	Reject	8.7
FS1349.14	696.10	X-Ray Trust	Accept in part	8.7
FS1349.15	696.12	X-Ray Trust	Accept in part	8.7
FS1349.16	806.61	X-Ray Trust	Reject	8.3
FS1349.17	806.78	X-Ray Trust	Accept in part	8.3
FS1349.18	522.15	X-Ray Trust	Accept in part	8.3
FS1349.2	430.3	X-Ray Trust	Accept in part	3.16
FS1349.3	854.4	X-Ray Trust	Accept	2.15
FS1349.4	513.2	X-Ray Trust	Accept in part	2.11
FS1349.7	430.5	X-Ray Trust	Accept in part	8.3-8.4, 8.6-8.7
FS1349.8	430.5	X-Ray Trust	Accept in part	8.3-8.4, 8.6-8.7
FS1349.9	430.6	X-Ray Trust	Accept in part	8.3, 8.7
FS1352.16	72.3	Kawarau Village Holdings Limited	Accept	6.3
FS1356.10	519.10	Cabo Limited	Accept in part	2.3
FS1356.11	519.11	Cabo Limited	Accept in part	3.9
FS1356.12	519.12	Cabo Limited	Accept	2.9
FS1356.13	519.13	Cabo Limited	Accept	3.14
FS1356.14	519.14	Cabo Limited	Accept in part	3.15
FS1356.15	519.15	Cabo Limited	Accept in part	2.11
FS1356.16	519.16	Cabo Limited	Accept in part	3.16
FS1356.17	519.17	Cabo Limited	Accept in part	3.16
FS1356.18	519.18	Cabo Limited	Accept in part	2.11
FS1356.19	519.19	Cabo Limited	Accept in part	3.16
FS1356.20	519.20	Cabo Limited	Accept in part	2.11, 3.18
FS1356.21	519.21	Cabo Limited	Accept in part	3.18

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1356.23	519.23	Cabo Limited	Accept in part	8.6
FS1356.24	519.24	Cabo Limited	Reject	8.7
FS1356.25	519.25	Cabo Limited	Accept in part	8.3
FS1356.26	519.26	Cabo Limited	Accept in part	8.5
FS1356.27	519.27	Cabo Limited	Accept	8.3
FS1356.28	519.28	Cabo Limited	Accept in part	8.3, 8.4, 8.6
FS1356.29	519.29	Cabo Limited	Accept	8.6
FS1356.30	519.30	Cabo Limited	Accept in part	8.3
FS1356.31	519.31	Cabo Limited	Reject	8.5
FS1356.32	519.32	Cabo Limited	Accept	8.5
FS1356.8	519.8	Cabo Limited	Accept in part	3.18
FS1356.9	519.9	Cabo Limited	Accept in part	2.3
FS1364.2	677.2	John and Kay Richards	Accept	2.15
FS1364.3	677.3	John and Kay Richards	Accept in part	2.3
FS1364.4	677.4	John and Kay Richards	Accept in part	3.1

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Report 4A

Report and Recommendations of Independent Commissioners Regarding
Chapter 21, Chapter 22, Chapter 23, Chapter 33 and Chapter 34

Commissioners

Denis Nugent (Chair)

Brad Coombs

Mark St Clair

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Appendix 7: Definitions Recommended to Stream 10 Hearing Panel		
Appendix 8: Recommendations on Submissions to Stream 10 Panel		

PART A: INTRODUCTORY MATTERS

1 PRELIMINARY

1.1 Terminology in this Report

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

Act	Resource Management Act 1991 as it was prior to the enactment of the Resource Legislation Amendment Act 2017, unless otherwise stated
ASAN	Activity Sensitive to Aircraft Noise
BRA	Building Restriction Area
CARL	Cardrona Alpine Resort Limited
Clause 16(2)	Clause 16(2) of the First Schedule to the Act
CMA	Crown Minerals Act
Council	Queenstown Lakes District Council
DoC	Director-General of Conservation and/or Department of Conservation
Forest & Bird	Royal Forest and Bird Protection Society
JBNZ	Jet Boating New Zealand Incorporated
NPSET 2008	National Policy Statement for Electricity Transmission 2008
NPSFM 2011	National Policy Statement for Freshwater Management 2011
NPSFM 2014	National Policy Statement for Freshwater Management 2014
NPSREG 2011	National Policy Statement for Renewable Electricity Generation 2011
NPSUDC 2016	National Policy Statement on Urban Development Capacity 2016
NZFSC	New Zealand Fire Service Commission
NZIA	NZIA Southern and Architecture + Women Southern
NZTM	New Zealand Tungsten Mining Limited
OCB	Outer Control Boundary
ODP	The Operative District Plan for the Queenstown Lakes District as at the date of this report

ONF	Outstanding Natural Feature(s)
ONL	Outstanding Natural Landscape(s)
PDP	Stage 1 of the Proposed District Plan for Queenstown Lakes District as publicly notified on 26 August 2015
Proposed RPS	The Proposed Regional Policy Statement for the Otago Region Decisions Version dated 1 October 2016
QAC	Queenstown Airport Corporation Limited
QPL	Queenstown Park Limited
QRL	Queenstown Rafting Limited
REPA	Runway End Protection Area
RJL	Real Journeys Limited
RMA	Resource Management Act 1991 as it was prior to the enactment of the Resource Legislation Amendment Act 2017, unless otherwise stated
RPS	The Operative Regional Policy Statement for the Otago Region dated October 1998
Rural Chapters	Chapters 21, 22 and 23 of the Proposed District Plan for Queenstown Lakes District as publicly notified on 26 August 2015
SNA	Significant Natural Area
Stage 2 Variations	the variations, including changes to the existing text of the PDP, notified by the Council on 23 November 2017.
UCES	Upper Clutha Environmental Society
UGB	Urban Growth Boundary
WCO	Water Conservation Order

1.2 Topics Considered

2. The subject matter of this hearing was the submissions and further submissions made on Chapters 21, 22, 23, 33 and 34 of the PDP (Hearing Stream 2).
3. Chapter 21 Rural Zone, enables farming and also provides for other activities that rely on rural resources. As such, the zone includes Ski Area subzones, and the Rural Industry subzone. These activities are provided for within the context of protecting, maintaining and enhancing landscape values including ONLs/ONFs, nature conservation values, the soil and water resource and rural amenity.

4. Chapter 22 Rural Residential and Rural Lifestyle sets out objectives and policies for managing the spatial location and layout of rural living within the District. It seeks to maintain the character and quality of the zones and address their fit within the wider open space, rural environment and natural landscape values.
5. Chapter 23 Gibbston Character Zone relates to the provision of the viticultural activities and associated commercial activities within a defined area of the Gibbston Valley.
6. Chapter 33 Indigenous Vegetation and Biodiversity provides for the maintenance of biodiversity throughout the district and the protection of significant indigenous vegetation and significant habitats of significant indigenous fauna.
7. Chapter 34 Wilding Exotic Trees sets out provisions to prevent the spreading of wilding exotic trees.
8. These five chapters sit within the strategic framework provided by Chapters 3, 4, 5 and 6 of the PDP.
9. We have set out our recommended versions of each of the chapters in Appendices to this report as follows:
Appendix 1 – Chapter 21;
Appendix 2 – Chapter 22;
Appendix 3 – Chapter 23;
Appendix 4 – Chapter 33; and
Appendix 5 – Chapter 34.
10. In Appendix 6 we set out our recommendations on the submissions on these chapters.

1.3 Hearing Arrangements

11. Stream 2 matters were heard on 2-6 May 2016 inclusive in Hawea, and then, on 17-18 May and 23-27 May 2016, in Queenstown.
12. The parties heard from on Stream 2 Rural Chapters matters were:

Council

- James Winchester and Sarah Scott (Counsel)
- Dr Stephen Chiles
- Dr Marion Read
- Philip Osborne
- Glenn Davis
- Craig Barr

Hawea Community Association¹

- Dennis Hughes and Paul Cunningham

Longview Environmental Trust and Just One Life Ltd²

- Scott Edgar

¹ Submission 771

² Submission 659

The Alpine Group Ltd³

- Jonathon Wallis

Lakes Landcare Group⁴

- Tim Burdon

Laura and Jan Solbak⁵

Jude Battson⁶

Gaye Robinson⁷

Lake McKay Station⁸

- Colin Harvey
- Mike Kelly

Sam Kane⁹

Heather Pennycook¹⁰

Federated Farmers of New Zealand¹¹

- Phil Hunt
- Barry Cooper

UCES¹²

- Julian Haworth
- James Hadley¹³

Otago Fish and Game Council¹⁴

- Peter Wilson
- Clive Manners Wood¹⁵
- Stewart Mahon¹⁶

Jeremy Bell Investments Limited¹⁷

- Phil Page (Counsel)
- Dr Peter Espie

³ Submission 315
⁴ Submissions 791, 794
⁵ Submissions 118, 816
⁶ Submission 461
⁷ Submission 188
⁸ Submission 439
⁹ Submission 590
¹⁰ Submission 585
¹¹ Submission 600
¹² Submission 145
¹³ Submission 675
¹⁴ Submission 788
¹⁵ Submissions 213, 220
¹⁶ Submissions 38
¹⁷ Submission 782, 784

- Mandy Bell
- Allan Cubitt

Wakatipu Wilding Conifer Group¹⁸

- Peter Williamson

NZ Transport Agency¹⁹:

- Tony MacColl

Queenstown Rafting Limited²⁰:

- Jayne Macdonald (Counsel)
- Vance Boyd

Aircraft Owners and Pilots Association²¹

- Vance Boyd

Bungy New Zealand and Van Asch²², Hadley²³, Broomfield²⁴, Temple Peak Station²⁵, Woodlot Properties Limited²⁶

- Carey Vivian
- Phillip Bunn²⁷
- Steven Bunn²⁸

Hutchinson²⁹, Gallagher³⁰, Sim³¹, McDonald Family Trust³², McDonald & Associates³³

- Neil McDonald
- Nick Geddes

Arcadian Triangle Limited³⁴

- Warwick Goldsmith

Director-General of Conservation³⁵

- Susan Newell (Counsel)
- Brian Rance
- Laurence Barea

18 Submission 740
 19 Submission 719
 20 Submission 167
 21 Submission 211
 22 Submission 489
 23 Submission 674
 24 Submission 500
 25 Submission 486
 26 Submission 501
 27 Submission 265
 28 Submission 294
 29 Submission 228
 30 Submission 233
 31 Submission 235
 32 Submission 411
 33 Submission 414
 34 Submissions 497, 836
 35 Submission 373

- Geoffrey Deavoll

Glentui Heights Limited³⁶, Bobs Cove Developments Limited³⁷

- Dan Wells

QAC³⁸

- Rebecca Wolt (Counsel)
- Kirsty O’Sullivan

Skydive Queenstown Limited³⁹

- Jayne Macdonald (Counsel)
- Christopher Day
- Jeff Brown

NZTM⁴⁰

- Maree Baker-Galloway (Counsel)
- Gary Grey
- Carey Vivian

RJL⁴¹, Te Anau Developments⁴²

- Fiona Black
- Ben Farrell

CARL⁴³

- Ben Farrell

NZFS⁴⁴

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

Rachel Brown⁴⁵

Ngai Tahu Tourism⁴⁶

- John Edmonds

Susan Cleaver⁴⁷ and Carol Bunn⁴⁸

- Phillip Bunn

³⁶ Submission 694

³⁷ Submission 712

³⁸ Submission 433

³⁹ Submission 122

⁴⁰ Submission 519

⁴¹ Submission 621

⁴² Submission 607

⁴³ Submission 615

⁴⁴ Submission 438

⁴⁵ Submission 332

⁴⁶ Submission 716

⁴⁷ Submission 221

⁴⁸ Submission 423

Deborah MacColl⁴⁹ and Barnhill Corporate Trustee Ltd⁵⁰

- Deborah MacColl

Jules Tapper⁵¹

Carlton Campbell⁵²

Totally Tourism Ltd⁵³ and Skyline Enterprises Ltd⁵⁴

- Sean Dent

Darby Planning LP⁵⁵

- Hamish McCrostie
- Richard Tyler
- Yvonne Pflüger
- Michael Copeland
- Chris Ferguson

NZSki Limited⁵⁶

- Jane Macdonald (Counsel)
- Sean Dent

Ayrburn Farm Estate Ltd⁵⁷; Allenby Farms Ltd⁵⁸; Ashford Trust⁵⁹; Wakatipu Equities⁶⁰; Robert and Elvena Heyward⁶¹; Byron Ballan⁶²; Crosshill Farms Ltd⁶³; Bill & Jan Walker Family Trust⁶⁴; GW Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain⁶⁵; Slopehill Joint Venture⁶⁶; Hansen Family Partnership⁶⁷; Roger and Carol Wilkinson⁶⁸.

- Warwick Goldsmith and Rosie Hill (Counsel)
- Grant Stalker
- Anthony Strain
- Doug Reid
- Patrick Baxter
- Stephen Skelton

49	Submission 285
50	Submission 626
51	Submission 114
52	Submission 162
53	Submission 571
54	Submission 574
55	Submission 608
56	Submission 572
57	Submission 430
58	Submission 502
59	Further Submission 1256
60	Submission 515
61	Submission 523
62	Submission 530
63	Submission 531
64	Submission 532
65	Submission 535, 534
66	Submission 537
67	Submission 751
68	Further Submission 1292

- Ben Farrell
- Jeff Brown

Transpower New Zealand Limited⁶⁹

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

Jet Boating New Zealand⁷⁰

- Eddie McKenzie
- Luke McSoriley

Royal Forest and Bird Protection Society⁷¹

- Sue Maturin

Mt Cardrona Station Ltd⁷²

- Warwick Goldsmith (Counsel)
- Jeff Brown

Queenstown Park Ltd⁷³ and Queenstown Wharves (GP) Ltd⁷⁴

- John Young (Counsel)
- Professor Tim Hazeldine
- Rob Greenway
- Nikki Smetham
- Simon Beale
- Simon Milne
- Jeff Brown

Hogan Gully Farm⁷⁵, Kawarau Jet Holdings Limited⁷⁶, ZIV (NZ) Limited⁷⁷, Mount Rosa Station Limited⁷⁸, Dalefield Trustees Limited⁷⁹

- Jeff Brown

⁶⁹ Submission 805
⁷⁰ Submission 758
⁷¹ Submission 706
⁷² Submission 407
⁷³ Submission 806
⁷⁴ Submission 766
⁷⁵ Submission 456
⁷⁶ Submission 307
⁷⁷ Submission 343
⁷⁸ Submission 377
⁷⁹ Submission 350

Graeme Todd Family Trust⁸⁰, Leslie & Judith Nelson⁸¹, Trilane Industries Limited⁸², Hogans Gully Farming Ltd⁸³, Cabo Ltd⁸⁴, Morven Ferry Ltd⁸⁵, James Cooper⁸⁶

- Graeme Todd (Counsel)

Trojan Helmet Ltd⁸⁷

- Rebecca Wolt (Counsel)
- Jeff Brown

13. In addition, X Ray Trust⁸⁸, Ministry of Education⁸⁹ and Ms Anne Steven⁹⁰ tabled evidence but did not appear at the hearing. We have taken that evidence as read. Our inability to discuss any of the matters raised in the evidence with the submitters or their experts has limited the weight we can give that evidence.
14. Ms D Lucas, for UCES⁹¹, was unable to attend the hearing. Ms Lucas' evidence was taken as read. In lieu of the attendance for Ms Lucas, we provided her with written questions. Ms Lucas' answers were provided to the Panel on 20 May 2016.
15. Arising out of Ms Lucas' evidence in regard to Policy 21.2.12.5, we sought a legal opinion from QLDC in-house counsel, as follows, *"Section 6(a) of the Act refers to preservation of the natural character of wetlands, and lakes and rivers and their margins. Is that different from "protect, maintain or enhance"?"*
16. We received a memorandum in response to our question from in-house Counsel for the Council dated 20 May 2016 in relation to meaning of the word *"preservation"* in Section 6 of the Act and whether that is different from *"protect"* used in Policy 21.2.12.5. The advice we received⁹² was that protection, used in its ordinary context (as opposed to its use in conjunction with inappropriate subdivision, use and development), is for all intents and purposes the same as preservation.
17. Mr Ferguson, planning witness for various submitters⁹³, had to leave the hearing for personal reasons before we had completed questioning him. Additional questions were furnished to Mr Ferguson in writing and his response by way of supplementary evidence was received on 27 May 2016.
18. Prior to the commencement of the hearing (13 April 2016), counsel for the Council provided revised copies of the working draft chapters for this hearing stream under cover of a Memorandum that addressed concerns we raised in our Fourth Procedural Minute of 8 April 2016, regarding the wording of objectives and policies.

⁸⁰ Submission 27

⁸¹ Submission 402

⁸² Submission 405

⁸³ Submission 456

⁸⁴ Submission 481

⁸⁵ Submission 629

⁸⁶ Submission 400

⁸⁷ Submission 437, 452

⁸⁸ Submission 356

⁸⁹ Submission 524

⁹⁰ Submission 441

⁹¹ Submission 145

⁹² Memorandum from In House Counsel for QLDC, dated 20 May 2016

⁹³ Submissions 608, 610, 613, 764, 767, 751

19. Again, prior to the commencement of the hearing (19 April 2016), we requested further information by way of additional maps from Council in relation to Dr Read’s Evidence in Chief, seeking further detail as to the number and location of building platforms on which houses had been erected and those that had not been built on. The maps requested were supplied under cover of a Memorandum of Counsel for the Council dated 29 April 2016.

1.4 Procedural Steps and Issues

20. A number of procedural matters required consideration, both prior to commencement and during the Steam 2 hearing. These included:
- a. A request by Counsel for Allenby Farms⁹⁴ for deferral of ONF, BRA, and zone extension components of its submission until the Planning Map Hearings – granted by the Chair 18 April 2016;
 - b. A consequential procedural Minute from the Chair, dated 19 April 2016, deferred all submissions seeking amendments to boundaries of Significant Natural Areas (SNA) to the relevant mapping hearing streams. The Minute confirmed that submissions seeking complete deletion of a SNA would be heard and determined in this Hearing Stream.
21. In addition to those Directions, the Chair granted extensions for:
- a. Filing evidence and legal synopsis of submissions for Jeremy Bell Investments Ltd⁹⁵ and for filing evidence for Mr C Day for Skydive Queenstown Ltd⁹⁶ on 21 April 2016;
 - b. Filing of late evidence for Mr N Geddes and granting request for him to be heard on behalf of a number of submitters⁹⁷ on 29 April 2016.
22. On 20 May 2016, the Chair granted leave to Ms O’Sullivan on behalf of QAC to file supplementary evidence that specifically related to questions raised by us during the hearing in regard to the resource management regime applying to Wanaka airport.
23. We also record that a number of submitters and Council were given the opportunity to supply further comment and/or evidence on matters raised during the course of their appearance before us. In this way, the panel received additional material as follows:
- a. A Memorandum of Counsel for the Council dated 5 May 2016 regarding the Wilding Pine risk assessment matrix for ‘Calculating Wilding Spread Risk from New Planting and copy of the matrix from Mr Davis’ evidence;
 - b. A Memorandum of Counsel for the Council dated 16 May 2016 regarding wording of a rule for clearance of indigenous vegetation in Skifield subzones, and providing a flow diagram of how the rules in Chapters 33 work;
 - c. Memoranda of Counsel for QAC dated 30 May 2016 and 3 June 2016 regarding Runway End Protection Areas (REPA) for Wanaka Airport;
 - d. A Memorandum of Counsel for NZFSC dated 7 June 2016 regarding its Fire Fighting Water Supplies Code of Practice and related matters;
 - e. A Memorandum of Counsel for Queenstown Park Ltd dated 15 June 2016 identifying photo-viewpoints from Ms Smetham’s landscape evidence and responding to our questions on Rule 21.3.3.6;

⁹⁴ Submission 502

⁹⁵ Submissions 782, 784

⁹⁶ Submission 122

⁹⁷ Submissions 228, 233, 235, 411, 414

24. On 21 June 2016, we received a letter from Mr C Ferguson on behalf of Island Capital Ltd⁹⁸ withdrawing its submission relating to all provisions of the new area of Rural Lifestyle Zoned land immediately east of Glenorchy Township.
25. A number of matters were also raised during the course of this hearing, which we determined were more appropriately deferred to the hearings on the Planning Maps, scheduled for next year or to the Business zone hearings. In addition to the Allenby Farms submission already noted, these included submissions by Lake Hayes Cellar Ltd⁹⁹ and Wanaka Airport¹⁰⁰ the minutes for which were respectively dated 17 June 2016 and 16 June 2016.
26. When we heard the submitters and deliberated on Stream 2, Commissioner Lawton was part of the Hearing Panel. In February 2017 Commissioner Lawton resigned from the Council and her role as a commissioner. She has taken no further part in the process following that resignation.
27. We also record that during the course of the hearing, Commissioner St Clair discovered that he had a conflict of interest in relation to submissions and further submissions lodged by Matakauri Lodge Limited. The legal submissions and evidence from Matakauri Lodge Limited entirely related to the issue of the Visitor Accommodation Subzone in the Rural Lifestyle Zone. Mr St Clair stepped aside from hearing any evidence from the submitters whose evidence was directed at that topic¹⁰¹ and took no part in the deliberations or report drafting in relation to that topic, which is the subject of a separate report¹⁰².
28. Ms Byrch and Mr Scaife each made submissions on a number of topics in Chapter 22 apart from the Visitor Accommodation Subzone. Matakauri Lodge Limited lodged further submissions in opposition to those wider submissions. We heard no submissions or evidence from Matakauri Lodge Limited in respect of those other submissions. We record that while those wider submissions and further submissions are dealt with in this report, Mr St Clair did not participate in the deliberations on, or report preparation of, the relevant provisions in Chapter 22.

1.5 Wakatipu Basin

29. On 1 July 2016, the Chair issued a Minute noting that based on the evidence presented to us, we had reached a preliminary view that a detailed study of the Wakatipu Basin was required. The Chair's minute included the following extract *"(during the)... course of the hearing, based on the evidence from the Council and submitters, we came to the preliminary conclusion that continuation of the fully discretionary development regime of the Rural General Zone of the ODP, as proposed by the PDP, was unlikely to achieve the Strategic Direction of the PDP in the Wakatipu Basin over the life of the PDP. We are concerned that, without careful assessment, further development within the Wakatipu Basin has the potential to cumulatively and irreversibly damage the character and amenity values which attracts residents and other activities to the area."*¹⁰³
30. We reached this position having noted that the landscape evidence put before us on behalf of submitters either focused on criticising Dr Read's work or was too general to be helpful, and

⁹⁸ Submission 772

⁹⁹ Submission 767

¹⁰⁰ Submission 433

¹⁰¹ Matakauri Lodge Limited (Submission 595 and FS1224), Christine Byrch (Submission 243) and Marc Scaife (Submission 811)

¹⁰² Report 4B

¹⁰³ Memorandum Concerning PDP provisions Affecting Wakatipu Basin dated 1 July 2016

the planning evidence on behalf of submitters focussed on rural lifestyle densities in the Wakatipu Basin without consideration of the implications for the remainder of the district. The Chair's Minute also noted that during the hearing we had canvassed this matter with parties with interests in the Wakatipu Basin and that those parties were generally receptive to the proposal. In the conclusion of the Minute, we sought Council's advice on how it would proceed in the light of the preliminary views we had expressed.

31. On 8 July 2016, Counsel for the Council, advised by way of memorandum that the Council would proceed with the Wakatipu Basin Study (WBS) and requested that we confirm the extent of the area that the study would apply to was as shown on the map attached to the memorandum,. In addition, Counsel noted that any decision on a variation to the Plan arising from the study would be a separate matter requiring a decision of Council at a later date.
32. The Chair confirmed by way of Minute dated 8 July 2016 that the area we had in mind for the study was correctly shown on the map of Council's memorandum of the same date.
33. We note that on 4 July 2016, the Chair issued a minute in regard to the Section 42A Report for Hearing Stream 4: Subdivision (Chapter 27) which was released on 1 July 2016, advising that the submissions on the minimum lot sizes for the Rural Lifestyle Zone referred to in paragraphs 14.2 to 14.18 of the Section 42A Report would be deferred so that they might be heard following the WBS if the Council agreed to undertake said study. The Stream 4 hearing had not commenced at that point.
34. As recorded in the Chair's Minute of 1 July 2016, *"we discerned that there was clear distinction between those submitters who sought fine tuning of the provisions relating to the Rural and Rural Lifestyle Zones, and those submitters who sought significant changes to the provisions of those zones specifically as they applied to land in the Wakatipu Basin. It is this latter group of submitters who have submissions linked to subdivision and map provisions."*
35. For completeness we note that on 2 July 2016, we received a memorandum from the UCES, seeking that a similar study to that recommended by us for the Wakatipu Basin be carried out for the Upper Clutha Basin. In response to that memorandum, the Chair issued a Minute in Reply, noting that the hearing was completed and there were no special circumstances for the Panel to accept additional information. In addition, the Minute in Reply noted that any such request for Council to undertake a study should be directed to the Council itself.

1.6 Stage 2 Variations

36. On 23 November 2017 the Council notified the Stage 2 Variations. Within this was a new zoning regime proposed for the Wakatipu Basin. In a Memorandum dated 23 November 2017¹⁰⁴ we were advised that, due to the operation of Clause 16B(1) of the First Schedule to the Act, a number of submissions on Stage 1 would automatically be submissions on the variation and we should not make recommendations on those. The Council listed such submissions in Appendix B of the Memorandum. In a Minute dated 27 November 2017 the Chair sought confirmation that several other submissions omitted from Appendix B, were also to be treated as submissions on the variation.. This was confirmed in a Memorandum dated 8 December 2017.
37. A consequence of the notification of the Stage 2 Variations is that we do not discuss those submissions.

¹⁰⁴ Memorandum of Counsel on Behalf of the Queenstown Lakes District Council Advising Panel on Matters Relating to Stage 2 of the Queenstown Lakes Proposed District Plan

38. A further consequence of the notification of the new zoning regime for the Wakatipu Basin is that several provisions in Chapter 22 specific to zones or areas with the Wakatipu Basin¹⁰⁵ have been deleted from Stage 1 of the PDP due to the operation of Clause 16B(2) of the First Schedule to the Act. We make no recommendations in respect of those provisions, which we show in light grey in our recommended chapters.
39. The Stage 2 Variations propose the insertion of new provisions for visitor accommodation in Chapters 21¹⁰⁶, 22¹⁰⁷ and 23¹⁰⁸. We have made allowance for those provisions in the appropriate places in each chapter by leaving spaces in the policies or rules as appropriate. While they are included as they are merged into the PDP, we have not shown them so as to avoid confusion between the provisions we are recommending to the Council and the additional Stage 2 Variation provisions.
40. Additionally, the Stage 2 Variations propose the inclusion of a new activity rule providing for public water ferry services on the surfaces of lakes and rivers in Chapter 21¹⁰⁹. This has been dealt with in the same manner as the visitor accommodation provisions discussed above.
41. Finally, as noted in Report 1, we have updated the table of district wide chapters found in provision 3.1 of each chapter to include the new district wide chapters notified in the Stage 2 Variations.
42. We make no further comment on these Stage 2 Variation provisions.

1.7 Statutory Considerations

43. The Hearing Panel's Report 1 contains a general discussion of the statutory framework within which submissions and further submissions on the PDP have to be considered, including matters that have to be taken into account, and the weight to be given to those matters. We have had regard to that report when approaching our consideration of submissions and further submissions on the matters before us.
44. Some of the matters identified in Report 1 are either irrelevant or only have limited relevance to the objectives, policies and other provisions we had to consider. The NPSUDC 2016 is in this category. The NPSET 2008, the NPSREG 2011 and the NPSFWM 2014 do, however, have more relevance to the matters before us. We discuss those further below.
45. The Section 42A Reports on the matters before us drew our attention to objectives and policies in the RPS and proposed RPS the reporting officers considered relevant. To the extent necessary, we discuss those in the context of the particular provisions in the three Chapters.
46. The NPSET 2008 sets out objectives and policies which recognise the national benefits of the electricity transmission network, manage the environmental effects of that network, and manage the adverse effects of other activities on the transmission network. The network is

¹⁰⁵ Paragraphs 5 and 6 of Section 22.1, references to Tables 3 and 6 in Provision 22.3.2.10, Rule 22.5.4.3, Rules 22.5.14 to 22.5.18, Rules 22.5.33 to 22.5.37 and the Ferry Hill Sub zone Concept Development Plan in Rule 22.7.2

¹⁰⁶ Rule 21.4.15 [notified as 21.4.37], Table 16 Rules 21.19.1 and 21.19.2 [notified as Table 11 rules 21.5.53 and 21.5.54]

¹⁰⁷ An insertion in Policy 22.2.2.5 (recommended 22.2.2.4), Policy 22.2.2.5 [notified as 22.2.2.6], Rule 22.4.7 [notified as Rule 22.4.18], Rule 22.5.14 and Rule 22.5.15

¹⁰⁸ Rule 23.4.21, Rule 23.5.12 and Rule 23.5.13

¹⁰⁹ Rule 21.15.5 [notified as 21.5.43A]

owned and operated by Transpower. In this District, the network consists of a transmission line from Cromwell generally following the Kawarau River before crossing through Lake Hayes Estate, Shotover Country and Frankton Flats to Transpower's Frankton substation, which also forms part of the network.

47. Relevant to the application of the NPSET 2008 are the NESET 2009. These set standards to give effect to certain policies in the NPSET 2008.
48. The NPSGEG 2011 sets out objectives and policies to enable the sustainable management of renewable electricity generation under the Act.
49. The NPSFWM 2014 sets out objectives and policies in relation to the quality and quantity of freshwater. Objective C seeks the integrated management of land uses and freshwater, and Objective D seeks the involvement of iwi and hapu in the management of freshwater. To the extent that these are relevant, we have taken this NPS into account.
50. The NPSUDC 2016, with its focus on ensuring sufficient capacity is provided for urban development, is of little relevance when determining the management of non-urban resources and areas.
51. The tests posed in section 32 form a key part of our review of the objectives, policies, and other provisions we have considered. We refer to and adopt the discussion of section 32 in the Hearing Panel's Report 3. In particular, for the same reasons as are set out in Report 3, we have incorporated our evaluation of changes we have recommended into the report that follows, rather than provide a separate evaluation of how the requirements of section 32AA are met.

1.8 Hearings Panel Make-up

52. We record that Commissioner Lawton sat and heard the submissions in relation to these hearing topics and took part in deliberations. However, with Commissioner Lawton's resignation from the Council on 21 April 2017, she also resigned from the Hearing Panel and took no further part in the finalisation of this recommendation report.

PART B: CHAPTER 21 – RURAL

2 PRELIMINARY

2.1 Over-arching Submissions and Structure of the Chapter

53. At a high level there were a number of submissions that addressed the approach and structure of Chapter 21. We deal with those submissions first.

2.2 Farming and other Activities relying on the Rural Resource

54. Submissions in relation to the structure of the chapter focussed on the inclusion of other activities that rely on the rural resource¹¹⁰. Addressing the Purpose of Chapter 21, Mr Brown in evidence considered that there was an over-emphasis on the importance of farming, noting that there was an inconsistency between Chapters 3 and 21 in this regard¹¹¹. In addition, Mr Brown recommended changing the 'batting order' of the objectives and policies as set out in Chapter 21 to put other activities in the Rural Zone on an equal footing with that of farming¹¹².

55. Mr Barr in reply, supported a change to the purpose so that it would "*provide for appropriate other activities that rely on rural resources*" (our emphasis), but noted that there was no hierarchy or preference in terms of the layout of the objectives and therefore he did not support the change in their order proposed by Mr Brown.¹¹³

56. This theme of a considered preference within the chapter of farming over non-farming activities and, more specifically a failure to provide for tourism, was also raised by a number of other submitters¹¹⁴. In evidence and presentations to us, Ms Black and Mr Farrell for R/L questioned the contribution of farming¹¹⁵ to maintain the rural landscape and highlighted issues with the proposed objectives and policies making it difficult to obtain consent for tourism proposals¹¹⁶.

57. Similarly, the submission from UCES¹¹⁷ sought that the provisions of the ODP relating to subdivision and development in the rural area be rolled over to the PDP. The reasons expressed in the submission for this relief, were in summary because the PDP in its notified form:

- did not protect natural landscape values, in particular ONLs;
- was too permissive;
- was contrary to section 6 of the Act and does not have particular regard to section 7 matters; and
- was biased towards farming over other activities, resulting in a weakening of the protection of landscape values.

58. Mr Haworth addressed these matters in his presentation to us and considered, "Farming as a mechanism for protecting landscape values in these areas has been a spectacular failure."¹¹⁸ He called evidence in support from Ms Lucas, a landscape architect, who critiqued the provisions in Chapter 6 of the PDP and, noting its deficiencies, considered that those

¹¹⁰ E.g. Submissions 122, 343, 345, 375, 407, 430, 437, 456, 610, 613, 615, 806, FS 1229

¹¹¹ J Brown, Evidence, Pages 3- 4, Para 2.3

¹¹² J Brown, Evidence, Pages 5 - 6, Paras 2.8-2.9

¹¹³ C Barr, Reply, Page 2, Para 2.2

¹¹⁴ E.g. Submissions 607, 621, 806

¹¹⁵ F Black, Evidence, Page 3 - 5, Paras 3.8 – 3.16

¹¹⁶ F Black, Evidence, Page 5 , Para 3.17

¹¹⁷ Submission 145

¹¹⁸ J Haworth, Evidence, Page 5, Para 1

deficiencies had been carried through to Chapter 21. Ms Lucas noted that much of Rural Zone was not appropriate for farming and that the objectives and policies did not protected natural character¹¹⁹.

59. In evidence on behalf of Federated Farmers¹²⁰, Mr Cooper noted the permitted activity status for farming, but considered that this came at a significant opportunity cost for farmers. That said, Mr Cooper, on balance, agreed that those costs needed to be assessed against the benefits of providing for farming as a permitted activity in the Rural Zone, including the impacts on landscape amenity.¹²¹
60. Mr Barr, in his Section 42A Report, accepted that farming had been singled out as a permitted land use, but he also considered that the framework of the PDP was suitable for managing the impacts of farming on natural and physical resources.¹²² In relation to other activities that rely on the rural resource, Mr Barr in reply, considered that those activities were appropriately contemplated, given the importance of protecting the Rural Zone's landscape resource.¹²³ In reaching this conclusion, Mr Barr relied on the landscape evidence of Dr Read and the economic evidence of Mr Osborne presented as part of the Council's opening for this Hearing Stream.
61. Responding to these conflicting positions, we record that in Chapter 3 the Stream 1B Hearing Panel has already found that as an objective farming should be encouraged¹²⁴ and in Chapter 6, that policies should recognise farming and its contribution to the existing rural landscape¹²⁵. Similarly, in relation to landscape, the Stream 1B Hearing Panel found that a suggested policy providing favourably for the visitor industry was too permissive¹²⁶ and instead recommended policy recognition for these types of activities on the basis they would protect, maintain or enhance the qualities of rural landscapes.¹²⁷
62. Bearing this in mind, we concur that it is appropriate to provide for other activities that rely on the rural resource, but that such provision needs to be tempered by the equally important recognition of maintaining the qualities that the rural landscape provides. In reaching this conclusion, we found the presentation by Mr Hadley¹²⁸ useful in describing the known and predictable quality of the landscape under farming, while noting the reduced predictability resulting from other activities. In our view, tourism may not necessarily maintain the qualities that are important to maintenance of rural character (including openness, where it is an important characteristic) and amenity, and it is this latter point that needs to be addressed.
63. In order to achieve this we recommend:
 - a. Amending the Purpose of the chapter to provide for 'appropriate other activities' that rely on rural resources;
 - b. Objective 21.2.9 (as notified) be deleted and incorporated in Objective 21.2.1; and
 - c. Policies under 21.2.9 (as notified) be added to policies under Objective 21.2.1.

¹¹⁹ D Lucas, Evidence, Pages 5-11

¹²⁰ Submission 600

¹²¹ D Cooper, Evidence, Paras 31-33

¹²² C Barr, Section 42A Report, Page 17, Para 8.16

¹²³ C Barr, Reply, Page 9, Para 4.3

¹²⁴ Recommendation Report 3, Section 2.3

¹²⁵ Recommendation Report 3, Section 8.5

¹²⁶ Recommendation Report 3, Section 3.19

¹²⁷ Recommended Strategic Policy 3.3.20

¹²⁸ J Hadley, Evidence, Pages 2 -3

2.3 Rural Zone to Provide for Rural Living

64. Mr Goldsmith, appearing as counsel for a number of submitters¹²⁹, put to us that Chapter 21 failed to provide for rural living, in particular in the Wakatipu Basin¹³⁰. Mr J Brown¹³¹ and Mr B Farrell¹³² presented evidence in support of that position. Mr Brown recommended a new policy:

*Recognise the existing rural living character of the Wakatipu Basin Rural Landscape, and the benefits which flow from rural living development in the Wakatipu Basin, and enable further rural living development where it is consistent with the landscape character and amenity values of the locality.*¹³³

65. Mr Barr, in his Reply Statement, considered that the policy framework for rural living was already provided for in Chapter 22 Rural Lifestyle and Rural Residential Zones. However, Mr Barr also opined, *“that there is merit associated with providing policies associated with rural living in the Rural Zone on the basis they do not duplicate or confuse the direction of the Landscape Chapter and assessment matters in part 21.7 that assist with implementing these policies.”*¹³⁴ Mr Barr emphasised the need to avoid conflict with the Strategic Directions and Landscape Chapters and noted that he did not support singling out the Wakatipu Basin or consider that benefits that follow from rural development had been established in evidence.¹³⁵

66. Mr Barr did recommend a policy that recognised rural living within the limits of a locality and its capacity to absorb change, but nothing further.¹³⁶ Mr Barr’s recommendation for the policy was as follows;

*“Ensure that rural living is located where rural character, amenity and landscape values can be managed to ensure that over domestication of the rural landscape is avoided.”*¹³⁷

67. We consider that there are three aspects to this issue that need to be addressed. The first is, and we agree with Mr Barr in this regard, that the policy framework for rural living is already provided for in Chapter 22 Rural Lifestyle and Rural Residential Zones. That said we recommend that a description be added to the purpose of each of the Rural Chapters setting out how the chapters are linked.

68. The second aspect is that in its Recommendation Report, the Stream 1B Hearing Panel addressed the matter of rural living as follows:

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

“Provide for rural living opportunities in areas identified on the District Plan maps as appropriate for Rural Residential and Rural Lifestyle development.

¹²⁹ Submissions 502, 1256, 430, 532, 530, 531, 535, 534, 751, 523, 537, 515,

¹³⁰ W Goldsmith, Legal Submissions, Pages 3 - 4

¹³¹ J Brown, Evidence, Dated 21 April 2016

¹³² B Farrell, Evidence, Dated 21 April 2016

¹³³ J Brown, Summary Statement to Primary Evidence, Pages 1 -2, Para 4

¹³⁴ C Barr, Reply Statement, Page 19, para 6.8

¹³⁵ C Barr, Reply Statement, Page 20, paras 6.10-6.11

¹³⁶ C Barr, Reply Statement, Page 21, paras 6.14

¹³⁷ C Barr, Reply Statement, Page 21, paras 6.15

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

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

759. We consider that the combination of these policies operating in conjunction with recommended policies 3.3.29-3.3.32, are the best way in the context of high-level policies to achieve objectives 3.2.1.8, 3.2.5.1 and 3.2.5.2, as those objectives relate to rural living developments.”

69. We similarly adopt that position in recommending rural living be specifically addressed in Chapter 22.
70. Finally, with reference to the Wakatipu Basin, we record that the Council has, as noted above, already notified the Stage 2 Variations which contains specific rural living opportunities for the Wakatipu Basin.
71. Considering all these matters, we are not convinced that rural living requires specific recognition within the Rural Chapter. We agree with the reasoning of Mr Barr in relation to the potential conflict with the Strategic and Landscape chapters and that benefits that follow from rural development have not been established. We therefore recommend that the submissions seeking the inclusion of policies providing for and enabling rural living in the Rural Zone be rejected.

2.4 A Separate Water Chapter

72. Submissions from RJL¹³⁸ and Te Anau Developments¹³⁹ sought to “Extract provisions relating to the protection, use and development of the surface of lakes and rivers and their margins and insert them into specific chapter...”. Mr Farrell addressed this matter in his evidence¹⁴⁰.
73. We note that the Stream 1B Hearing Panel has already considered this matter in Report 3 at Section 8.8, and agreed that there was insufficient emphasis on water issues in Chapter 6. This was addressed in that context by way of appropriate headings. That report noted Mr Farrell’s summary of his position that he sought to focus attention on water as an issue, rather than seek substantive changes to the existing provisions.
74. Mr Barr, in reply, was of the view that water issues were adequately addressed in a specific objective with associated policies and the activities and associated with lakes and rivers are contained in one table¹⁴¹. We partly agree with each of Mr Farrell and Mr Barr.
75. In terms of the structure of the activities and standards tables, we recommend that tables deal with first the general activities in the Rural Zone and then second with location-specific activities such as those on the surface of lakes and rivers. In addition, we recommend a reordering and

¹³⁸ Submission 621

¹³⁹ Submission 607

¹⁴⁰ B Farrell, Evidence, Pages 10-11

¹⁴¹ C Barr, Reply, Page 4

clarification of the activities and standards in relation to the surface of lakes and river table to better identify the activity status and relevant standards.

2.5 New Provisions – Wanaka Airport

76. QAC¹⁴² sought the inclusion of new objectives and policies to recognise and provide for Wanaka Airport. The airport is zoned Rural and is subject to a Council designation but we were told that the designation does not serve the private operators with landside facilities at the airport. At the hearing, QAC explained the difficulties that this regime caused for the private operators.

77. Ms Sullivan, in evidence-in-chief, proposed provisions by way of amendments to the Rural Chapter, but following our questions of Mr Barr during Council's opening, provided supplementary evidence with a bespoke set of provisions for Wanaka as a subset of the Queenstown Airport Mixed Use Zone.

78. Having reached a preliminary conclusion that specific provisions for Wanaka Airport were appropriate, we requested that Council address this matter in reply. Mr Winchester, in reply for Council, advised that there was scope for a separate zone for the Wanaka Airport and that it could be completely separate or a component of the Queenstown Airport Mixed Use Zone in Chapter 17 of the PDP. Agreeing that further work on the particular provisions was required, we directed that the zone provisions for Wanaka Airport be transferred to Hearing Stream 7 Business Zones.

79. The Minute of the Chair, dated 16 June 2016, set out the directions detailed above. Those directions did not apply to the submissions of QAC seeking Runway End Protection Areas at Wanaka Airport. We deal with those submissions now.

80. QAC¹⁴³ sought two new policies to provide for Runway End Protection Areas (REPAs) at Wanaka Airport, worded as follows:

Policy 21.2.X.3 Retain a buffer around Wanaka Airport to provide for the runway end protection areas at the Airport to maintain and enhance the safety of the public and those using aircraft at Wanaka Airport.

Policy 21.2.X.1 Avoid activities which may generate effects that compromise the safety of the operation of aircraft arriving at or departing from Wanaka Airport.

81. The QAC submission also sought a new rule derived from these policies, being prohibited activity status for REPAs as follows:

Within the Runway End Protection Areas, as indicated on the District Plan Maps,

a. Buildings except those required for aviation purposes

b. Activities which generate or have the potential to generate any of the following effects:

i. mass assembly of people

ii. release of any substance which would impair visibility or otherwise interfere with the operation of aircraft including the creation of smoke, dust and steam

¹⁴² Submission 433

¹⁴³ Submission 433

- iii. *storage of hazardous substances*
- iv. *production of direct light beams or reflective glare which could interfere with the vision of a pilot*
- v. *production of radio or electrical interference which could affect aircraft communications or navigational equipment*
- vi. *attraction of birds*

82. We think it is appropriate to deal with the requested new policies and new rule together, as the rule relies on the policies.
83. In opening legal submissions for Council, Mr Winchester raised jurisdictional concerns regarding the applicability of the rule as related to creation of smoke and dust; those are matters within the jurisdiction of ORC. Mr Winchester also raised a fairness issue for affected landowners arising from imposition of prohibited activity status by way of submission, noting that many permitted farming activities would be negated by the new rule. He submitted that insufficient evidence had been provided to justify the prohibited activity status¹⁴⁴.
84. Ms Wolt, in legal submissions for QAC¹⁴⁵, submitted in summary that there was no requirement under the Act for submitters to consult, that the further submission process was the opportunity for affected land owners to raise any concerns, and that they had not done so. Ms Wolt drew our attention to the fact that one potentially affected land owner had submissions on the PDP prepared by consultants and that those submissions did not raise any concerns. In conclusion, Ms Wolt submitted that the concerns about fairness were unwarranted.
85. At this point, we record that we had initial concerns about the figure (Figure 3.1) showing the extent of the REPA included in the QAC Submission¹⁴⁶ as that figure was not superimposed over the cadastral or planning maps to show the extent the suggested REPA extended onto private land. Rather, the figure illustrated the dimensions of the REPA from the runway. The summary of submissions referred to the Appendix, but even if Figure 3.1 had been reproduced, in our view, it would not have been apparent to the airport neighbours that the REPA covered their land. Against this background, the failure of airport neighbours to lodge further submissions on this matter does not, in our view, indicate their acquiescence.
86. In supplementary evidence for QAC, Ms O’Sullivan provided some details from the Airbiz Report dated March 2013 from which Figure 3.1 was derived¹⁴⁷. Ms O’Sullivan also included a Plan prepared by AirBiz dated 17 May 2016, showing the spatial extent of the REPA on an aerial photograph with the cadastral boundaries also superimposed¹⁴⁸. We also received a further memorandum from Ms Wolt dated 3 June 2016, with the relevant extracts from the AirBiz March 2013 report and which included additional Figures 3.2 and 3.3 showing the REPA superimposed on the cadastral map.
87. Given that it was only at that stage that the extent of the REPA in a spatial context was identified, we do not see how any adjoining land owner could know how this might affect them. We do

¹⁴⁴ J Winchester, Opening legal Submissions, Page 11, Paras 4.21 – 4.22

¹⁴⁵ R Wolt, Legal Submissions, Pages 22-24, Paras 111 - 122

¹⁴⁶ Submission 433, Annexure 3

¹⁴⁷ K O’Sullivan, Supplementary evidence, Pages 5 – 6, Paras 3.3 - 3.5

¹⁴⁸ K O’Sullivan, Supplementary evidence, Appendix C

not consider QAC's submission to be valid for this reason. If the suggested prohibited activity rule fails for this reason, so must the accompanying policies that support it. Even if this were not the case, we agree with Mr Winchester's submission that QAC has supplied insufficient evidence to justify the relief that it seeks. The suggested prohibited activity rule is extraordinarily wide (on the face of it, the rule would preclude the neighbouring farmers from ploughing their land if they had not done so within the previous 12 months because of the potential for it to attract birds). To support it, we would have expected a comprehensive and detailed section 32 analysis to be provided. Ms O'Sullivan expressed the opinion that there was adequate justification in terms of section 32 of the Act for a prohibited activity rule¹⁴⁹. Ms O'Sullivan, however, focused on the development of ASANs, which are controlled by other rules, rather than the incremental effect of the suggested new rule, and thus in our view, significantly understated the implications of the suggested rule for neighbouring land owners. We do not therefore accept her view that the rule has been adequately justified in terms of section 32.

88. For completeness we note that the establishment of ASANs in the Rural Zone, over which these REPA would apply, would, in the main, be prohibited activities (notified Rule 21.4.28). For the small area affected by the proposed REPA outside the OCB, ASANs would require a discretionary activity consent. Thus, the regulatory regime we are recommending would enable consideration of the type of reverse sensitivity effects raised by QAC.
89. Accordingly, we recommend that submission from QAC for two new policies and an associated rule for the REPA at Wanaka Airport be rejected.

3 SECTION 21.1 – ZONE PURPOSE

90. We have already addressed a number of the submissions regarding this part of Chapter 21 in Sections 3.2 and 3.3 above, as they applied to the wider planning framework for the Rural Zone Chapter. We also record that the Zone Purpose is explanatory in nature and does not contain any objectives, policies or regulatory provisions.
91. Submissions from QAC¹⁵⁰ and Transpower¹⁵¹ sought that infrastructure in the Rural Zone needed specific recognition. Mr Barr addressed this matter in the Section 42A Report noting;
- “Infrastructure and utilities are also contemplated in the Rural Zone and while not specifically identified in the Rural Zone policy framework they are sufficiently provided for in higher order provisions in the Strategic Direction Chapter and Landscape Chapter and the Energy and Utilities Chapter.”¹⁵²*
92. Ms Craw, in evidence¹⁵³ for Transpower, agreed with that statement, provided that the Panel adopted changes to Chapter 3 Strategic Directions regarding recognition and provision of regionally significant infrastructure.
93. Ms O'Sullivan, in evidence for QAC, noted that Wanaka Airport was recognised in the ODP and suggested that it was appropriate to continue that recognition in the PDP. Her evidence was

¹⁴⁹ K O'Sullivan, Supplementary evidence, Pages 7 - 8, Paras 3.8 – 3.10

¹⁵⁰ Submission 433

¹⁵¹ Submission 805

¹⁵² C Barr, Section 42A Report, Chapter 21, Para 8.3

¹⁵³ A Craw, Evidence, dated 21 April 2016, Paras 21-22

that it was also appropriate to incorporate PC35 provisions into the PDP in order to provide guidance to plan users.¹⁵⁴

94. Forest & Bird¹⁵⁵ also sought the recognition of the loss of biodiversity on basin floors and NZTM¹⁵⁶ similarly sought recognition of mining. In evidence on behalf of NZTM, Mr Vivian was of the opinion that the combination of traditional rural activities, which include mining, are expected elements in a rural landscape and hence would not offend landscape character.¹⁵⁷
95. In our view infrastructure and biodiversity are district wide issues that are appropriately addressed in the separate chapters, Energy and Utilities and Indigenous Vegetation and Biodiversity respectively, as well as at a higher level in the strategic chapters. Provision for Wanaka Airport has been deferred to the business hearings for the reasons set out above. We agree with Ms O’Sullivan’s additional point regarding the desirability of assisting plan users as a general principle, but find that incorporating individual matters from the chapter into the Purpose section would be repetitive. We think that Mr Vivian’s reasoning regarding the combination of traditional rural activities not offending rural landscape goes too far. Nonetheless, we note that mining is the subject of objectives and associated policies in this chapter. These matters do not need to be specified in the purpose statement of every chapter in which they occur. We therefore recommend that these submissions be rejected.
96. The changes we do recommend to this section are those that address the wider matters discussed in the previous section. We recommend that the opening paragraph read:

There are four rural zones in the District. The Rural Zone is the most extensive of these. The Gibbston Valley is recognised as a special character area for viticulture production and the management of this area is provided for in Chapter 23: Gibbston Character Zone. Opportunities for rural living activities are provided for in the Rural-Residential and Rural Lifestyle Zones (Chapter 22).

97. In the five paragraphs following, we recommend accepting the amendments recommended by Mr Barr¹⁵⁸. Finally, we recommend deletion of the notified paragraph relating to the Gibbston Character Zone and the addition of the following paragraph to clarify how the landscape classifications are applied in the zone:

The Rural Zone is divided into two ~~overlay~~ areas. The first being the ~~overlay~~ area for Outstanding Natural Landscapes and Outstanding Natural Features. The second ~~overlay~~ area being the Rural Character Landscape. These ~~overlay~~ areas give effect to Chapter 3 – Strategic Direction: Objectives 3.2.5.1 and 3.2.5.2, and the policies in Chapters 3 and 6 that implement those objectives.

98. With those amendments, we recommend Section 21.1 be adopted as set out in Appendix 1.

4 SECTION 21.2 – OBJECTIVES AND POLICIES

4.1 Objective 21.2.1

99. Objective 21.2.1 as notified read as follows:

¹⁵⁴ K O’Sullivan, Evidence, dated 22 April 2016, Page 9-10, Paras 4.8 – 4.13
¹⁵⁵ Submission 706
¹⁵⁶ Submission 519
¹⁵⁷ C Vivian, Evidence, Page 11, Para 4.28
¹⁵⁸ C Barr, Reply Statement, Appendix 1

“Enable farming, permitted and established activities while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.”

100. The submissions on this objective primarily sought inclusion of activities that relied on the rural resource¹⁵⁹, the addition of wording from the RMA such as “avoid, remedy or mitigate” or “from inappropriate use and development”¹⁶⁰ and removal of the word “protecting”¹⁶¹. Transpower sought the inclusion of ‘regionally significant infrastructure’.

101. As noted in Section 2.1 above, the Council lodged amended objectives and policies, reflecting our request for outcome orientated objectives. The amended version of Objective 21.2.1 read as follows:

“A range of land uses including farming, permitted and established activities are enabled, while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.”

102. We record that this amended objective is broader than the objective as notified, by suggesting the range of enabled activities extends beyond farming and established activities, and circular by referring to permitted activities (which should only be permitted if giving effect to the objective). We have addressed the activities relying on the rural resource in Section 3.2 above. In addition, as we noted in Section 4, we consider infrastructure is more appropriately dealt with in Chapter 30 Energy and Utilities..

103. In his evidence for Darby Planning LP *et al*¹⁶², which sought to remove the word “protecting”, Mr Ferguson was of the view that the Section 42A Report wording of Objective 21.2.1 was not sufficiently clear in, “providing the balance between enabling appropriate rural based activities and recognising the important values in the rural environment.”¹⁶³ Mr Ferguson was also of the view that this balance needed to be continued into the associated policies. Similarly, in evidence tabled for X-Ray Trust, Ms Taylor was of the view that “protecting” was an inappropriately high management threshold and that it could prevent future development¹⁶⁴.

104. We do not agree. Consistent with the findings in the report on the Strategic Chapters, we consider that removal of the word “protecting” would have exactly the opposite result from that sought by Mr Ferguson and Ms Taylor by creating an imbalance in favour of other activities to the detriment of landscape values. This would be inconsistent with the Strategic Objectives 3.2.5.1 and 3.2.5.2 which seek to protect ONLs and ONFs from the adverse effects of subdivision, use and development, and maintain and enhance rural character and visual amenity values in Rural Character Landscapes.

105. We are satisfied that the objective as recommended by Mr Barr reflects both the range of landscapes in the Rural Zone, and, with minor amendment, the range of activities that are appropriate within some or all of those landscapes. The policies to implement this objective should appropriately apply the terms “protecting, maintaining and enhancing” so as to

¹⁵⁹ Submissions 343, 345, 375, 407, 430, 437, 456, 513, 515, 522, 531, 537, 546, 608, 621, 624, 806

¹⁶⁰ Submissions 513, 515, 522, 531, 537, 621, 624, 805

¹⁶¹ Submissions 356, 608 – we record that these submissions similarly sought the removal of the word protect from Policy 21.2.1.1

¹⁶² Submission 608

¹⁶³ C Fergusson, EIC, dated 21 April 2016, Para 54

¹⁶⁴ L Taylor, Evidence, Appendix A, Page 1

implement the higher order objectives and policies. Consequently, we recommend that the wording for Objective 21.2.1 be as follows:

A range of land uses, including farming and established activities, are enabled while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.

106. In relation to wording from the RMA such as “avoid, remedy or mitigate” or “from inappropriate use and development”, Mr Brown in his evidence for Chapter 21 reiterated the view he put forward at the Strategic Chapters hearings that the, “RMA language should be the “default” language of the PDP and any non-RMA language should be used sparingly, ...”¹⁶⁵, in order to avoid uncertainty and potentially litigation.
107. The Stream 1B Hearings Panel addressed this matter in detail¹⁶⁶ and concluded that, “we take the view that use of the language of the Act is not a panacea, and alternative wording should be used where the wording of the Act gives little or no guidance to decision makers as to how the PDP should be implemented.” We agree with that finding for the same reasons as are set out in Recommendation Report 3 and therefore recommend rejecting those submissions seeking inclusion of such wording in the objective.

4.2 Policy 21.2.1.1

108. Policy 21.2.1.1 as notified read as follows:

“Enable farming activities while protecting, maintaining and enhancing the values of indigenous biodiversity, ecosystem services, recreational values, the landscape and surface of lakes and rivers and their margins.”

109. The majority of submissions on this policy sought, in the same manner as for Objective 21.2.1, to include reference to activities that variously rely on rural resources, as well as inclusion of addition of wording from the RMA such as “avoid, remedy or mitigate”¹⁶⁷, or softening of the policy through removal of the word “protecting”¹⁶⁸, or inserting the words “significant” before the words indigenous biodiversity¹⁶⁹, or amending the reference to landscape to “outstanding natural landscape values”¹⁷⁰.
110. In evidence for RJJ *et al* Mr Farrell recommended that the policy be amended as follows:
- “Enable a range of activities that rely on the rural resource while, maintaining and enhancing indigenous biodiversity, ecosystem services, recreational values, landscape character and the surface of lakes and rivers and their margins.”*¹⁷¹
111. Mr Barr did not recommend any additional amendments to this policy in his Section 42A Report or in reply. We have already addressed the majority of these matters in Section 3.2 above. The additional amendments recommended by Mr Farrell in our view do not align the policy so that

¹⁶⁵ J Brown, Evidence , Page 2, Para 1.9

¹⁶⁶ Recommendation Report 3, Section 1.9

¹⁶⁷ Submissions 343, 345, 375, 456, 515, 522, 531

¹⁶⁸ Submissions 356, 608

¹⁶⁹ Submissions 701, 784

¹⁷⁰ Submissions 621, 624

¹⁷¹ B Farrell, Evidence, Page 15, Para 48

it implements Objective 21.1.1, and are also inconsistent with the Hearing Panel’s findings in regard to the Strategic Chapters.

112. We therefore recommend that Policy 21.2.1.1 remain as notified.

4.3 Policy 21.2.1.2

113. Policy 21.2.1.2 as notified read as follows:

“Provide for Farm Buildings associated with larger landholdings where the location, scale and colour of the buildings will not adversely affect landscape values.”

114. Submissions to this policy variously sought;

- a. To remove the reference to “large landholdings”¹⁷²;
- b. To delete reference to farm buildings and replace with reference to buildings that support rural and tourism based land uses¹⁷³;
- c. To change the policy to not “significantly adversely affect landscape values”¹⁷⁴;
- d. To roll-over provisions of the ODP so that farming activities are not permitted activities.¹⁷⁵

115. The Section 42A Report recommended that the policy be amended as follows;

“Provide for Farm Buildings associated with larger landholdings over 100 hectares in area where the location, scale and colour of the buildings will not adversely affect landscape values.”

116. In his evidence, Mr Brown for Trojan Helmet *et al* considered that the policy should apply to all properties, not just larger holdings and that the purpose of what is proposed to be managed, the effect on landscape values, should be clearer¹⁷⁶. Mr Farrell in evidence for RJL *et al* was of a similar view, considering that 100 hectares was too high a threshold for the provision of farm buildings and that a range of farm buildings should be provided for and were appropriate¹⁷⁷. Mr Farrell did not support the amendment sought by RJL in relation to changing the policy to not “significantly adversely affect landscape values”, but rather recommended that policy be narrowed to adverse effects on the district’s significant landscape values. There was no direct evidence supporting the request to widen the reference to buildings that support rural and tourism based land uses. The argument of Mr Haworth for UCES, seeking that the provisions of the ODP be rolled over so that farming activities are not permitted activities have already been addressed in Section 3.2 above. However, later in the report we address the density of farm buildings in response to UCES’s submission.

117. In the Section 42A Report, Mr Barr considered that provision for farm buildings of a modest size and height, subject to standards controlling colour, density and location, is an efficient management regime that would lower transition costs for modest size buildings without compromising the landscape¹⁷⁸. In evidence for Federated Farmers¹⁷⁹, Mr Cooper emphasised the need to ensure that the associated costs were reasonable in terms of the policy

¹⁷² Submission 356, 437, 621, 624

¹⁷³ Submission 806

¹⁷⁴ Submission 356, 621

¹⁷⁵ Submission 145

¹⁷⁶ J Brown, Evidence, Para 2.11 – 2.12

¹⁷⁷ B Farrell, Evidence, Para 51

¹⁷⁸ C Barr, Summary of S42A Report, Para 4, Page 2

¹⁷⁹ D Cooper, Evidence, Paras 25-26

implementation. We note that while we heard from several farmers, none of them raised an issue with this policy.

118. In reply, Mr Barr did not agree with Mr Brown and Mr Farrell’s view that the policy should apply to all properties. Mr Barr’s opinion was that the policy needed to both recognise the permitted activity status for buildings on 100 hectares plus sites and require resource consents for buildings on smaller properties on the basis that their scale and location are appropriate¹⁸⁰.
119. Mr Barr also addressed in his Reply Statement, evidence presented by Mr P Bunn¹⁸¹ and Ms D MacColl¹⁸² as to the policy and rules relating to farm buildings¹⁸³. On a review of these submissions, we note that the submissions do not seek amendments to the farm building policy and rules and consequently, we have not considered that part of the submitters’ evidence any further.
120. We concur with Mr Barr and find that the policy will provide for efficient provision of genuine farm buildings without a reduction in landscape and rural amenity values. While a 100 hectare cut-off is necessarily somewhat arbitrary, it both characterises ‘genuine’ farming operations and identifies properties that are of a sufficiently large scale that they can absorb additional buildings meeting the specified standards. We agree, however, with Mr Brown that the purpose of the policy needs to be made clear, that being the management of the potential adverse effects on the landscape values.
121. We therefore recommend that Policy 21.2.1.2 be worded as follows:

“Allow Farm Buildings associated with landholdings of 100 hectares or more in area while managing the effects of the location, scale and colour of the buildings on landscape values.”

4.4 Policies 21.2.1.3 – 21.2.1.8

122. Policies 21.2.3 to 21.2.8 as notified read as follows:

21.2.1.3 Require buildings to be set back a minimum distance from internal boundaries and road boundaries in order to mitigate potential adverse effects on landscape character, visual amenity, outlook from neighbouring properties and to avoid adverse effects on established and anticipated activities.

21.2.1.4 Minimise the dust, visual, noise and odour effects of activities by requiring facilities to locate a greater distance from formed roads, neighbouring properties, waterbodies and zones that are likely to contain residential and commercial activity.

21.2.1.5 Have regard to the location and direction of lights so they do not cause glare to other properties, roads, public places or the night sky.

21.2.1.6 Avoid adverse cumulative impacts on ecosystem services and nature conservation values.

21.2.1.7 Have regard to the spiritual beliefs, cultural traditions and practices of Tangata Whenua.

¹⁸⁰ C Barr, Reply, Page 17, Para 5.12

¹⁸¹ Submission 265

¹⁸² Submission 285 and 626

¹⁸³ C Barr, Reply, Pages 15 - 16, Paras 5.7 – 5.9

21.2.1.8 *Have regard to fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision and development in the Rural Zone.*

123. Submissions to these policies variously sought;

Policies

21.2.1.3 remove the reference to “avoid adverse effects on established and anticipated activities”¹⁸⁴ or retain the policy as notified¹⁸⁵;

21.2.1.4 remove reference to “requiring facilities to locate a greater distance from”¹⁸⁶, retain the policy¹⁸⁷ and delete the policy entirely¹⁸⁸;

21.2.1.5 retain the policy¹⁸⁹;

21.2.1.6 insert “mitigate, remedy or offset” after the word avoid¹⁹⁰, reword to address significant adverse impacts¹⁹¹ or support as notified¹⁹²;

21.2.1.7 delete the policy¹⁹³ and amend the policy to address impacts on Manawhenua¹⁹⁴;

21.2.1.8 include provision for public transport¹⁹⁵.

124. Specific evidence presented to us by Mr MacColl supporting the NZTA submission which supported the retention of Policy 21.2.1.3¹⁹⁶. In evidence tabled for X-Ray Trust, Ms Taylor considered that Policy 21.2.1.3 sought to manage aesthetic effects as well as reverse sensitivity and that Objective 21.2.4 and the associated policies sufficiently dealt with the management of reverse sensitivity effects. Hence it was her view that reference to that matter in Policy 21.2.3.1 was not required¹⁹⁷.

125. Mr Barr generally addressed these matters in the Section 42A Report¹⁹⁸ and again in his Reply Statement¹⁹⁹. In the latter Mr Barr considered that the only amendment required to this suite of policies was to Policy 21.2.1.4 which he suggested be amended as follows:

184 Submissions 356, 806

185 Submissions 600, 719

186 Submissions 356, 437

187 Submission 600

188 Submission 806

189 Submission 600

190 Submissions 356, 437

191 Submissions 356, 600, 719

192 Submissions 339, 706

193 Submission 806

194 Submission 810: Noting that this aspect of this submission was withdrawn by the representatives of the submitter when they appeared at the Stream1A Hearing. Refer to the discussion in Section 3.6 of Report 2. We have not referred to the point again in the balance of our report for that reason.

195 Submission 798

196 A MacColl, Evidence for NZTA, Page 5, Para 17

197 L Taylor, Evidence, Page 4, Para 5.4

198 Issue 1 – Farming Activity and non-farming activities.

199 Section 4

“Minimise the dust, visual, noise and odour effects of activities by requiring them to locate a greater distance from formed roads, neighbouring properties, waterbodies and zones that are likely to contain residential and commercial activity.”

126. We agree with Mr Barr, that this rewording provides greater clarity as to the purpose of this policy. We have already addressed in our previous findings the use of RMA language such as “avoid, remedy, mitigate”. In relation to Ms Taylor’s suggestion of deleting Policy 21.2.1.3, we consider that policy provides greater clarity as to the types of effects that it seeks to control. We received no evidence in relation to the other deletions and amendments sought in the submissions. We therefore recommend that Policies 21.2.1.3 and 2.2.1.5- 21.2.1.8 remain as notified and Policy 21.2.1.4 be amended as set out in the previous paragraph.

127. At this point we note that in Stream 1B Recommendation Report, the Hearing Panel did not recommend acceptance of the NZFSC submission seeking a specific objective for emergency services, but instead recommended that it be addressed in the detail of the PDP²⁰⁰. We address that matter now. In the first instance we note that Mr Barr, recommended a new policy to be inserted into Chapter 22 as follows:

22.2.1.8 Provide adequate firefighting water and fire service vehicle access to ensure an efficient and effective emergency response.²⁰¹

128. Mr Barr considered this separate policy was required rather than amending Policy 22.2.1.7 which addressed separate matters and that the policy should sit under Objective 22.2.1 which addressed rural living opportunities²⁰².

129. Mr Barr did not consider that such a policy and any subsequent rules were required in Chapter 21 as there were no development rights for rural living provided within that Chapter²⁰³. In response to our questions, Mr Barr stated that his recommended rules relating to fire fighting and water supply in Chapter 22 could be applied to Chapters 21 and 23²⁰⁴. We agree and also consider an appropriate policy framework is necessary. This is particularly so in this zone with its limited range of permitted activities. We agree with Ms McLeod²⁰⁵ that fire safety is an issue outside of the Rural-Residential and Rural Lifestyle Zones.

130. Accordingly, we recommend that a new policy be inserted, numbered 21.2.1.9, worded as follows:

Provide adequate firefighting water and fire service vehicle access to ensure an efficient and effective emergency response.

131. We address the specific rules for firefighting water and fire service vehicle access later in this report.

4.5 Objective 21.2.2

132. As notified, Objective 21.2.2 read as follows:

²⁰⁰ Recommendation Report 3, Section 2.3

²⁰¹ C Barr, Chapter 22 Section 42A Report, Page 35, Para 16.13

²⁰² C Barr, Chapter 22 Section 42A Report, Page 35, Para 16.9 – 16.14

²⁰³ C Barr, Section 42A Report, Pages 99 -100, Paras 20.1 – 20.5

²⁰⁴ C Barr, Reply – Chapter 22, Page 13, Para 13.1

²⁰⁵ Ms A McLeod, EIC, Page 13, Par 5.25

“Sustain the life supporting capacity of soils”

133. Submissions on the objective sought that it be retained or approved.²⁰⁶ Mr Barr recommended amending the objective under the Council’s memoranda on revising the objectives to be more outcome focused.²⁰⁷ Mr Barr’s recommended wording was as follows;

“The life supporting capacity of soils is sustained.”

134. We agree with that wording and that the amendment is a minor change under Clause 16(2) of the First Schedule which does not alter the intent.

135. As such, we recommend that Objective 21.2.2 be reworded as Mr Barr recommended.

4.6 Policies 21.2.2.1 – 21.2.2.3

136. As notified policies 21.2.2.1 – 21.2.2.3 read as follows:

21.2.2.1 Allow for the establishment of a range of activities that utilise the soil resource in a sustainable manner.

21.2.2.2 Maintain the productive potential and soil resource of Rural Zoned land and encourage land management practices and activities that benefit soil and vegetation cover.

21.2.2.3 Protect the soil resource by controlling activities including earthworks, indigenous vegetation clearance and prohibit the planting and establishment of recognised wilding exotic trees with the potential to spread and naturalise.

137. Submissions to these policies variously sought the deletion²⁰⁸ or retention²⁰⁹ of particular policies, although in the main, the requests were to soften the intent of the policies through rewording so the that policies applied to “significant soils”,²¹⁰ and Policy 21.2.2.3 be amended to “Protect, enhance or maintain the soil resource ...”²¹¹ or “Protect, the soil resource by controlling earthworks, and appropriately managing the effects of ... the planting and establishment of recognised wilding exotic trees with the potential to spread and naturalise.”²¹²

138. We heard no evidence in regard to these submission requests. Mr Barr recommended in the Section 42A Report that Policy 21.2.2.3 be amended as follows “...and establishment of identified wilding exotic trees ...” for consistency with recommendations made to Chapter 34 on Wilding Exotic Trees.²¹³

139. These policies are part of the permitted activity framework for the Chapter in relation to appropriateness of farming within the context of landscape values to be protected, maintained or enhanced. Removal of the policies or softening their wording would not provide the direction required to assist achievement of the objective. We accept, however, the need for the

²⁰⁶ Submissions 289, 325, 356

²⁰⁷ Council Memoranda dated 13 April 2016

²⁰⁸ Submission 806

²⁰⁹ Submissions 600, 806

²¹⁰ Submissions 643, 693, 702

²¹¹ Submission 356

²¹² Submission 600

²¹³ C Barr, Section 42A Report, Appendix 1

consequential amendment suggested by Mr Barr. We therefore recommend that the Policies 21.2.2.1 and 21.2.2.2 remain as notified and that 21.2.2.3 read as follows:

“Protect the soil resource by controlling activities including earthworks, indigenous vegetation clearance and prohibit the planting and establishment of identified wilding exotic trees with the potential to spread and naturalise.”

4.7 Objective 21.2.3

140. As notified, Objective 21.2.3 read as follows:

“Safeguard the life supporting capacity of water through the integrated management of the effects of activities.”

141. Submissions on the objective were generally supportive²¹⁴ with a specific request for inclusion of “...capacity of water and water bodies through ...”.²¹⁵ This submission was not directly addressed in the Section 42A Report or in evidence. We note that the definitions of water and water body in the RMA means that water bodies are included within ‘water’, and therefore consider that there is no advantage in expanding the objective.

142. Mr Barr recommended amending the objective under the Council’s memoranda on revising the objectives to be more outcome focused.²¹⁶ The suggested rewording was:

“The life supporting capacity of water is safeguarded through the integrated management of the effects of activities.”

143. We agree that this rewording captures the original intention in an appropriate outcome orientated manner and recommend that the objective be amended as such.

4.8 Policy 21.2.3.1

144. As notified, Policy 21.2.3.1 read as follows:

“In conjunction with the Otago Regional Council, regional plans and strategies:

- a. Encourage activities that use water efficiently, thereby conserving water quality and quantity*
- b. Discourage activities that adversely affect the potable quality and life supporting capacity of water and associated ecosystems.”*

145. Submissions to this policy variously sought its deletion²¹⁷ or retention²¹⁸, its rewording so as to delete reference to “water quality and quantity” and/or reference to “potable quality, life-supporting capacity and ecosystems”.²¹⁹

146. There was no direct reference to these submissions in the Section 42A Report or in evidence.

147. Given that the objective under which this policy sits refers to safeguarding life-supporting capacity, then it seems to us incongruous to remove reference to “water quality and quantity”

²¹⁴ Submissions 289, 356, 600

²¹⁵ Submissions 339, 706

²¹⁶ Council Memoranda dated 13 April 2016

²¹⁷ Submission 590

²¹⁸ Submission 339, 706, 755,

²¹⁹ Submissions 600, 791, 794

or “potable quality, life-supporting capacity and ecosystems”, which are all relevant to achievement of that objective. We therefore, recommend that the policy as notified remains unchanged.

4.9 New Policy on Wetlands

148. The Forest & Bird²²⁰ and E Atly²²¹ sought an additional policy to avoid the degradation of natural wetlands. The reasons set out in the submissions included that it is a national priority project to protect wetlands and that rules other than those related to vegetation clearance were needed.

149. We could not identify where this matter was addressed in the Section 42A Report. In evidence for the Forest & Bird, Ms Maturin advised that the Society would be satisfied if this matter was added to Policy 21.2.12.5.²²² We therefore address the point later in this report in the context of Policy 21.2.12.5.

4.10 Objective 21.2.4

150. As notified, Objective 21.2.4 read as follows:

Manage situations where sensitive activities conflict with existing and anticipated activities in the Rural Zone.

151. Submissions on this objective were generally in support of the wording as notified.²²³ Transpower²²⁴ sought that the Objective be amended to read as follows;

Avoid situations where sensitive activities conflict with existing and anticipated activities and regional significant infrastructure in the Rural Zone, protecting the activities and regionally significant infrastructure from adverse effects, including reverse sensitivity effects.

152. One other submission did not seek a specific change to the wording of the objective but wanted to “encourage a movement away from annual scrub burning in the Wakatipu Basin”.²²⁵ We heard no evidence on this particular matter as to the link between the objective and the issue identified. We are both unsure of the linkage between the request and the objective, and whether the issue is within the Council’s jurisdiction. We therefore recommend that the submission be rejected.

153. Mr Barr recommended amending the objective under the Council’s memoranda on revising the objectives to be more outcome focused.²²⁶ His suggested rewording was:

Situations where sensitive activities conflict with existing and anticipated activities are managed.

154. In evidence for Transpower, Ms Craw²²⁷

²²⁰ Submission 706

²²¹ Submission 336

²²² S Maturin, Evidence, Page 10, Para 62

²²³ Submissions 134, 433, 600, 719, 723, 730, 732, 734, 736, 738, 739, 760, 843

²²⁴ Submission 805

²²⁵ Submission 380

²²⁶ Council Memoranda dated 13 April 2016

²²⁷ A Craw, Evidence, Page 6, Para 30-33

- a. Considered that Policy 3.2.8.1.1 in Council’s reply addressed Policies 10 and 11 of the NPSET 2008 to safeguard the National Grid from incompatible development
- b. Agreed with the Section 42A Report, that infrastructure did not need to be specifically identified within the objective
- c. Considered that “avoid” provided stronger protection than “manage”
- d. Suggested that if the Panel adopted Policy 3.2.8.1.1. (Council’s reply version), then the wording in the previous paragraph would be appropriate.

155. In his evidence, Mr Brown ²²⁸ recommended the following wording for the objective;

Reverse sensitivity effects are managed.

156. This was on the basis that the reworded objective had the same intent, but was simpler. We agree that the intent might be the same (which, if correct, would also overcome potential jurisdictional hurdles given that the submission Mr Brown was addressing ²²⁹ sought amendments to the policies under this objective, rather than to the objective itself), but this also means that it does not solve the problem we see with the original objective – that it did not specify a clear outcome in respect of which any policies might be applied in order to achieve the objective. Transpower’s suggested wording would solve that problem, but in our view, a position of avoiding all conflict is unrealistic and unachievable without significant restrictions on new development that we do not believe can be justified. As is discussed in greater detail in the report on the strategic chapters, the NPSET 2008 does not require that outcome (as regards reverse sensitivity effects on the National Grid).

157. In reply, Mr Barr further revised his view on the wording of the objective as follows;

Situations where sensitive activities conflict with existing and anticipated activities are managed to minimise conflict between incompatible land uses.

158. Mr Barr’s reasons for the further amendments included clarification as to what was being managed and to what end result, and that use of the term ‘reverse sensitivity’ was not desirable as it applied to new activities coming to an existing nuisance.²³⁰ We consider this wording is the most appropriate way to achieve the purpose of the Act given the alternatives offered.

159. We therefore recommend that Objective 2.4.1 be worded as follows;

“Situations where sensitive activities conflict with existing and anticipated activities are managed to minimise conflict between incompatible land uses.”

4.11 Policies 21.2.4.1 – 21.2.4.2

160. As notified, policies 21.2.4.1 – 21.2.4.2 read as follows:

21.2.4.1 Recognise that permitted and established activities in the Rural Zone may result in effects such as odour, noise, dust and traffic generation that are reasonably expected to occur and will be noticeable to residents and visitors in rural areas.

²²⁸ J Brown, Evidence, Page 12, Para 2.17

²²⁹ Submission 806 (Queenstown Park Ltd)

²³⁰ C Barr, Reply, Appendix 2, Page 2

21.2.4.2 *Control the location and type of non-farming activities in the Rural Zone, to minimise or avoid conflict with activities that may not be compatible with permitted or established activities.*

161. Submissions to these policies variously sought their retention²³¹ or deletion²³². Queenstown Park Limited²³³ sought that the two policies be replaced with effects-based policies that would enable diversification and would be forward focused. However, the submission did not specify any particular wording. RJL and D & M Columb sought that Policy 21.2.4.2 be narrowed to apply to only new non-farming and tourism activities²³⁴, while TML and Straterra sought that the policy be amended to “manage” rather than “control” the location and type of non-farming activities and to “manage” conflict with activities “that may or may not be compatible with permitted or established activities.”²³⁵
162. In the Section 42A Report, Mr Barr suggested an amendment to Policy 21.4.2.1 as follows;
- New activities must recognise that permitted and established activities in the Rural Zone may result in effects such as odour, noise, dust and traffic generation that are reasonably expected to occur and will be noticeable to residents and visitors in rural areas.*²³⁶
163. We were unable to find any reasons detailed in the Section 42A Report for this recommended amendment or a submission that sought this specific wording. That said, we do find that it clarifies the intent of the policy (as notified, it leaves open who is expected to recognise the specified matters) and consider that as such, that it is within scope.
164. In his evidence on behalf of TML, Mr Vivian²³⁷ recommended a refinement of the policy from that sought in TML’s submission, such that it read:
- To manage the location and type of non-farming activities in the Rural Zone, in order to minimise or avoid conflict with activities that may not be compatible with permitted or established activities.*
165. In his evidence, Mr Farrell on behalf of RJL Ltd, expressed the view that Policy 21.2.4.2 as notified did not give satisfactory recognition to the benefits of tourism. He supported inserting specific reference to tourism activities and to limiting the policy to new activities.²³⁸
166. Mr Barr, did not provide any additional comment on these matters in reply.
167. There was no evidence presented as to why these policies should be deleted and in our view their deletion would not be the most appropriate way to achieve the objective.
168. While the amendments suggested by Mr Vivian provide some clarification of the intent and purpose of Policy 21.2.4.2, we find that this is already appropriately achieved with the current wording – we do not think there is a meaningful difference between management and control

²³¹ Submissions 433, 600, 719, 723, 730, 732, 734, 736, 738, 739, 760, 843

²³² Submissions 693, 702, 806,

²³³ Submission 806

²³⁴ Submissions 621, 624

²³⁵ Submissions 519, 598

²³⁶ C Barr, Section 42A Report, Appendix 1

²³⁷ C Vivian, EiC, paragraphs 4.30 – 4.37

²³⁸ B Farrell, Evidence, Page 16, Paras 52 - 54

in this context. In relation to the benefits of tourism, we find that the potential effects of such activities should not be at the expense of unnecessary adverse effects on existing lawfully established activities. We consider that a policy focus on minimising conflict strikes an appropriate balance between the two given the objective it seeks to achieve. However, we consider this can be better expressed.

169. In relation to the specific wording changes recommended by Mr Farrell, we do not think it necessary to identify tourism as a non-farming type activity, but we agree that, consistently with the suggested change to Policy 21.2.4.1, that the focus of Policy 21.2.4.2 should be on new non-farming activities.

170. Lastly, we consider that the policy could be simplified to delete reference to avoiding conflict as an alternative given that minimisation includes avoidance where avoidance is possible.

171. Hence we recommend that policies 21.2.4.1 and 21.2.4.2 be worded as follows;

21.2.4.1 New activities must recognise that permitted and established activities in the Rural Zone may result in effects such as odour, noise, dust and traffic generation that are reasonably expected to occur and will be noticeable to residents and visitors in rural areas.

21.2.4.2 Control the location and type of new non-farming activities in the Rural Zone, so as to minimise conflict between permitted and established activities and those that may not be compatible such activities.

4.12 Definitions Relevant to Mining Objective and Policies

172. Before addressing Objective 21.2.5 and associated policies, we consider it logical to address the definitions associated with mining activities in order that the meaning of the words within the objective and associated policies is clear.

173. NZTM²³⁹ sought replacement of the PDP definitions for “mining activity” and “prospecting”, and new definitions for “exploration”, “mining” and “mine building” (this latter definition we address in Section 5.15 below).

174. Stage 2 Variations have proposed a new definition of mining activity. We have been advised that the submission and further submissions relating to that definition have been transferred to the Stage 2 Variations hearings. Thus we make no recommendation on those.

175. Mr Vivian in evidence for NZTM drew attention to the need also to include separate definitions of exploration and prospecting. In reply Mr Barr agreed with Mr Vivian.²⁴⁰

176. The wording for the new definition of “Exploration” sought by NZTM²⁴¹ was as follows;

Means any activity undertaken for the purpose of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of 1 or more minerals; and includes any drilling, dredging, or excavations (whether surface or subsurface) that are reasonably necessary to determine the nature and size of a mineral deposit or occurrence; and to explore has a corresponding meaning.

²³⁹ Submission 519

²⁴⁰ C Barr, Reply, Page 37, Para 13.2

²⁴¹ Submission 519, opposed by FS1040 and FS1356

177. Mr Barr did not directly address this definition except as it related to the permitted activity rules, but he did recommend the inclusion of the new definition.²⁴² We address the matter of permitted activity status later in the decision. Mr Vivian in evidence for NZTM was of the view that the definition was necessary to show the difference between prospecting, mining and exploration and to align the definition with the CMA.²⁴³
178. We do not have any issue in principle with the suggested definition, but it needs to be recognised that as defined, mineral exploration has potentially significant adverse environmental effects. Our consideration of policy and rules below reflect that possibility.
179. The wording for the definition of “Prospecting” sought by NZTM²⁴⁴ (showing the revisions from the notified definition) was as follows;
- “Mineral Prospecting Means any activity undertaken for the purpose of identifying land likely to contain ~~exploitable~~ mineral deposits or occurrences; and includes the following activities:*
- a. Geological, geochemical, and geophysical surveys*
 - b. The taking of samples by hand or hand held methods*
 - c. Aerial surveys*
 - d. Taking small samples by low impact mechanical methods.”*
180. Mr Barr and Mr Vivian agreed that inclusion of reference to “*low impact mechanical methods*” was not necessary given the context in which the term is used. We disagree. Reference to prospecting in policies and rules that we discuss below, proceeds on the basis that prospecting is a low impact activity. We think that it is important that reference to mechanical sampling in the definition should reflect that position. We are also concerned that the definition is inclusive of the activities listed as bullet points. The consequence could be that activities not contemplated occur under the guise of Mineral Prospecting. We doubt that there is scope to replace the word “includes” and recommend, via the Stream 10 Hearing Panel, that the Council consider a variation to amend this definition.
181. In considering these amendments, we conclude that they are appropriate in terms of consistency and the clarity of the application of these terms within the provisions of the Plan.
182. NZTM also requested a new definition be included in the PDP for “*mining*” as it has a different range of effects compared to exploration and prospecting, and that it should align with the CMA. The wording sought by NZTM was as follows:

Mining

- a. means to take, win or extract , by whatever means, -
 - i. a mineral existing in its natural state in land, or
 - ii. a chemical substance from a mineral existing in its natural state in land and
- b. includes –
 - i. the injection of petroleum into an underground gas storage facility but

²⁴² C Barr, Section 42A Report, Page 108, Para 21.21

²⁴³ C Vivian, Evidence, Page 10, Para 4.21

²⁴⁴ Submission 519, opposed by FS1040 and FS1356

- c. does not include prospecting or exploration for a mineral or chemical substance referred in in paragraph (a).

183. Mr Barr did not address this submission point directly in the Section 42A Report or in reply. Mr Vivian, again for NZTM, considered it important to include such a definition for reasons of consistency with the CMA, and that while all the aspects of the definition were not necessarily applicable to the District (he acknowledged gas storage as being in this category), it was not unusual to have definitions describing an industry/use as well as an activity in a District Plan.²⁴⁵

184. While we do not see any value in referring to underground gas storage facilities when there is no evidence of that being a potential activity undertaken in the district we think that there is value in having a separate definition of mining as otherwise suggested. Among other things, that assists distinction being drawn between mining, exploration and prospecting.

185. In conclusion, we recommend to the Stream 10 Hearing Panel that the definitions pertaining to mining read as follows;

Mining

Means to take, win or extract, by whatever means, -

- a. *a mineral existing in its natural state in land, or*
- b. *a chemical substance from a mineral existing in its natural state in land*

but does not include prospecting or exploration for a mineral or chemical substance.

Mineral Exploration

Means any activity undertaken for the purpose of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of 1 or more minerals; and includes any drilling, dredging, or excavations (whether surface or subsurface) that are reasonably necessary to determine the nature and size of a mineral deposit or occurrence; and to explore has a corresponding meaning.

Mineral Prospecting

Means any activity undertaken for the purpose of identifying land likely to contain mineral deposits or occurrences; and includes the following activities:

- a. *Geological, geochemical, and geophysical surveys*
- b. *The taking of samples by hand or hand held methods*
- c. *Aerial surveys*
- d. *Taking small samples by low impact mechanical methods.*

4.13 Objective 21.2.5

186. As notified Objective 21.2.5 read as follows:

²⁴⁵ C Vivian, Evidence, Page 10, Para 4.17

“Recognise and provide for opportunities for mineral extraction providing location, scale and effects would not degrade amenity, water, landscape and indigenous biodiversity values.”

187. Submissions on this objective variously sought the inclusion of “wetlands” as something not to be degraded²⁴⁶, replacement of the words “*providing location, scale and effects would not degrade*” with “*while avoiding, remedying, or mitigating*”²⁴⁷, narrowing the objective to refer to “*significant*” amenity, water, landscape and indigenous biodiversity values²⁴⁸ or amendment so it should apply in circumstances where the degradation would be “*significant*”.²⁴⁹
188. The submission from the Forest & Bird²⁵⁰ stated that wetlands should be included within the objective as it a national priority to protect them and Mr Barr agreed with that view.²⁵¹
189. Apart from some minor amendments, Mr Barr was otherwise of the view the objective (and associated policies which we address below) were balanced so as to recognise the economic benefits of mining operations while ensuring the PDP provisions appropriately addressed the relevant s6 and s7 RMA matters.²⁵² Mr Barr’s recommended amendments in the Council’s memoranda on revising the objectives to be more outcome focused²⁵³ also addressed the submission points. The suggested wording was:

Mineral extraction opportunities are provided for on the basis the location, scale and effects would not degrade amenity, water, wetlands, landscape and indigenous biodiversity values.

190. In evidence, Mr Vivian for NZTM considered that the objective as notified did not make sense and the wording sought by NZTM (seeking that it refer to significant values) was more effects based.²⁵⁴
191. We concur with Mr Barr that his reworded objective is both balanced and appropriate in achieving the purpose of the Act. Given that most mineral extraction opportunities are likely to occur within ONL’s, a high standard of environmental protection is an appropriate outcome to aspire to. We also find that inclusion of wetlands is appropriate²⁵⁵ and the amended version addresses the ‘sense’ issues raised by Mr Vivian. We have already addressed the insertion of RMA language “avoid, remedy, mitigate” in Section 5.1 above.
192. In conclusion, we recommend that the objective be worded as follows;
- 21.2.5 *Mineral extraction opportunities are provided for on the basis the location, scale and effects would not degrade amenity, water, wetlands, landscape and indigenous biodiversity values.*

4.14 Policies 21.2.5.1 – 21.2.5.4

193. As notified Policies 21.2.5.1 – 21.2.5.4 read as follows:

²⁴⁶ Submissions 339, 706
²⁴⁷ Submissions 519, 806
²⁴⁸ Submission 519
²⁴⁹ Submission 598
²⁵⁰ Submission 706
²⁵¹ C Barr, Section 42A Report, Page 108, Para 21.21
²⁵² Section 42A Report, Page 105, Para 21.4
²⁵³ Council Memoranda dated 13 April 2016
²⁵⁴ C Vivian, Evidence, Page 13, Paras 4.42- 4.43
²⁵⁵ C Barr, Section 42A Report, Appendix 4, Page 1

- 21.2.5.1 *Recognise the importance and economic value of locally sourced high-quality gravel, rock and other minerals for road making and construction activities.*
- 21.2.5.2 *Recognise prospecting and small scale recreational gold mining as activities with limited environmental impact.*
- 21.2.5.3 *Ensure that during and following the conclusion of mineral extractive activities, sites are progressively rehabilitated in a planned and co-ordinated manner, to enable the establishment of a land use appropriate to the area.*
- 21.2.5.4 *Ensure potential adverse effects of large-scale extractive activities (including mineral exploration) are avoided or remedied, particularly where those activities have potential to degrade landscape quality, character and visual amenity, indigenous biodiversity, lakes and rivers, potable water quality and the life supporting capacity of water.*

194. The submissions to these policies variously sought:

Policies

- 21.2.5.1 replace the word “sourced” with mined, broaden the policy by recognising that the contribution of minerals is wider than just road making and construction, and insert additional wording to further emphasise the economic and export contribution of minerals.²⁵⁶
- 21.2.5.2 insert the word “exploration” after “prospecting”²⁵⁷
- 21.2.5.3 replace the word “Ensure” with the word “Encourage”²⁵⁸, and provide provisions so that rehabilitation does not cause ongoing adverse effects from discharges to air and water²⁵⁹
- 21.2.5.4 remove reference to “large scale” extractive activities²⁶⁰, amend the policy to relate to mineral exploration “where applicable”, and following “avoided or remedied” add “mitigated”.²⁶¹

195. As noted above, Mr Barr considered the policies were balanced, recognising the economic benefits while ensuring the PDP provisions addressed the relevant section 6 and section 7 RMA matters.²⁶² Mr Barr considered that it was appropriate to broaden Policy 21.2.5.1 rather than restrict it to road making and construction activities.²⁶³ Mr Vivian in evidence for NZTM agreed and suggested that the policy should also reflect minerals present in the district.²⁶⁴ We concur with Mr Barr and Mr Vivian that these amendments better align the policy with the objective. Therefore we recommend Policy 21.2.5.1 read:

²⁵⁶ Submissions 519, 598

²⁵⁷ Submission 598

²⁵⁸ Submission 519

²⁵⁹ Submission 798

²⁶⁰ Submissions 339, 706

²⁶¹ Submissions 519, 598

²⁶² Section 42A Report, Page 105, Para 21.4

²⁶³ Section 42A Report, Page 105, Para 21.5 and Pages 1-2, Appendix 4

²⁶⁴ C Vivian, Evidence, Page 14, Para 4.48

Have regard to the importance and economic value of locally mined high-quality gravel, rock and other minerals including gold and tungsten.

196. Mr Barr agreed with the inclusion of “*exploration*” into Policy 21.2.5.2.²⁶⁵ We were unable to find any specific reasons for this addition other than a comment that this was in response to the submission from Straterra.²⁶⁶ Consideration of this issue needs to take into account our earlier discussion on the definition of “*mineral exploration*”. While the evidence we heard indicated that exploration would typically have a low environmental impact and therefore might appropriately be referred to in this policy, the defined term would permit much more invasive activities. Accordingly while we agree that exploration should be referred to in this context, it needs to be qualified to ensure that is indeed an activity with limited environmental impact.

197. Therefore, we recommend Policy 21.2.5.2 be worded as follows;

Provide for prospecting and small scale mineral exploration and recreational gold mining as activities with limited environmental impact.

198. Mr Barr did not recommend any amendments to Policy 21.2.5.3. Mr Vivian did not agree with NZTM’s submission seeking the replacement of the word “*Ensure*” with the word “*Encourage*”. Mr Vivian’s view was that “*encourage*” implied that rehabilitation was optional, whereas “*ensured*” implied it was not. We agree with Mr Vivian in this regard.

199. Mr Vivian also suggested that:

‘...the word “progressively” is deleted and [sic] rehabilitation is already ensures [sic] in a “planned and coordinated manner”.’²⁶⁷

200. On this point, we do not agree with Mr Vivian. A reference to planned and co-ordinated rehabilitation may mean that the rehabilitation is all planned to occur at the closure of a mine. That is not the same as progressive rehabilitation, and has potentially much greater and more long-lasting effects.

201. We did not receive any evidence on the ORC submission seeking the addition of provisions so that rehabilitation does not cause ongoing adverse effects from discharges to air and water. In any case, we think this is already addressed under Objective 21.2.3 and the associated policies as far the jurisdiction of a TLA extends to these matters under the Act.

202. Therefore, we recommend Policy 21.2.5.3 be adopted as notified.

203. In relation to Policy 21.2.5.4, Mr Barr took the view in the Section 42A Report that the widening of the policy (i.e. amending the policy so that it applied to all mining activities rather than just larger scale activities) would ensure that those activities would be appropriately managed, irrespective of the scale of the activity. In addition, Mr Barr considered that the inclusion of mitigation would provide an additional option to avoidance or remediation.²⁶⁸ Mr Vivian agreed with Mr Barr as regards the inclusion of the word mitigation. However, Mr Vivian was also of the view that the policy as worded, without the qualification of “*where applicable*” for mineral

²⁶⁵ Section 42A Report, Appendix 1, Page 21-3, Policy 21.2.5.2

²⁶⁶ Submission 5

²⁶⁷ C Vivian, Evidence, Page 18, Para 4.75

²⁶⁸ Section 42A Report, Page 2, Appendix 4

exploration would foreclose small scale mining activities and exploration activities that are permitted activities.²⁶⁹

204. On Mr Barr’s point regarding the widening of the policy to apply to all activities regardless of scale, we find that this would be in direct contradiction to Policy 21.2.5.2 which recognises that some small-scale mining operations will have a limited environmental impact, that is to say, an impact which is not avoided or (implicitly) remedied.
205. We consider that rather than focussing on the scale of the extractive activity, the better approach is to focus on the scale of effects. If the policy refers to potentially significant effects, that is consistent with Policy 21.2.5.2 and an avoidance or remediation policy response is appropriate in that instance. The alternative suggested by Mr Barr (adding reference to mitigation) removes the direction provided by the policy and leaves the end result unsatisfactorily vague and uncertain when applied to mining and exploration operations with significant effects. We also do not consider that adding the words “*where applicable*” has the beneficial effect Mr Vivian suggests. Read in context, it merely means that the policy only applies to exploration where exploration is proposed – something that we would have thought was obvious anyway.
206. Accordingly, we recommend that Policy 21.2.5.4 be worded as follows;

Ensure potentially significant adverse effects of extractive activities (including mineral exploration) are avoided or remedied, particularly where those activities have potential to degrade landscape quality, character and visual amenity, indigenous biodiversity, lakes and rivers, potable water quality and the life supporting capacity of water.

4.15 New Mining Objectives and Policies

207. NZTM sought additional objectives and policies to recognise the importance of mining²⁷⁰. The wording of those requested additions was as follows;

Objective

Recognise that the Queenstown Lakes District contains mineral deposits that may be of considerable social and economic importance to the district and the nation generally, and that mining activity and associated land restoration can provide an opportunity to enhance the land resource, landscape, heritage and vegetation values.

Policies

- a. *Provide for Mining Buildings where the location, scale and colour of the buildings will not adversely affect landscape values*
- b. *Identify the location and extent of existing or pre-existing mineral resources in the region and encourage future mining activity to be carried out in these locations*
- c. *Enable mining activity, including prospecting and exploration, where they are carried out in a manner which avoids, remedies or mitigates adverse effects on the environment*
- d. *Encourage the use of off-setting or environmental compensation for mining activity by considering the extent to which adverse effects can be directly offset or otherwise compensated, and consequently reducing the significance of the adverse effects*

²⁶⁹ C Vivian, evidence, Pages 18-19, Paras 4.78-4.79

²⁷⁰ Submission 519, opposed by FS1040 and FS1356

- e. *Manage any waste heaps or long term stockpiles to ensure that they are compatible with the forms in the landscape*
- f. *Encourage restoration to be finished to a contour sympathetic to the surrounding topography and revegetated with a cover appropriate for the site and setting*
- g. *Recognise that the ability to extract mineral resources can be adversely affected by other land use, including development of other resources above or in close proximity to mineral deposits*
- h. *Recognise that exploration, prospecting and small-scale recreational gold mining are activities with low environmental impact.*

208. Mr Barr, in the Section 42A Report, set out his reasons for recommending rejection of these amendments²⁷¹. As noted in Section 5.14 above, Mr Barr was of the view that the existing objectives and policies were balanced, recognising the economic benefits while ensuring the PDP provisions addressed the relevant section 6 and section 7 RMA matters.²⁷²

209. Mr Vivian, for NZTM, noted that Objective 21.2.5 addressed the adverse effects of mining but considered there was no objective to recognise the importance of mineral deposits in the District. He was of the view that that result was inconsistent with the RPS.²⁷³ Mr Vivian recommended the rewording of the new objective sought by NZTM as follows:

Acknowledge the District contains mineral deposits that may be of considerable social and economic importance to the district and the nation generally.

210. We also heard evidence from Mr G Gray, a director of NZTM, as to the social and economic benefits of mining²⁷⁴.

211. Having considered the evidence in regard to the suggested new objective, we find that the matters raised are already included in the first part of objective 21.2.5 (“*Mineral extraction opportunities are provided for ...*”) and that this gives effect to both the RPS and proposed RPS.²⁷⁵ That said, Mr Barr and Mr Vivian considered that it was necessary to include a policy to recognise that the ability to extract mineral resources can be adversely affected by other land uses in order to achieve the objective, as well as to be consistent with the RPS.²⁷⁶ We agree with Mr Barr and Mr Vivian for the reasons set out in their evidence that a new policy on this matter needs to be added. We consider that the proposed course of action might be addressed more simply and so we recommend a new policy numbered 21.2.5.5, to read as follows:

Avoid or mitigate the potential for other land uses, including development of other resources above, or in close proximity to mineral deposits, to adversely affect the extraction of known mineral deposits.

²⁷¹ C Barr, Section 42A Report, Pages 105-106, Paras 21.6 – 21-10

²⁷² Section 42A Report, Page 105, Para 21.4

²⁷³ C Vivian, Evidence Page 15, Para 4.53

²⁷⁴ G Gary, Evidence, Page 6-9

²⁷⁵ proposed RPS, Objective 5.3, Policy 5.3.5

²⁷⁶ C Barr, Reply, Page 37, Para 13.3, Mr C Vivian, Evidence, Page 16, Para 4.58

212. Mr Barr and Mr Vivian agreed also that the policies sought by NZTM listed as (b) and (c) above were respectively inappropriate and unnecessary and already addressed under Objective 21.2.5. We agree. We also agree with Mr Vivian that policy (f) above (in relation to restoration) is already addressed under Policy 21.2.5.3 and is therefore unnecessary. Similarly, policy (h) above duplicates Policy 21.2.5.2 and is again unnecessary. We therefore recommend that those parts of the submission be rejected.

213. In the Section 42A Report, Mr Barr was of the view that a policy specifically on mining buildings (policy (a) above) was not appropriate and overstated the importance of mining buildings in the context of the resources that require management. Mr Barr went on to opine that the mining buildings should have the same controls as other non-farming buildings.²⁷⁷ In addition to this policy, NZTM also sought the inclusion of a definition for mining building apparently to avoid the need to meet the height requirements applying to other buildings. Mr Barr also recommended that this submission be rejected. Mr Barr's explained his position as follows:

*It is my preference that this request is rejected because mining is a discretionary activity, therefore creating a disjunction between removing standards for all buildings and mining buildings. In addition, the locational constraints emphasised by NZTM are likely to mean that these buildings are located in within the ONL or ONF. Therefore, I recommend that mining buildings are not provided any exemptions.*²⁷⁸

214. Mr Vivian had a contrary view, that traditional rural activities including mining were expected elements of the rural landscape and did not offend landscape character. Mr Vivian went on;

*This proposition is supported by the inclusion of Rule 21.4.30(d) which permits the mining of aggregate for farming activities provide [sic] the total volume does not exceed 1000 m³ in any one year. As such, mining buildings necessary for the undertaking of mining activities do not have the same issues associated with them as other buildings, such as residential, visitor accommodation or commercial activities.*²⁷⁹

215. We do not follow Mr Vivian's reasoning. Mr Vivian sought to leverage off the limited provision for aggregate extraction in the permitted activity rules, but provided no evidence as to the nature and extent of mining buildings that would accompany such an aggregate extraction operation (if any) compared to the range of buildings that might accompany a large scale mining operation. Nor is it apparent to us that the historic evidence of mining is necessarily representative of the structures that would be required for a new mine. Mr Gray gave evidence that an underground tungsten mining operation would have minimal above ground impact, but it was not clear to us that this would be the case for all mining operations, and if it were, that it would remove the need for special recognition of "mining buildings".

216. We share the concerns of Mr Barr that NZTM's proposal could lead to large mining related buildings being potentially located in ONLs/ONFs and that it is more effective to manage the effects of mining buildings within the framework for mining activities as discretionary activities. Hence, we recommend that the request for a definition and policy on mining buildings be rejected.

217. In relation to the proposed policy (e) above (*Manage any waste heaps or long term stockpiles to ensure that they are compatible with the forms in the landscape*), Mr Vivian considered this

²⁷⁷ C Barr, Section 42A Report, Page 105, Para 21.6

²⁷⁸ C Barr, Section 42A Report, Page 108, Para 21.19

²⁷⁹ C Vivian, Evidence, Page 11, Para 4.24

an important policy to be included under Objective 21.2.5.²⁸⁰ We consider that this does not take the matter very far. Mr Barr did not directly address this proposed policy. We think that this policy is unnecessary, as the issue of waste heaps and stockpiles and their form in the landscape is only an aspect of more general issues raised by the effects of mining on natural forms and landscapes that have already been addressed by the Stream 1B Hearing Panel in the context of Chapter 6.²⁸¹

218. On the final matter of a new policy regarding environmental compensation (policy (d) above), Mr Vivian in evidence²⁸² and Mr Barr in reply, agreed that such a policy was appropriate, with Mr Barr noting that it required separation from the “biodiversity offsetting” policy in Chapter 33 so as to avoid confusion.²⁸³ Mr Barr recommending the following wording for the new policy to be numbered 21.2.5.6;

Encourage environmental compensation where mineral extraction would have significant adverse effects.

219. We agree with Mr Barr and Mr Vivian in part. However, we think that compensation for significant adverse effects goes too far (among other things, it implies that mineral extraction may have significant adverse effects, which would not be consistent with Objective 21.2.5) and that it should be residual effects which cannot be avoided that are addressed by compensation. We also consider that it would assist if greater direction were provided as to why environmental compensation is being encouraged.

220. Accordingly, we recommend that Policy 21.2.5.6 be worded as follows:

Encourage use of environmental compensation as a means to address unavoidable residual adverse effects from mineral extraction.

4.16 Definitions Relevant to Ski Activity Objectives and Policies

221. As with the objective and policies relating to mining addressed above; we consider it logical to address the definitions associated with ski activities in order that the meaning of the words within the objective and associated policies is clear.

222. As notified the definition of Ski Area Activities read as follows;

Means the use of natural and physical resources for the purpose of providing for:

- a. recreational activities either commercial or non-commercial*
- b. chairlifts, t-bars and rope tows to facilitate commercial recreational activities.*
- c. use of snow groomers, snowmobiles and 4WD vehicles for support or operational activities*
- d. activities ancillary to commercial recreational activities*
- e. in the Waiorau Snow Farm Ski Area Sub Zone vehicle and product testing activities, being activities designed to test the safety, efficiency and durability of vehicles, their parts and accessories.*

²⁸⁰ C Vivian, Evidence, Page 16, Para 4.67

²⁸¹ Recommendation Report 3, Section 8.6

²⁸² C Vivian, Evidence, Pages 16-17, Paras 4.62 – 4.66

²⁸³ C Barr, Reply, Page 37, Para 13.4

223. The submissions from Soho Ski Area Ltd and Blackmans Creek No.1 LP²⁸⁴, and Treble Cone Investments Ltd²⁸⁵ sought more clarity in the preamble, the expansion of the definition at “(b)” to include “*passenger lift or other systems*” and the addition of the following;
- a. Visitor and residential accommodation associated with ski area activities
 - b. Commercial activities associated with ski area activities or recreation activities
 - c. Guest facilities including ticketing, offices, restaurants, cafes, ski hire and retailing associated with any commercial recreation activity
 - d. Ski area operations, including avalanche control and ski patrol
 - e. Installation and operation of snow making infrastructure, including reservoirs, pumps, snow makers and associated elements
 - f. The formation of trails and other terrain modification necessary to operate the ski area.
 - g. The provision of vehicle and passenger lift or other system access and parking
 - h. The provisions of servicing infrastructure, including water supply, wastewater disposal, telecommunications and electricity.
224. Similarly, the submission from Mt Cardrona Station Ltd²⁸⁶ sought that “(b)” be replaced with the term “*passenger lift systems*” and that buildings ancillary to ski activities be included within the definition. The Mt Cardrona Station Ltd submission also sought a new definition for “*passenger lift systems*” as follows;
- Means any mechanical system used to convey or transport passengers within or to a Ski Area Sub-Zone, including chairlifts, gondolas, T-bars and rope tows, and including all moving, fixed and ancillary components of such systems such as towers, pylons, cross arms, pulleys, cables, chairs, cabins, and structures to enable the embarking and disembarking of passengers.*
225. Also in relation to the Ski Area Activities definition, the submission from CARL²⁸⁷ sought that “earthworks and vegetation clearance” be added to the ancillary activities under “(d)” in the definition as notified.
226. Mr Barr considered that amendment to the definition of Ski Area Activities for the inclusion of passenger lift systems and the new definition for passenger lift systems sought by Mt Cardrona Station Ltd were appropriate in that they captured a broad range of transport systems as well as enabling reference to the definition in the rules without having to repeat the specific type of transport system.²⁸⁸ Mr Brown’s evidence for Mt Cardrona Station Ltd also supported the amendment noting that the provision of such systems would significantly reduce vehicle traffic to the ski area subzone facilities, as well as the land required for car parking.²⁸⁹ We agree in part with Mr Barr and Mr Brown for the reasons set out in their evidence. However, we note that there are things other than passengers that are transported on lifts, such as goods and materials, that should also be encompassed with the definition. We recommend that the definition be worded to provide for “*other goods*” to avoid such a limitation.
227. In relation to the amendment to the preamble and the matters to be added to the definition sought by Soho Ski Area Ltd and Blackmans Creek No.1 LP, and Treble Cone Investments Ltd, in general Mr Barr was of the view that those matters were addressed in other parts of the PDP.

²⁸⁴ Submission 610

²⁸⁵ Submission 613

²⁸⁶ Submission 407

²⁸⁷ Submission 615

²⁸⁸ C Barr, Section 42A Report, Page 57, Para 14.18

²⁸⁹ J Brown, Evidence, Page 22, Para 2.37

However, Mr Barr also accepted that some of the changes were valid.²⁹⁰ Mr Ferguson²⁹¹, held a different view, particularly in relation to the inclusion of residential and visitor accommodation within the definition. Relying on Mr McCrostie’s evidence²⁹², he stated that the *“Inclusion of visitor accommodation within this definition is one of the ways by which the finite capacity of the resource can be sustained while balancing the financial viability and the diversity of experience necessary to remain internationally competitive.”*²⁹³ We address the policy issues regarding provision for residential and visitor accommodation in Ski Area Sub Zones later in the report, but for the present, we find that the additions to the definition sought by Soho Ski Area Ltd and Blackmans Creek No.1 LP, and Treble Cone Investments Ltd, beyond those recommended by Mr Barr, would have implications for the range of effects encompassed within the term and hence we recommend that those further additions be rejected.

228. We record in particular that Mr Barr in reply, noted that the potential effects of inclusion of a range of buildings (e.g. ticketing offices, base or terminal buildings) were wider than the matters of discretion put forward by Mr Brown in his summary statement²⁹⁴ and hence, in his view, the definition should not be expanded to include them. We agree. We also consider that to include such buildings would be inconsistent with the overall policy approach of the Rural Zone to buildings.
229. Mr Barr, also recommended rejection of the submission regarding the inclusion of earthworks and vegetation clearance sought by CARL as earthworks were not part of this District Plan Review and vegetation was addressed in Chapter 33: Indigenous Vegetation.²⁹⁵ We heard no evidence in relation to this submission on the definition itself and hence do not recommend the change sought. However, we record that we address the policy issues regarding earthworks and vegetation clearance in relation to Ski Area Activities later in this report.
230. The submissions from Soho Ski Area Ltd and Blackmans Creek No.1 LP²⁹⁶, and Treble Cone Investments Ltd²⁹⁷ also sought amendment to the definition of *“building”* to clarify that facilities, services and infrastructure associated with ski lifts systems were excluded from the definition. This matter is related to the submission sought by Mt Cardrona Station Ltd²⁹⁸ that buildings ancillary to ski activities be included within the definition of Ski Area Activities.
231. In relation to the definition of building, Mr Barr in his Section 42A Report, was of the view that this matter was more appropriately dealt with under the definitions hearing as the submission related to gondolas generally and not specifically to Ski Area Activities or Ski Sub Zones.²⁹⁹ Mr Ferguson’s understanding was that section 9 of the Building Act specifically excluded ski tows and stand-alone machinery, so therefore specifically excluding that equipment would add clarity without substantively altering the position.³⁰⁰

²⁹⁰ C Barr, Section 42A Report, Pages 61-62, Para 14.40

²⁹¹ EIC for Soho Ski Area Ltd and Blackmans Creek No.1 LP, and Treble Cone Investments Ltd

²⁹² EIC for Soho Ski Area Ltd and Blackmans Creek No.1 LP, and Treble Cone Investments Ltd

²⁹³ C Ferguson, Evidence, Page 26, Para 104

²⁹⁴ C Barr, Reply, Page 39, Paras 14.6 – 14.7

²⁹⁵ C Barr, Section 42A Report, Page 63, Paras 14.45 – 14.47

²⁹⁶ Submission 610

²⁹⁷ Submission 613

²⁹⁸ Submission 407

²⁹⁹ C Barr, Section 42A Report, Page 61, Paras 14.38

³⁰⁰ C Ferguson, Evidence, Page 28, Para 109

232. In this case, we concur with Mr Barr and find that the definition of building is a wider matter that should appropriately be considered in the definitions hearing. Our findings above with respect to the effect of including buildings within the definition of “passenger lift systems” and “ski area activities” have addressed the potential issues around base and terminal buildings.
233. In conclusion, we recommend to the Stream 10 Hearing Panel that the definitions pertaining to Ski Area Activities and Passenger Lift Systems read as follows;

Passenger Lift Systems

Means any mechanical system used to convey or transport passengers and other goods within or to a Ski Area Sub-Zone, including chairlifts, gondolas, T-bars and rope tows, and including all moving, fixed and ancillary components of such systems such as towers, pylons, cross arms, pulleys, cables, chairs, cabins, and structures to enable the embarking and disembarking of passengers. Excludes base and terminal buildings.

Ski Area Activities

Means the use of natural and physical resources for the purpose of establishing, operating and maintaining the following activities and structures:

- a. *recreational activities either commercial or non-commercial;*
- b. *passenger lift systems;*
- c. *use of snow groomers, snowmobiles and 4WD vehicles for support or operational activities;*
- d. *activities ancillary to commercial recreational activities including, avalanche safety, ski patrol, formation of snow trails and terrain;*
- e. *Installation and operation of snow making infrastructure including reservoirs, pumps and snow makers;*
- f. *in the Waiorau Snow Farm Ski Area Sub-Zone vehicle and product testing activities, being activities designed to test the safety, efficiency and durability of vehicles, their parts and accessories.*

4.17 Objective 21.2.6

234. As notified, Objective 21.2.6 read as follows:

“Encourage the future growth, development and consolidation of existing Ski Areas within identified Sub Zones, while avoiding, remedying or mitigating adverse effects on the environment.”

235. The submissions on this objective variously sought that it be retained³⁰¹, the objective be revised to reflect that Council should not be encouraging growth in ski areas and should control lighting effects³⁰², that the objective be broadened to apply to not just existing ski areas and be amended to provide for integration with urban zones³⁰³, and that it provide for better

³⁰¹ Submissions 610, 613

³⁰² Submission 243

³⁰³ Submission 407

sustainable management for the Remarkables Ski Area, provide for summer and winter activities and provide for sustainable gondola access and growth.³⁰⁴

236. In the Council’s memorandum on revising the objectives to be more outcome focused³⁰⁵, Mr Barr’s recommended rewording was as follows:

The future growth, development and consolidation of Ski Area Activities is encouraged within identified Ski Area Sub Zones, while avoiding remedying or mitigating adverse effects on the environment.

237. Mr Barr did not support the submission from QPL in regard to the Remarkables Ski Area as the submission provided no justification.³⁰⁶ In relation to the submission from Mt Cardrona Station Ltd seeking the inclusion of the connection to urban areas, Mr Barr did not support this, opining that it would create an, “*expectation that urban zones are expected to establish where they could easily integrate and connect to the Ski Area Sub Zones.*”³⁰⁷ Mr Barr also considered that the submission on the objective appeared to advance the rezoning sought by Mt Cardrona Station Ltd rather than applying broadly to all Ski Area Sub-Zones.

238. In evidence for various submitters, Mr Brown supported the objective (and related policies) because of the contribution of the ski industry to the district³⁰⁸, but recommended that it be reworded as follows:

21.2.6 Objective

The future growth, development and consolidation of Ski Area Activities is encouraged within identified Ski Area Sub Zones, and where appropriate Ski Area Sub Zones are connected with other areas, including urban zones, while adverse effects on the environment are avoided, remedied or mitigated.

239. Mr Brown explained the reasons for his recommended changes as including,
- a. Replacement of “*Skiing*” with “*Ski Area*” so that the terminology is internally consistent and aligns with the definitions in PDP³⁰⁹
 - b. There are opportunities for better connection between ski areas and urban zones via passenger lift systems and to reduce reliance on vehicle access and effects of vehicle use, and road construction and maintenance³¹⁰

240. In reply Mr Barr, reiterated his concerns regarding the reference to urban areas.³¹¹

241. We find that an objective encouraging growth in ski areas is appropriate and we agree with Mr Brown that consolidation in existing ski areas is an efficient way to minimise adverse effects.³¹² However, we consider that some clarification is required as to what form that “*encouragement*” takes. In addition, and in general, we also find that connections to ski areas for access purposes is also appropriate, but agree with Mr Barr that the specific reference to urban areas goes too

³⁰⁴ Submission 806

³⁰⁵ Council Memorandum dated 13 April 2016

³⁰⁶ C Barr, Section 42A Report, Page 54, Para 14.6

³⁰⁷ C Barr, Section 42A Report, Page 58, Para 14.22

³⁰⁸ J Brown, Evidence, Page 19, Para 2.30

³⁰⁹ J Brown, Evidence, Page 21, Para 2.31 (a)

³¹⁰ J Brown, Evidence, Page 21, Para 2.31 (c) – 2.33

³¹¹ C Barr, Reply, Page 38, Para 14.2

³¹² J Brown, Evidence, Page 22, Para 2.30

far. However, we also find that it more appropriate to address access as a policy rather than as part of the objective.

242. We therefore recommend that Objective 21.2.6 be reworded as follows;

The future growth, development and consolidation of Ski Area Activities within identified Ski Area Sub-Zones, is provided for, while adverse effects on the environment are avoided, remedied or mitigated.

4.18 Policies 21.2.6.1 – 21.2.6.3

243. As notified, policies 21.2.6.1 – 21.2.6.3 read as follows:

21.2.6.1 *Identify Ski Field Sub Zones and encourage Ski Area Activities to locate and consolidate within the sub zones.*

21.2.6.2 *Control the visual impact of roads, buildings and infrastructure associated with Ski Area Activities.*

21.2.6.3 *Provide for the continuation of existing vehicle testing facilities within the Waiorau Snow Farm Ski Area Sub Zone on the basis the landscape and indigenous biodiversity values are not further degraded.*

244. The submissions to these policies variously sought:

Policies

21.2.6.1 Retain the policy³¹³ and widen the policy to encourage tourism activities³¹⁴.

21.2.6.2 Retain the policy³¹⁵, or amend to replace the word “Control” with “Enable and mitigate”³¹⁶ (We note that the submission from CARL³¹⁷ merely repeated the wording of the policy and provided no indication of support/opposition or relief sought).

21.2.6.3 amend the policy to “encourage” continuation and “future development” of existing vehicle testing “only” within the Waiorau Snow Farm³¹⁸

245. Mr Barr did not directly refer to Policy 21.2.6.1 in his Section 42A Report. In general Mr Barr did not support the relief sought by CARL as it did not provide substantial benefit to the Cardrona Ski Area Sub-Zone, when compared to other zones.³¹⁹ Mr Farrell, the planner giving evidence for CARL, stated that the “the resort lends itself to the provision of four season tourism activities such as mountain biking, tramping, sightseeing, and mountain adventure activities”, and as such the policy should be amended to insert reference to “tourism”³²⁰.

³¹³ Submissions 610, 613

³¹⁴ Submission 615

³¹⁵ Submission 610, 613

³¹⁶ Submission 621

³¹⁷ Submission 615

³¹⁸ Submission 376

³¹⁹ C Barr, Section 42A Report, Page 63, Para 14.44

³²⁰ B Farrell, Evidence, Page 17, Para 56

246. This notion of Ski Areas being year-round destinations rather than just ski season destinations, was also raised by CARL and by other submitters seeking the addition of new policies to provide for such activities. We address the detail of those submissions later in this report. However, for present purposes, we find that recognising ski areas as year-round destinations and that activities outside ski seasons contribute to the viability and consolidation of activities in those areas is a valid policy position that implements Objective 21.2.6. We consider, however, that some amendment is required to the relief supported by Mr Farrell as there are many tourism activities that are not suited to location in Ski Areas and it is not realistic to seek consolidation of all tourism activities within those areas.
247. In relation to the amendments sought to Policy 21.2.6.2, Mr Brown in evidence, sought that the word control be replaced with the word manage, for the reason that manage is more consistent with “avoid, remedy or mitigate” as set out in the objective and is more effective.³²¹ On the same matter, Mr Farrell, in his evidence for CARL, did not support the replacement of the word “Control”, with “Enable and mitigate”, agreeing with the reasons of Mr Barr in the Section 42A Report.³²² We were unable to find any direct reference in the Section 42A Report to Mr Barr’s reasons for recommending that the wording of the policy remain as notified. We find that the policy as notified set out what was to be controlled, but did not indicate to what end or extent. We were not able to find any submissions that would provide scope for the inclusion of a greater degree of direction. The same situation would apply if the term manage (or for that matter, “enable and mitigate”) was used and we do not regard the change in terminology suggested by Mr Brown as a material change that might be considered to more appropriately achieve the objective than the notified wording. We therefore recommend that the policy remain as notified.
248. In the Section 42A Report, Mr Barr did not address the submission from Southern Hemisphere Proving Grounds Limited in regard to Policy 21.2.6.3. The submission itself stated the reason for the relief sought was to align the policy more precisely with the objective. We did not receive any evidence in support of the submission. We find that the encouragement of future growth and development in the policy goes beyond the intent of the policy which is balanced by reference to there being no further degradation of landscape and biodiversity values and that the other changes sought do not materially alter its effect. We therefore recommend that the submission be rejected.
249. Hence we recommend the wording of Policies 21.2.6.1 – 21.2.6.3 as follows:
- 21.2.6.1 *Identify Ski Area Sub-Zones and encourage Ski Area Activities and complementary tourism activities to locate and consolidate within the Sub-Zones.*
- 21.2.6.2 *Control the visual impact of roads, buildings and infrastructure associated with Ski Area Activities.*
- 21.6.2.3 *Provide for the continuation of existing vehicle testing facilities within the Waiorau Snow Farm Ski Area Sub-Zone on the basis that the landscape and indigenous biodiversity values are not further degraded.*

³²¹ J Brown, Evidence, Page 19, Para 2.31(b), Page 21, Para 2.34

³²² B Farrell, Evidence, Page 17, Paras 57 - 58

4.19 New Ski Area Objectives and Policies

250. QPL³²³ sought additional objectives and policies specific to the Remarkables Ski Area to follow Objective 21.2.6 and Policies 21.2.6.1 – 21.2.6.3. The wording of those requested additions was as follows;

Objective

Encourage the future growth and development of the Remarkables alpine recreation area and recognise the importance of providing sustainable gondola access to the alpine area while avoiding, remedying or mitigating adverse effects on the environment.

Policies

- a. *Recognise the importance of the Remarkables alpine recreation area to the economic wellbeing of the District, and support its growth and development.*
- b. *Recognise the importance of providing efficient and sustainable gondola access to the Remarkables alpine recreation area while managing potential adverse effects on the landscape quality.*
- c. *Support the construction and operation of a gondola that provides access between the Remarkables Park zone and the Remarkables alpine recreation area, recognising the benefits to the local, regional and national community.*

251. Mr Barr considered that the new objective and policies applied to the extension of the Ski Area Sub-Zone at Remarkables Park and therefore should be deferred to the mapping hearings.³²⁴ We heard no evidence or submissions to the contrary and hence have not reached a recommendation on those submissions. However, we do address the second new policy sought in a more general sense of ‘gondola access’ as it applies to Ski Area Sub-Zones below.

252. CARL³²⁵ sought an additional policy as follows;

Provide for expansion of four season tourism and accommodation activities at the Cardrona Alpine Resort.

253. Mr Barr did not consider that requested policy provided any additional benefit to the Cardrona Ski Area Sub-Zone over that provided by the recommended amendments to the objectives and policies included in his Section 42A Report.³²⁶ Having heard no evidence to the contrary (Mr Farrell did not address it in his evidence for CARL), we agree with Mr Barr and recommend that the submission be rejected.

254. Mt Cardrona Station Limited sought an additional policy to be worded as follows:

Provide for appropriate alternative (non-road) means of transport to Ski Area Sub Zones from nearby urban resort zones and facilities including by way of gondolas and associated structures and facilities.

³²³ Submission 608

³²⁴ C Barr, Section 42A Report, Page 55, Para 14.9

³²⁵ Submission 615

³²⁶ C Barr, Section 42A Report, Page 63, Para 14.44

255. Related to the above request, Soho Ski Area Limited & Blackmans Creek No.1 LP³²⁷ and Treble Cone Investments Limited³²⁸ sought an additional policy as follows;

To recognise and provide for the functional dependency of ski area activities to transportation infrastructure, such as vehicle access and passenger lift based or other systems, linking on-mountain facilities to the District's road and transportation network.

256. Mr Barr, in the Section 42A Report, considered that there was merit in the policy generally, as sought in these submissions. We agree in part with the likely potential benefits set out in Mr Brown's evidence.³²⁹ However, we agree also with the point made by Mr Barr when he clarified in reply that he did not support the link to urban zones sought by Mt Cardrona Station Limited³³⁰. We do not consider that the planning merit of recognising the value of non-road transport systems to ski areas depends on their inter-relationship with urban resort zones (or any other sort of urban zone for that matter).

257. Accordingly, we recommend the wording and numbering of an additional policy, as follows:

21.2.6.4 Provide for appropriate alternative (non-road) means of transport to and within Ski Area Sub-Zones, by way of passenger lift systems and ancillary structures and facilities.

258. Soho Ski Area Limited & Blackmans Creek No.1 LP³³¹ and Treble Cone Investments Limited³³² sought an additional policy as follows;

Enable commercial, visitor and residential accommodation activities within Ski Area Sub Zones, which are complementary to outdoor recreation activities, can realise landscape and conservation benefits and that avoid, remedy or mitigate adverse effects on the environment.

259. Mr Barr was generally supportive of visitor accommodation, but expressed concern as to impacts on amenity of residential activity and subdivision.³³³ Mr McCrostie³³⁴ set out details of the nature of visitor and worker accommodation sought, which included seasonal use of such accommodation.³³⁵

260. Mr Ferguson³³⁶ opined that the short stay accommodation for Ski Areas did not sit well with the PDP definitions of residential activity or visitor accommodation due to the length of stay component,³³⁷ but suggested that this could be corrected by amendment to the rules.³³⁸ Mr Barr in reply concurred that a policy to guide visitor accommodation in Ski Area Sub-Zones would assist decision making as it is a distinct activity type from visitor accommodation in the

³²⁷ Submission 610

³²⁸ Submission 613

³²⁹ J Brown, Evidence, Page 20, Para 2.31 (c)

³³⁰ C Barr, Reply, Page 38, Para 14.2

³³¹ Submission 610

³³² Submission 613

³³³ C Barr, Section 42A Report, Page 59, Para 14.30

³³⁴ EiC for Soho Ski Area Limited & Blackmans Creek No.1 LP and Treble Cone Investments Limited

³³⁵ H McCrostie, Evidence Pages 5 – 7, Para 5.8 and Page 10, Para 6.7

³³⁶ EiC for Soho Ski Area Limited & Blackmans Creek No.1 LP and Treble Cone Investments Limited

³³⁷ C Ferguson, Evidence, Page 30 -33, Paras 117 - 125

³³⁸ C Ferguson, Evidence, Page 29, Pars 114 - 115

Rural Zone. He preferred the wording “*provided for on the basis*”, with qualifiers, rather than “*enabled*” as the requested activity status was not permitted.³³⁹

261. We consider that an appropriate policy needs to be established first, and then for the rules to follow from that. We agree in part with Mr Ferguson and Mr Barr as to the need for the policy, but agree that an enabling approach goes too far given the potential for adverse environmental effects. We also consider that clarification by way of a definition for Ski Area accommodation for both visitors and workers, would assist development of a more effective and efficient policy. We put this question to Mr Ferguson, who in his written response provided the following suggested definition;

Ski Area Sub Zone Accommodation

Means the use of land or buildings within a Ski Area Sub Zone and associated with the operation of a Ski Area Activity for short-term living accommodation, including the payment of fees, for guests, staff, worker and custodial management accommodation where the length of stay is less than 6 months and includes:

- a. hotels, motels, apartments, backpackers accommodation, hostels, lodges and chalets; and*
- b. centralised services or facilities such as food preparation, dining and sanitary facilities, conference, bar and recreational facilities if such facilities are associated with the visitor accommodation activity.³⁴⁰*

262. Mr Barr in reply, considered that the generic visitor accommodation definition was adequate as sub clause c of that definition provides for specific zones to alter the applicability of the definition, in this case for Ski Area Sub-Zones. We find that both suggestions do not fully address the issue. As noted above the policy needs to be determined first and we also find that there would be less confusion for plan users if a separate definition is provided. Having said that, we take on board Mr Barr’s point that care needs to be taken with the drafting of rules (and policies for that matter) to ensure that accommodation provided for longer than 6 month stays does not fall into a regulatory ‘hole’ or create internal contradictions through references to visitor accommodation that is for longer than 6 months.

263. We are broadly comfortable with Mr Ferguson’s suggested wording with the exception of two matters. First, we consider greater clarity is required around the extent of associated services or facilities. The second matter is that including the 6 month stay presents the issue of what would be ‘the activity’ if the length of stay was longer? To avoid this situation we think that the length of stay is more appropriately contained within the rule, rather than the definition.

264. We therefore recommend to the Stream 10 Hearing Panel that a new definition be included in Chapter 2 which reads as follows:

Ski Area Sub Zone Accommodation

Means the use of land or buildings for short-term living accommodation for visitor, guest, worker, and

- a. Includes such accommodation as hotels, motels, guest houses, bunkhouses, lodges and the commercial letting of a residential unit: and*

³³⁹ C Barr, Reply, Page 40 , Para 14.11

³⁴⁰ C Ferguson, Written Response To Commissioners Questions, 27 May 2016, Page 10, Para 6

b. *May include some centralised services or facilities such as food preparation, dining and sanitary facilities, conference, bar and recreational facilities if such facilities are ancillary to the accommodation facilities: and*

c. *Is limited to visitors, guests or workers, visiting and or working in the respective Ski Area Sub Zone.*

265. Taking all of the above into account, we recommend a new policy and numbering as follows;

21.2.6.5 *Provide for Ski Area Sub Zone Accommodation activities within Ski Area Sub Zones, which are complementary to outdoor recreation activities within the Ski Area Sub Zone, that can realise landscape and conservation benefits and that avoid, remedy or mitigate adverse effects on the environment.*

4.20 Objective 21.2.7

266. As notified Objective 21.2.7 read as follows:

Objective

Separate activities sensitive to aircraft noise from existing airports through:

a. *The retention of an undeveloped open area; or*

b. *at Queenstown Airport an area for Airport related activities; or*

c. *where appropriate an area for activities not sensitive to aircraft noise*

d. *within an airport's Outer Control Boundary to act as a buffer between airports and other land use activities.*

267. Two submissions supported this objective³⁴¹ and one submission from QAC sought that the objective be deleted and replaced with the following:

*Retention of an area containing activities that are not sensitive to aircraft noise, within an airport's Outer Control Boundary, to act as a buffer between airports and Activities sensitive to Aircraft Noise.*³⁴²

268. In the Council's memorandum on revising the objectives to be more outcome focused³⁴³, Mr Barr's recommended rewording was as follows:

An area to contain activities that are not sensitive to aircraft noise is retained within an airport's Outer Control Boundary, to act as a buffer between airports and Activities Sensitive to Aircraft Noise.

269. Ms O'Sullivan in evidence for QAC, suggested "further refinement to remove repetition and ensure the objective is more in in keeping with PC26 and PC35"³⁴⁴ and Mr Barr in reply agreed.³⁴⁵ That wording being:

³⁴¹ Submissions 271, 649

³⁴² Submission 433

³⁴³ Council Memorandum dated 13 April 2016

³⁴⁴ K O'Sullivan, Evidence, Page 8, Para 4.5

³⁴⁵ C Barr, Reply, Page 24, Para 8.3

An area that excludes activities which are sensitive to aircraft noise, is retained within an airport's Outer Control Boundary, to act as a buffer between airports and Activities Sensitive to Aircraft Noise.

270. We accept the recommendation of Ms O'Sullivan and Mr Barr, and recommend that Objective 21.2.7 be worded as set out in the previous paragraph.

4.21 Policies 21.2.7.1 – 21.2.7.4

271. As notified Policy 21.2.7.1 read as follows:

21.2.7.1 Prohibit all new activity sensitive to aircraft noise on any Rural Zoned land within the Outer Control Boundary at Wanaka Airport and Queenstown Airport to avoid adverse effects arising from aircraft operations on future activities sensitive to aircraft noise.

272. Submissions on this policy sought that it be retained³⁴⁶, deleted³⁴⁷, or reworded³⁴⁸ as follows:

Prohibit any new [non-existing] activity sensitive to aircraft noise on any rural zoned land within the outer Control Boundaries of Queenstown airport and Wanaka airport, Glenorchy, Makarora area and all other existing informal airports including private airstrips with the QLDC, used for fixed wing aircraft.

273. Mr Barr did not address this policy directly in the Section 42A Report apart from in Appendix 1, where Mr Barr recommended that the notified policy be retained. The only additional evidence we received was from Ms O'Sullivan, supporting Mr Barr's recommendation.³⁴⁹

274. In relation to the submission by Mr Wright (Submission 385) suggesting rewording, we note that this would require mapping of an outer control boundary for all airports/ informal airports identified. We do not have the evidence before us to undertake that task (Mr Wright did not include that information with his submission and did not appear at the hearing). As a result, we do not know what areas the Outer Control Boundaries of airports other than Wanaka and Queenstown could encompass or the existing and potential future uses of those areas. Nor do we have any evidence of the extent of aircraft use of those other airports. Consequently, we have no means to assess the costs and benefits (either qualitatively or quantitatively) if the relief sought were granted as required by section 32.

275. We do not consider that deletion of the policy would be the most appropriate means to achieve the relevant objective either – it would largely deprive the Council of the means to achieve that outcome. Accordingly, we recommend the policy be retained as notified subject to minor amendments to make "activity" plural.

276. As notified, Policy 21.2.7.2 read as follows:

21.2.7.2 Identify and maintain areas containing activities that are not sensitive to aircraft noise, within an airport's outer control boundary, to act as a buffer between the airport and activities sensitive to aircraft noise.

³⁴⁶ Submission 443

³⁴⁷ Submission 806

³⁴⁸ Submission 385

³⁴⁹ K O'Sullivan, Evidence , Page 7, Para 4.3

277. The submission from QAC sought that this policy be deleted³⁵⁰ as it was redundant in light of Policies 21.2.7.1 and 21.2.7.3.
278. Mr Barr did not address this policy directly in the Section 42A Report apart from in Appendix 1, where Mr Barr recommended that the policy be retained. The only additional evidence we received was from Ms O’Sullivan supporting Mr Barr’s recommendation.³⁵¹ We consider that Policy 21.2.7.2 serves a useful purpose, distinct from Policies 21.1.7.1 and 21.2.7.3, by providing for activities that are neither ASANs nor open space. Accordingly, we recommend the policy be retained as notified.
279. Policies 21.2.7.3 and 21.2.7.4 as notified read as follows:
- 21.2.7.3 *Retain open space within the outer control boundary of airports in order to provide a buffer, particularly for safety and noise purposes, between the airport and other activities.*
- 21.2.7.4 *Require as necessary mechanical ventilation for any alterations or additions to Critical Listening Environment within any existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary and require sound insulation and mechanical ventilation for any alterations or additions to Critical Listening Environment within any existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary.*
280. The submission from QAC sought that these policies be retained³⁵². There were no submissions seeking amendments to these policies³⁵³ Again Mr Barr and Ms O’Sullivan were in agreement that they should be retained as notified.
281. In conclusion, we recommend that Policies 21.2.7.1 – 21.2.7.4 be retained as notified.

4.22 Objective 21.2.8

282. As notified, Objective 21.2.8 read as follows:

Avoid subdivision and development in areas that are identified as being unsuitable for development.

283. Submissions on this objective ranged from support³⁵⁴, seeking its deletion³⁵⁵, to its amendment³⁵⁶ as follows:

Avoid, remedy or mitigate subdivision and development in areas specified on planning maps identified as being unsuitable for development.

³⁵⁰ Submission 806

³⁵¹ K O’Sullivan, Evidence , Page 7, Para 4.3

³⁵² Submission 806

³⁵³ Although there were further submissions opposing QAC’s submissions, those further submissions do not provide jurisdiction to amend the policies – refer discussion of this point in the context of the Strategic Chapters – Report 3 at Section 1.7.

³⁵⁴ Submission 339, 380, 706

³⁵⁵ Submissions 356, 806

³⁵⁶ Submissions 636, 643, 688, 693, 702

284. In the Section 42A Report, Mr Barr described the intention of the objective as being to manage development (usually rural living or commercial developments) from constraints such as hazards, noxious land uses, or identified landscape or rural amenity reasons. He noted that the ODP contained a number of building line restrictions or similar constraints. Taking account of the submissions, he reached the view that the objective could be rephrased so as not to be so absolute and better framed³⁵⁷. Responding to the submission from X Ray Trust³⁵⁸ that the purpose of the objective was unclear as to what was trying to be protected, Mr Barr's view was that the policies would better define the areas in question. Mr Barr recommended rewording as follows;

Subdivision, use and development is avoided, remedied or mitigated in areas that are unsuitable due to identified constraints for development.

285. In the Council's memorandum on revising the objectives to be more outcome focused³⁵⁹, Mr Barr recommended further rewording as follows;

Subdivision, use and development in areas that are unsuitable due to identified constraints is avoided, remedied or mitigated.

286. Ms Taylor's evidence for X Ray Trust agreed with this suggested rewording³⁶⁰. We agree that the absolute nature of the objective as notified could be problematic in regard to development proposals in the rural area. We also consider that the overlap between this objectives and the objectives in other parts of the plan dealing with constraints such as natural hazards and landscape needs to be addressed. We do not think that limiting the objective to areas identified on the planning maps is appropriate. That would still include notations such as ONL lines, the significance of which is addressed in Chapters 3 and 6. We regard the purpose of this objective as being to provide for constraints not addressed in other parts of the plan and we think the objective needs to say that. In effect it is operating as a catch all and in that context an avoid remedy or mitigate position is appropriate to preserve flexibility. However, we consider that a minor wording change is necessary to clarify that it is the effects of the constraints that are remedied or mitigated.

287. In summary, therefore, we recommend that Objective 21.2.8 be reworded to read;

Subdivision, use and development in areas that are unsuitable due to identified constraints not addressed by other provisions of this Plan, is avoided, or the effects of those constraints are remedied or mitigated.

4.23 Policies 21.2.8.1 – 21.2.8.2

288. As notified Policy 21.2.8.1 read as follows:

Assess subdivision and development proposals against the applicable District Wide chapters, in particular, the objectives and policies of the Natural Hazards and Landscape chapters.

³⁵⁷ C Barr, Section 42A Report, Page 102, Para 20.13

³⁵⁸ Submission 356

³⁵⁹ Council Memorandum dated 13 April 2016

³⁶⁰ L Taylor, Evidence, Appendix A, Page 5

289. Submissions on this policy ranged from support³⁶¹; its deletion as superfluous or repetitive³⁶², amendment to include “indigenous vegetation, wilding and exotic trees”³⁶³, amendment to include the Historic Heritage Chapter³⁶⁴ or amendment to remove the “in particular” references entirely³⁶⁵.

290. In the Section 42A Report, Mr Barr accepted that proposals were required to be assessed anyway against the District Wide chapters, but considered that a separate policy was needed to provide direction for proposals where the suitability of land had not been predetermined.³⁶⁶ Mr Barr recommended further amendment to the policy such that it read as follows;

To ensure that any subdivision, use and development is undertaken on land that is appropriate in terms of the anticipated use, having regard to potential constraints including hazards and landscape.

291. Mr Farrell, in evidence for various submitters agreed with Mr Barr’s reasons and resulting amendment to the policy³⁶⁷.

292. We agree that as notified this policy is unnecessary. Mr Barr’s suggested amendment addresses that issue, but we are concerned that there is no submission we could identify that would provide jurisdiction to make the suggested amendment. In addition, the issue of overlap with more detailed provisions elsewhere in the plan would need to be addressed. We think that the best course is to delete this policy and leave the objective supported by the second much more detailed policy that we are about to discuss.

293. Accordingly, we recommend that Policy 21.2.8.1 be deleted.

294. As notified Policy 21.2.8.2 read as follows;

Prevent subdivision and development within the building restriction areas identified on the District Plan maps, in particular:

a. In the Glenorchy area, protect the heritage value of the visually sensitive Bible Face landform from building and development and to maintain the rural backdrop that the Bible Face provides to the Glenorchy Township

b. In Ferry Hill, within the building line restriction identified on the planning maps.

295. The only submission related to this policy was by QPL³⁶⁸ which sought its deletion along with the relevant objective and associated policy. This matter was not addressed in the Section 42A Report or in evidence. It appears to us that QPL’s objection is linked to its opposition to particular building line restrictions affecting its property. Removal of the policy would leave no policy support for the identified building line restrictions. As such, we recommend that they be retained. If there are objections (like QPL’s) to particular restrictions, they should be addressed

³⁶¹ Submission 335

³⁶² Submissions 433, 806

³⁶³ Submissions 339, 706

³⁶⁴ Submission 810

³⁶⁵ Submissions 513, 515, 522, 531, 537

³⁶⁶ C Barr, Section 42A Report, Page 102, Para 20.14

³⁶⁷ B Farrell, Evidence, Page 17, Para 61

³⁶⁸ Submission 806

in the Plan Map hearings. As it is, the Stream 13 Hearing Panel is recommending deletion of the building restriction area affecting QPL's property.

296. In summary, we recommend that Policy 21.2.8.2, be renumbered 21.2.8.1 but otherwise be retained as notified. We do note, however, that this policy has been amended by the Stage 2 Variations by the deletion of clause b. Our recommendation, therefore, only relates to the introductory words and clause a.

4.24 Objective 21.2.9

297. As notified, Objective 21.2.9 read as follows;

Ensure commercial activities do not degrade landscape values, rural amenity, or impinge on farming activities.

298. Submissions on the objective ranged from support³⁶⁹, its deletion³⁷⁰, amendment to include nature conservation values³⁷¹ or Manawhenua values³⁷², amendment to soften the policy by replacing "Ensure" with "Encourage" and inserting "significant" before the word landscape³⁷³, and also amendment to provide for a range of activities so as to make it effects based in accordance with the RMA and for consistency.³⁷⁴

299. In considering these submissions, first in the Section 42A Report, and then further in reply, Mr Barr's recommended wording for the objective was as follows:

A range of activities are undertaken that rely on a rural location on the basis they do not degrade landscape values, rural amenity, or impinge on permitted and established activities.

300. We have already addressed our reasoning for combining this Objective 21.2.9 into Objective 21.2.1 (see Section 3.2 above). However, one aspect not directly addressed in the Section 42A Report was the submission opposed to an objective and policy approach that seeks to avoid or limit commercial activities in the Rural Zone³⁷⁵. We received no evidence in support of the submission. The reason for opposition, as set out in the submission was that there was no section 32 evidence that quantified the costs and benefits of the policy approach. We refer back to the introductory report (Report 1) discussing the requirements of section 32. Consideration of costs and benefits is required at the second stage of the evaluation, as part of the examination under section 32(1)(b) as to whether the provisions are the most appropriate way to achieve the objectives. The test for objectives (under s32(1)(a)) is whether they are the most appropriate way to achieve the purpose of the Act. Accordingly, we consider the submission misdirected and we recommend that it be rejected. We note that the submission from Shotover Trust³⁷⁶ also sought the deletion of Policies 21.2.9.1 and 21.2.9.2 for the same reasons. We return to that point below.

301. The combining of Objective 21.2.9 into Objective 21.2.1 is, we consider, the most appropriate way to achieve the purpose of Act. While it follows that the individual policies under Objective

³⁶⁹ Submissions 217, 600

³⁷⁰ Submissions 248, 621, 624

³⁷¹ Submissions 339, 706

³⁷² Submission 810

³⁷³ Submission 624

³⁷⁴ Submission 608

³⁷⁵ Submission 248

³⁷⁶ Submission 248

21.2.9 as notified also move to be relocated under the new objective 21.2.1, we address those individual policies 21.2.9.1 – 21.2.9.6 below.

4.25 Policy 21.2.9.1

302. Policy 21.2.9.1 as notified read as follows:

21.2.9.1 Commercial activities in the Rural Zone should have a genuine link with the rural land resource, farming, horticulture or viticulture activities, or recreation activities associated with resources located within the Rural Zone.

303. A submission on this policy sought specific reference to tourism activities.³⁷⁷

304. In Mr Barr's view, tourism activities were encompassed within the policy as it referred to commercial activities. Mr Barr was also of the view that for clarity that 'water' should be added to matters to be managed as activities on the surface of water are deemed to be a use of land.³⁷⁸

305. Mr Brown in evidence for QPL, noted the equivalent of this policy in its suggested reordered policies required a genuine link to the rural area, and stated that, *"This was important in that activities that could otherwise happen in an urban area, without a need for locating rurally, are discouraged."*³⁷⁹ Mr Brown did not recommend any amendment to the wording of the policy.

306. We agree with Mr Brown as to the importance of the policy and with Mr Barr in that the reference to commercial activities already encompasses tourism. The amendment suggested by Mr Barr as to the inclusion of the word water we find does provide clarity as to the applicability of the policy, and we think is within scope, even though there is no submission directly seeking that wording.

307. As regards Submission 248 (noted above) opposing this and the following policy on the basis that the Council has not quantified the costs and benefits, we note the discussion of the Hearing Panel on the Strategic Chapters³⁸⁰ (Report 3 in relation to Chapters3-6). If the submitter seeks to convince us these policies should be amended or deleted, it was incumbent on it to produce its own assessment of costs and benefits to enable us to be satisfied that course was appropriate. As it is, we are left with Mr Barr's uncontradicted, but admittedly qualitative evaluation³⁸¹, supported by Mr Brown's evidence, as above. We recommend the submission be rejected.

308. We therefore recommend that Policy 21.2.9.1 be relocated to be Policy 21.1.1.10 and worded as follows:

Commercial activities in the Rural Zone should have a genuine link with the rural land or water resource, farming, horticulture or viticulture activities, or recreation activities associated with resources located within the Rural Zone.

4.26 Policy 21.2.9.2

309. Policy 21.2.9.2 as notified read as follows;

³⁷⁷ Submission 806

³⁷⁸ C Barr, Section 42A Report, Page 46, Paras 13.24-13.25 and Appendix 4 – S32AA evaluation

³⁷⁹ J Brown, Evidence, Page 9, Para 2.14(d)

³⁸⁰ Report 3, Section 1.6

³⁸¹ C Barr, Section 42A Report, pages 79-83

21.2.9.2 *Avoid the establishment of commercial, retail and industrial activities where they would degrade rural quality or character, amenity values and landscape values.*

310. The submissions on this policy;
- a. Sought deletion of the policy³⁸²
 - b. Sought avoidance of forestry activities and addition of nature conservation values as a matter that could be degraded³⁸³
 - c. Sought rewording so as to remove the word avoid and replace with enabling a range of activities while avoiding, remedying or mitigating adverse effects in order to ensure the maintenance of rural quality or character, amenity values and landscape values³⁸⁴

311. Mr Barr's view was that the use of the term avoid was appropriate but he also considered that the policy could be more positively phased. Mr Barr was also of the view that "avoid, remedy or mitigate" was better replaced with "protect, maintain and enhance". The latter was derived from the overall goal of achieving sustainable management and in Mr Barr's opinion, reference to maintenance and enhancement can be used to take account of the positive merits of a proposal.³⁸⁵ Mr Barr's revised wording of the policy was as follows;

Provide for the establishment of commercial, retail and industrial activities only where these would protect, maintain or enhance rural character, amenity values and landscape values.

312. Mr Farrell in evidence for RJI, considered the addition of the word "only" to be inappropriate, as it would mean that protection, maintenance or enhancement was required for the establishment of a commercial activity.³⁸⁶ Mr Farrell also considered the policy could be improved by reference to the quality of the environment rather than "character" and "landscape values".

313. Mr Brown in evidence for QPL (in the context of his revised policy ordering of the notified Objectives and Policies for 21.2.9 and 21.2.10) considered that 'protect, maintain and enhance' would be too high a hurdle for even the simplest of applications, particularly if considered at the scale of a single site.³⁸⁷ Mr Brown recommended revised wording of his equivalent policy (21.2.2.4 in his evidence) to 21.2.9.2, by addition of the words "wherever practical".

314. We note that Policy 21.2.9.2 is worded similarly to Policy 21.2.1.1, but in this case applies to commercial activities. In keeping with our findings on Policy 21.2.1.1 and taking account of our recommended shifting of Policies 21.2.9.1 – 21.2.9.6 to sit under Objective 21.2.1, the amendments suggested by Mr Farrell and Mr Brown do not align the policy in implementing the associated objective and are also inconsistent with the Stream 1B Hearing Panel's findings in relation to the Strategic Chapters.

315. Accordingly, we recommend that Policy 21.2.9.2 be relocated to be Policy 21.2.1.11 and worded as follows:

Provide for the establishment of commercial, retail and industrial activities only where these would protect, maintain or enhance rural character, amenity values and landscape values.

³⁸² Submissions 621, 624

³⁸³ Submission 706

³⁸⁴ Submission 806

³⁸⁵ C Barr, Section 42A Report, Page 46 - 47, Paras 13.27 – 13.28

³⁸⁶ B Farrell, Evidence, Page 18, Para 68

³⁸⁷ J Brown, Evidence, Page 8 Para 2.14 (b) – (c)

316. We address the submission of Mr Atly and the Forest & Bird as to nature conservation values in consideration of Policy 21.2.9.3 where similar amendments were sought.

4.27 Policy 21.2.9.3

317. Policy 21.2.9.3 as notified read as follows;

21.2.9.3 Encourage forestry to be consistent with topography and vegetation patterns, to locate outside of the Outstanding Natural Features and Landscapes, and ensure forestry does not degrade the landscape character or visual amenity values of the Rural Landscape.

318. Submissions on this policy sought to make it more directive, exclude forestry from significant natural areas and add nature conservation values to matters not to be degraded.³⁸⁸

319. Mr Barr did not support making the policy more directive through replacing ‘Encourage’ with the term ‘Avoid’, as this would imply prohibited activity status. Mr Barr also considered that the inclusion of significant natural areas was a useful cross reference to the rules restricting the planting of exotic species in SNAs. Finally on this policy, Mr Barr did not support the inclusion of nature conservation values as elements of the definition of nature conservation values are set out in the policy.³⁸⁹ We heard no other evidence on this matter.

320. The Stream 1B Hearing Panel has recommended that the policy referring to forestry refer to “production forestry” to make it clear that the policy focus has no connection to indigenous vegetation or biodiversity provisions and to limit the breadth of the reference to timber harvesting (which might otherwise be seen as inconsistent with the policy focus on controlling wilding species)³⁹⁰. We recommend the same change to this policy for the same reasons, and for consistency.

321. We agree with and adopt the reasoning set out by Mr Barr and recommend that the policy be relocated to be Policy 21.2.1.12 and worded as follows:

Encourage production forestry to be consistent with topography and vegetation patterns, to locate outside of the Outstanding Natural Features and Landscapes and outside of significant natural areas, and ensure production forestry does not degrade the landscape character or visual amenity values of the Rural Character Landscape.

4.28 Policy 21.2.9.4

322. There were no submissions on Policy 21.2.9.4 and thus we do not need to consider it further, other than relocate it to become Policy 21.1.1.13.

4.29 Policy 21.2.9.5

323. Policy 21.2.9.5 as notified read as follows:

21.2.9.5 Limit forestry to species that do not have potential to spread and naturalise.

³⁸⁸ Submissions 339, 706

³⁸⁹ C Barr, Section 42A Report, Page 47, Para 13.22

³⁹⁰ See the discussion regarding recommended Policy 6.3.6 in Report 3, Section 8.5

324. Submissions on this policy sought that it be deleted³⁹¹ or be amended to apply only to exotic forestry.³⁹²
325. These submissions were not directly addressed in the Section 42A Report, although an amendment to the policy to limit it to exotic species only was incorporated in the recommended revised Chapter in Appendix 1. Mr Brown in evidence for QLP adopted Mr Barr's recommended amendment.³⁹³
326. We agree that the policy is appropriately clarified by its specific reference to exotic forestry and recommend that it be relocated to be Policy 21.2.1.14 and worded as follows:

Limit exotic forestry to species that do not have potential to spread and naturalise.

4.30 Policy 21.2.9.6

327. Policy 21.2.9.6 as notified read as follows;

21.2.9.6 Ensure traffic from commercial activities does not diminish rural amenity or affect the safe and efficient operation of the roading and trail network, or access to public places.

328. Submissions on this policy variously sought that it be retained³⁹⁴, that it be deleted³⁹⁵, or that it be amended to apply to only new commercial activities.³⁹⁶
329. Mr Barr did not recommend an amendment to this policy in the Section 42A Report.
330. Mr Farrell in evidence for RJJ and D & M Columb, was of the view that this policy was not necessary as traffic effects were already addressed in the transport chapter of the ODP; that the policy should apply to all activities not just commercial activities and should be amended from "*does not diminish*" to "*maintain*".³⁹⁷ Mr Brown, in evidence for QPL did not recommend any amendment to the policy.³⁹⁸
331. We disagree with Mr Farrell that the transport chapter of the ODP removes the necessity for the policy. The policy has wider applicability than just transport issues through its inclusion of reference to rural amenity. We also consider that the policy is efficient and effective in its specific reference to the traffic effect of commercial operations not diminishing amenity, as it is precisely this issue that makes the policy consistent with objective.
332. However, we agree with the suggestion in the RJJ and Columb submissions that the focus of the policy should be on "*new*" commercial activities.
333. Accordingly, we recommend that the wording policy be amended to insert the word "*new*" before "*commercial*" but otherwise be retained as notified and relocated to become Policy 21.2.1.15.

³⁹¹ Submission 806

³⁹² Submission 600

³⁹³ J Brown, Evidence, Page8, Para 2.13

³⁹⁴ Submission 719

³⁹⁵ Submissions 621, 624

³⁹⁶ Submission 806

³⁹⁷ B Farrell, Evidence, Page 19, Para 72

³⁹⁸ J Brown, Evidence, Page8, Para 2.13

4.31 Objective 21.2.10

334. As notified, Objective 21.2.10 read as follows;

Recognise the potential for diversification of farms that utilises the natural or physical resources of farms and supports the sustainability of farming activities.

335. Submissions on this policy sought that it be retained³⁹⁹, or sought various wording amendments so that the objective applied to wider range of rural activities than just farms⁴⁰⁰.

336. In the Section 42A Report, Mr Barr set out his view that the objective and associated policies had been included for the purpose of providing for the ongoing viability of farming and maintaining rural character and not to apply to activities on rural land that were not farming.⁴⁰¹ Notwithstanding this, Mr Barr considered that there was merit in the submission of Trojan Helmet, seeking that the range of land uses to which the objective was applicable be broadened, so long as it supported sustainability for natural resources in a productive and efficiency use context, as well as protecting landscape and natural resource values. He also considered it to be more effects based.⁴⁰² Mr Barr recommended rewording of the objective as follows;

Diversification of farming and other rural activities that supports the sustainability natural and physical resources.

337. In the Council's memorandum on revising the objectives to be more outcome focused⁴⁰³, Mr Barr recommended further rewording as follows;

The potential for diversification of farming and other rural activities that supports the sustainability of natural and physical resources.

338. Mr Brown in evidence for Trojan Helmet *et al*; suggested deleting Objective 21.2.10 (along with Objective 21.2.9 and the associated policies for both objectives). We have addressed this batting order and aggregation suggestion in Section 3.2 above. We think that this objective is sufficiently different to 21.2.9 in the matters it addresses to be retained as a discrete outcome separate from the amalgamation of Objectives 21.2.9 and 21.2.1 (as discussed above). However, we consider that Mr Barr's revised wording needs further amendment so that it captures his reasoning as set out above and is consistent with recommended Policy 3.2.1.8. The suggested reference to sustainability in our view leaves the potential range of outcomes too open and fails to ensure the protection of the range of values referred to in Policy 3.2.1.8. It also needs amendment so that it is more correctly framed as an objective, and is then the most appropriate way to achieve the purpose of the Act.

339. As a consequence of amalgamating Objective 21.2.9 (and its policies) into Objective 21.2.1, this objective (and its policies) have been renumbered in Appendix 1.

340. We therefore recommend Objective 21.2.10, renumbered as 21.2.9, be worded as follows:

³⁹⁹ Submission 217,325, 335, 356, 598, 600, 660, 662, 791, 794

⁴⁰⁰ Submissions 343,345, 375, 407, 430, 437, 456, 636, 643, 693, 702, 806

⁴⁰¹ C Barr, Section 42A Report, Page 49, Para 13.39

⁴⁰² C Barr, Section 42A Report, Page 50, Para 13.42 – 13.43

⁴⁰³ Council Memorandum dated 13 April 2016

Provision for the diversification of farming and other rural activities that protect landscape and natural resource values and maintains the character of rural landscapes.

4.32 Policy 21.2.10.1

341. Policy 21.2.10.1 as notified read as follows;

Encourage revenue producing activities that can support the long term sustainability of farms in the district.

342. Submissions on this policy variously sought that it be retained⁴⁰⁴, be amended to apply to 'rural areas' rather than just 'farms'⁴⁰⁵, or be amended to the following wording;

*Enable revenue producing activities, including complementary commercial recreation, residential, tourism, and visitor accommodation that diversifies and supports the long term sustainability of farms in the district, particularly where landowners take a comprehensive approach to maintaining and enhancing the natural and physical resources and amenity or other values of the rural area.*⁴⁰⁶

343. For similar reasons to those expressed in relation to Objective 21.2.10 (see Section 5.31 above), Mr Barr concurred with the submitters that the policy should be amended to apply to rural areas, and not just farms.

344. The Section 42A Report did not directly address the submission of Darby Planning⁴⁰⁷ to widen the policy. In evidence for Darby Planning, Mr Ferguson considered that the amended policy suggested in the submission recognised the importance of the commercial recreation, residential and tourism activities that flows from the Strategic Directions Chapters. He was of the opinion that this more 'comprehensive approach' could lead to more sustainable outcomes.⁴⁰⁸

345. We agree with Mr Barr that Policy 21.2.10.1 should be amended to apply to rural areas, and not just farms, for similar reasons as we have discussed in relation to Objective 21.2.10. Again, for similar reasons as in relation to Objective 21.2.10, the consequence of broadening the policy to apply to rural areas is that some test of environmental performance is then required. Mr Ferguson suggested a test of maintaining and enhancing specified aspects of the rural environment. We consider that this is a good starting point. However, we do not think that the itemisation of commercial recreation, residential and tourism activities is necessary or desirable in this policy. Accordingly, we recommend that the submission of Darby Planning LP be only accepted in part.

346. In summary, we consider the following wording to be the most efficient and effective method to achieve the objective, namely:

Encourage revenue producing activities that can support the long term sustainability of the rural areas of the district and that maintain or enhance landscape values and rural amenity.

⁴⁰⁴ Submissions 598, 600

⁴⁰⁵ Submissions 343, 345, 375, 430, 437, 456

⁴⁰⁶ Submission 608

⁴⁰⁷ Submission 608

⁴⁰⁸ C Ferguson, Evidence, Page 73

4.33 Policy 21.2.10.2

347. Policy 21.2.10.2 as notified read as follows;

Ensure that revenue producing activities utilise natural and physical resources (including buildings) in a way that maintains and enhances landscape quality, character, rural amenity, and natural values.

348. Submissions on this policy ranged from support⁴⁰⁹, amendment to include “nature conservation values”⁴¹⁰ or “manawhenua values”⁴¹¹ as matters to be maintained or enhanced, amendment to specifically identify “commercial recreation, residential, tourism, and visitor accommodation” as revenue producing activities⁴¹², amendment to “maintain and / or enhance landscape values” and “and / or natural values”⁴¹³, and finally amend to apply “generally” only to “significant” landscape values.⁴¹⁴

349. In considering the submissions, for the overall reasons set out in relation to Objective 21.2.10, Mr Barr recommended that Policy 21.2.10.2 be reworded as follows;

*Ensure that revenue producing activities utilise natural and physical resources (including buildings) in a way that maintains and enhances landscape quality, character, rural amenity, and natural resources.*⁴¹⁵

350. In evidence for RJL, Mr Farrell considered that the policy set a high bar for revenue producing activities that he considered other high order provisions in Plan were seeking to enable.⁴¹⁶ Mr Farrell recommended that the policy be reworded as follows;

Promote revenue producing activities that utilise natural and physical resources (including buildings) in a way that maintains and enhances the landscape quality of the environment.

351. In evidence for Darby Planning, Mr Ferguson considered that the amended policy sought by the submitter was, for similar reasons as for 21.2.10.2, a more effective and efficient means of achieving the objectives of the PDP.⁴¹⁷

352. We have already addressed the submissions on the inclusion of reference to “nature conservation values” or “manawhenua values” as matters to be maintained or enhanced, and we reach a similar conclusion: that it is not necessary to include reference to these matters in every policy.

353. The recommended wording by Mr Farrell to “promote” rather than “ensure” we find goes beyond the scope of the original submission and we therefore recommend that that amendment be rejected. Consistent with our finding on Policy 21.2.10.1, we are not convinced by Mr Ferguson’s view that the suggested wording in the Darby Planning LP submission is a more effective and efficient means of achieving the objective.

⁴⁰⁹ Submissions 430, 598

⁴¹⁰ Submissions 339, 706

⁴¹¹ Submission 810

⁴¹² Submission 608

⁴¹³ Submission 356

⁴¹⁴ Submissions 621, 624

⁴¹⁵ C Barr, Section 42A Report, Page 51, Para 13.44

⁴¹⁶ B Farrell, Evidence, Page 19, Para 76

⁴¹⁷ C Ferguson, Evidence, Page 13, Para 58

354. We consider however, that Mr Barr’s suggestion fails to provide for consumptive activities (like mining) that by definition do not maintain or enhance natural resources.
355. Finally we accept the point made in Submission 356 that where the policy refers to “*natural and physical resources*”, and “*maintain and enhance*”, these need to be put as alternatives. We also consider the policy should be clear that it is existing buildings that it refers to.
356. Accordingly, we recommend that Policy 21.2.10.2 (renumbered 21.1.9.2) be worded as follows;

Ensure that revenue producing activities utilise natural or physical resources (including existing buildings) in a way that maintains and enhances landscape quality, character, rural amenity, and natural resources.

4.34 Policy 21.2.10.3

357. Policy 21.2.10.3 as notified read as follows:

Recognise that the establishment of complementary activities such as commercial recreation or visitor accommodation located within farms may enable landscape values to be sustained in the longer term. Such positive effects should be taken into account in the assessment of any resource consent applications.

358. Submissions on this policy ranged from support⁴¹⁸; amendment to include “*nature conservation values*” as matters to be sustained in the future⁴¹⁹; amendment to specifically identify “*recreation*”, and/or “*tourism*” as complementary activities⁴²⁰; and amendment to substitute reference to people’s wellbeing and sustainable management of the rural resource (instead of landscape values) as matters provided for by complementary activities, and to require consideration of such positive benefits in the assessment of resource consent applications.⁴²¹
359. In the Section 42A Report, Mr Barr addressed the submissions on this policy in the general discussion on Objective 21.2.10 and Policies 21.2.10.1 and 21.2.10.2 we have noted above. As a result of that consideration, Mr Barr recommended that Policy 21.2.10.3 be reworded as follows;

*Have regard to the establishment of activities such as tourism, commercial recreation or visitor accommodation located within farms where these enable landscape values and indigenous biodiversity to be sustained in the longer term.*⁴²²

360. Mr Ferguson considered that the suggested changes did not go far enough. He did, however, identify that the Section 42A Report included some of the specific activities sought in the Darby Planning LP submission in this policy, but not in the preceding Policies 21.2.10.1 and 21.2.10.2.⁴²³ Mr Farrell, in evidence for RJL *et al* supported the amendments in the Section 42A Report⁴²⁴, but did not specify any reasons for reaching that conclusion.

⁴¹⁸ Submissions 430, 600

⁴¹⁹ Submissions 339, 706

⁴²⁰ Submission 608, 621, 624

⁴²¹ Submission 624

⁴²² C Barr, Section 42A Report, Page 51, Para 13.44

⁴²³ C Ferguson, Evidence, Page 12, Paras 54 and 56

⁴²⁴ B Farrell, Evidence, Page 20, Para 80

361. When considered alongside the other policies under Objective 21.2.10, we agree that identification of tourism, commercial recreation and visitor accommodation located within farms is appropriate. We also think that reference to indigenous biodiversity rather than “*nature conservation values*” is appropriate as it avoids any confusion with the use of the defined term for the latter.
362. We do not, however, accept Mr Ferguson’s rationale for seeking reference to residential activities. We do not regard expansion of permanent residential activities as being complementary to farming where it is not providing accommodation for on-site farm workers.
363. We do not consider the formula “have regard to” gives any direction as to how the policy will achieve the objective. Given that the objective is about how the provision of certain activities can have beneficial outcomes, we consider this policy would be better expressed as “providing for”.
364. Accordingly, we recommend that Policy 21.2.10.3 (renumbered 21.2.9.3) be reworded as follows:

Provide for the establishment of activities such as tourism, commercial recreation or visitor accommodation located within farms where these enable landscape values and indigenous biodiversity to be sustained in the longer term.

4.35 Objective 21.2.11

365. As notified, Objective 21.2.11 read as follows;

Manage the location, scale and intensity of informal airports.

366. Submissions on this objective provided conditional support subject to other relief sought to policies and rules, including location and frequency controls⁴²⁵, or sought amendments to provide for new informal airports and protect existing informal airports from incompatible land uses.⁴²⁶ One submission also sought clarification in relation to its application to commercial ballooning in the district.⁴²⁷
367. In the Section 42A Report, Mr Barr expressed the view that the definition of aircraft included hot air balloons and therefore a site on which a balloon lands or launches from is an informal airport.⁴²⁸
368. Mr Barr did not recommend any amendments to the objective and associated policies for informal airports in the Section 42A Report. Rather, Mr Barr addressed details of the permitted activity standards governing setbacks, frequency of flights, standards for Department of Conservation operational activities and other matters.⁴²⁹
369. In the Council’s memorandum on revising the objectives to be more outcome focused⁴³⁰, Mr Barr recommended rewording of the objective as follows;

⁴²⁵ Submissions 571, 723, 730, 732, 734, 736, 738, 739, 760, 843

⁴²⁶ Submission 607

⁴²⁷ Submission 217

⁴²⁸ C Barr, Section 42 Report, Page 76, Para 16.36

⁴²⁹ C Barr, Section 42 Report, Pages 69 - 78

⁴³⁰ Council Memoranda dated 13 April 2016

The location, scale and intensity of informal airports is managed.

370. Mr Dent, in evidence for Totally Tourism⁴³¹, considered that the objective was poorly worded and should be amended to indicate that informal airports are desired within the Rural Zone, but should be subject to their effects on amenity being managed.⁴³² Mr Dent recommended the objective be reworded as follows;

The operation of informal airports in the Rural Zone is enabled subject to the management of their location, scale and intensity.

371. Mr Farrell in evidence for Te Anau Developments⁴³³, supported the submitter's request for new informal airports to be "provided for" in the objective protection of existing informal airports from incompatible land uses. Mr Farrell expressed the view that existing "... informal airports face operational risks from potential reverse sensitivity effects associated with noise sensitive activities, which is an operational risk, and could result in unnecessary costs, to tourism operators."⁴³⁴

372. In reply, Mr Barr, agreed and accepted the intent of Mr Dent's recommended amendment to the objective⁴³⁵. Mr Barr also agreed with Mr Farrell that a policy protecting existing informal airports from incompatible land uses was warranted, but not at expense of a policy that protects amenity from airports⁴³⁶. Mr Barr recommended alternative wording for the objective and set out a brief section 32AA analysis⁴³⁷.

373. An objective that sets out that something is to be managed, but does not specify to what purpose or end result, does not take one very far. We agree with Mr Dent that it is the effects of informal airports that should be managed, but consider that his suggestion of 'enabling' goes too far. We found Mr Farrell's reasoning as to operational risks a little difficult to follow and the amended wording of the objective he supported unsatisfactory because it failed to address amenity effects. In conclusion, we prefer Mr Barr's reply version, which did address our concerns as to purpose, as being the most appropriate in terms of the alternatives available to us and in achieving the purposes of the Act.

374. Accordingly, we recommend that the wording of Objective 21.2.11 should be as follows:

The location, scale and intensity of informal airports is managed to maintain amenity values while protecting informal airports from incompatible land uses.

4.36 Policy 21.2.11.1

375. Policy 21.2.11.1 as notified read as follows:

Recognise that informal airports are an appropriate activity within the rural environment, provided the informal airport is located, operated and managed so as to minimise adverse effects on the surrounding rural amenity.

⁴³¹ Submission 571

⁴³² S Dent, Evidence, Page 4, Paras 17 - 18

⁴³³ Submission 607

⁴³⁴ C Barr, Evidence, Page 24, Para 110

⁴³⁵ C Barr, Reply, Page 28, Para 9.19

⁴³⁶ C Barr, Reply, Page 27, Para 9.14

⁴³⁷ C Barr, Reply, Page 5, Appendix 2

376. Submissions on this policy ranged from conditional support subject to other relief sought to policies and rules including location and frequency controls⁴³⁸; or sought amendment to the words after 'managed' to insert 'in accordance with CAA regulations'⁴³⁹; amendment to replace 'minimise' with 'avoid, remedy mitigate' and limit to existing rural amenity values⁴⁴⁰; amendment to apply to existing informal airports and to protect them from surrounding rural amenity⁴⁴¹; and finally amendment to include reference to flight path locations of fixed wing aircraft and their protection from surrounding rural amenity.⁴⁴²
377. As noted above, Mr Barr did not recommend any amendments to the policies for informal airports in the Section 42A Report.
378. Ms Macdonald, counsel for Skydive Queenstown Limited⁴⁴³, suggested an amendment to the relief sought by the submitter, recognising that a function of a territorial authority was management of the effects of land use and that objectives, policies and rules could be prepared to that end. The amended relief was as follows:
- Recognise that informal airports are an appropriate activity within the rural environment, provided the informal airport is located, operated and managed so as to minimise adverse effects on the surrounding rural amenity, and in accordance with Civil Aviation Act requirements.*⁴⁴⁴
379. Mr Farrell's evidence for Te Anau Developments supporting the submitter's requested change was based on the same reasoning as we set out in relation to Objective 21.2.11 above.
380. Mr Dent in evidence for Totally Tourism considered that the policies (21.2.11.1 and 21.2.11.2) did not provide a credible course of action to implement the objective and set out recommended rewording.⁴⁴⁵
381. Mr Barr, in reply concurred with Mr Dent, and recommended similar changes to those proposed by Mr Dent.⁴⁴⁶
382. As noted in the reasons for the submission from Skydive Queenstown Limited, a territorial authority has no particular expertise in CAA matters. We therefore find that it is not effective and efficient for the policy to include requirements of CAA regulations that are for the CAA to administer.
383. On Mr Farrell's evidence in support of the relief sought by Te Anau Developments we reach a similar finding as for Objective 21.2.11 above. We also find that the protection of informal airports from incompatible uses could potentially be a separate policy and we address that matter in detail below. For present purposes, we find that that that issue should not be

⁴³⁸ Submissions 723, 730, 732, 734, 736, 738, 739, 760, 843

⁴³⁹ Submission 122

⁴⁴⁰ Submission 607

⁴⁴¹ Submission 385

⁴⁴² Submissions 285, 288

⁴⁴³ Submission 122

⁴⁴⁴ J Macdonald, Legal Submissions, Page 3, Para 5

⁴⁴⁵ S Dent, Evidence, Pages 4-5, Paras 19 - 20

⁴⁴⁶ C Barr, Reply, Page 29, 9.20

referenced in this policy. Similarly we think that the wording recommend by Mr Barr is effective and efficient in its alignment with the objective.

384. Accordingly we recommend that Policy 21.2.11.1 be reworded as follows;

Ensure informal airports are located, operated and managed so as to maintain the surrounding rural amenity.

4.37 Policy 21.2.11.2

385. Policy 21.2.11.2 as notified read as follows:

Protect rural amenity values, and amenity of other zones from the adverse effects that can arise from informal airports.

386. Submissions on this policy ranged from conditional support subject to other relief sought to policies and rules including location and frequency controls⁴⁴⁷ or sought amendment to protect informal airports and flight path locations of fixed wing aircraft from surrounding rural amenity⁴⁴⁸.

387. As we have already noted, Mr Barr did not recommend any amendments to the policies for informal airports in the Section 42A Report.

388. Similarly we addressed the evidence of Mr Farrell and Mr Dent, as well as Mr Barr's response in reply, under Policy 21.2.11.1 above. Again, we think that protection of informal airports should be addressed separately. Taking account of our recommended amendment to Policy 21.2.11.1, we find that a policy to address the adverse effects in non-rural zones from informal airports is required. Otherwise a policy gap would be remain.

389. Accordingly, we find that Policy 21.2.11.2 should remain as notified.

4.38 Additional Policy – Informal Airports

390. We observed above that there appeared to be a case to protect informal airports from incompatible activities. Considering the issues identified to us by a number of recreational pilots at the hearing and the evidence of Mr Dent, Mr Farrell and Mr Barr, we agree that a policy addressing that matter is appropriate in achieving the stated objective. Mr Barr, in reply, proposed the following wording of such an additional policy as follows;

*21.2.11.3 Protect legally established and permitted informal airports from the establishment of incompatible activities.*⁴⁴⁹

391. In reaching this view, Mr Barr did not recommend that the new policy flow through to a new rule to the same effect, given the administrative difficulties in identifying existing informal airport locations and noting that Objective 21.2.4 and associated policies already sought to protect permitted and legally established activities.⁴⁵⁰ We tested the potential identification of informal airports with some of the recreational pilots at the hearings⁴⁵¹ and reached the conclusion that such a method would not be efficient. Mr Barr's proposed new policy refers to

⁴⁴⁷ Submissions 723, 730, 732, 734, 736, 738, 739, 760, 843

⁴⁴⁸ Submission 285, 288, 385, 607

⁴⁴⁹ C Barr, Reply, Appendix 1

⁴⁵⁰ C Barr, Reply, Pages 27-28, Paras 9.14 – 9.15

⁴⁵¹ Mr Tapper and Mr Carlton

"legally established" informal airports. To our mind, consistent with the wording in the Act, we think that *"lawfully established"* is more correct.

392. We also consider that some qualification of reference to permitted informal airports is required. While Mr Barr is correct that Objective 21.2.4 and the related policies provide for permitted activities these are "anticipated" permitted activities. It would not be efficient to constrain land uses on the basis that they are incompatible with informal airports at all locations where the airports would meet the permitted activity standards. We also consider that it should only be the establishment incompatible activities in the immediate vicinity that the policy addresses.

393. We therefore recommend the inclusion of a new policy (21.2.11.3) worded as follows;

Protect lawfully established and anticipated permitted informal airports from the establishment of incompatible activities in the immediate vicinity.

4.39 New Objective and Policies – Informal Airports

394. Two submissions sought objectives and policies to *"enable the assessment of proposals that exceed the occasional /infrequent limitations"*⁴⁵². The submission reasons identified that this relief was sought as the Plan is *"silent on how applications to exceed Standards 21.5.26.1 and 21.5.26.2 will be assessed and considered"*.

395. We did not receive specific evidence on this matter. No specific wording of the objectives or policies were put before us. In the absence of evidence providing and/or justifying such objectives and policies, we recommend that these submissions be rejected.

4.40 Objective 21.2.12

396. Before addressing this specific objective, we note that we have already addressed the submissions seeking that the surface of water and its margins be placed in a separate chapter, in Section 3.4 above, concluding that rather than a separate zone, re-ordering of the rules would enable a clearer understanding of the provisions affecting the surface of waterbodies subset of the rural provisions. This objective and the policies to give effect to it, assist in clarifying which provisions affect waterbodies. In this part of the report we address the other submissions on this suite of objectives and policies.

397. As notified, Objective 21.2.12 read as follows:

Protect, maintain or enhance the surface of lakes and rivers and their margins.

398. Submissions on this objective variously sought that it be retained⁴⁵³; be amended to change the word "Protect" to "Preserve"⁴⁵⁴; be amended to provide for appropriate recreational and commercial recreational activities⁴⁵⁵; be amended or deleted and replaced with an objective that provides for the benefits associated with a public transport system⁴⁵⁶; be amended to recognise the importance of water based transport⁴⁵⁷; be amended to delete *"protect, maintain and enhance"* and add after the word *"margins"* *"are safeguarded from inappropriate, use and*

⁴⁵² Submissions 660, 662

⁴⁵³ Submission 356, 600, 758

⁴⁵⁴ Submission 339, 706

⁴⁵⁵ Submission 307

⁴⁵⁶ Submission 621

⁴⁵⁷ Submission 766

*development*⁴⁵⁸; and finally be amended to delete "*protect, maintain and enhance*" and replace with "*avoid, remedy, mitigate*".⁴⁵⁹

399. In the Section 42A Report, Mr Barr considered that itemising the enabling opportunities within the objective would conflict with the "*protect, maintain and enhance*" wording.⁴⁶⁰ However, Mr Barr also considered the use of the word "*preserve*" inappropriate and that the objectives and policies must contemplate change, which is the reason for managing the resource.⁴⁶¹ Mr Barr recommended that the submissions to the objective be rejected and no changes made.

400. In the Council's memorandum on revising the objectives to be more outcome focused⁴⁶², Mr Barr recommended rewording of the objective as follows;

The surface of lakes and rivers and their margins are protected, maintained or enhanced.

401. In evidence for RJL and Te Anau Developments, Mr Farrell's view was that the objective did not satisfactorily recognise how the surface of lakes and the margins could be used or developed in order to achieve sustainable management and that the qualifier "*from inappropriate use and development*" was required so that the objective accorded with section 6 of the Act⁴⁶³.

402. Mr Brown in evidence for several submitters⁴⁶⁴ recommended the objective be reworded as follows;

*The surface of lakes and rivers and their margins are protected, maintained or enhanced while appropriate recreational, commercial recreational, and public transport activities that utilise those resources are recognised and provided for, and their effects managed.*⁴⁶⁵

403. Mr Brown considered the change necessary to ensure this objective was appropriately balanced and provided a better context for the associated policies, as well as recognising lake and river-based public transport.⁴⁶⁶

404. In reply, Mr Barr agreed with Mr Brown that the objective should be broader and more specific as to the outcomes sought.⁴⁶⁷ Mr Barr's recommended rewording of the objective was as follows;

The surface of lakes and rivers and their margins are protected, maintained or enhanced while providing for appropriate activities including recreational, commercial recreational, and public transport.

405. We agree with the witnesses that that it appropriate for the objective to be broadened. However, to our mind, the objective fails to capture the purpose for which the surface of lakes and rivers are being protected, maintained or enhanced. Turning to Mr Farrell's evidence in

⁴⁵⁸ Submission 621

⁴⁵⁹ Submissions 766, 806

⁴⁶⁰ C Barr, Section 42A Report, Page 80, Para 17.9

⁴⁶¹ C Barr, Section 42A Report, Page 80, Para 17.10

⁴⁶² Council Memoranda dated 13 April 2016

⁴⁶³ B Farrell, Evidence, Page 20, Para 84

⁴⁶⁴ Submissions 307, 766, 806,

⁴⁶⁵ J Brown, Evidence, Page 14, Para 2.24

⁴⁶⁶ J Brown, Evidence, Page 15, Para 2.26 (a) and (b)

⁴⁶⁷ C Barr, Reply, Page 30, Para 10.1

relation to section 6 of the Act, that purpose relates to “*natural character*”. Similarly, we find that the location where the “*appropriate activities*” occur also needs to be specified, namely, the “*surface of the lakes and rivers*”. In addition, we are mindful of the Stream 1B Hearing Panel’s recommendation that a policy in Chapter 6 provide for appropriate activities on the surface of water bodies⁴⁶⁸ and the need for alignment.

406. Accordingly, we recommend that the objective be reworded as follows:

The natural character of lakes and rivers and their margins is protected, maintained or enhanced while providing for appropriate activities on the surface of the lakes and rivers, including recreation, commercial recreation, and public transport.

407. In summary, we consider that the revised objective is the most appropriate way to achieve the purpose of the Act in this context and having regard to the Strategic Direction objectives and policies in Chapters 3 and 6, and the alternatives available to us.

4.41 Policy 21.2.12.1

408. Policy 21.2.12.1 as notified read as follows;

Have regard to statutory obligations, the spiritual beliefs, cultural traditions and practices of Tangata Whenua where activities are undertaken on the surface of lakes and rivers and their margins.

409. There was one submission⁴⁶⁹ from Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (collectively Manawhenua)⁴⁷⁰ seeking the following amendments to the policy;

Have regard to wahi tupuna, access requirements, statutory obligations, the spiritual beliefs, cultural traditions and practices of Manawhenua where activities are undertaken on the surface of lakes and rivers and their margins.

410. We note that the representatives of Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (collectively Manawhenua) advised that the part of their submission seeking the change from the words Tangata Whenua to Manawhenua was no longer pursued when they appeared at the Stream 1A Hearing.

411. The parts of this submission left in play were not addressed in the Section 42A Report, and Appendix 1 of the Section 42A Report showed no recommended changes to the policy. We heard no evidence in regard to the policy and it was not addressed in Reply.

412. We note that the Stream 1A and 1B Hearing Panels have recommended objectives and policies in both Chapter 3⁴⁷¹ and Chapter 5⁴⁷² related to protection of wahi tupuna. We therefore find that it is appropriate that reference be made in this policy to wahi tupuna as a relevant issue, which will then link back to those provisions.

⁴⁶⁸ Refer Recommended policy 6.3.33

⁴⁶⁹ We note that Queenstown Wharves GP Ltd, (Submission 766), withdrew its relief sought as to the deletion of all provisions referring to Tangata whenua.

⁴⁷⁰ Submission 810

⁴⁷¹ Refer Recommended objective 3.2.7.1 and the related policies

⁴⁷² Refer Recommended objective 5.4.5 and the related policies

413. The need or desirability of reference being made to ‘*access requirements*’ is less clear and we do not recommend that change in the absence of evidence to support it.

414. In summary therefore, we recommend that Policy 21.2.12.1 be amended to read:

Have regard to statutory obligations, wahi tupuna, and the spiritual beliefs and cultural traditions of tangata whenua where activities are undertaken on the surface of lakes and rivers and their margins.

4.42 Policy 21.2.12.2

415. Policy 21.2.12.2 as notified read as follows:

Enable people to have access to a wide range of recreational experiences on the lakes and rivers, based on the identified characteristics and environmental limits of the various parts of each lake and river.

416. One submission sought that policy be retained⁴⁷³. Another submission sought that the policy be amended to delete the word ‘identified’ and add to the end of the policy “*specifically in or referred to by this plan*”⁴⁷⁴. A third submission did not recommend any specific wording but sought that the policy be amended to identify the anticipated high level of activity on the Kawarau River and also to recognise the Kawarau River as a strategic link for water based public transport.⁴⁷⁵

417. These submissions were not directly addressed in the Section 42A Report, and Appendix 1 to that report included no recommended changes to the policy.

418. Mr Brown, in evidence for QPL and Queenstown Wharves GP Limited, did not recommend any changes to the policy⁴⁷⁶. Mr Farrell in evidence for RJL *et al*, observed that the environmental limits referred to in the policy were not identified in the policy or elsewhere in the Plan, nor was it explained how they might be applied. In Mr Farrell’s view, this would create uncertainty, and lead to unnecessary costs and frustration with plan administration.⁴⁷⁷ Mr Farrell suggested this could be addressed by amending the policy so that it referred to the environmental limits identified in the plan.

419. This matter was not addressed in Council’s reply and no amendments to the policy were recommended.

420. We note that the policy is to enable access to recreational experience on rivers. Some form of limit on an enabling policy is, in this case, appropriate, but we do not consider that those limits need specification in the plan. The limits may vary from environmental effects to safety issues and, as the policy states, will apply to various parts of each lake or river. For similar reasons, we do not agree that specific reference to the Kawarau River is required.

421. Accordingly, we recommend that the policy be retained as notified.

⁴⁷³ Submission 766

⁴⁷⁴ Submission 621

⁴⁷⁵ Submission 806

⁴⁷⁶ J Brown, Evidence, Page 14, Para 2.24

⁴⁷⁷ B Farrell, Evidence, Page 21 Para 88

4.43 Policy 21.2.12.3

422. Policy 21.2.12.3 as notified read as follows;

Avoid or mitigate the adverse effects of frequent, large-scale or intrusive commercial activities such as those with high levels of noise, vibration, speed and wash, in particular motorised craft in areas of high passive recreational use, significant nature conservation values and wildlife habitat.

423. Two submissions sought that policy be retained⁴⁷⁸. Two submissions sought that the policy be variously amended to clarify that it did not apply to the Frankton Arm and the Kawarau River between Kawarau Falls and Chard Farm as those areas could provide for water based public transport⁴⁷⁹. One submission sought the amendment to the policy to provide for frequent use, large scale and potentially intrusive commercial activities along the Kawarau River and Frankton Arm.⁴⁸⁰
424. In the Section 42A Report, Mr Barr considered the inclusion of provision for large scale intrusive commercial activities would mean the policy would not meet section 5 of the Act. Rather, Mr Barr considered that the wider benefits of such proposals should be considered in the context of a specific proposal. Mr Barr noted that Queenstown Wharves GP Ltd⁴⁸¹ had sought similar amendments excluding the Frankton Arm and the Kawarau River between Kawarau Falls and Chard Farm from other policies (Policies 21.2.12.4 – 21.2.12.7 (and we note policies 21.2.12.9 and 21.2.12.10)). Mr Barr considered that the policies were appropriately balanced and as worded, could be applied across the entire district. Again, Mr Barr considered that the specific transport link proposals should be considered on the merits of the specific proposal.⁴⁸²
425. Mr Brown, in evidence for QPL and Queenstown Wharves GP Limited, did not recommend any changes to this policy⁴⁸³, but he did recommend a specific new policy to be placed following 21.2.12.10 to recognise and provide for a water based public transport system on the Kawarau River and Frankton Arm⁴⁸⁴. Mr Farrell, in evidence for RJL *et al*⁴⁸⁵, opined that it was not appropriate for the plan to always avoid or mitigate the adverse effects of frequent, large scale or intrusive commercial activities. Mr Farrell considered that the policy should be amended to recognise existing commercial activities.
426. We agree that the policy needs to be considered in the context of its district-wide application and find that provision for frequent use, large scale or intrusive commercial activities at particular locations would not align with the objective to the extent that provision would allow for materially more mechanised boat traffic than at present.
427. Consideration of activities affecting the natural character of the Kawarau River below the Control Gates Bridge also needs to take account of the Water Conservation (Kawarau) Order 1997 (WCO) given that the PDP cannot be inconsistent with it⁴⁸⁶. The WCO states that identified characteristics (including wild and scenic, and natural characteristics) are protected. While the

⁴⁷⁸ Submissions 243, 649

⁴⁷⁹ Submissions 766, 806

⁴⁸⁰ Submission 621

⁴⁸¹ Submission 766

⁴⁸² C Barr, Section 42A Report, Page 82, Para s17.13 – 17.15

⁴⁸³ J Brown, Evidence, Page 14, Para 2.24

⁴⁸⁴ J Brown, Evidence, Page 15, Para 2.24

⁴⁸⁵ B Farrell, Evidence, Page 22, Paras 92-96

⁴⁸⁶ Section 74(4) of the Act

WCO also recognises recreational jet-boating as an outstanding characteristic of the river, we find the breadth of the policy amendment sought would be inconsistent with the WCO.

428. It also needs to be recognised that the policy as notified focuses on areas of high passive recreational use, significant nature conservation values and wildlife habitat. It does not purport to apply to all waterways.
429. We agree generally with Mr Barr that the other policies under this objective are likewise appropriately balanced. We also find that the new policy suggested by Mr Brown would not align with the objective and to the extent that it would allow for significant new non-recreational mechanised use of the Kawarau River below the Control Gates, potentially inconsistent with the WCO.
430. We therefore recommend that the submissions that sought the exclusion of the Frankton Arm and the Kawarau River between Kawarau Falls and Chard Farm from the policies and the specific recommendation (of Mr Brown) to provide for water based transport be rejected. We do not consider those submissions further, apart from recording the policies where they apply below. That said, we return to the issue of water based public transport later, as part of our consideration of Policy 21.2.12.8.
431. We do think that the policy would be improved with some minor punctuation changes.
432. Accordingly, we recommend that policy 21.2.12.3 be renumbered and worded as follows:

Avoid or mitigate the adverse effects of frequent, large-scale or intrusive commercial activities such as those with high levels of noise, vibration, speed and wash, in particular motorised craft, in areas of high passive recreational use, significant nature conservation values and wildlife habitat.

4.44 Policy 21.2.12.4

433. Policy 21.2.12.4 as notified read as follows;

Recognise the whitewater values of the District's rivers and, in particular, the values of the Kawarau and Shotover Rivers as two of the few remaining major unmodified whitewater rivers in New Zealand, and to support measures to protect this characteristic of rivers.

434. Two submissions sought that the policy be amended to clarify that it did not apply to the Frankton Arm and the Kawarau River between Kawarau Falls and Chard Farm as those areas could provide for water based public transport⁴⁸⁷. Two submissions sought amendment to the policy to include 'wild and scenic' values and to add the Nevis to the identified rivers.⁴⁸⁸
435. Mr Barr, identified that this policy was included to recognise the WCO on the Kawarau River and part of the Shotover River. Mr Barr agreed with Forest & Bird that the amendment to the WCO in 2013 to include the Nevis River meant that it was appropriate to include reference to that river in the policy⁴⁸⁹. The Section 42A Report did not reference the relief sought regarding the inclusion of "wild and scenic" values.

⁴⁸⁷ Submissions 766, 806

⁴⁸⁸ Submissions 339, 706

⁴⁸⁹ C Barr, Section 42A Report, Page 82 – 83, Para 17.16

436. Mr Brown in evidence for QPL and Queenstown Wharves GP Limited recommended amending the policy to only refer to ‘parts’ of the Kawarau River as not all of the river was whitewater⁴⁹⁰. Mr Barr, in reply, agreed with that amendment and also recommended a grammatical change to the beginning of the policy.⁴⁹¹
437. We note that the Frankton Arm is not part of the Kawarau River. Thus the policy would not apply to that part of the lake in any event.
438. We agree that the reference in the policy should be to ‘parts’ of the Kawarau and Shotover Rivers reflecting the fact that only sections of the rivers are ‘whitewater’. While the WCO identifies other outstanding characteristics (than whitewater) and it is clear that both rivers have large sections that could aptly be described as ‘scenic’, it is the whitewater sections that qualify as ‘wild’. Accordingly, we do not see addition of ‘wild **and** scenic’ as adding anything to the policy.
439. Accordingly, we recommend that the policy be reworded as follows:

Have regard to the whitewater values of the District’s rivers and, in particular, the values of parts of the Kawarau, Nevis and Shotover Rivers as three of the few remaining major unmodified whitewater rivers in New Zealand, and to support measures to protect this characteristic of rivers.

4.45 Policy 21.2.12.5

440. Policy 21.2.12.5 as notified read as follows;

Protect, maintain or enhance the natural character and nature conservation values of lakes, rivers and their margins, with particular regard to places with nesting and spawning areas, the intrinsic value of ecosystem services and areas of indigenous fauna habitat and recreational values.

441. Two submissions sought that the policy be retained⁴⁹². Two submissions sought that the policy be variously amended to clarify that it did not apply to the Frankton Arm and the Kawarau River between Kawarau Falls and Chard Farm as those areas could provide for water based public transport⁴⁹³. One submission sought the policy be amended as follows;

Protect, maintain or enhance the natural character and nature conservation values of lakes, rivers and their margins from inappropriate development, with particular regard to places with significant indigenous vegetation, nesting and spawning areas, the intrinsic values of ecosystems, and areas of significant indigenous fauna habitat and recreational values.⁴⁹⁴

442. We addressed the submissions seeking that the policy not apply to the Frankton Arm and the Kawarau River between Kawarau Falls and Chard Farm, above. Submissions on this policy were not directly addressed in the Section 42A Report and Appendix 1 of the Section 42A Report showed no recommended changes to the policy.

443. Mr Farrell in evidence for RJL *et al* supported retention of the policy as notified.

⁴⁹⁰ J Brown, Evidence, Page 16, Para 2.26 (d)

⁴⁹¹ C Barr, Reply, Appendix 1, Page 21-6, Policy 21.2.12.4, Para 10.1

⁴⁹² Submissions 339, 706

⁴⁹³ Submissions 766, 806

⁴⁹⁴ Submission 621

444. At the hearing, Ms Maturin representing Forest & Bird, noted that Forest & Bird should have sought the inclusion of wetlands into this policy, and indicated that Forest & Bird would be satisfied if that intention was added to the policy.⁴⁹⁵
445. Ms Lucas in evidence for UCES, considered that the policy only sought to protect, maintain or enhance natural character, whereas section 6(a) of the Act required that it be preserved.⁴⁹⁶
446. Mr Brown, in evidence for QPL and Queenstown Wharves GP Limited, recommended amending the policy to delete the words “... *natural character* ...”⁴⁹⁷. Mr Brown explained that that wording was more appropriate in Policy 21.2.12.7 as
- “... Policy 21.2.12.5 deals with nature conservation values and focusses on ecological values, and I consider that the intention to “protect, maintain and enhance” these is necessary and desirable. However, a jetty, for example, is likely to have some impact on natural character, and it is likely to be difficult to construct a jetty in a way that protects, maintains or enhances natural character. In this context, “natural character” is more aligned with “visual qualities” rather than with ecological values, and I therefore consider that “natural character” is better located in Policy 21.2.12.7 which deals with the effects of the location, design and use of structures and facilities, and for which the duty is to avoid, remedy or mitigate the effects.”*⁴⁹⁸
447. Mr Barr, in reply, recommended a change to replace “*Protect, maintain or enhance*” with “*Preserve*” at the beginning of the policy and to include the words “*from inappropriate activities*”, after the word “*margins*”. Mr Barr set out a brief section 32AA evaluation noting that in his view the amendments would better align with section 6 of the Act.⁴⁹⁹
448. The difficulty with this policy is that it is addressing two different considerations – natural character and nature conservation values. As Mr Brown notes, the principal focus is on the latter. Certainly, most of the examples noted relate to nature conservation values. Section 6(a) requires us to recognise and provide for preservation of the natural character of lakes and rivers (and protect them from inappropriate subdivision, use and development). On the face of the matter, ‘*preservation*’ would therefore be a more appropriate policy stance for natural character of lakes and rivers than protection, maintenance and enhancement⁵⁰⁰.
449. It does not necessarily follow that the same is true for nature conservation values. This is a similar, but arguably a broader concept than areas of significant indigenous fauna, the ‘*protection*’ of which is required by section 6(c), which would suggest that ‘*protection*’ rather than ‘*preservation*’ is required for nature conservation values.
450. Mr Brown’s suggested solution of shifting natural character into Policy 27.2.12.7 faces two hurdles. The first is that an “*avoid or mitigate*” instruction⁵⁰¹ is too weak a policy response for a matter whose preservation is required to be recognised and provided for, as well as being out

⁴⁹⁵ S Maturin, Evidence, Page 10, Para 62

⁴⁹⁶ D Lucas, Evidence Page 9, Para 38

⁴⁹⁷ J Brown, Evidence, Page 14, Para 2.24

⁴⁹⁸ J Brown, Evidence, Page 18, Para 2.26 (c)

⁴⁹⁹ C Barr, Reply, Appendix 2, Page 5

⁵⁰⁰ Although the WCO speaks in terms of protection of the identified outstanding characteristics of the Kawarau River, which include natural character and, of course, section 6(a) uses both terms.

⁵⁰¹ Mr Brown incorrectly described it as imposing a duty to “*avoid, remedy or mitigate*”.

of line with the objective. Secondly, Policy 21.2.12.17 deals with structures and facilities. The PDP also needs to address activities on the surface of lakes and rivers.

451. As already noted, we asked in-house counsel at the Council to provide us with legal advice as to whether there is a meaningful difference between ‘*preservation*’ and ‘*protection*’ and her advice, in summary, is that there is not.
452. This suggests to us that the simplest solution is to retain the notified formulation.
453. We agree, however, with Mr Brown that some qualification is necessary for examples such as those he identified, in order for some development in these areas to occur.
454. Given Mr Farrell’s support for the policy as notified (giving evidence for RJJ) we do not need to give further consideration to the other aspects of the relief in RJJ’s submission.
455. Lastly, we do not consider that the failure by Forest & Bird to seek relief in the terms it now regards as desirable can be addressed in the manner Ms Maturin suggests.
456. Accordingly, we recommend that Policy 21.2.12.5 be reworded as follows:

Protect, maintain and enhance the natural character and nature conservation values of lakes, rivers and their margins from inappropriate activities with particular regard to nesting and spawning areas, the intrinsic value of ecosystem services and areas of indigenous fauna habitat and recreational values.

4.46 Policy 21.2.12.6

457. Policy 21.2.12.6 as notified read as follows;

Recognise and provide for the maintenance and enhancement of public access to and enjoyment of the margins of the lakes and rivers.

458. Two submissions sought that the policy be amended to clarify that it did not apply to the Frankton Arm and the Kawarau River between Kawarau Falls and Chard Farm as those areas could provide for water based public transport⁵⁰². One submission sought the policy be amended to include private investment/donation⁵⁰³. One submission sought that the policy be amended to include the words “*including jetty’s [sic] and launching facilities*”⁵⁰⁴ ;
459. We addressed the submissions seeking that the policy not apply to the Frankton Arm and the Kawarau River between Kawarau Falls and Chard Farm, above. Submissions on this policy were not directly addressed in the Section 42A Report and Appendix 1 of the Section 42A Report showed no recommended changes to the policy. We heard no evidence in support of Submissions 194 and 301. The reasons for the relief sought in the submissions related to funding of marina upgrades and the upgrades to specific jetties and boat ramps. We consider these issues are outside the jurisdiction of the Act and therefore recommend those submissions be rejected.
460. Accordingly, we recommend that Policy 21.2.12.6 remain as notified.

⁵⁰² Submissions 766, 806

⁵⁰³ Submission 194

⁵⁰⁴ Submission 301

4.47 Policy 21.2.12.7

461. Policy 21.2.12.7 as notified read as follows;

Ensure that the location, design and use of structures and facilities are such that any adverse effects on visual qualities, safety and conflicts with recreational and other activities on the lakes and rivers are avoided or mitigated.

462. Two submissions sought that the policy be amended to recognise the importance of the Frankton Arm and the Kawarau River as a public transport link⁵⁰⁵. Three submissions sought the policy be amended to insert the word “remedied” after the word “avoid”⁵⁰⁶.

463. We address the submissions seeking that the policy recognise the Frankton Arm and the Kawarau River as important transport link, under Policy 21.2.12.8 below. We could not find these submissions directly addressed in the Section 42A Report. However, Appendix 1 of that report has a comment recommending that the word “remedied” be inserted as sought by TML.

464. Mr Vivian’s evidence for TML⁵⁰⁷ and Mr Brown’s evidence for QPL and Queenstown Wharves Ltd⁵⁰⁸ agreed with the Section 42A Report.

465. We agree. Although opportunities to remedy adverse effects may in practice be limited, the addition of the word “remedied” is appropriate within the context of the policy in being a legitimate method to address potential effects. We addressed the amendment suggested by Mr Brown, of the insertion of reference to natural character into this policy above.

466. Accordingly, we recommend that Policy 21.2.12.7 be reworded as follows:

Ensure that the location, design and use of structures and facilities are such that any adverse effects on visual qualities, safety and conflicts with recreational and other activities on the lakes and rivers are avoided, remedied or mitigated.

4.48 Policy 21.2.12.8

467. Policy 21.2.12.8 as notified read as follows;

Encourage the development and use of marinas in a way that avoids or, where necessary, remedies and mitigates adverse effects on the environment.

468. One submission sought that the words “jetty and other structures” be inserted following the word “marinas”⁵⁰⁹. Two submissions sought that the policy be amended to replace the words “marinas in a way that ” with “a water based public transport system including necessary infrastructure, in a way that as far as possible”⁵¹⁰. One submission sought to amend the policy by replacing the word “Encourage” with “Provide for” and to delete the words “where necessary”.⁵¹¹

⁵⁰⁵ Submissions 766, 806

⁵⁰⁶ Submission 519, 766, 806

⁵⁰⁷ C Vivian, Evidence, Page 19, Para 4.84

⁵⁰⁸ J Brown, Evidence, Page 4, Para 2.24 (by adopting the Section 42 A Report recommendation on the policy)

⁵⁰⁹ Submission 194

⁵¹⁰ Submissions 766, 806

⁵¹¹ Submission 621

469. In the Section 42A Report, Mr Barr agreed that clarification of the policy would be improved by also referring to jetties and moorings. Mr Barr also considered that the term “*Encourage*” was more in line with the Strategic Direction of the Plan which was not to provide for such facilities, but rather when they are being considered, to encourage their appropriate location, design and scale. Mr Barr also agreed that the words “*where necessary*” did not add value to the policy and recommended they be deleted.⁵¹² Mr Barr addressed the provision of public transport within the Frankton Arm and Kawarau River in a separate part of the Section 42A Report. However, this discussion was on the rules rather than the policy⁵¹³. That said, in discussing the rules, Mr Barr acknowledged the potential positive contribution to transport a public ferry system could provide. Mr Barr considered “*ferry*” a more appropriate term than “*commercial boating*” which in his view may include cruises and adventure tourism⁵¹⁴. Mr Barr did not, however, recommend the term “*ferry*” be included in the policy in his Section 42A Report.
470. In evidence for RJL, Mr Farrell supported the recommendation in the Section 42A Report⁵¹⁵.
471. Mr Brown, in evidence for QPL and Queenstown Wharves Ltd, supported the reference to lake and river public transport as an example of relieving road congestion and also facilitating access and enjoyment of rivers and their margins⁵¹⁶. Mr Brown’s recommended wording of the policy did not include the relief sought by QPL and Queenstown Wharves Ltd, to qualify the policy by adding the words, “*in a way that as far as possible*”.
472. In reply, Mr Barr incorporated part of Mr Brown’s recommended wording into the Appendix 1 of the Section 42A Report.⁵¹⁷ Mr Barr included the word “*ferry*” at this point to address the difference between water based public transport and other commercial boating we identified above.
473. The starting point for consideration of these issues is renumbered Policy 6.3.31 (Notified Policy 6.3.6.1) which seeks to control the location, intensity, and scale of buildings, jetties, moorings and infrastructure on the surface and margins of water bodies by ensuring these structures maintain or enhance landscape quality and character, and amenity values. We therefore have difficulty with Mr Barr’s suggested addition of reference to jetties and moorings in this context without a requirement that landscape quality and character, and amenity values all be protected. Certainly we do not agree that that would be consistent with the Strategic Chapters. We do, however agree that provision for water-based public transport “*ferry systems*” and related infrastructure, is appropriate within the context of this policy and that it needs to be distinguished from other types of commercial boating.
474. We agree with Mr Barr’s suggestion that the words “*where necessary*” are unnecessary but we consider that greater emphasis is required to note the need to avoid, remedy or mitigate adverse effects as much as possible and, therefore, we accept the submissions of QPL and Queenstown Wharves Ltd in this regard.
475. Accordingly, we recommend that Policy 21.2.12.8 be reworded as follows:

⁵¹² C Barr, Section 42A Report, Page 83, Paras 17.18 – 17.19

⁵¹³ C Barr, Section 42A Report, Page 85 - 88, Paras 17.29 – 17.42

⁵¹⁴ C Barr, , Section 42A Report, Page 87 - 88, Paras 17.41 – 17.42

⁵¹⁵ B Farrell, Evidence, Page 23,Para 101

⁵¹⁶ J Brown, Evidence, Page 15, Para 2.26(b)

⁵¹⁷ C Barr, Reply, Page 21-6, Appendix 1

Encourage development and use of water based public ferry systems including necessary infrastructure and marinas, in a way that avoids adverse effects on the environment as far as possible, or where avoidance is not practicable, remedies and mitigates such adverse effects.

4.49 Policy 21.2.12.9

476. Policy 21.2.12.9 as notified read as follows;

Take into account the potential adverse effects on nature conservation values from the boat wake of commercial boating activities, having specific regard to the intensity and nature of commercial jet boat activities and the potential for turbidity and erosion.

477. One submission sought that the policy be amended to apply only to jet boats and the removal of the words “*intensity and nature of commercial jet boat activities*”⁵¹⁸ and similarly, another submission sought that the policy be amended to enable the continued use of commercial jet boats while recognising that management techniques could be used to manage effects⁵¹⁹. One other submission sought the amendment of the policy to recognise the importance of the Kawarau River as a water based public transport link.⁵²⁰
478. Mr Barr, in his Section 42A Report, considered that jet boats were already specified in the policy and that there was a need to address the potential impacts from any propeller driven craft in relation to turbidity and wash⁵²¹. Mr Barr recommended that policy remain as notified.
479. Mr Farrell, in evidence for RJJ *et al*, agreed with Mr Barr’s recommendation⁵²² and Mr Brown, for QPL, did not recommend any amendments to the policy⁵²³.
480. There being no evidence in support of the changes sought by the submitters, we adopt the reasoning of the witnesses and find that the amendments sought would not be the most appropriate way of achieving the objective.
481. Accordingly, we recommend that the submissions be rejected and that policy 21.2.12.9 remain as notified.

4.50 Policy 21.2.12.10

482. Policy 21.2.12.10 as notified read as follows:

Ensure that the nature, scale and number of commercial boating operators and/or commercial boats on waterbodies do not exceed levels where the safety of passengers and other users of the water body cannot be assured.

483. One submission sought that the policy be amended as follows;

*Protect historical and well established commercial boating operations from incompatible activities and manage new commercial operations to ensure that the nature, scale and number of new commercial boating operators and/or commercial boats on waterbodies do not exceed levels where the safety of passengers and other users of the water body cannot be assured.*⁵²⁴

⁵¹⁸ Submission 621

⁵¹⁹ Submissions 806

⁵²⁰ Submission 806

⁵²¹ C Barr, Section 42A Report, Page 84, Para 17.21

⁵²² B Farrell, Evidence, Page 23, Para 103

⁵²³ J Brown, Evidence, Page 15, Para 2.24

⁵²⁴ Submission 621

484. One other submission sought that the policy be amended to enable the continued use of commercial jet boats while recognising that management techniques could be used to manage effect and that the policy be amended to recognise the importance of the Kawarau River as a water based public transport link.⁵²⁵
485. In the Section 42A Report, Mr Barr considered the relief sought by RJL to be neither necessary nor appropriate, because consideration of the effects of new activities on established activities was inherently required by the wording of the policy as notified. Mr Barr noted that all established activities would have consent anyway, so 'well established' did not add anything to the policy. In addition, Mr Barr considered that the qualifiers in the policy were a guide as to incompatibility, so the introduction of the word "incompatible" was not appropriate in this context⁵²⁶. Mr Barr recommended that the policy remain as notified.
486. Mr Brown, for QPL, did not recommend any amendments to the policy⁵²⁷. Mr Farrell, in evidence for RJL, considered the policy did not satisfactorily recognise the benefits of historical and well established commercial boating operations which were important to the district's special qualities and overall sense of place⁵²⁸. Mr Farrell recommended we adopt the relief sought by RJL.
487. We disagree with Mr Farrell. This policy would come into play when resource consent applications were being considered. At that point, safety considerations need to be addressed both for entirely new proposals and for expansion of existing operations. It would not affect operations that were already consented (and established) unless the conditions on that consent were being reviewed. In those circumstances, it could well be appropriate to consider safety issues.
488. In summary, in relation to the amendments sought by RJL, we agree with and adopt the reasoning the reasoning of Mr Barr. We recommend that the submission by RLJ be rejected.
489. In reviewing this policy we have identified that it contains a double negative that could create ambiguities in interpreting it: the policy requires that *the nature, scale and number* (of activities) *do not exceed levels where ... safety ... cannot be assured*. We consider a minor, non-substantive amendment under Clause 16(2) of the First Schedule to replace "where" with "such that" will address this problem.
490. Accordingly, we recommend that Policy 21.2.12.10 be reworded as follows:

Ensure that the nature, scale and number of commercial boating operators and/or commercial boats on waterbodies do not exceed levels such that the safety of passengers and other users of the water body cannot be assured.

4.51 Objective 21.2.13

491. As notified, Objective 21.2.13 read as follows;

⁵²⁵ Submission 806

⁵²⁶ C Barr, Section 42A Report, Page 84, Para 17.23

⁵²⁷ J Brown, Evidence, Page 15, Para 2.24

⁵²⁸ B Farrell, Evidence, Page 23, Para 106

Enable rural industrial activities within the Rural Industrial Sub Zones, that support farming and rural productive activities, while protecting, maintaining and enhancing rural character, amenity and landscape values.

492. One submission supported the objective⁵²⁹. One submission sought clarification as to the location of the Rural Industrial Sub-Zones⁵³⁰. One submission sought that the objective be amended as follows:

*Enable rural industrial activities and infrastructure within the Rural Industrial Sub Zones, that support farming and rural productive activities, while avoiding remedying or mitigating effects on rural character, amenity and landscape values.*⁵³¹

493. In the Section 42A Report, Mr Barr identified that the Rural Industrial Sub Zone was located in Luggate (Map 11a)⁵³². In Appendix 2 to that report, Mr Barr recommended that the submission from Transpower be rejected, noting that the Rural Industrial Sub Zone was distinct from the Rural Zone and would lend itself to infrastructure due its character and visual amenity.

494. In the Council's memorandum on revising the objectives to be more outcome focused⁵³³, Mr Barr recommended rewording of the objective as follows;

Rural industrial activities within the Rural Industrial Sub Zones will support farming and rural productive activities, while protecting, maintaining and enhancing rural character, amenity and landscape values.

495. Ms Craw, in evidence for Transpower, agreed with Mr Barr and noted that there were no Transpower assets with the Rural Industrial Sub Zone⁵³⁴.

496. We agree with Mr Barr's rewording of the objective as being more outcome orientated and find that it is the most appropriate way to achieve the purpose of the Act. We think that Mr Barr's reasoning supports the inclusion of the reference to infrastructure rather than the reverse. If the character and visual amenity (and the permitted activity rules) are consistent with infrastructure in this Sub Zone, the policy should provide for it.

497. Accordingly, we recommend that Objective 21.2.13 be reworded as follows;

Rural industrial activities and infrastructure within the Rural Industrial Sub-Zones will support farming and rural productive activities, while protecting, maintaining and enhancing rural character, amenity and landscape values.

4.52 Policies 21.2.13.1 – 21.2.13.2

498. We observe that there were no submissions on Policies 21.2.13.1 and 21.2.13.2. We therefore recommend they be renumbered but otherwise be retained as notified.

⁵²⁹ Submission 217

⁵³⁰ Submission 806

⁵³¹ Submission 805

⁵³² C Barr, Section 42A Report, Page 51, Para 13.48

⁵³³ Council Memoranda dated 13 April 2016

⁵³⁴ A Craw, Evidence, Page 5, Para 26

4.53 New Policy – Commercial Operations Close to Trails

499. A submission from Queenstown Trails Trust⁵³⁵ sought a new policy to enable commercial operations, associated with and close to trail networks.

500. In the Section 42A Report, Mr Barr considered that a policy recognising the potential benefits of the trail was generally appropriate, but that the policy should not extend to creating new rules or amending existing rules for the trails or related commercial activities, as it was important that the effects of such activities should be considered on a case by case basis.⁵³⁶ Mr Barr undertook a section 32AA of the Act evaluation as to the effectiveness and efficiency of the policy and recommended wording for a policy that supported activities complementary to the trails as follows:

Provide for a range of activities that support the vitality, use and enjoyment of the Queenstown Trail and Upper Clutha Tracks Trail network on the basis that landscape and rural amenity is protected, maintained or enhanced and established activities are not compromised.

501. In reply, Mr Barr recommended the removal of the word “Trail” after the words “Upper Clutha Tracks”⁵³⁷ which we understand was to correct an error.

502. We agree with and adopt Mr Barr’s reasoning as set out above. Noting our recommendation above to combine notified Objectives 21.2.1 and 21.2.9, we find the new policy is the most appropriate way in which to achieve our recommended revised Objective 21.2.1.

503. Accordingly, we recommend a new policy to be worded and numbered as follows;

21.2.1.16 Provide for a range of activities that support the vitality, use and enjoyment of the Queenstown Trail and Upper Clutha Tracks networks on the basis that landscape and rural amenity is protected, maintained or enhanced and established activities are not compromised.

4.54 New Objective and Policies – Commercial Recreation Activities

504. A submission from Skydive Queenstown Ltd⁵³⁸ sought insertion of the following new objective and policies;

Objective

Recognise and provide opportunities for recreation, including commercial recreation and tourism activities.

Policy

Recognise the importance and economic value of recreation including commercial recreation and tourist activities.

Policy

Ensure that recreation including commercial recreation and tourist activities do not degrade rural quality or character or visual amenities and landscape values

⁵³⁵ Submission 671

⁵³⁶ C Barr, Section 42A Report, Pages 45-46, Paras 13.18 – 13.22

⁵³⁷ C Barr, Reply, Appendix 1, Page 21-5

⁵³⁸ Submission 122

505. In the Section 42A Report, Mr Barr addressed this request only in a general sense as part of an overall consideration of commercial activities in the Rural Zone⁵³⁹, expressing the view that recreation, commercial recreation and tourism were adequately contemplated and managed. Mr Barr recommended that the submission be rejected.
506. The evidence of Mr Brown for Skydive Queenstown Ltd did not, as far as we could identify, directly address this relief sought.
507. In evidence for Totally Tourism Ltd⁵⁴⁰ and Skyline Enterprises Ltd⁵⁴¹, Mr Dent noted the objectives and policies under 21.2.9 (as notified) did not refer to “commercial recreation activity” and he also noted that there was a separate definition for “commercial recreation activity” as compared to the definition of “commercial activity”.⁵⁴² Mr Dent went on to recommend the following objective and policies to fill the identified policy gap as follows;

Objective

Commercial Recreation in the Rural Zone occurs at a scale that is commensurate to the amenity values of the specified location.

Policy

The group size of commercial recreation activities will be managed so as to be consistent with the level of amenity anticipated in the surrounding environment.

Policy

To avoid, remedy or mitigate the adverse effects of commercial recreation activities on the natural character, peace and tranquillity of remote areas of the District.

Policy

To avoid, remedy or mitigate any adverse effects commercial recreation activities may have on the range of recreational activities available in the District and the quality of the experience of people partaking of these opportunities.

Policy

To ensure the scale and location of buildings, noise and lighting associated with commercial recreation activities are consistent with the level of amenity anticipated in the surrounding environment.

508. In summary, Mr Dent considered that such a suite of provisions was appropriate given the contribution of commercial recreation activities to the district, but accepted that it was important that those activities did not adversely affect amenity values by way of noise, overcrowding and use of remote areas.⁵⁴³ Mr Dent also noted that he had derived the policies from the ODP Section 4.4- Open Space and Recreation.
509. In reply, Mr Barr supported the intent of the Mr Dent’s recommendation, but noted legal submissions from Council on the Strategic Chapters that ODP Section 4.4- Open Space and Recreation was part of Stage 2 of the plan review and not part of this PDP under our consideration. Mr Barr recommended that the submitter resubmit under Stage 2, rather than

⁵³⁹ C Barr, Section 42A Report, Page 20, Para 8.32

⁵⁴⁰ Submission 571

⁵⁴¹ Submission 574

⁵⁴² S Dent, Evidence, Page 11, Paras 65 -66

⁵⁴³ S Dent, Evidence, Page 11-12, Paras 68 -73

have the provisions in two places. Mr Barr also noted the provisions sought by Mr Dent were not requested in the submission of Totally Tourism Ltd.⁵⁴⁴

510. We consider Mr Dent's suggested objective both narrows the relief sought in Skydive Queenstown's submission and tailors it to be specific to the Rural Zone, and is therefore properly the subject of this chapter (rather than necessarily needing to be dealt with in Stage 2 of the District Plan Review). As such, we consider it is within the scope provided by that submission, and generally appropriate, subject to some tightening to better meet the purpose of the Act.
511. The suggested policies likewise address relevant issues, but require amendment both to align with the objective and to fall within the scope provided by the Skydive Queenstown submission (i.e. ensure rural quality or character or visual amenities and landscape values are not degraded).
512. In addition, we find that the inclusion of these objectives and policies is consistent both with the Stream 1B Hearing Panel's findings on the Strategic Chapters, and with our findings on the inclusion of reference to activities that rely on rural resources. We also consider that given the importance of Commercial Recreation Activities to the district, that it is important that the matter be addressed now, rather than leaving it for consideration as part of a later stage of the District Plan review.
513. Accordingly, we recommend that a new objective and suite of policies to be worded and numbered as follows as follows;

2.2.10 Objective

Commercial Recreation in the Rural Zone is of a nature and scale that is commensurate to the amenity values of the location.

Policies

- 21.2.10.1 *The group size of commercial recreation activities will be managed so as to be consistent with the level of amenity anticipated in the surrounding environment.*
- 21.2.10.2 *To manage the adverse effects of commercial recreation activities so as not to degrade rural quality or character or visual amenities and landscape values.*
- 21.2.10.3 *To avoid, remedy or mitigate any adverse effects commercial recreation activities may have on the range of recreational activities available in the District and the quality of the experience of people partaking of these opportunities.*
- 21.2.10.4 *To ensure the scale and location of buildings, noise and lighting associated with commercial recreation activities are consistent with the level of amenity existing and anticipated in the surrounding environment.*

4.55 New Objective and Policies – Community Activities and Facilities

514. One submission sought the inclusion of objectives, policies and rules for community activities and facilities in the Rural Zone⁵⁴⁵. Appendix 2 of the Section 42A Report recommended the submission be rejected on the basis that the existing provisions in the PDP were appropriate in this regard.

⁵⁴⁴ C Barr, Reply, Page 34, Para 12.1

⁵⁴⁵ Submission 524

515. Ms McMinn, in tabled evidence for the Ministry of Education, noted that while the Ministry relies on designations under the Act for the establishment of schools, it also relies on policy support to enable ongoing education and community activities. Ms McMinn advised that the Ministry had similarly submitted on the proposed RPS and that for consistency with the proposed RPS, provisions such as sought in the Ministry's submission should be included⁵⁴⁶. Ms McMinn did not identify where in the Proposed RPS this matter was addressed.
516. We could not identify a response to this matter in the Council's reply.
517. On review of the decisions version of the proposed RPS we could not identify provisions providing for the enablement of education and community activities. The designation powers of a requiring authority are very wide and we are not convinced that additional policy support would make them any less effective.
518. Accordingly, we recommend that the submission of the Ministry of Education be rejected.

4.56 New Objective and Policies - Lighting

519. One submission sought a new objective and policies in relation to the maintenance of the ability to view the night sky, avoid light pollution and to promote the use of LED lighting in new subdivisions and developments⁵⁴⁷.
520. Specific wording of the objectives or policies were included in the submission. Mr Barr, in the Section 42A Report considered that Policy 21.2.1.5 and the landscape assessment matters 21.7.14(f) already addressed the matters raised⁵⁴⁸. We did not receive specific evidence in support of the requested objective and policies. We agree with Mr Barr and in the absence of evidence providing and/or justifying such objectives and policies, we recommend that this submission be rejected.

5 21.3 OTHER PROVISIONS AND RULES

521. We understand the purpose of notified Section 21.3 is to provide clarification as to the relationship between Chapter 21 and the balance of the PDP. Section 21.3.1 as notified outlined a number of district wide chapters of relevance to the application of Chapter 21.
522. There was one submission on Section 21.3.1⁵⁴⁹, which sought that specific emphasis be given to Chapter 30 as it relates to any use, development or subdivision near the National Grid. Mr Barr recommended acceptance in part of submission but we could find no reasons set out in the report for reaching that recommendation⁵⁵⁰. Ms Craw, in evidence for Transpower, stated incorrectly that the officer's report had recommended declining the relief sought and she considered that the planning maps and existing provisions were sufficient to guide plan users to the rules under Chapter 30 regarding the National Grid⁵⁵¹. We with agree with Ms Craw that sufficient guidance is already provided by way of the maps.
523. Accordingly, we recommend that the Transpower submission be rejected.

⁵⁴⁶ J McMinn, Tabled Evidence, Page 4, Paras 17 - 19

⁵⁴⁷ Submissions 568

⁵⁴⁸ C Barr, Sub

⁵⁴⁹ Submission 805

⁵⁵⁰ C Barr, Section 42A Report, Appendix 2, Page 80

⁵⁵¹ A Craw, Evidence, Page 6 -7, Paras 34 -36

524. Consistent with our approach in other chapters, we recommend the table in 21.3.1 only refer to PDP chapters, and that it distinguish between those notified in Stage 1 and those notified subsequently or yet to be notified (by showing the latter in italics). We recommend this change as a minor and non-substantive change under Clause 16(2) of the First Schedule.
525. Sections 21.3.2 and 21.3.3, as notified, contained a mixture of rules of interpretation and advice notes. We recommend these be re-arranged such that the rules be listed under Section 21.3.2 Interpreting and Applying the Rules, and the remainder under Section 21.3.3 Advice Notes.. The re-arrangement, incorporating the amendments discussed below, are included in Appendix 1.
526. There were no submissions on notified Section 21.3.2. We now address each of the submissions on notified section 21.3.3.
527. We questioned Mr Barr on the as notified Clarification 21.3.3.3 which used “site” to refer to the Certificate of Title, whereas the definition of site in the PDP is an area of land held in one Certificate of Title. Mr Barr agreed that this was an error. We recommend that this be corrected under Clause 16(2) of the First Schedule. Accordingly, we recommend 21.3.3.3. be renumbered 21.3.3.1 (we consider it an advice note) and be reworded as follows;
- Compliance with any of the following standards, in particular the permitted standards, does not absolve any commitment to the conditions of any relevant resource consent, consent notice or covenant registered on the computer freehold register of any property.*
528. As notified, 21.3.3.5 read as follows:
- Applications for building consent for permitted activities shall include information to demonstrate compliance with the following standards, and any conditions of the applicable resource consent conditions.*
529. One submission sought this be deleted. It argued that the requirement was ultra vires as the consents in question are under the Building Act⁵⁵². Mr Barr recommended the submission be rejected, but we could find no reasons set out in the report for reaching that recommendation⁵⁵³. We received no other evidence in regard to this matter.
530. We consider this provision is no more than an advice note and of no regulatory effect. We have left the wording unaltered and renumbered it 21.3.3.3.. Accordingly, we recommend that the submission of QPL be rejected.
531. Clarification point 21.3.3.7 as notified read as follows;
- The existence of a farm building either permitted or approved by resource consent under Table 4 – Farm Buildings shall not be considered the permitted baseline for residential or other non-farming activity development within the Rural Zone.*
532. One submission sought this be retained⁵⁵⁴, one that it be deleted⁵⁵⁵ as the Environment Court had called it into question, and one submission sought that the reference to “or other non-

⁵⁵² Submission 806

⁵⁵³ C Barr, Section 42A Report, Appendix 2, Page 80

⁵⁵⁴ Submission 45

⁵⁵⁵ Submission 806

farming” be removed⁵⁵⁶. Mr Barr recommended the submissions seeking deletion or amendment be rejected, but we could find no reasons set out in the report for reaching that recommendation⁵⁵⁷. We received no other evidence in regard to this matter.

533. Taking into account the specific policy provision made for farm buildings (Policy 21.2.1.2) as opposed to the regime applying to residential and other non-farming activities, we conclude there is justification in retaining this statement. We also conclude it is more in the nature of a rule explaining how the regulatory regime of the Chapter applies. Accordingly, we recommend that this clause retain the notified wording after altering the reference to “Table 4” to “Rule 21.4.2 and Table 5” and relocated so as to be provision 21.3.2.5.

534. As notified, clarification point 21.3.3.8 read as follows;

The Ski Area and Rural Industrial Sub Zones, being Sub Zones of the Rural Zone, require that all rules applicable to the Rural Zone apply unless stated to the contrary.

535. Two submissions sought that this clarification be amended to state that in the event of conflict between the Ski Area Sub Zone Rules in as notified Table 7 and the other rules in Chapter 21, the provisions in Table 7 would prevail⁵⁵⁸.

536. These submissions were not directly addressed in the Section 42A Report. Mr Fergusson in evidence for Soho Ski Area Ltd and Treble Cone Investments Ltd, addressed this clarification point as part of a wider consideration of the difference between Ski Area Sub Zone Accommodation and Visitor Accommodation in the Rural Area⁵⁵⁹. We addressed this difference between the types of accommodation in Section 5.19 above, and recommended a separate definition for Ski Area Sub Zone Accommodation. We think that this addresses the potential issue raised in the submission and accordingly recommend that the submission be rejected.

537. We find this to be an implementation rule and have relocated to be provision 21.3.2.6.

538. Clarification point 21.3.3.9 related to the calculation of “ground floor area” in the Rural Zone. One submission sought either that the clarification point be deleted, relying on the definition of “ground floor area”, or that the definition of “ground floor area” be amended so as to provide for the rural area⁵⁶⁰. Mr Barr recommended the submission be rejected⁵⁶¹ but we could find no reasons set out in the report for him reaching that recommendation. We received no direct evidence on this matter.

539. Although Submission 806 states that there is a definition of “Ground floor area” in Chapter 2, that definition, as notified, only applied to signs⁵⁶², not buildings.. We note that the definition of ground floor area included in Section 21.3.3 is also included in Chapters 22 and 23. In our view, rather than repeating this as an implementation rule, it should be included in Chapter 2 as a definition. Therefore, we recommend that Submission 806 is accepted to the extent that

⁵⁵⁶ Submission 519

⁵⁵⁷ C Barr, Section 42A Report, Appendix 2, Page 80

⁵⁵⁸ Submissions 610, 613

⁵⁵⁹ C Fergusson, Evidence, Pages 34-35, Para 129 - 133

⁵⁶⁰ Submission 806

⁵⁶¹ C Barr, Section 42A Report, Appendix 2, Page 81

⁵⁶² We note that the notified definition does not appear to define a ground area in any event and is the subject of the Stage 2 Variations.

21.3.3.9 is deleted and the definition is included in Chapter 2⁵⁶³. We also recommend that the equivalent amendments are made in Chapters 22 and 23.

540. Clarification Point 21.3.3.11 set out the meaning of the abbreviations used in the Rule Tables in 21.4 of the PDP. It also notes that any activity that is not permitted or prohibited requires a resource consent.
541. One submission from QPL sought that the clarification point be amended to ensure that the rules are applied on an effects basis⁵⁶⁴. Mr Barr recommended the submission be rejected⁵⁶⁵, but we could find no reasons set out in the report for him reaching that recommendation. We received no direct evidence on this matter.
542. On review of the submission itself, it sets out as the reason for the submission that “*the Council should not attempt to list all activities that may occur and should instead rely on the proposed standard to ensure that effects are appropriately managed.*”
543. To our mind, this has more to do with the content of rules than clarification of the meaning of the abbreviations, or the effect of activities being permitted or prohibited for that matter. We recommend that the submission as it relates to 21.3.3.11 be rejected. As a result of our re-arrangement of the clauses in 21.3.2 and 21.3.3, this is renumbered 21.3.2.9.
544. In his Reply Statement, Mr Barr recommended inclusion of the following three matters for clarification purposes:

21.3.3.11 The surface of lakes and rivers are zoned Rural, unless otherwise stated.

21.3.3.12 In this chapter the meaning of bed shall be the same as in section 2 of the RMA.

21.1.1.13 Internal alterations to buildings including the replacement of joinery is permitted.

545. We consider the first of these is a useful inclusion to avoid any ambiguity. We do not see the second as helpful as it may imply that when considering provisions in other chapters, the meaning of bed given in section 2 of the Act does not apply. We would have thought the defined term from the Act would apply unless the context required otherwise. Although we are not sure the third is necessary, there is no reason not to include it. We recommend these be included as 21.3.2.8 and 21.3.2.9.

6 SECTION 21.4 – RULES – ACTIVITIES

6.1 Structure of Rules and Tables

546. In considering the rules and their layout in the tables, we found these difficult to follow. For example, in some cases activities and standards were combined under ‘activities’. In these situations, we recommend that the activities and standards be separated and the tables be renumbered. We note that we have already addressed the table for the surface of lakes and rivers, activities and standards in Section 3.4 above. Another example is where the rules specify that activities are prohibited with exceptions detailing what is permitted, rather than setting out firstly what is permitted and secondly, if the activity is not permitted, what the appropriate activity status is.

⁵⁶³ As a recommendation to the Stream 10 Hearing Panel.

⁵⁶⁴ Submission 806

⁵⁶⁵ C Barr, Section 42A Report, Appendix 2, Page 81

547. Taking those matters into account, we recommend re-ordering the tables into the following sequence, which we consider more logical and easier for plan users to follow:

Table 1	Activities Generally
Table 2	Standards applying generally in zone
Table 3	Standards applying to Farm Activities (additional to those in Table 2)
Table 4	Standards for Structures and Buildings (other than Farm Buildings) (additional to those in Table 2)
Table 5	Standards for Farm Buildings (additional to those in Table 2)
Table 6	Standards for Commercial Activities (additional to those in Table 2)
Table 7	Standards for Informal Airports (additional to those in Table 2)
Table 8	Standards for Mining and Extraction Activities (additional to those in Table 2)
Table 9	Activities in the Ski Area Sub Zone additional to those listed in Table 1
Table 10	Activities in Rural Industrial Subzone additional to those listed in Table 1
Table 11	Standards for Rural Industrial Subzone
Table 12	Activities on the Surface of Lakes and Rivers
Table 13	Standards for Activities on the Surface of Lakes and Rivers
Table 14	Closeburn Station: Activities
Table 15	Closeburn Station: Standards for Buildings and Structures

548. We consider these to be minor correction matters that can be addressed under Clause 16(2) and we make recommendations accordingly.

549. In addition, the terminology of the rules themselves needs amendment; using the term “shall” could be read as providing a degree of discretion that is not appropriate in a rule context. We recommend that the term “must” replace the term “shall” except where the context requires the use of “shall” or another term. Again, we consider these to be minor correction matters that can be addressed under Clause 16(2) and we make recommendations accordingly.

6.2 Table 1 (As Notified) - Rule 21.4.1 - Activity Default Status

550. Rule 21.4.1 as notified identified that activities not listed in the rule tables were “*Non-complying*” Activities. A number of submissions⁵⁶⁶ sought that activities not listed in the tables should be made permitted.

551. We did not receive any direct evidence in regard to this matter, although Mr Barr addressed it in his Section 42A Report⁵⁶⁷. We agree with Mr Barr that it is not apparent that the effects of all non-listed activities can be appropriately avoided, remedied or mitigated in the Rural Zone across the District, such that a permitted activity status is the most appropriate way in which to achieve the objectives of Chapter 21. We therefore recommend that the default activity status for activities not listed in the rule table remain non-complying. Consistent with our approach

⁵⁶⁶ Submissions 624, 636, 643, 688, 693

⁵⁶⁷ C Barr, Section 42A Report, Paras 8.9 – 8.10

of listing activities from the least restricted to the most restricted, we recommend this rule be located at the end of Table 1. We also recommend that it only refer to those tables that list activities (as opposed to standards applying to activities). To remove any possible ambiguity we recommend it read:

Any activity not otherwise provided for in Tables 1, 9, 10, 12 or 14.

6.3 Rule 21.4.2 – Farming Activity

552. The only submissions on this rule supported it⁵⁶⁸. With the re-arrangement of the tables of standards discussed above, a consequential change is required to this rule to refer to Table 3 as well as Table 2. Other than that change and renumbering to 21.4.1, we recommend the rule be adopted as notified.

6.4 Rule 21.4.3 – Farm Buildings

553. As notified, Rule 21.4.3 provided for the “Construction or addition to farm buildings that comply with the standards in Table 4” as permitted activities.

554. Three submissions sought that the rule be retained⁵⁶⁹. One submission sought to roll-over provisions of the ODP so that farming buildings not be permitted activities.⁵⁷⁰ One submission supported permitted activity status for farm buildings, but sought that Council be firm where a landholder establishes farm buildings and then makes retrospective application for consent so that the buildings can be used for a non-farming purposes⁵⁷¹.

555. Mr Barr, in the Section 42A Report, recommended that the submission from UCES be rejected for the reasons set out in the Section 32 Report.⁵⁷² The Section 32 Report concluded that administrative efficiencies can be achieved while maintaining landscape protection, by requiring compliance with standards in conjunction with a permitted activity status for farm buildings.⁵⁷³

556. We have already addressed the permitted activity status for farming activities in Section 7.3 above. Similarly, we have also addressed farm buildings in Policy 21.2.1.2, as notified, above (Section 5.3) and recommended allowing farm buildings on landholdings over 100 ha subject to managing effects on landscape values.

557. Accordingly, we recommend that Rule 21.4.3 be renumbered 21.4.2 and refer to Table 5, but otherwise be retained as notified.

558. We think that the submission of M Holor⁵⁷⁴ raises a genuine issue regarding the conversion of farm buildings to a non-farming use, such as a dwelling. We are aware of situations in the district where applicants seeking consent for such conversions rely on existing environment arguments in order to obtain consent. This is sometimes referred to as ‘environmental creep’.

⁵⁶⁸ Submissions 325, 384, 600 (supported by FS1209, opposed by FS1034), 608

⁵⁶⁹ Submissions 325, 348, 608

⁵⁷⁰ Submission 145

⁵⁷¹ Submission 45

⁵⁷² C Barr, Section 42A Report, Page 29, Para 10.4

⁵⁷³ C Barr, Section 42A Report, Appendix 3, Section 32 Evaluation Report, Landscape, Rural Zone and Gibbston Character Zone, Pages 18 - 19

⁵⁷⁴ Submission 45

559. As notified, Rule 21.3.3.7 stated that farm building were not to be considered the permitted baseline for residential or other non-farming activities. We have recommended retaining this as implementation provision 21.3.2.5. We do not consider Submission 45 provides scope for any additional provision.

6.5 Rule 21.4.4 – Factory Farming

560. There were no submission on this rule. However, this is an instance where a “standard” in Table 2 (as notified) classified certain types of factory farming non-complying (notified Rule 21.5.11). In addition, notified Rules 21.5.9 and 21.5.10 set standards for pig and poultry factory farming respectively. There were no submissions to Rules 21.5.9, 21.5.10 or 21.5.11.

561. We recommend, as a minor amendment under Clause 16(2), that Rule 21.4.4 be renumbered 21.4.3, amended to be restricted to pigs and poultry, and to refer to Table 2 and 3. In addition, we recommend in the same way that notified Rule 21.5.11 be relocated to 21.4.4. The two rules would read:

21.4.3	Factory Farming limited to factory farming of pigs or poultry that complies with the standards in Table 2 and Table 3.	P
21.4.4	Factory Farming animals other than pigs or poultry.	NC

6.6 Rule 21.4.5 – Use of Land or Building for Residential Activity

562. As notified, Rule 21.4.5 provided for the “the use of land or buildings for residential activity except as provided for in any other rule” as a discretionary activity.

563. One submission sought that this rule be retained⁵⁷⁵ and one sought that it be deleted⁵⁷⁶.

564. The Section 42A Report did not address these submissions directly. Rather, Mr Barr addressed residential activity and residential/non-farming buildings in a general sense⁵⁷⁷, concluding that Rule 21.4.5 was appropriate as non-farming activities could have an impact on landscape⁵⁷⁸. Although not directed to the submissions on this rule, Mr Barr considered that discretionary activity status was more appropriate to that of non-complying.

565. Mr Barr’s discussion addressed submissions made by UCES. The UCES position was based on the potential for proposed legislative amendments to make the residential activity application non-notified if they are discretionary activities. This matter was also canvassed extensively in the Stream 4 Hearing (Subdivision). We adopt the reasoning of the Stream 4 Hearing Panel⁵⁷⁹ in recommending this submission be rejected.

566. We heard no evidence from QPL in support of its submission seeking deletion of the rule. In tabled evidence for Matukitiki Trust, Ms Taylor agreed with the recommendation in the Section 42A Report.⁵⁸⁰

⁵⁷⁵ Submission 355

⁵⁷⁶ Submission 806

⁵⁷⁷ C Barr, Section 42A Report, Pages 32-37, Paras 11.1 – 11.28

⁵⁷⁸ C Barr, Section 42A Report, Pages 36 – 37, Para 11.25

⁵⁷⁹ Report 7, Section 1.7

⁵⁸⁰ L Taylor, Evidence, Appendix A, Page 6

567. We accept Mr Barr’s recommendation, given the submissions before us and the evidence we heard. Thus, we recommend the rule be retained as notified but be relocated to be Rule 21.4.10.

6.7 Rule 21.4.6 – One Residential Unit per Building Platform

568. As notified, Rule 21.4.6 provided for “One residential unit within any building platform approved by resource consent” as a permitted activity.

569. Three submissions sought that this rule be retained⁵⁸¹, four submissions sought that it be deleted⁵⁸², one submission sought that the rule be replaced with the equivalent provisions of the ODP⁵⁸³ which would have had the effect of deleting the rule, and one submission sought that the rule be amended to clarify that it only applies to the activity itself, as there are other rules (21.4.7 and 21.4.8) that relate to the actual buildings⁵⁸⁴.

570. In the Section 42A Report, Mr Barr addressed some of these points directly, noting that it is generally contemplated that there is one residential unit per fee simple lot and that Rule 21.4.12 provides for one residential flat per residential unit. He was of the opinion that the proposed change to a permitted activity status from controlled in the ODP would significantly reduce the number of consents without compromising environmental outcomes.⁵⁸⁵

571. At this point we record that that a similar provision to notified Rule 21.4.6, is also contained in Chapter 22, Rural Residential & Rural Lifestyle (Rule 22.5.12.1) which also has a limit within the Rural Lifestyle Zone of one residential unit within each building platform. Therefore, we address the number of residential units and residential flats within a building platform for the Rural, and Rural Lifestyle zones at the same time.

572. As notified, Rule 22.5.12.1, (a standard) provided for “One residential unit located within each building platform”. Non-compliance with the standard results in classification as a non-complying activity.

573. Four submissions sought that this rule be deleted⁵⁸⁶ and seven submissions sought that it be amended to provide for two residential units per building platform⁵⁸⁷.

574. In the Section 42A Report for Chapter 22, Mr Barr considered that two dwellings within one building platform would alter the density of the Rural Lifestyle zone in such a way as to affect the rural character of the zone and also create an ill-conceived perception “that subdivision is contemplated based on the argument that the effect of the residential unit is already established”⁵⁸⁸.

575. Responding to the reasons provided in the submissions, Mr Barr also considered that the rule was not contrary to Objective 3.2.6.1 as notified, which sought to ensure a mix of housing opportunities. In Mr Barr’s view, that objective has a district wide focus and does not require

581 Submissions 355, 384, 806

582 Submissions 331, 348, 411, 414

583 Submission 145

584 Submission 608

585 C Barr, Section 42A Report, Page 34, Paras 11.11 - 11.14

586 Submissions 331, 348, 411, 414

587 Submissions 497, 513, 515, 530, 532, 534, 535

588 C Barr, Section 42A Report – Chapter 22, Pages 11 – 12, Paras 8.8 – 9.9

provision for intensification in all zones. Rather, the intention is that intensification be promoted within urban boundaries, but not in other zones.⁵⁸⁹

576. Mr N Geddes, in evidence for NT McDonald Family Trust *et al*⁵⁹⁰, was of the view that to require discretionary activity status for an additional residential unit under 21.4.6 while a residential flat was a permitted activity, was unnecessary and unbalanced, and not justified by a s32 analysis. In relation to Rule 22.5.1.2.1, Mr Geddes observed that there was no section 32 analysis supporting the rule and he disagreed with Mr Barr as to the perception that subdivision was contemplated. He noted that subdivision is managed as a discretionary activity under Chapter 27, and two units in one approved building platform would provide a wider range of opportunities⁵⁹¹.
577. Mr Goldsmith, in evidence for Arcadian Triangle, suggested that within the Rural Lifestyle Zone, amending the residential flat provision to a separate residential unit was a fairly minor variation but needed caveats, e.g. further subdivision prevented, to avoid abuse. Mr Goldsmith considered two residential units within a single 1000m² building platform would not create a perceptible difference to one residential unit and one residential flat, where the residential flat could be greater than 70m². Addressing the subdivision issue raised by Mr Barr, Mr Goldsmith suggested that to make it clear that subdivision was not allowed, the rule could make subdivision a prohibited activity.⁵⁹²
578. Mr Farrell, in evidence for Wakatipu Equities Ltd⁵⁹³ and G W Stalker Family Trust⁵⁹⁴ raised similar issues to that of Mr Geddes and Mr Goldsmith. He also expressed the view that the rule contradicted higher level provisions (Objective 3.2.6.1) and noted that two residential units within a building platform would be a more efficient and effective use of resources⁵⁹⁵. However, in his summary presentation to us, Mr Farrell advised that his evidence was particularly directed to issues in the Wakatipu Basin, rather than to the wider District.
579. In reply, Mr Barr noted that residential flat *"...sits within the definition of Residential Unit, therefore, if two Residential Units are allowed, there would be an expectation that a Residential Flat would be established with each Residential Unit. In addition, within a single building platform with two Residential Units there could be four separate living arrangements. From an effects based perspective this could be well beyond what was contemplated when the existing building platforms in the Rural General Zone were authorised."*⁵⁹⁶
580. Mr Barr also considered that in the Rural and Rural Lifestyle Zones, the size of a residential flat could be increased from 70m² to 150m² to address the concern raised by Mr Goldsmith that the 70m² size for a residential flat was arbitrary and related to an urban context. Mr Barr also considered that this solution would mean, among other things, that subdivision of residential flat from a residential unit should be a non-complying activity, and that the only amendment required is to the definition of residential flat which would therefore reduce the complexity

⁵⁸⁹ C Barr, Section 42A Report – Chapter 22, Page 12, Para 8.10

⁵⁹⁰ Submissions 411, 414

⁵⁹¹ N Geddes, Evidence, Page 6, Paras 34 - 35

⁵⁹² W Goldsmith, Evidence, Page 14, Paras 4.3 – 4.6 and Summary, Page 1, Para 2

⁵⁹³ Submission 515

⁵⁹⁴ Submission 535

⁵⁹⁵ B Farrell, Evidence, Page 36 Para 155

⁵⁹⁶ C Barr, Reply, Chapter 21, Page 18, Para 6.3

associated with controlling multiple residential units within a single building platform.⁵⁹⁷ We note that Mr Barr provided a similar response in reply regarding Chapter 22.

581. Mr Barr's recommended amendment to the definition of residential flat was as follows;

"Means a residential activity that comprises a self-contained flat that is ancillary to a residential unit and meets all of the following criteria:

- a. *Has a total floor area not exceeding 70m², and 150m² in the Rural Zone and Rural Lifestyle Zone, not including the floor area of any garage or carport;*
- b. *contains no more than one kitchen facility;*
- c. *is limited to one residential flat per residential unit; and*
- d. *is situated on the same site and held in the same ownership as the residential unit, but may be leased to another party.*

Notes:

- a. A proposal that fails to meet any of the above criteria will be considered as a residential unit.
- b. Development contributions and additional rates apply."

582. Mr Barr recommended that Rule 21.4.6 and 22.5.12 remain as notified.

583. Firstly, we note that as regards the application of this rule in the Wakatipu Basin, the notification of the Stage 2 Variations has overtaken this process. It has also involved, through the operation of Clause 16B of the First Schedule to the Act, transferring many of these submissions to be heard on the Stage 2 Variations.

584. While we agree with Mr Barr that the simplicity of the solution he recommended is desirable, we do note our unease about using a definition to set a standard for an activity⁵⁹⁸. In this instance, however, to remove the standard from the definition would require amendment to all zones in the PDP. We doubt there is scope in the submissions to allow the Council to make such a change. Subject to these concerns, Mr Barr's solution effectively addresses the issues around potential consequential subdivision effects from creating a density of dwellings within a building platform that would not be consistent with the objectives in the strategic chapters and in this chapter.

585. Accordingly, we recommend that aside from renumbering, Rules 21.4.6 and 22.5.12.1 remain as notified and that the definition of Residential Flat be worded as follows:

"Means a residential activity that comprises a self-contained flat that is ancillary to a residential unit and meets all of the following criteria:

- a. *the total floor area does not exceed:*
 - i. *150m² in the Rural Zone and Rural Lifestyle Zone;*

⁵⁹⁷ C Barr, Reply, Chapter 21, Pages 18 - 19, Para 6.5

⁵⁹⁸ We note that the Stream 6 Hearing Panel raised the same concerns.

ii. 70m² in any other zone;

not including in either case the floor area of any garage or carport;

b. it contains no more than one kitchen facility;

c. is limited to one residential flat per residential unit; and

d. is situated on the same site and held in the same ownership as the residential unit, but may be leased to another party.

Notes:

a. A proposal that fails to meet any of the above criteria will be considered as a residential unit.

b. Development contributions and additional rates apply.”

586. We return to the issue of density as it applies to other rules and the objectives in Chapter 22 later in this report.

6.8 Rules 21.4.7 & 21.4.8– Construction or Alteration of Buildings Within and Outside a Building Platform

587. As notified, Rule 21.4.7, provided for “The construction and exterior alteration of buildings located within a building platform approved by resource consent, or registered on the applicable computer freehold register, subject to compliance with the standards in Table 3.” as a permitted activity.

588. As notified, Rule 21.4.8, provided for “The exterior alteration of any lawfully established building located outside of a building platform, subject to compliance with the standards in Table 3.” as a permitted activity.

589. Two submissions sought that Rule 21.4.7 be retained⁵⁹⁹ and one submission sought that the rule be replaced with the equivalent provisions of the ODP⁶⁰⁰ which relate to Construction and Alteration of Residential Buildings located within an approved residential building platform or outside a residential building platform.

590. One submission sought that Rule 21.4.8 be retained⁶⁰¹, one submission sought that the activity status be changed to discretionary and one submission sought that the rule be replaced with the equivalent provisions of the ODP⁶⁰² which relate to Construction and Alteration of Residential Buildings located within an approved residential building platform or outside a residential building platform.

591. In the Section 42A Report, Mr Barr addressed these matters, noting that there was general support for the provisions, and that, as we noted above, he considered that permitted activity status would significantly reduce the number of consents without compromising environmental

⁵⁹⁹ Submissions 238, 608

⁶⁰⁰ Submission 145

⁶⁰¹ Submission 608

⁶⁰² Submission 145

outcomes.⁶⁰³ Mr Barr also considered that Rule 21.4.8 was necessary to provide for minor alterations of buildings that were lawfully established prior to the ODP regime which established the requirement for a building platform.⁶⁰⁴

592. Mr Haworth, in evidence for UCES on these rules, expressed the view that permitted activity status would engender an “anything goes” attitude and there would be less scrutiny given to proposals, which often results in greater adverse effects⁶⁰⁵. Mr Haworth considered that the controlled activity status in the same form as in the ODP should be retained so that adverse effects on landscape were adequately controlled.⁶⁰⁶

593. There was no evidence from UCES as to why, after 15 years of experience of the ODP regime, that a controlled activity was a more appropriate approach than a permitted activity with appropriate standards. In particular, no section 32 evaluation was presented to us which would have supported an alternative and more regulated approach. UCES sought this relief for a number of rules in Chapter 21 and in each case, the same position applies. We do not consider it necessary to address the UCES submission further.

594. In response to our questions, Mr Barr, in reply, recommended an amendment to Rule 21.4.8 as notified, to clarify that the rule applied to situations where there was no building platform in place. Mr Barr’s recommended wording was as follows;

“The exterior alteration of any lawfully established building located outside of a building platform where there is not an approved building platform in place, subject to compliance with the standards in Table 3.”

595. We consider that Mr Barr’s suggested rewording confuses rather than clarifies the position, because it refers both to a building outside a building platform and to there being no building platform; a situation which cannot in fact exist. The answer is to delete the words, “located outside of a building platform”. However, we also envisage a situation where there is a building platform in place and an extension is proposed that would extend the existing dwelling beyond the building platform. The NZIA⁶⁰⁷ submission sought to address that circumstance by seeking discretionary activity status. From our reading this is already addressed in Rule 21.4.10 (as notified) that applies to construction not provided for by the any other rule as a discretionary activity and therefore no additional amendment is required to address it.

596. We concur with Mr Barr as to the activity status, and accordingly recommend that Rules 21.4.7 be renumbered 21.4.6 and the wording and activity status remain unchanged other than referring to Tables 2 and 4 rather than Table 3. We further recommend that Rule 21.4.8 be renumbered 21.4.7, the activity status remain permitted and be worded as follows;

“The exterior alteration of any lawfully established building where there is no approved building platform on the site, subject to compliance with the standards in Table 2 and Table 4.”

6.9 Rule 21.4.9 – Identification of Building Platform.

597. As notified, Rule 21.4.9, provided for “The identification of a building platform not less than 70m² and not greater than 1000m².” as a discretionary activity.

⁶⁰³ C Barr, Section 42A Report, Page 34, Para 11.13

⁶⁰⁴ C Barr, Section 42A Report, Page 34, Para 11.14

⁶⁰⁵ J Haworth, Evidence, Page 21, Para 152

⁶⁰⁶ J Haworth, Evidence, Page 21, Para 156

⁶⁰⁷ Submission 328

598. Three submissions sought that the rule be deleted⁶⁰⁸.
599. Mr Barr, in the Section 42A Report, recorded the reasons for the requested deletion from two of the submitters as being that *“defaulting to a non-complying activity if outside these parameters is arbitrary because ‘if the effects of a rural building platform sized outside of this range can be shown to be appropriate, there is no reason it should not be considered on a discretionary basis.’”*⁶⁰⁹
600. Mr Barr, did not disagree with that reason but noted *“that it could create a potential for proposals to identify building platforms that are very large (while taking the risk of having the application declined) and this in itself would be arbitrary. Similarly, if the effects of a rural building platform are appropriate irrespective of the size it would more than likely accord with s104D of the RMA.”*⁶¹⁰ In tabled evidence⁶¹¹ for X-Ray Trust Limited, Ms Taylor agreed with Mr Barr’s recommendation⁶¹².
601. We agree with Mr Barr’s reasoning. We recommend that these submissions are rejected and that Rule 21.4.9 be remain as worded, but be renumbered 21.4.10.

6.10 Rule 21.4.10 – Construction not provided for by any other rule.

602. As notified, Rule 21.4.10, provided for “The construction of any building including the physical activity associated with buildings including roading, access, lighting, landscaping and earthworks, not provided for by any other rule.” as a discretionary activity.
603. Five submissions sought the provision be amended⁶¹³ as follows;
- “The construction of any building including the physical activity associated with buildings not provided for by any other rule.”*
604. Mr Barr considered the need to separate farming activities from non-farming activities in the Section 42A Report and noted that roading, access, lighting, landscaping and earthworks associated with non-farming activities can all impact on landscape.⁶¹⁴
605. While arguably, specific reference to the matters listed is unnecessary since all are ‘associated’ with construction (and ongoing use) of a building, we think it is helpful to provide clarification of the sort of activities covered, for the reason Mr Barr identifies. Accordingly, we recommend that 21.4.10 be renumbered 21.4.11 and that the wording and activity status remain as notified.

6.11 Rule 21.4.11 – Domestic Livestock

606. There were no submissions on this rule. We recommend it be adopted as notified but renumbered as 21.4.8.

⁶⁰⁸ Submissions 693, 702, 806

⁶⁰⁹ C Barr, Section 42A Report, Page 37, Para 11.26

⁶¹⁰ C Barr, Section 42A Report, Page 37, Para 11.27

⁶¹¹ FS1349

⁶¹² L Taylor, Evidence, Appendix A, Page 8

⁶¹³ Submissions 636, 643, 688, 693, 702

⁶¹⁴ C Barr, Section 42A Report, Pages 36-37, Para 11.25

6.12 Rule 21.4.12 – Residential Flat; Rule 21.4.13 - Home Occupations

607. As notified, Rule 21.4.12, provided for “Residential Flat (activity only, the specific rules for the construction of any buildings apply).” as a permitted activity.
608. As notified, Rule 21.4.13, provided for “Home Occupation that complies with the standards in Table 5.” as a permitted activity.
609. One submission sought that Rule 21.4.12 be retained⁶¹⁵. One submission sought that Rules 21.4.12 and 21.4.13 be deleted⁶¹⁶. The reason stated for this relief was that the submitter considered these consequential deletions were needed for clarity that any permitted activity not listed but meeting the associated standards is a permitted activity and as such negates the need for such rules.
610. Mr Barr did not address these submissions directly in the Section 42A Report and nor did we receive any direct evidence in support of the deletion of these particular rules.
611. We have already addressed this matter in Section 7.2 above, noting that it is not apparent that the effects of all non-listed activities can be appropriately avoided, remedied or mitigated in the Rural Zone across the District, such that a permitted activity status is the most appropriate way in which to achieve the objectives of Chapter 21. We note that in Stream 6, the council officers recommended that reference to “residential flat” be removed as it was part of a residential unit as defined. That Panel (differently constituted) concluded that, as the definition of “residential unit” included a residential flat, there was no need for a separate activity rule for residential flat, but it would assist plan users if the listing of residential unit identified that such activity included a residential flat and accessory buildings. For consistency, “residential flat” should be deleted from this chapter and recommended Rule 21.4.5 read:

One residential unit, including a single residential flat and any accessory buildings, within any building platform approved by resource consent.

612. We so recommend.
613. We recommend that Rule 21.4.13 be retained as notified and renumbered 21.4.12..

6.13 Rule 21.4.14 – Retail sales from farms

614. As notified, Rule 21.4.14, provided for, as a controlled activity:

“Retail sales of farm and garden produce and wine grown, reared or produced on-site or handicrafts produced on the site and that comply with the standards in Table 5. Except roadside stalls that meet the following shall be a permitted activity:

- a. *the ground floor area is less than 5m²*
- b. *are not higher than 2.0m from ground level*
- c. *the minimum sight distance from the stall/access shall be 200m*
- d. *the minimum distance of the stall/access from an intersection shall be 100m and, the stall shall not be located on the legal road reserve.*

⁶¹⁵ Submission 608

⁶¹⁶ Submission 806

Control is reserved to all of the following:

- *The location of the activity and buildings*
- *Vehicle crossing location, car parking*
- *Rural amenity and landscape character..”*

as a controlled activity.

615. One submission sought that the rule be amended so as to provide for unrestricted retail⁶¹⁷ and one submission sought that it be amended to a permitted activity for the reason to encourage locally grown and made goods for a more sustainable future⁶¹⁸.
616. These submissions were not directly addressed in the Section 42A Report and nor did we receive any evidence directly in support of these submissions.
617. Given that lack of evidence we recommend that the submissions be rejected.
618. This rule, however, is an example of a situation as we identified in Section 7.5 above, where a permitted activity has been incorporated as an exception within a controlled activity rule. We recommend that the permitted activity be separated out as its own rule, and that the remainder of the rule be retained as notified.
619. Accordingly, we recommend that Rule 21.4.14 be renumbered as 21.4.16 and worded as follows;

Retail sales of farm and garden produce and wine grown, reared or produced on-site or handicrafts produced on the site and that comply with the standards in Table 6, not undertaken through a roadside stall under 21.4.14.

Control is reserved to:

- a. the location of the activity and buildings*
- b. vehicle crossing location, car parking*
- c. rural amenity and landscape character..”*

as a controlled activity.

620. In addition, we recommend a new permitted activity rule numbered 21.4.14 be inserted and worded as follows:

Roadside stalls that meet the standards in Table 6.

621. We further recommend that standards for roadside stalls be inserted into Table 6 worded as follows:

⁶¹⁷ Submission 806

⁶¹⁸ Submission 238

- 21.9.3.1 *The ground floor area of the roadside stall must not exceed 5m²*
- 21.9.3.2 *The height must not exceed 2m²*
- 21.9.3.3 *The minimum sight distance from the roadside stall access must be at least 200m*
- 21.9.3.4 *The roadside stall must not be located on legal road reserve.*

6.14 Rule 21.4.15 – Commercial Activities ancillary to recreational activities

622. As notified, Rule 21.4.15 provided for:

“Commercial activities ancillary to and located on the same site as recreational activities.”
as discretionary activities.

623. One submission sought that the rule be deleted so as to provide for commercial and recreational activities on the same site⁶¹⁹.

624. This submission was not directly addressed in the Section 42A Report, other than implicitly, through a recommendation that it should be rejected as set out in Appendix 2⁶²⁰.

625. Mr Brown in evidence for QPL, considered that the rule should be expanded to provide for *“commercial recreational activities”* as well as *“recreational activities”* so as to provide clarification between these two activities which have separate definitions.⁶²¹

626. Mr Barr, in reply considered that the amendment recommended by Mr Brown went some way to meeting the request of the submitter⁶²² and recommended that the Rule 21.4.15 be amended as follows;

“Commercial activities ancillary to and located on the same site as commercial recreational or recreational activities.”

627. We agree with Mr Brown that for the purposes of clarity, commercial recreational activities need to be incorporated into the rule. We heard no evidence in support of the rule being deleted.

628. Accordingly, we recommend that the activity status remain as discretionary, and that Rule 21.4.15 be renumbered as 21.4.17 and worded as follows;

“Commercial activities ancillary to and located on the same site as commercial recreational or recreational activities.”

6.15 Rule 21.4.16 – Commercial Activities that comply with standards and Rule 21.5.21 Standards for Commercial Activities

629. As notified, Rule 21.4.16, provided for:

⁶¹⁹ Submission 806
⁶²⁰ C Barr, Section 42A Report, Appendix 2, Page 93
⁶²¹ J Brown, Evidence, Page 14, Para 2.20 – 2.21
⁶²² C Barr, Reply, Page 10. Para 4.8

“Commercial recreation activities that comply with the standards in Table 5.”
as a permitted activity.

630. One submission sought that the rule be retained⁶²³ and one submission sought that the rule be amended to include Heli-Skiing as a permitted activity⁶²⁴.

631. Rule 21.5.21 (Table 5 Standards for Commercial Activities) needs to be read in conjunction with Rule 21.4.16. As notified it read as follows:

“Commercial recreation activity undertaken on land, outdoors and involving not more than 10 persons in any one group.”

632. Non-compliance with this standard required consent as a discretionary activity.

633. Two submissions sought that Rule 21.5.21 be retained⁶²⁵, three submissions sought the number of persons be increased to anywhere from 15 – 28⁶²⁶ and one submission sought that number of persons in the group be reduced to 5⁶²⁷.

634. The Section 42A Report did not address the issue of heli-skiing within the definition of commercial recreational activity.

635. Mr Dent in evidence for Totally Tourism, identified that heli-skiing fell with the definition of “commercial recreational activity”. We agree. Mr Dent described a typical heli-skiing activity and referenced the informal airport rules that applied and that heli-skiing activities undertaken on crown pastoral and public conservation land already required Recreation Permits and concessions. To avoid the additional regulation involved in requiring resource consents which would be costly and inefficient Mr Dent recommended that Rule 21.4.6 be reworded as follows;

*“Commercial recreation activities that comply with the standards in Table 5, and commercially guided heli-skiing.”*⁶²⁸

636. This would mean that commercially guided heli-skiing would be a permitted activity, but not be subject to the standards in Table 5. Having agreed with Mr Dent that heli-skiing activities fall within the definition of commercial recreational activity, we do not see how an exemption exempting commercially guided heli-skiing from the standard applied to any other commercial recreation activity for commercially guided heli-skiing can be justified. We address the issue of the numbers of person in a group below. We therefore recommend that the submission of Totally Tourism be rejected.

637. In relation to the permitted activity standard 21.5.21, Mr Barr expressed the opinion in the Section 42A Report that

“... that the limit of 10 people is balanced in that it provides for a group that is commensurate to the size of groups that could be contemplated for informal recreation activities. Ten persons

⁶²³ Submission 806

⁶²⁴ Submission 571

⁶²⁵ Submission 315

⁶²⁶ Submissions 122, 621, 624

⁶²⁷ Submission 489

⁶²⁸ S Dent, Evidence, Page 13, Para 83

*is also efficient in that it would fit a min-van or a single helicopter, which I would consider as one group.*⁶²⁹

638. Mr Brown in evidence for QPL supported the group size of 10 person, as it recognised the small scale, low impact outdoor commercial recreation activities that can be accommodated without the resulting adverse effects on the environment and hence no need to obtain resource consent, compared to large scale activities that do require scrutiny.⁶³⁰

639. Mr Vivian, in evidence for Bungy NZ Limited and Paul Henry Van Asch, was of the opinion that the threshold of 5 people in a group (in the ODP) worked well and changing it to 10 people “... would significantly change how those commercial guided groups are perceived and interact with other users in public recreation areas”⁶³¹. Mr Vivian, also noted potential safety issues as from his experience of applying for resource consents for such activities, safety was a key issue in consideration of any such application.

640. Ms Black, in evidence for RJL, was of the view that the number of persons should align with that of other legislation such as the Land Transport Act 2005, which provides for small passenger vehicles that carry 12 or less people and Park Management plans that provide concession parties of up to 15.⁶³² Mr Farrell, in evidence for RJL, concurred with Ms Black as to the benefit of alignment between the documents and recommended that the rule be reworded as follows:

*“Commercial recreation activity undertaken on land, outdoors and involving not more than ~~10~~ 15 persons in any one group (inclusive of guides).”*⁶³³

641. In reply Mr Barr, recommended increasing the number of persons from 10 to 12 to align with the minivan size, for the reasons set out in Ms Black’s evidence.⁶³⁴

642. Safety in regard to group size may be a factor, but we think that there is separate legislation to address such matters. The alignment between minivan size and other legislation as to the size of any group may be a practical consideration. However, we consider that the more important point is that there are no implications in terms of effects. We also recommend that in both Rules 21.4.16 and Rule 21.5.21, the defined term by used (i.e. commercial recreational activity) for clarity.

643. Accordingly we recommend that apart from that minor clarification and renumbering, Rule 21.4.16 be renumbered 21.4.13 with the Table reference amended, but otherwise remain as notified, and that Rule 21.5.21 be renumbered and worded as follows:

Commercial recreational activities must be undertaken on land, outdoors and must not involve more than 12 persons in any one group.

6.16 Rule 21.4.17 – Cafes and Restaurants

644. There were no submissions on this rule. We recommend it be retained as notified and renumbered as 21.4.18.

⁶²⁹ C Barr, Section 42A Report, Page 48, Para 13.35

⁶³⁰ J Brown, Evidence, Page 14, Para 2.19

⁶³¹ C Vivian, Evidence, Pages 26 – 27, Para 5.7

⁶³² F Black, Evidence, Pages 7 – 8, Para 3.24 – 3.25

⁶³³ B Farrell, Evidence, Page 27, Para 124

⁶³⁴ C Barr, Reply, Page 10, Para 4.8

6.17 Rule 21.4.18 – Ski Area Activities within a Ski Area Sub Zone

645. As notified, Rule 21.4.18, provided for:

“Ski Area Activities within the Ski Area Sub Zone.”

as a permitted activity.

646. One submission sought that the rule be amended to add *“subject to compliance with the standards in Table 7”*⁶³⁵, as Table 1 does not specify what standards apply for an activity to be permitted (Table 7 as notified being the standards for Ski Area Activities within the Ski Area Sub Zones). Two submissions sought that the rule be moved completely into Table 7⁶³⁶. One submission sought that the Rule be amended as follows;

*“Ski Area Activities within the Ski Area Sub Zone and Tourism Activities within the Cardrona Alpine Resort (including Ski Area Activities).”*⁶³⁷.

647. Mr Barr, in the part of the Section 42A Report addressing the submission of Soho Ski Area Ltd, noted that Table 1 generally set out activities and the individual tables set out the standards for those activities.⁶³⁸ Mr Barr identified issues with Table 7. However, we address those matters later in this report. In addressing submissions and evidence on Objective 21.2.6 and the associated policies above, we have already addressed the requested insertion of reference to tourism activities and the specific identification of the Cardrona Alpine Resort, concluding that recognition of tourism activities was appropriate but that the specific identification of the Cardrona Alpine Resort was not; so we do not repeat that here.

648. In Section 7.1 above, we set out our reasoning regarding the overall structural changes to the tables and activities. However, we did not address Ski Activities within Ski Area Sub-Zones in that section. We found the rules on this subject matter to be complicated and the matters listed as standards in Table 7 to actually be activities. In order to provide clarity, we recommend that a separate table be created and numbered to provide for *“Activities within the Ski Area Sub Zones”*.

649. None of the submissions on Rule 21.4.18 sought a change to the activity status for the ski area activities and accordingly, we do not recommend any substantive change to the rule. The end result is therefore that we recommend that the submissions seeking that Rule 21.4.18 be amended to refer to the Table 7 standards, and that it be shifted into a new Table 9, both be accepted in part.

6.18 Rule 21.4.19 – Ski Area Activities not located within a Ski Area Sub Zone

650. As notified, Rule 21.4.19, provided for:

“Ski Area Activities not located within a Ski Area Sub Zone, with the exception of heli-skiing and non-commercial skiing.”

as a non-complying activity.

⁶³⁵ Submission 407

⁶³⁶ Submissions 610, 613

⁶³⁷ Submission 615

⁶³⁸ C Barr, Section 42A Report, Page 57, Para 14.19

651. One submission sought that the rule be deleted⁶³⁹ and one submission sought that the rule be amended or replaced to change the activity status from non-complying to discretionary⁶⁴⁰.
652. In the Section 42A Report, Mr Barr considered that purpose of the rule was to encourage Ski Area Activities to locate within the Ski Area Sub Zones, in part to reduce the adverse effects of such activities on ONLs.⁶⁴¹ We agree. The objectives and policies we addressed above reinforce that position.
653. Mr Barr also noted that his recommended introduction of a policy to provide for non-road transportation systems such as a passenger lift system, which would cross land that is not within a Ski Area Sub Zone, would be in potential conflict with the rule. Accordingly, Mr Barr recommended an exception for passenger lift systems.⁶⁴²
654. Mr Brown, in evidence for Mt Cardrona Station Ltd, agreed with Mr Barr's recommended amendment, but noted that there was no rule identifying the status of passenger lift systems. Mr Brown considered that the status should be controlled or restricted discretionary, subject to appropriate assessment matters.⁶⁴³ In his summary presentation to us at the hearing, Mr Brown advised that having reflected on this matter further, he considered restricted discretionary activity status to be appropriate. He recommended a new rule as follows:

Passenger lift systems not located within a Ski Area Sub Zone.

Discretion is reserved to all of the following:

- a. The route of the passenger lift system and the extent to which the passenger lift system breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes*
- b. Whether the materials and colours to be used are consistent with the rural landscape of which the passenger lift system will form a part*
- c. Whether the geotechnical conditions are suitable for the passenger lift system and the extent to which they are relevant to the route.*
- d. Lighting*
- e. The ecological values of the land affected by structures and activities*
- f. Balancing environmental considerations with operational requirements*
- g. The positive effects arising from directly linking settlements with ski area sub zones and providing alternative non-vehicular access.⁶⁴⁴*

⁶³⁹ Submission 806

⁶⁴⁰ Submission 615

⁶⁴¹ C Barr, Section 42A Report, Page 64, Para 14.53

⁶⁴² C Barr, Section 42A Report, Pages 64 - 65, Para 14.55

⁶⁴³ J Brown, Evidence, Page 25, Par 2.41

⁶⁴⁴ J Brown, Summary of Evidence, Pages 4-5, Para 17

655. In reply Mr Barr, noted that Mr Brown's recommended amendment would also be subject to the District Wide rules regarding earthworks and indigenous vegetation clearance and as such, Mr Barr considered the activity status and matters of discretion to be appropriate.⁶⁴⁵
656. Also in reply Mr Barr, while in accepting some of the changes suggested by Mr Brown, recommended that activity status for Ski Area Activities not located within a Ski Area Sub Zone remain as non-complying activities, with exceptions as follows;

Ski Area Activities not located within a Ski Area Sub Zone, with the exception of the following:

- a. *Commercial heli skiing not located within a Ski Area Sub Zone is a commercial recreation activity Rule 21.4.16 applies*
- b. *Passenger Lift Systems not located within a Ski Area Sub Zone shall be a restricted discretionary activity.*

Discretion is reserved to all of the following:

- a. *The route of the passenger lift system and the extent to which the passenger lift system breaks the line and form of the landscapes with special regard to skylines, ridges, hills and prominent slopes*
- b. *Whether the materials and colours to be used are consistent with the rural landscape of which the passenger lift system will form a part*
- c. *Whether the geotechnical conditions are suitable for the passenger lift system and the extent to which they are relevant to the route*
- d. *Lighting*
- e. *The ecological values of the land affected by structures and activities*
- f. *Balancing environmental considerations with operational requirements*
- g. *The positive effects arising from directly linking settlements with ski area sub zones and providing alternative non-vehicular access.*⁶⁴⁶

657. Mr Barr provided justification for these changes by way of a brief section 32AA evaluation, noting the effectiveness of the provision with respect to cross zoning regulatory differences.
658. As we have addressed above, we consider that the Ski Area Activities not located within a Ski Area Sub Zone should be non-complying activities as this aligns with the objectives and policies. We think a description of the exceptions is appropriate, but that should not effectively include another rule with different activity status. Rather, if an exception is to have a different activity status, that should be set out as a separate rule.
659. We now turn to the activity status of a passenger lift system outside a Ski Area Sub Zone. As well as the evidence we heard, the Hearing Panel for Stream 11 (Ski Area Sub Zones) heard further evidence on this issue, with specific reference to particular ski areas. That Panel has

⁶⁴⁵ C Barr, Reply, Page 38 – 39, Para 14.3 – 14.5

⁶⁴⁶ C Barr, Reply, Appendix 1, Page 21-11

recommended to us, for the reasons set out in Report 15, that passenger lift systems outside of a Ski Area Sub Zone should be a restricted discretionary activity.

660. We accept and adopt the recommendations of the Stream 11 Panel for the reasons given in Report 15.

661. We recommend that Rule 21.4.19 therefore be reworded, and that a new rule numbered and worded as follows be inserted to address passenger lift systems located outside of Ski Area Sub-Zones. We also recommend that these rules be relocated to under the heading “Other Activities” in Table 1.

Table 1	Activities Rural Zone	Activity Status
21.4.25	Ski Area Activities not located within a Ski Area Sub-Zone, with the exception of the following: <ul style="list-style-type: none"> a. non-commercial skiing which is permitted as recreation activity under Rule 21.4.22; b. commercial heli-skiing not located within a Ski Area Sub-Zone, which is a commercial recreational activity to which Rule 21.4.13 applies; b. Passenger Lift Systems to which Rule 21.4.24 applies. 	NC
21.4.24	Passenger Lift Systems not located within a Ski Area Sub-Zone Discretion is restricted to: <ul style="list-style-type: none"> a. The Impact on landscape values from any alignment, design and surface treatment, including measures to mitigate landscape effects including visual quality and amenity values. b. The route alignment and the whether any system or access breaks the line and form of skylines, ridges, hills and prominent slopes. c. Earthworks associated with construction of the Passenger Lift System. d. The materials used, colours, lighting and light reflectance. e. Geotechnical matters. f. Ecological values and any proposed ecological mitigation works. g. Balancing environmental considerations with operational requirements of Ski Area Activities. h. The positive effects arising from providing alternative non-vehicular access and linking Ski Area Sub-Zones to the roading network. 	RD

6.19 Table 1 - Rule 21.4.20 – Visitor Accommodation

662. As notified, Rule 21.4.20, provided for:

“Visitor Accommodation.”

as a discretionary activity.

663. One submission sought a less restrictive activity status⁶⁴⁷ and one submission sought that visitor accommodation in rural areas be treated differently to that in urban areas due to their placing less demand on services⁶⁴⁸.
664. In the Section 42A Report, Mr Barr considered that comparison of urban area provisions with rural area provision should be treated with caution as those urban provisions were not part of the Stage 1 review of the District Plan. Mr Barr also considered that nature and scale of the visitor accommodation activity and the potential selectivity of the location would be the main factors considered in relation to any proposal. He therefore recommended that the activity status remain discretionary.⁶⁴⁹
665. We heard no evidence in support of the submissions.
666. For the reasons set out in Mr Barr’s Section 42A Report, we recommend that other than renumbering it, the rule remain as notified, subject to a consequential amendment arising from our consideration of visitor accommodation in Ski Area Sub Zones discussed below.

6.20 Table 1 - Rule 21.4.21 – Forestry Activities in Rural Landscapes

667. As notified, Rule 21.4.21, provided for:

“Forestry Activities in Rural Landscapes.”

as a discretionary activity.

668. Two submissions sought that the activity status be amended to discretionary⁶⁵⁰. Mr Barr, in the Section 42A Report, identified that forestry activities were discretionary in the Rural Landscape areas (Rule 21.4.21) and non-complying in ONLs/ONFs (Rule 21.4.1).⁶⁵¹ We heard no evidence in support of the submissions. In reply, Mr Barr included some revised wording to clarify that it is the Rural Landscape Classification areas that the provision applies to.⁶⁵²
669. In the report on Chapter 6 (Report 3), the Hearing Panel recommended that the term used to describe non-outstanding rural landscapes be Rural Character Landscapes. That term should as a consequence be used in this context.
670. The submissions appear to be seeking to retain what was in the Plan as notified. We agree with Mr Barr and recommend that forestry activities remain discretionary in “Rural Character Landscapes”.

6.21 Rule 21.4.22 – Retail Activities and Rule 21.4.23 – Administrative Offices

671. Both of these rules provide for activities within the Rural Industrial Sub-Zone. No submissions were received on these rules. We recommend they be retained as notified, but relocated into Table 10 which lists the activities specifically provided for in this Sub-Zone.

6.22 Rule 21.4.24 – Activities on the surface of lakes and rivers

672. As notified, Rule 21.4.24, provided for:

⁶⁴⁷ Submission 806
⁶⁴⁸ Submission 320
⁶⁴⁹ C Barr, Section 42A Report, Page 103, Para 201.19
⁶⁵⁰ Submissions 339, 706
⁶⁵¹ C Barr, Section 42 A Report, Page 43, Para 13.5
⁶⁵² C Barr, Reply, Appendix 1, Page 21-11

“Activities on the surface of lakes and rivers that comply with Table 9.”

as a permitted activity.

673. One submission generally supported this provision⁶⁵³. Other submissions that were assigned to this provision in Appendix 2 of the section 42A Report, actually sought specific amendments to Table 9 and we therefore deal with those requests later in this report.

674. We have already addressed requests for repositioning the provisions regarding the surface of water in Section 3.4 above, and concluding that reordering and clarification of the activities and standards in the surface of lakes and river table to better identify the activity status and standards was appropriate. Accordingly, we recommend that provision 21.2.24 be moved to Table 12 and renumbered, but that the activity status remain permitted, subject to the provisions within renumbered Table 13.

6.23 Rule 21.4.25 – Informal Airports

675. As notified, Rule 21.4.25, provided for:

“Informal airports that comply with Table 6.”

as a permitted activity.

676. The submissions on this rule are linked to the Rules 21.5.25 and 21.5.26, being the standards applying to informal airports. It is appropriate to deal with those two rules at the same time as considering Rule 21.4.25.

677. As notified, the standards for informal airport Rules 21.5.25 and 21.5.26 (Table 6) read as follows;

	Table 6 - Standards for Informal Airports	Non-Compliance
21.5.25	<p>Informal Airports Located on Public Conservation and Crown Pastoral Land</p> <p>Informal airports that comply with the following standards shall be permitted activities:</p> <p>21.5.25.1 Informal airports located on Public Conservation Land where the operator of the aircraft is operating in accordance with a Concession issued pursuant to Section 17 of the Conservation Act 1987;</p> <p>21.5.25.2 Informal airports located on Crown Pastoral Land where the operator of the aircraft is operating in accordance with a Recreation Permit issued pursuant to Section 66A of the Land Act 1948;</p> <p>21.5.25.3 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities;</p> <p>21.5.25.4 In relation to points (21.5.25.1) and (21.5.25.2), the informal airport shall be located a minimum</p>	D

⁶⁵³ Submission 307

	Table 6 - Standards for Informal Airports	Non-Compliance
	distance of 500 metres from any formed legal road or the notional boundary of any residential unit or approved building platform not located on the same site.	
21.5.26	<p>Informal Airports Located on other Rural Zoned Land</p> <p>Informal Airports that comply with the following standards shall be permitted activities:</p> <p>21.5.26.1 Informal airports on any site that do not exceed a frequency of use of 3 flights* per week;</p> <p>21.5.26.2 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities;</p> <p>21.5.26.3 In relation to point (21.5.26.1), the informal airport shall be located a minimum distance of 500 metres from any formed legal road or the notional boundary of any residential unit of building platform not located on the same site.</p> <p>* note for the purposes of this Rule a flight includes two aircraft movements i.e. an arrival and departure.</p>	D

678. There were eleven submissions that sought that Rule 21.4.25 be retained⁶⁵⁴, and six submissions that sought it be deleted⁶⁵⁵ for various reasons including seeking the retention of ODP rules.

679. For Rule 21.5.25, submissions variously ranged from:

- Retain as notified⁶⁵⁶
- Delete provision⁶⁵⁷
- Delete or amend (reduce) set back distances in 21.5.25.4
- Amend permitted activities list 21.5.25.3 to include operational requirements of Department of Conservation⁶⁵⁸

680. For Rule 21.5.26, submissions variously ranged from:

- Retain as notified⁶⁵⁹
- Delete provision⁶⁶⁰
- Delete or amend (increase) number of flights in 21.5.26.1⁶⁶¹
- Delete or amend (reduce) set back distances in 21.5.26.3⁶⁶²
- Amend permitted activities list 21.5.26.2 to only to emergency and farming⁶⁶³, or amend to include private fixed wing operations and flight currency requirements⁶⁶⁴

⁶⁵⁴ Submissions 563, 573, 608, 723, 730, 732, 734, 736, 738, 739, 760, 843

⁶⁵⁵ Submission 109, 143, 209, 213, 500, 833

⁶⁵⁶ Submissions 315, 571, 713

⁶⁵⁷ Submissions 105, 135, 162, 211, 500, 385

⁶⁵⁸ Submission 373

⁶⁵⁹ Submissions 571, 600

⁶⁶⁰ Submissions 93, 105, 162, 209, 211, 385, 883

⁶⁶¹ Submissions 122, 138, 221, 224, 265, 405, 423, 660, 662

⁶⁶² Submissions 106, 137, 138, 174, 221, 265, 382, 405, 423, 660, 723, 730, 732, 734, 736, 738, 739, 760, 784, 843

⁶⁶³ Submission 9

⁶⁶⁴ Submission 373

- f. Amend 21.5.26.1 to read as follows “Informal Airports where sound levels do not exceed limits prescribed in Rule 36.5.14”.
681. In the Section 42A Report, Mr Barr recorded that the change from the system under the ODP where all informal airports required resource consents, to permitted activity status under the PDP was motivated in part by a desire to reduce the duplication of authorisations that were already required from the Department of Conservation or Commissioner of Lands and that details were set out in the Section 32 Report.⁶⁶⁵ Mr Barr also recorded that noise standards were not part of this Chapter, but were rather considered under the Hearing Stream 5 (District Wide Provisions).⁶⁶⁶
682. Our understanding of the combined rules was assisted by the evidence of Dr Chiles. He explained the difficulty in comprehensively quantifying the noise effects from infrequently used airports. We understood that the two New Zealand Standards for airport noise (NZ6805 and NZS6807) required averaging of aircraft sound levels over periods of time that would not adequately represent noise effects from sporadic aircraft movements that are usually associated with informal airports.
683. Dr Chiles explained that the separation distance of 500m required by Rules 21.5.25.4 and 21.5.26.3 should result in compliance with a 50 DB L_{dn} criterion for common helicopter flights unless there were more than approximately 10 flights per day.⁶⁶⁷ Dr Chiles was also satisfied that for fixed wing aircraft, at 500m to the side of the runway there would be compliance with 55 dB L_{dn} and 95 dB L_{AE} for up to 10 flights per day. However, he noted, compliance off the end of the runway may not be achieved until approximately 1 kilometre away.⁶⁶⁸
684. For those occasions where compliance with the noise criteria referred to above could not be achieved, Dr Chiles concluded that the relevant rules in Chapter 36 (recommended Rules 36.5.10 and 36.5.11) would apply. As we understood his evidence, the purpose of the informal airport rules in this zone are to provide a level of usage as a permitted activity that could be expected to comply with the rules in Chapter 36, but compliance would be expected nonetheless.
685. Mr Barr reviewed all the evidence provided in his Reply Statement and recommended amendments to the rules:
- a. providing for Department of Conservation operations on Conservation or Crown Pastoral Land;
 - b. requiring 500m separation from zone boundaries, but not road boundaries; and
 - c. providing for informal airports on land other than Conservation or Crown Pastoral Land to have up to 2 flights per day (instead of 3 per week).
686. We agree that the provision of some level of permitted informal activity in the Rural Zone is appropriate, as opposed to the ODP regime where all informal airports require consent. While we heard from submitters who considered more activity should be allowed as of right, and others who considered no activity should be allowed, we consider Mr Barr and Dr Chiles have proposed a regime that will facilitate the use of rural land by aircraft while protecting rural amenity values. Consequently, we recommend that Rule 21.4.25 be renumbered and amended

⁶⁶⁵ C Barr, Section 42A Report, Page 71, Paras 16.6 – 16.7

⁶⁶⁶ C Barr, Section 42A Report, Pages 70 – 71, Paras 16.3 – 16.4

⁶⁶⁷ Dr S Chiles, EIC, paragraph 5.1

⁶⁶⁸ *ibid*, paragraph 5.2

to refer to the standards in Table 7, and that Rules 21.5.25 and 21.5.26 be renumbered and revised to read:

	Table 7 - Standards for Informal Airports	Non-Compliance
21.10.1	<p>Informal Airports Located on Public Conservation and Crown Pastoral Land</p> <p>Informal airports that comply with the following standards shall be permitted activities:</p> <p>21.10.1.1 Informal airports located on Public Conservation Land where the operator of the aircraft is operating in accordance with a Concession issued pursuant to Section 17 of the Conservation Act 1987;</p> <p>21.10.1.2 Informal airports located on Crown Pastoral Land where the operator of the aircraft is operating in accordance with a Recreation Permit issued pursuant to Section 66A of the Land Act 1948;</p> <p>21.10.1.3 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities, or the Department of Conservation or its agents;</p> <p>21.10.1.4 In relation to Rules 21.10.1.1 and 21.10.1.2, the informal airport shall be located a minimum distance of 500 metres from any other zone or the notional boundary of any residential unit or approved building platform not located on the same site.</p>	D
21.10.2	<p>Informal Airports Located on other Rural Zoned Land</p> <p>Informal Airports that comply with the following standards shall be permitted activities:</p> <p>21.10.2.1 Informal airports on any site that do not exceed a frequency of use of 2 flights* per day;</p> <p>21.10.2.2 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities;</p> <p>21.10.2.3 In relation to rule 21.10.2.1, the informal airport shall be located a minimum distance of 500 metres from any other zone or the notional boundary of any residential unit of building platform not located on the same site.</p> <p>* note for the purposes of this Rule a flight includes two aircraft movements i.e. an arrival and departure.</p>	D

6.24 Rule 21.4.26 – Building Line Restrictions

687. As notified, Rule 21.4.26, provided for:

“Any building within a Building Restriction Area identified on the Planning Maps.”
as a noncomplying activity.

688. The only submission on this rule⁶⁶⁹ related to a specific building restriction area adjoining and over the Shotover River delta. That submission was deferred to be heard in Hearing Stream 13. We recommend the rule be retained as notified.

6.25 Rule 21.4.27 – Recreational Activities

689. This rule provided for recreation and/or recreational activities to be permitted. There were no submissions on this rule. We recommend it be retained as notified but relocated and renumbered to be the first activity listed under the heading “Other Activities”.

6.26 Rules 21.4.28 & 21.4.29 - Activities within the Outer Control Boundary at Queenstown and Wanaka Airports

690. As notified, Rule 21.4.28, provided for:

*“New Building Platforms and Activities within the Outer Control Boundary - Wanaka Airport
On any site located within the Outer Control Boundary, any new activity sensitive to aircraft noise or new building platform to be used for an activity sensitive to aircraft noise (except an activity sensitive to aircraft noise located on a building platform approved before 20 October 2010).”*

as a prohibited activity.

691. Two submissions sought that the provision be retained⁶⁷⁰. One submission sought that the provision be deleted or be amended so that the approach applied to ASANs located within the Outer Control Boundary, whether in the Airport Mixed Use Zone or the Rural Zone⁶⁷¹, was consistent.

692. The Section 42A Report did not directly address the relief sought by QPL as it applied to this provision. As with his approach to Objective 21.2.7 and the associated policies, Mr Barr did not address this provision directly in the Section 42A Report apart from in Appendix 1, where Mr Barr recommended that the provision be retained⁶⁷². The only additional evidence we received was from Ms O’Sullivan. She explained that Plan Changes 26 and 35 to the ODP had set up regimes in the rural area surrounding Wanaka and Queenstown Airports respectively prohibiting the establishment of any new Activities Sensitive to Aircraft Noise (ASANs) within the OCB of either airport⁶⁷³. She supported Mr Barr’s recommendation to continue this regime in the PDP.

693. We agree with Mr Barr and Ms O’Sullivan. These rules continue the existing resource management regime. We recommend that apart from renumbering, the provision remain worded as notified.

694. As notified, Rule 21.4.29, provided for:

*“Activities within the Outer Control Boundary - Queenstown Airport
On any site located within the Outer Control Boundary, which includes the Air Noise Boundary, as indicated on the District Plan Maps, any new Activity Sensitive to Aircraft Noise.”*
as a prohibited activity.

⁶⁶⁹ Submission 806, opposed by FS1340

⁶⁷⁰ Submissions 433, 649

⁶⁷¹ Submission 806

⁶⁷² C Barr, Section 42A Report, Appendix 1

⁶⁷³ K O’Sullivan, EIC, Section 2

695. Three submissions sought that the provision be retained⁶⁷⁴. Two submissions sought that the provision be deleted⁶⁷⁵. One submission sought the provision be amended to excluded tourism activities from being subject to the provision⁶⁷⁶.
696. The Section 42A Report did not directly address the relief sought by Te Anau Developments Limited (607) as it applied to this provision. Mr Barr, as we noted above, did not address this provision directly in the Section 42A Report apart from in Appendix 1, where he recommended that the provision be retained⁶⁷⁷. Ms O’Sullivan, as discussed above, supported Mr Barr’s recommendation.⁶⁷⁸
697. Mr Farrell, in evidence for Te Anau Developments Limited, considered that the provision prohibited visitor accommodation and community activities that could contribute to the benefits of tourism activities. He was of the view that there was a lack of policy and evidence to justify a prohibited classification of visitor accommodation and community activities.⁶⁷⁹
698. Mr Farrell went on to recommend that the rule or the definition of Activities Sensitive to Aircraft Noise be amended to:
- “a. Exclude tourism activities (as sought by Real Journeys⁶⁸⁰); or*
- b. Exclude visitor accommodation and community activities; or*
- c. Alter the activity status could be amended [sic] so that tourism, visitor accommodation, and community activities are classified as discretionary activities.”⁶⁸¹*
699. From a review of the Te Anau Developments Limited submission, there does not appear to be a reference to an amendment to the definition of ‘Activities Sensitive to Aircraft Noise’. Rather, it seeks to exclude “tourism activities” from the rule. As such, we think that Mr Farrell’s recommended amendments to the definition are beyond scope, because the submission is specific to this rule and the exclusion he recommended would apply also to Wanaka Airport. In addition, it is not axiomatic that “tourism activities” includes visitor accommodation.
700. As to Mr Farrell’s assertion that there is a lack of policy and evidence to justify the prohibited activity classification, we are aware that this provision was part of the PC 35 process which went through to thorough assessment in the Environment Court. While we are not bound to reach the same conclusion as the Environment Court, Mr Farrell did not in our view present any evidence other than claimed benefits from tourism to support his position. In particular, he did not address the extent to which those benefits would be reduced if the rule remained as notified, or the countervailing reverse sensitivity effects on the airport’s operations if it were to

⁶⁷⁴ Submission 271, 433, 649

⁶⁷⁵ Submissions 621, 658

⁶⁷⁶ Submission 607

⁶⁷⁷ C Barr, Section 42A Report, Appendix 1

⁶⁷⁸ K O’Sullivan, Evidence , Page 7, Para 4.3

⁶⁷⁹ B Farrell, Evidence, Page 25, Paras 112 - 115

⁶⁸⁰ On review of Submission 621 (submission point 81) RJI only sought that Rule 21.4.29 be deleted. The submission by Te Anau Developments Limited (607) sought the inclusion of “excluding tourism activities” within the rule.

⁶⁸¹ B Farrell, Evidence, Page 26, Para 116

be amended as suggested so as to call into question the appropriateness of the Environment Court's conclusion.

701. Accordingly, we recommend that apart from renumbering, that provision 21.4.29 remain worded as notified, but renumbered.

6.27 Mining Activities - Rule 21.4.30 and 21.4.31

702. As notified, Rule 21.4.30 stated:

The following mining and extraction activities are permitted:

- a. *Mineral prospecting*
- b. *Mining by means of hand-held, non-motorised equipment and suction dredging, where the total motive power of any dredge does not exceed 10 horsepower (7.5 kilowatt); and*
- c. *The mining of aggregate for farming activities provided the total volume does not exceed 1000m³ in any one year*
- d. *The activity will not be undertaken on an Outstanding Natural Feature.*

703. The submissions on Rule 21.4.30 variously sought:

- a. to add 'exploration' to the list of activities and include motorised mining devices⁶⁸²
- b. to add reference to landscape and significant natural areas as areas where the activity cannot be undertaken⁶⁸³
- c. to delete the restriction under (d) requiring the activity not to be undertaken on Outstanding Natural Features.⁶⁸⁴
- d. to delete the requirement under (c) restricting the mining of aggregate of 1000m³ in any one year to "farming activities"⁶⁸⁵
- e. amendments to ensure sensitive aquifers are not intercepted, and to address rehabilitation.⁶⁸⁶

704. It is also appropriate to consider Rule 21.4.31 at this time, as that rule as notified provided for 'exploration' as a controlled activity. As notified, 21.4.31 stated:

Mineral exploration that does not involve more than 20m³ in volume in any one hectare.

Control is reserved to all of the following:

- *The adverse effects on landscape, nature conservation values and water quality.*

Rehabilitation of the site is completed that ensures:

- *the long term stability of the site.*

⁶⁸² Submission 519

⁶⁸³ Submission 339, 706

⁶⁸⁴ Submission 519

⁶⁸⁵ Submission 806

⁶⁸⁶ Submission 798

- *that the landforms or vegetation on finished areas are visually integrated into the landscape.*
- *water quality is maintained.*
- *that the land is returned to its original productive capacity.*

705. Two submissions⁶⁸⁷ to this rule sought the addition of indigenous vegetation as an alternative state that a site should be rehabilitated to.
706. In the Section 42A Report⁶⁸⁸, Mr Barr noted that the NZTM submission seeking to add mineral exploration to Rule 21.4.30, was silent on the deletion of “*mineral exploration*” as a controlled activity in Rule 21.4.31. Mr Barr went on to explain that in his view, that while he accepted the submitter’s request to add a definition of mineral exploration, that activity should remain a controlled activity. Mr Vivian agreed with Mr Barr that while NZTM sought permitted activity for mineral exploration, it did not seek the deletion of Rule 21.4.31 and as such Mr Vivian saw no point in adding mineral exploration to Rule 21.4.30⁶⁸⁹. We agree and recommend that the request for mineral exploration as a permitted activity be rejected and that it remain a controlled activity.
707. We did not receive any evidence on the submission from Queenstown Park Ltd, seeking the expansion of the permitted activity status for mining aggregate (1000m³ in any one year), for activities not restricted to farming. The Section 32 Report records that the activities in Rules 21.4.30 and 21.4.31 were retained from the ODP with minor modifications to give effect to Objectives and Policies 6.3.5, 21.3.5, 21.2.7 and 21.2.8 (as notified).⁶⁹⁰ We do not find the analysis very helpful. On the face of the matter, if the activity is acceptable as a permitted activity for one purpose, it is difficult to understand why it should not be permitted if undertaken for a different purpose. However, in this case, the purpose of the aggregate extraction is linked to the scale of effects.
708. Extraction of 1000m³ of aggregate on a relatively small rural property in order that it might be utilised off-site has an obvious potential for adverse effects. Limiting use of aggregate to farming purposes serves a useful purpose in this regard as well as being consistent with policies seeking to enable farming activities.
709. We therefore recommend that the submission from Queenstown Park Limited be rejected.
710. Mr Barr, in the Section 42A Report, did not consider it necessary to add reference to landscape and significant natural areas as areas where the activity cannot be undertaken, given that standards regarding land disturbance and vegetation clearance are already provided for in in Chapter 33.⁶⁹¹ We heard no evidence in support of the submission. Relying on the evidence of Mr Barr, we recommend that the submission of Mr Atly and Forest & Bird New Zealand be rejected.
711. Mr Barr, in the Section 42A Report, agreed with the submission of Forest & Bird and Mr Atly that rehabilitation to ‘indigenous vegetation’ may be preferable to rehabilitating disturbed land

⁶⁸⁷ Submissions 339, 706

⁶⁸⁸ C Barr, Section 42A Report, Page 108, Para 21.21

⁶⁸⁹ C Vivian, Evidence, Page 25, Para 4.122

⁶⁹⁰ C Barr, Section 42A Report, Page 87

⁶⁹¹ C Barr, Section 42A Report, Page 108-109, Para 21.23

to its original capacity in some circumstances⁶⁹². We agree with Mr Barr that parameters should be included, so that where the land cover comprised indigenous vegetation coverage prior to exploration indigenous vegetation planted as part of rehabilitation must attain a certain standard. We also agree with Mr Barr that it would not be fair on persons responsible for rehabilitation to require indigenous vegetation rehabilitation if the indigenous vegetation didn't comprise a minimum coverage or the indigenous vegetation had been cleared previously for other land uses.

712. Accordingly, we recommend that that an additional bullet point to be added to the matters of control, under Rule 21.4.31, as follows;

Ensuring that the land is rehabilitated to indigenous vegetation where the pre-existing land cover immediately prior to the exploration, comprised indigenous vegetation as determined utilising Section 33.3.3 of Chapter 33.

713. We also consider the matter commencing “Rehabilitation of the site” should be amended by the inclusion of “ensuring” at the commencement to make it a matter of control.

714. Mr Vivian supported the deletion of Rule 21.4.30(d) on the basis that the scale of the activities set out in 21.4.30 (a) and (b) were small and usually confined to river valleys.⁶⁹³ In addition, Mr Vivian noted that the activities in 21.4.30(c) were potentially of a larger scale and as they were permitted on an annual basis, there was the potential for adverse effects on landscape integrity over time. Mr Vivian concluded that 21.4.30(d) should be combined into Rule 21.4.30(c).

715. Having considered Mr Vivian’s evidence in combination with the submissions lodged, we consider it appropriate to create a table containing standards which mining and exploration activities have to meet. In coming to this conclusion we note that notified rule 21.4.30(d) is expressed as a standard, rather than an activity.

716. Consequently, we recommend the insertion of Table 8 which reads:

	Table 8 – Standards for Mining and Extraction Activities	Non-Compliance
21.11.1	21.11.1.1 The activity will not be undertaken on an Outstanding Natural Feature.	NC
	21.22.1.2 The activity will not be undertaken in the bed of a lake or river.	

717. With that change, we agree with Mr Vivian’s suggestion and recommend that Rules 21.4.30 and 21.4.31 read as follows:

Rule 21.4.29 - Permitted:

The following mining and extraction activities, that comply with the standards in Table 8 are permitted:

- a. *Mineral prospecting.*

⁶⁹² C Barr, Section 42A Report, Page 109, Para 21.24

⁶⁹³ C Vivian, Evidence, Page 25, Para 4.125

- b. *Mining by means of hand-held, non-motorised equipment and suction dredging, where the total motive power of any dredge does not exceed 10 horsepower (7.5 kilowatt); and*
- c. *The mining of aggregate for farming activities provided the total volume does not exceed 1000m³ in any one year.*

Rule 21.4.30 - Controlled

Mineral exploration that does not involve more than 20m³ in volume in any one hectare

Control is reserved to:

- a. *The adverse effects on landscape, nature conservation values and water quality.*
- b. *Ensuring rehabilitation of the site is completed that ensures:*
 - i. *the long-term stability of the site.*
 - ii. *that the landforms or vegetation on finished areas are visually integrated into the landscape.*
 - iii. *water quality is maintained.*
 - iv. *that the land is returned to its original productive capacity.*
- c. *That the land is rehabilitated to indigenous vegetation where the pre-existing land cover immediately prior to the exploration, comprised indigenous vegetation as determined utilising Section 33.3.3 of Chapter 33.*

6.28 Rule 21.4.32 – Other Mining Activity

718. As notified, this rule provided that any mining activity not provided for in the previous two rules was a discretionary activity. There were no submissions on this rule. We recommend it be renumbered, but otherwise be retained as notified.

6.29 Rule 21.4.33 – Rural Industrial Activities

719. As notified, this rule listed the following as a permitted activity:

Rural Industrial Activities within a Rural Industrial Sub-Zone that comply with Table 8.

720. The only submission received on this rule was in support⁶⁹⁴. We recommend that this rule be moved to Table 10 – Activities in Rural Industrial Sub Zone, and with our recommended re-arrangement of the tables, we recommend that the rule refer to the standards in Table 11. Otherwise we recommend the rule be retained as notified.

6.30 Rule 21.4.34 – Buildings for Rural Industrial Activities

721. As notified, this rule provided that buildings for rural industrial activities, complying with Table 8, as a permitted activity. No submissions were received on this rule.

722. As with the previous rule, we recommend it be relocated to Table 10 and that it refer to Table 11. However, we also note an ambiguity in the wording of the rule. While, by its reference to Table 8, it is implicit that it only apply to buildings in the Rural Industrial Sub-Zone, we consider the rule would better implement the objectives and policies of the zone if it were explicitly limited to buildings in the Rural Industrial Sub Zone. We consider such a change to be non-substantive and can be made under Cl 16(2) of the First Schedule. On that basis we recommend the rule read:

Buildings for Rural Industrial Activities within the Rural Industrial Sub-Zone that comply with Table 11.

⁶⁹⁴ Submission 315

6.31 Rule 21.4.35 – Industrial Activities at a Vineyard

723. This rule, as notified, provided for industrial activities directly associated with wineries and underground cellars within a vineyard as a discretionary activity.
724. No submissions were received to this rule and we recommend it be renumbered and retained as notified. We also recommend that the heading in Table 1 directly above this rule be changed to read: “Industrial Activities outside the Rural Industrial Sub-Zone”.

6.32 Rule 21.4.36 – Other Industrial activities

725. As notified this rule provided that other industrial activities in the Rural Zone were non-complying. Again, no submissions were received on this rule.
726. We consider there is an element of ambiguity in the rule, particularly with the removal of the Rural Industrial Sub-Zone activities and buildings to a separate table. We recommend this be corrected by rewording the rule to read:

Industrial Activities outside the Rural Industrial Sub-Zone other than those provided for in Rule 21.4.32.

727. We consider this to be a minor, non-substantive amendment that can be made under Clause 16(2).

7 TABLE 2 – GENERAL STANDARDS

7.1 Rule 21.5.1 – Setback from Internal Boundaries

728. As notified, this rule set a minimum setback of 15m of buildings from internal boundaries, with non-compliance requiring consent as a restricted discretionary activity.
729. No submissions were received on this rule and we recommend it be retained as notified with the matters of discretion listed alphanumerically rather than with bullet points.

7.2 Rule 21.5.2 – Setback from Roads

730. As notified Rule 21.5.2 stated:

Setback from Roads

The minimum setback of any building from a road boundary shall be 20m, except, the minimum of any building setback from State Highway 6 between Lake Hayes and Frankton shall be 50m. The minimum setback of any building for other sections of State Highway 6 where the speed limit is 70 km/hr or greater shall be 40m.

Discretion is restricted to all of the following:

- a. Rural Amenity and landscape character*
- b. Open space*
- c. The adverse effects on the proposed activity from noise, glare and vibration from the established road.*

Non-compliance Status – RD

731. One submission sought that the standard be adopted as proposed⁶⁹⁵ and one submission sought that the standard be retained, but that additional wording be added (providing greater setbacks from State Highways for new dwellings) to address the potential reverse sensitivity effects from State Highway traffic noise on new residential dwellings.⁶⁹⁶
732. Mr Barr, in the Section 42A Report, considered that as the majority of resource consents in the Rural Zone were notified or would require consultation with NZTA if on a Limited Access Road, then in his view, the performance standards suggested by NZTA would be better implemented as conditions of consent, particularly if the specific parameters of noise attenuation standard were to change. Mr Barr therefore recommended that the relief sought be rejected.⁶⁹⁷
733. In evidence for NZTA, Mr MacColl, disagreed with Mr Barr’s reasoning, noting that NZTA were often not deemed an affected party and without the proposed rule, District Plan users may assume, incorrectly, that any building outside the setback areas as notified, would be outside the noise effect area, when that may not be the case.⁶⁹⁸ Mr MacColl further suggested that the rule amendments he supported were required in order that the rule be consistent with the objectives and policies of Chapter 3. In response to questions from the Chair, Mr MacColl advised that the NZTA guidelines for setbacks were the same, regardless of the volume of traffic. We sought a copy of the guideline from Mr MacColl, but did not receive it.
734. Mr Barr, in reply, recommended some minor wording amendment to clarify that the rule applied to the setback of buildings from the road, but not in relation to the 80m setback sought by NZTA.
735. Without evidence as to the traffic noise effects and noise levels depending on the volume of traffic and its speed, we are not convinced as to the appropriateness of a blanket 80 metre setback for new dwellings from State Highway 6 where the speed limit is 70 – 100 km/hr. The only change we recommend is that, for clarity the term “Frankton” be replaced with “Shotover River”. We were concerned that using the term “Frankton” could lead to disputes as to where the restriction commenced/ended at that end. It was our understanding from questioning of Mr Barr and Mr MacColl, that it was intended to apply as far as the river.
736. Accordingly, we recommend that it be reworded as follows:

Setback from Roads

The minimum setback of any building from a road boundary shall be 20m, except, the minimum setback of any building from State Highway 6 between Lake Hayes and the Shotover River shall be 50m. The minimum setback of any building for other sections of State Highway 6 where the speed limit is 70 km/hr or greater shall be 40m.

Non-compliance Status – RD

Discretion is restricted to:

- a. rural amenity and landscape character*
- b. open space*

⁶⁹⁵ Submission 600

⁶⁹⁶ Submission 719

⁶⁹⁷ C Barr, Section 42A Report, Page 22, Para 9.6

⁶⁹⁸ A MacColl, EIC, Pages 5-6, Paras 20-21.

c. *the adverse effects on the proposed activity from noise, glare and vibration from the established road.*

7.3 Rule 21.5.3 – Setback from Neighbours of Buildings Housing Animals

737. As notified, this rule required a 30m setback of any building housing animals from internal boundaries, with a restricted discretionary activity consent required for non-compliance.

738. There were no submissions, and other than listing the matters of discretion alphanumerically, we recommend the rule be adopted as notified.

7.4 Rule 21.5.4 – Setback of buildings from Water bodies

739. As notified Rule 21.5.4 stated:

Setback of buildings from Water bodies

The minimum setback of any building from the bed of a wetland, river or lake shall be 20m.

Discretion is restricted to all of the following:

a. Indigenous biodiversity values

b. Visual amenity values

c. Landscape and natural character

d. Open space

e. Whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the adverse effects of the location of the building

740. Four submissions sought that the standard be adopted as proposed⁶⁹⁹. One submission sought that the standard be amended so that the setback be 5m for streams less than 3m in width⁷⁰⁰. Another submission⁷⁰¹ sought to exclude buildings located on jetties where the purpose of the building is for public transport.

741. In the Section 42A Report, while Mr Barr recognised that the amenity values of a 3m wide stream may not be high, he considered that a 5m setback was too small.⁷⁰² We heard no evidence to the contrary. We agree in part with Mr Barr and note that there would be several other factors, such as natural hazards, that would support a 20m buffer. Accordingly, we recommend that the submission by D & M Columb be rejected.

742. As to the exclusion of buildings located on jetties where the purpose of the building is for public transport, Mr Barr noted that Rules 21.5.40 - 21.5.43 would trigger the need for consent anyway, and Mr Barr did not consider that Rule 21.5.4 generated unnecessary consents. Mr Barr was also of the view that it was the effects of any building that should trigger consent, not whether it was publicly or privately owned.⁷⁰³

⁶⁹⁹ Submissions 339, 384, 600, 706

⁷⁰⁰ Submission 624

⁷⁰¹ Submission 806

⁷⁰² C Barr, Section 42A Report, Page 23, Para 9.9

⁷⁰³ C Barr, Section 42A Report, Page 23, Para 9.10

743. We heard no evidence in support of that submission and concur with Mr Barr that the wording of rule should be retained as notified. Accordingly, we recommend that Rule 21.5.4 be retained as notified.

7.5 Rule 21.5.5 – Dairy Farming

744. As notified, Rule 21.5.5 required that effluent holding tanks, and effluent treatment and storage ponds be located 300m from any formed road or adjoining property with non-compliance a restricted discretionary activity.

745. Submissions on this provision variously sought:

- a. Its retention⁷⁰⁴
- b. Its deletion⁷⁰⁵ (No reasons provided)
- c. The addition of “lake, river” to the list of “formed roads or adjoining property”⁷⁰⁶
- d. The addition of “sheep and beef farms” and “silage pits” to the list of “effluent holding tanks, effluent treatment and storage ponds”⁷⁰⁷
- e. Amendment to reduce the specified distance of 300m to a lesser distance⁷⁰⁸
- f. Amendment of the activity status for non-compliance to discretionary.⁷⁰⁹

746. In the Section 42A Report, Mr Barr considered that the addition of “sheep and beef farms” and “silage pits” would capture too wide a range of activities that are not as intensive as dairying and do not have the same degree adverse effects. As such, Mr Barr recommended that that submission be rejected.⁷¹⁰ As regards the inclusion “lake or river” to the list of “formed roads, rivers and property boundaries”, Mr Barr considered lakes and rivers are not likely to be on the same site as a dairy farm. Hence in his view, the suggested qualifier to the boundary set back is appropriate.⁷¹¹

747. Mr Edgar, in his evidence for Longview Environmental Trust⁷¹², provided examples where the failure to include lake or river, could result in effluent holding tanks, effluent treatment and storage ponds being within 15 metres of the margin of a lake or unformed road. Mr Edgar was also of the view that amendments were required for consistency with Policies 21.2.1.1 and 21.2.1.4. We note that Mr Edgar’s evidence did not go as far as recommending reference to unformed as well as formed roads, presumably as this relief was not sought by Longview Environmental Trust. In reply, Mr Barr agreed with Mr Edgar as to the identification of public areas whose amenity values needed to be managed through the mechanism of setbacks⁷¹³. We agree with Mr Edgar and Mr Barr that the setback should include lakes or rivers and that it is appropriate in achieving the objectives.

748. We heard no evidence in support of the submissions seeking to reduce the 300m separation distance. The submission itself identified that 300m would create infrastructural problems for

⁷⁰⁴ Submissions 335, 384, 600

⁷⁰⁵ Submission 400

⁷⁰⁶ Submission 659

⁷⁰⁷ Submission 642

⁷⁰⁸ Submissions 701, 784

⁷⁰⁹ Submission 659

⁷¹⁰ C Barr, Section 42A Report, Page 24, Para 9.16

⁷¹¹ C Barr, Section 42A Report, Page 24, Para 9.17

⁷¹² S Edgar, EIC, Pages 3-4, Paras 7 - 13

⁷¹³ C Barr, Reply, Page 14, Para 5.1 – 5.2

farmers.⁷¹⁴ We note that compliance with the 300m distance is for permitted activity status and that any non-compliance, for infrastructural reasons, are provided for as a restricted discretionary activity. Given the potential effects of the activity, and the lack of evidence as to an appropriate lesser distance, we consider the distance to be appropriate in terms of achieving the objectives. Accordingly, we recommend that the submission be rejected.

749. We were unable to identify evidence from Mr Barr or Mr Edgar relating to the submission by Longview Environmental Trust⁷¹⁵ seeking the amendment of the activity status for non-compliance from restricted discretionary to discretionary. The reason set out in the submission for the request is for consistency between Rules 21.5.5 and 21.5.6.⁷¹⁶ We consider that there is a difference between Rules 21.5.5 and 21.5.6 in that 21.5.5 applies to an activity and 21.5.6 applies to buildings. This difference is further reflected in there being separate tables for activities and buildings (including farm buildings). This separation does not imply that they should have the same activity status. Accordingly, we recommend that the Longview Environmental Trust submission be rejected.

750. In summary, we recommend that Rule 21.5.5 be relocated into Table 3 Standards for Farm Activities, renumbered as Rule 21.6.1, and worded as follows:

Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing)

All effluent holding tanks, effluent treatment and effluent storage ponds, must be located at least 300 metres from any formed road, lake, river or adjoining property.

Non-compliance RD

Discretion is restricted to:

- a. Odour*
- b. Visual prominence*
- c. Landscape character*
- d. Effects on surrounding properties.*

7.6 Rule 21.5.6 – Dairy Farming

751. Rule 21.5.6, as notified, required milking sheds or buildings used to house or feed milking stock be located 300m from any formed road or adjoining property, with non-compliance as a discretionary activity.

752. Submissions on this provision variously sought:

- a. Its retention⁷¹⁷
- b. The addition of “lake, river” to the list of “formed roads or adjoining property”⁷¹⁸
- c. Amendment to reduce the specified distance of 300m to a lesser distance.⁷¹⁹

⁷¹⁴ Submission 701, Page 2, Para 16

⁷¹⁵ S Edgar, EIC, Pages 3-4, Paras 7 - 13

⁷¹⁶ Submission 659, Page 2

⁷¹⁷ Submissions 335, 384, 600

⁷¹⁸ Submission 659

⁷¹⁹ Submissions 701, 784

753. We have addressed the matter of the reduction of the 300m distance in Section 8.5 above and do not repeat that analysis here. We simply note our recommendation is that, for the same reasons, those submissions be rejected.
754. Mr Barr considered that the rule is appropriate in a context where farm buildings can be established as a permitted activity on land holdings greater than 100ha.⁷²⁰
755. As regards the addition of lakes and rivers, Mr Barr, again in the Section 42A Report, noted that farm buildings were already addressed under Rule 21.5.4 (as notified) which required a 20m setback from water bodies and therefore, in his view, the submission should be rejected.
756. Mr Edgar, in evidence, raised similar issues with this rule as with 21.5.5 discussed above. In reply, Mr Barr agreed as to the appropriateness of the inclusion of rivers and lakes. Following the same reasoning, we agree with Mr Edgar and Mr Barr that the setback of buildings from water bodies should include recognition of their amenity values. Accordingly, we recommend that Rule 21.5.6 be relocated into Table 5 Standards for Farm Buildings, be renumbered and worded as follows;

21.8.4	<p>Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing) All milking sheds or buildings used to house or feed milking stock must be located at least 300 metres from any adjoining property, lake, river or formed road.</p>	D
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7.7 Rule 21.5.7 – Dairy Farming

757. Rule 21.5.7, as notified, read as follows;

	<p>Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing) Stock shall be prohibited from standing in the bed of, or on the margin of a water body.</p> <p>For the purposes of this rule:</p> <ol style="list-style-type: none"> a. Margin means land within 3.0 metres from the edge of the bed b. Water body has the same meaning as in the RMA, and also includes any drain or water race that goes to a lake or river. 	PR
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758. Submissions on this rule variously sought that it be retained⁷²¹, be deleted⁷²², be widened or clarified to include other livestock including “deer, beef”⁷²³ or expressed concern regarding it overlapping Regional Plan rules⁷²⁴.
759. In the Section 42A Report, Mr Barr considered that dairy farming was more intensive than traditional sheep and beef grazing with a greater potential to damage riparian margins and contaminate waterbodies. Mr Barr considered that the effects of stock in waterways was not only a water quality issue but also a biodiversity, landscape and amenity value issue, and that the proposed rule complemented the functions of the Otago Regional Council.⁷²⁵

⁷²⁰ C Barr, Section 42A Report, Page 24, Para 9.20

⁷²¹ Submission 335, 384

⁷²² Submission 600

⁷²³ Submission 117, 289, 339, 706, 755

⁷²⁴ Submission 798

⁷²⁵ C Barr, Section 42A Report, Pages 25 – 27, Paras 9.24 – 9.36

760. In evidence for Federated Farmers, Mr Cooper raised the issue of confusion for plan users between rules in the Regional Water Plan and Rule 21.5.7. He considered that this was not fully addressed in the Section 32 Report.⁷²⁶ We agree.

761. To us, this is a clear duplication of rules that does not meet the requirements of section 32 as being the most effective and efficient way of meeting the objectives of the QLDC plan. Accordingly, we recommend that the submission of Federated Farmers be accepted and Rule 21.5.7, as notified, be deleted.

7.8 Rule 21.5.8 – Factory Farming

762. As notified, this rule stated in relation to factory farming (excluding the boarding of animals):

Factory farming within 2 kilometres of a Residential, Rural Residential, Rural Lifestyle, Township, Rural Visitor, Town Centre, Local Shopping Centre or Resort Zone.

763. Non-compliance required consent as a discretionary activity.

764. The only submissions on this rule supported its retention⁷²⁷, however it has a number of problems. First, it lists zones which are not notified as part of stage 1 (or Stage 2) of the PDP, notably the Rural Visitor and Township. It also lists Resort Zones as if that is a zone or category, which it is not in the PDP.

765. The most significant problem with the rule, however, is that it appears the author has confused standard and activity status. Given that our recommended Rule 21.4.3 classifies factory farming of pigs or poultry as permitted activities, it appears to be inconsistent that such activities would be discretionary when they were located more than 2 kilometres from the listed zones, but permitted within 2 kilometres. We recommend this be corrected under Clause 16(2) of the First Schedule by wording this rule as:

Factory farming (excluding the boarding of animals) must be located at least 2 kilometres from a Residential, Rural Residential, Rural Lifestyle, Town Centre, Local Shopping Centre Zone, Millbrook Resort Zone, Waterfall Park Zone, or Jacks Point Zone.

766. We also recommend it be renumbered and relocated into Table 3.

7.9 Rule 21.5.9 – Factory Farming

767. This rule, as notified, set standards that factory farming of pigs were to comply with. Non-compliance required consent as a non-complying activity. No submissions were received to this rule and we recommend it be adopted as notified with a minor wording changes to make it clear it is a standard, and renumbered and relocated into Table 3.

7.10 Rule 21.5.10 – Factory Farming of Poultry

768. This rule, as notified, set standards that factory farming of poultry were to comply with. Non-compliance required consent as a non-complying activity. No submissions were received to this rule and we recommend it be adopted as notified with a minor wording changes to make it clear it is a standard, and renumbered and relocated into Table 3.

⁷²⁶ D Cooper, EIC, Para 44

⁷²⁷ Submissions 335 and 384

7.11 Rule 21.5.11 – Factory Farming

769. As notified, this rule read:

Any factory farming activity other than factory farming of pigs or poultry.

770. Non-compliance was listed as non-complying. Again there were no submissions on this rule.

771. It appears to us that this rule is intended as a catch-all activity status rule, rather than a standard. We recommend it be retained as notified, but relocated into Table 1 and numbered as Rule 21.4.4.

7.12 Rule 21.5.12 – Airport Noise – Wanaka Airport

772. As notified, this rule read:

Alterations or additions to existing buildings, or construction of a building on a building platform approved before 20 October 2010 within the Outer Control Boundary, shall be designed to achieve an internal design sound level of 40 dB Ldn, based on the 2036 noise contours, at the same time as meeting the ventilation requirements in Table 5, Chapter 36. Compliance can either be demonstrated by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the internal design sound level, or by installation of mechanical ventilation to achieve the requirements in Table 5, Chapter 36.

773. Non-compliance required consent as a non-complying activity.

774. The only submission⁷²⁸ on this rule sought that it be retained.. As a consequence of recommendations made by the Hearing Stream 5 Panel, Table 5 has been deleted from Chapter 36. The reference should be to Rule 36.6.2 in Chapter 36.

775. We also recommend a minor change to the wording so that the standard applies to buildings containing Activities Sensitive to Aircraft Noise, consistent with the following rule applying to Queenstown Airport. Thus, we recommend that the standard, renumbered as Rule 21.5.5, read:

Alterations or additions to existing buildings, or construction of a building on a building platform approved before 20 October 2010 that contain an Activity Sensitive to Aircraft Noise and are within the Outer Control Boundary, must be designed to achieve an internal design sound level of 40 dB L_{dn}, based on the 2036 noise contours, at the same time as meeting the ventilation requirements in Rule 36.6.2, Chapter 36. Compliance can either be demonstrated by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the internal design sound level, or by installation of mechanical ventilation to achieve the requirements in Rule 36.6.2, Chapter 36.

7.13 Rule 21.5.13 – Airport Noise – Queenstown Airport

776. As notified, this rule contained similar provisions as Rule 21.5.12, albeit distinguishing between buildings within the Air Noise Boundary and those within the Outer Control Boundary. Again, there was only one submission⁷²⁹ in respect of this rule, and that submission sought that the rule be retained.

⁷²⁸ Submission 433, opposed by FS1030, FS1097 and FS1117

⁷²⁹ Submission 433, opposed by FS1097 and FS1117

777. Subject to amending the standard to refer to Rule 36.6.2 in place of Table 5 in Chapter 36 and other minor word changes, we recommend the rule be renumbered 21.5.6 and adopted as notified.

8 TABLE 3 – STANDARDS FOR STRUCTURES AND BUILDINGS

8.1 Rule 21.5.14 - Structures

778. Rule 21.5.14, as notified, read as follows;

21.5.14	<p>Structures</p> <p>Any structure within 10 metres of a road boundary, which is greater than 5 metres in length, and between 1 metre and 2 metres in height, except for:</p> <p>21.5.14.1 post and rail, post and wire and post and mesh fences, including deer fences;</p> <p>21.5.14.2 any structure associated with farming activities as defined in this plan.</p> <p>Discretion is restricted to all of the following:</p> <ol style="list-style-type: none"> a. Effects on landscape character, views and amenity, particularly from public roads b. The materials used, including their colour, reflectivity and permeability c. Whether the structure will be consistent with traditional rural elements. 	RD
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779. One submission sought that the rule be retained⁷³⁰, two sought that “nature conservation values” be added the matters of discretion⁷³¹, one submission sought that 21.5.14.2 be amended without specifying such amendments⁷³², and another sought that 21.5.14.2 be amended to read “*any structure associated with farming activities as defined in this Plan. This includes any structures associated with irrigation including centre pivots and other irrigation infrastructure*”⁷³³. Lastly, two submissions sought that 21.5.14 be amended to be restricted to matters that are truly discretionary⁷³⁴.

780. We also note that there were two submissions seeking the heading for Table 3 as notified be amended to specifically provide for irrigation structures and infrastructure.⁷³⁵

781. Mr Barr, in Appendix 2 of the Section 42A Report⁷³⁶, considered that applying nature conservation values to the matters of discretion would be too broad as it would encapsulate ecosystems, hence removing the specificity of the restricted discretionary status and the reason for needing a consent. We heard no other evidence on this matter. We agree with Mr Barr that the relief sought would make the discretion too wide and therefore not be effective in

⁷³⁰ Submission 335, 384

⁷³¹ Submissions 339, 706

⁷³² Submission 701

⁷³³ Submissions 784

⁷³⁴ Submission 701, 784

⁷³⁵ Submissions 701, 784

⁷³⁶ C Barr, Section 42A Report, Appendix 2, Page 107

achieving the objective. Accordingly, we recommend that those submissions be rejected. We note that Mr Atly and Forest & Bird made requests for similar relief to Rules 21.5.15 – 21.5.17. We recommend that those submissions be rejected for the same reasons.

782. Mr Barr, in Appendix 2 of the Section 42A Report⁷³⁷, considered that irrigators were not buildings, as per the QLDC Practice Note⁷³⁸ and therefore did not require specific provisions. We heard no other evidence on this matter. We agree with Mr Barr that irrigators are not buildings and therefore the amendments sought are not required. Accordingly we recommend that those submissions be rejected. This similarly applies to the submissions requesting the change to the Table 3 Heading.
783. In the Section 42A Report, Mr Barr addressed a range of submissions that sought that the matters of discretion be tightened, and specifically the removal of reference to “rural amenity values’ in the consent of Rule 21.5.18⁷³⁹. We address all the submissions on this matter at Rule 21.5.18.
784. In line with our recommendation in Section 7.1 regarding rule and table structure, we recommend that Rule 21.5.14 be relocated to Table 4, renumbered and worded as follows:

21.7.1	<p>Structures Any structure which is greater than 5 metres in length, and between 1 metre and 2 metres in height must be located a minimum distance of 10 metres from a road boundary, except for:</p> <p>21.5.14.1 post and rail, post and wire and post and mesh fences, including deer fences;</p> <p>21.5.14.2 any structure associated with farming activities as defined in this plan.</p>	<p>RD Discretion is restricted to:</p> <p>a. Effects on landscape character, views and amenity, particularly from public roads</p> <p>b. The materials used, including their colour, reflectivity and permeability</p> <p>c. Whether the structure will be consistent with traditional rural elements.</p>
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8.2 Rule 21.5.15 - Buildings

785. Rule 21.5.15, as notified read as follows;

⁷³⁷ C Barr, Section 42A Report, Appendix 2, Page 107

⁷³⁸ QLDC – Practice Note 1/2014

⁷³⁹ Submission 600

21.5.15	<p>Buildings</p> <p>Any building, including any structure larger than 5m², that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building are subject to the following:</p> <p>All exterior surfaces shall be coloured in the range of browns, greens or greys (except soffits), including;</p> <p>21.5.15.1 Pre-painted steel and all roofs shall have a reflectance value not greater than 20%; and,</p> <p>21.5.15.2 All other surface finishes shall have a reflectance value of not greater than 30%.</p> <p>21.5.12.3 In the case of alterations to an existing building not located within a building platform, it does not increase the ground floor area by more than 30% in any ten year period.</p> <p>Discretion is restricted to all of the following:</p> <ol style="list-style-type: none"> a. External appearance b. Visual prominence from both public places and private locations c. Landscape character d. Visual amenity. 	RD
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786. One submission sought that the rule be retained⁷⁴⁰; two sought that the reference to colour be removed⁷⁴¹; one submission sought that 21.5.15.1 be deleted⁷⁴²; one submission sought that wording be amended for clarity and that the reflectance value not apply to locally sourced schist⁷⁴³; another submission sought amendments such that the area be increased to 10m² and that the reflectance value be increased to 36% for walls and roofs, and a number of finishes to be excluded⁷⁴⁴; two submissions sought that buildings within Ski Area Sub-Zones be excluded from these requirements⁷⁴⁵; one submission sought that 21.5.15.3 be less restrictive and amended to 30% in any 5 year period⁷⁴⁶; lastly, one submission sought the benefits of the buildings to rural sustainable land use be added as a matter of discretion.⁷⁴⁷

787. In the Section 42A Report, Mr Barr acknowledged that the permitted limits were conservative, but overall, considered that the provisions as notified would reduce the volume of consents that were required by the ODP⁷⁴⁸, and that these issues had been fully canvassed in the Section 32 Report, which concluded that the ODP rules were inefficient.⁷⁴⁹ Mr Barr also considered that for long established buildings and any non-compliance with the standards, the proposed rules allow case by case assessment.⁷⁵⁰ We concur with Mr Barr that the shift from controlled activity under the ODP to permitted under the PDP, subject to the specified standards, is a more efficient approach to controlling the effects of building colour.

⁷⁴⁰ Submission 600

⁷⁴¹ Submissions 368, 829

⁷⁴² Submission 411

⁷⁴³ Submission 608

⁷⁴⁴ Submission 368

⁷⁴⁵ Submissions 610, 613

⁷⁴⁶ Submission 829

⁷⁴⁷ Submissions 624

⁷⁴⁸ C Barr, Section 42A Report, page 34, paragraph 11.13

⁷⁴⁹ C Barr. Section 42A Report, Pages 37 – 38, Paras 12.2, 12.5

⁷⁵⁰ C Barr. Section 42A Report, Page 38, Paras 12.3 – 12.5

788. Mr Barr did not consider that the exclusion of certain natural materials from the permitted activity standards to be appropriate, recording difficulties with interpretation and potential lack of certainty⁷⁵¹. However, in an attempt to provide some ability for landowners to utilise natural materials as a permitted activity, Mr Barr recommended slightly revising wording of the standard⁷⁵².
789. We heard detailed evidence for Darby Planning from Ms Pflüger, a landscape Architect, and for QLDC from Dr Read, also a landscape architect, that schist has no LRV, and concerning the difference between dry stacked schist and bagged schist⁷⁵³. The latter was considered by Dr Read to be inappropriate due to its resemblance to concrete walls. Ms Pflüger, on the other hand, was of the view that bagged schist was sufficiently different to concrete walls as to be appropriate in the landscape context of the district. Mr Ferguson, in his evidence for Darby Planning, relying on the evidence of Ms Pflüger, considered that schist should be excluded from the identified surfaces with LRV.⁷⁵⁴
790. In his Reply Statement, Mr Barr maintained his opinion that a list of material should not be included in this rule, as *“over the life of the district plan there will almost certainly be other material that come onto the market and it would be ineffective and inefficient if these materials required a resource consent because they were not listed.”*⁷⁵⁵
791. We agree in part with Mr Barr’s recommended amendments:
 - To exclude soffits, windows and skylights (but not glass balustrades) from the exterior surfaces that have colour and reflectivity controls; and
 - To include a clarification in 21.5.15.2 (as notified) that it includes cladding and built landscaping that cannot be measured by way of light reflective value.
792. However, we disagree with his view that the inclusion of an exemption for schist from the light reflective control would somehow lead to inefficiencies due to other materials coming on the market. We agree with Ms Pflüger that incorporating schist into buildings is an appropriate response to the landscape in this district. We also consider that the term “luminous reflectance value” proposed by Mr Barr is more readily understood if phrased “light reflectance value”.
793. Mr Barr in the Section 42A Report, agreed that Rule 21.5.15 need not apply to the Ski Area Sub Zones, because these matters were already provided for by the controlled activity status for the construction and alteration of buildings in those Sub-Zones⁷⁵⁶. Accordingly, we accept Mr Barr’s recommendation to clarify that position in this rule and recommend that the submissions on this aspect be accepted. We note that the same submission issue applies to Rule 21.5.16⁷⁵⁷ and we reach a similar recommendation. As a consequence, we do not address this matter further.
794. Accordingly, with other minor changes to the wording, we recommend that Rule 21.5.15 be relocated into Table 4, renumbered, and worded as follows:

⁷⁵¹ C Barr, Section 42A Report, Page 39, Paras 12.9 – 12.10

⁷⁵² C Barr, Section 42A Report, page 39-40, paragraph 12.13

⁷⁵³ Y Pflüger, EIC, Pages 13 -14, Paras 7.3 – 7.5 and Dr M Read, EIC, Pages 8 – 9, Paras 5.2 – 5.6

⁷⁵⁴ C Ferguson, EIC, Page 14, Para 65

⁷⁵⁵ C Barr, Reply Statement, page 23, paragraph 7.4

⁷⁵⁶ C Barr, Section 42A Report, Page 41, Para 12.19

⁷⁵⁷ Submissions 610, 613

<p>21.7.2</p>	<p>Buildings</p> <p>Any building, including any structure larger than 5m², that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building, are subject to the following:</p> <p>All exterior surfaces* must be coloured in the range of browns, greens or greys, including;</p> <p>21.7.2.1 Pre-painted steel and all roofs must have a light reflectance value not greater than 20%; and,</p> <p>21.7.2.2 All other surface** finishes, except for schist, must shall have a light reflectance value of not greater than 30%.</p> <p>21.7.2.3 In the case of alterations to an existing building not located within a building platform, it does not increase the ground floor area by more than 30% in any ten year period.</p> <p>Except this rule does not apply within the Ski Area Sub-Zones.</p> <p>* Excludes soffits, windows and skylights (but not glass balustrades).</p> <p>** Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed by the Council to be suitably recessive and have the same effect as achieving a light reflectance value of 30%.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. external appearance; b. visual prominence from both public places and private locations; c. landscape character; d. visual amenity.
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8.3 Rule 21.5.16 – Building Size

795. Rule 21.5.16, as notified read as follows;

<p>21.5.16</p>	<p>Building size</p> <p>The maximum ground floor area of any building shall be 500m².</p> <p>Discretion is restricted to all of the following:</p> <ol style="list-style-type: none"> a. External appearance b. Visual prominence from both public places and private locations c. Landscape character d. Visual amenity e. Privacy, outlook and amenity from adjoining properties. 	<p>RD</p>
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796. One submission sought that this rule be retained⁷⁵⁸ and two submissions sought that the rule be deleted⁷⁵⁹.
797. We note that at the hearing on 18 May 2016, Mr Vivian, appearing among others for Woodlot Properties, withdrew submission 501 relating to Rule 21.5.16.
798. The reasons contained in the remaining submission seeking deletion suggested that there were circumstances on large subdivided lots where larger houses could be appropriate and that restricting the size of the houses would have a less acceptable outcome. The submitters considered that each should be judged on its own merit and that restrictions on size were already in place via the defined building platform.
799. In the Section 42A Report, Mr Barr noted that the rule was part of the permitted activity regime for buildings in the Rural Zone and that the purpose of the limit was to provide for the assessment of buildings that may be of a scale that is likely to be prominent. Mr Barr noted that buildings of 1000m² were not common and that the rule provided discretion as to whether additional mitigation was required due to the scale of the building.⁷⁶⁰
800. We agree with Mr Barr. Completely building out a 1000m² building platform is not an appropriate way to achieve the objectives of the PDP and, in our view, the 500m² limit enables appropriately scaled buildings. Proposals involving larger floor plates can still be considered under the discretion for buildings greater than 500m².
801. Accordingly, we recommend that the submission seeking the deletion of the rule be rejected and the rule be relocated into Table 4, renumbered and amended to be worded as follows:

21.7.3	<p>Building size</p> <p>The ground floor area of any building must not exceed 500m².</p> <p>Except this rule does not apply to buildings specifically provided for within the Ski Area Sub-Zones.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. external appearance; b. visual prominence from both public places and private locations; c. landscape character; d. visual amenity; e. privacy, outlook and amenity from adjoining properties.
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8.4 Rule 21.5.17 – Building Height

802. Rule 21.5.17, as notified limited the height of buildings to 8m. Two submissions sought that rule be amended, one to exclude the rule from applying to passenger lift systems⁷⁶¹ and one to exclude the rule from applying to mining buildings⁷⁶². One submission sought that the rule be retained as notified⁷⁶³.

⁷⁵⁸ Submission 600

⁷⁵⁹ Submission 368, 501

⁷⁶⁰ C Barr, Section 42A Report, Pages 40-41, Paras 12.15 – 12.18

⁷⁶¹ Submission 407

⁷⁶² Submission 519

⁷⁶³ Submission 600

803. As regards exclusion of passenger lift systems from the rule, we note that this is related to our discussion on the definition of passenger lifts systems in paragraphs 191 – 193 where we recommended that this matter should be addressed in the definitions hearing.
804. That said, in evidence for Mt Cardrona Station Ltd, Mr Brown considered that passenger lift systems should be excluded from the general standards applying to buildings and structures in the same way that farm buildings are exceptions⁷⁶⁴, although he did not discuss any of the rules in Table 3 in detail.
805. The submission of NZTM (519) seeking exclusion of mining building from this rule was also framed in the general. Mr Vivian’s evidence⁷⁶⁵ addressed this submission, opining that mining buildings necessary for the undertaking of mining activities could be treated much the same way as farm buildings, as they would be expected in the landscape where mining occurs.
806. We noted above, in discussing the definition of Passenger Lift Systems, (Section 5.16) Mr Fergusson’s understanding that ski tows and machinery were exempt from the definition of building in the Building Act. Other than that evidence, we were not provided with any reasons why passenger lift systems should be excluded from this rule. If Mr Fergusson’s understanding is correct, then the pylons of passenger lift systems would not be subject to the rule in any event. In the absence of clear evidence justifying the exclusion of passenger lift systems from the effect of this rule we are not prepared to recommend such an exclusion.
807. Turning to the NZTM submission, we consider that mining building buildings are not in the same category as farm buildings. The policy direction of this zone is to enable farming as the main activity in the zone. The separate provisions for farm buildings recognise the need for such buildings so as to enable the farming activity. However, such buildings are constrained as to frequency in the landscape, location, size, colour and height. In addition, mining, other than for farming purposes, cannot occur without a resource consent. While Mr Vivian may be correct that one would expect buildings to be associated with a mine, without detailed evidence on what those buildings may entail and how any adverse effects of such buildings could be avoided, we are unable to conclude that some separate provision should be made for mining buildings.
808. Accordingly, we recommend that apart from relocation into Table 4, renumbering and minor wording changes, Rule 21.5.17 be retained as notified.

9 TABLE 4 – STANDARDS FOR FARM BUILDINGS

9.1 Rule 21.5.18 – Construction or Extension to Farm Buildings

809. Rule 21.5.18, as notified, set out the permitted activity standards for farm buildings (21.5.18.1 – 21.5.18.7) and provided matters of discretion for a restricted discretionary activity status when the standards were not complied with.
810. One submission opposed farm buildings being permitted activities and sought that provisions of the ODP be rolled over in their current form.⁷⁶⁶ We have already addressed that matter in Section 7.4 above and have recommended that submission be rejected. In the Section 42A Report, however, Mr Barr relied on that submission and the evidence of Dr Read that a density of 1 farm building per 25 hectares (Rule 21.5.18.2 as notified) created the risk to the landscape from a proliferation of built form, as the basis for his recommendation that a density for farm

⁷⁶⁴ J Brown, EIC, Page 24, Paras 2.39 – 2.40

⁷⁶⁵ C Vivian, EIC, page 21, paragraphs 4.95-4.96

⁷⁶⁶ Submission 145

buildings of one per 50 hectares was more appropriate⁷⁶⁷. No other evidence was provided on this provision. We recommend that, subject to minor wording changes to make the rule clearer, Rule 12.5.18.2 be adopted as recommended by Mr Barr.

811. There were other submissions on specific aspects of 21.5.18 that we address now.
812. One submission sought that 21.5.18.3 be amended so that containers located on ONFs would be exempt from this rule⁷⁶⁸. Mr Barr did not address this matter directly in the Section 42A Report. Mr Vivian addressed this matter in evidence suggesting that provision for small farm buildings could be made⁷⁶⁹, but gave no particular reasons as to how he reached that opinion. Given the policy direction of the PDP contained in Chapters 3 and 6, we consider to exempt containers from this rule would represent an implementation failure. We recommend that submission be rejected.
813. One submission sought that 21.5.18.4 be amended to provide for buildings up to 200m² and 5m in height.⁷⁷⁰
814. Mr Barr, in the Section 42A Report, relying on the evidence of Dr Read as to the importance of landscape, considered the proposed rule as notified provided the appropriate balance between providing for farm buildings and ensuring landscape values were maintained. Mr Barr also considered that the rule was not absolute and provided for proposals not meeting the permitted standards to be assessed for potential effects on landscape and visual amenity.
815. We heard no evidence in support of the submission. We agree with and adopt the reasons of Mr Barr. Accordingly, we recommended that the submission be rejected.
816. One submission sought that the permitted elevation for farm buildings be increased from 600 metres above sea level (masl) to 900 masl⁷⁷¹. In the Section 42A Report, Mr Barr noted that this provision had been brought across from the ODP, acknowledged that there were some farms with areas over 600 masl, but considered that the 600 masl cut-off was appropriate because areas at the higher elevation were visually vulnerable.⁷⁷²
817. This is another area where we see that the permitted activity status for farming needs to be balanced against its potential adverse effects on landscape and visual amenity. We consider that the 600 masl cut-off is the most appropriate balance in terms of the rule achieving the objective. Accordingly, we recommend that the submission be rejected.
818. Two submissions opposed the open-ended nature of the matters of discretion that applied to this provision through the inclusion of reference to rural amenity values⁷⁷³. We note these submitters opposed other provisions in the standards of this chapter on a similar basis. Jeremy Bell Investment Limited (Submission 784) considered that the matters of discretion were so wide that they effectively made the provision a fully discretionary activity.

⁷⁶⁷ C Barr, Section 42A Report, Page 31, Para 10.19

⁷⁶⁸ Submission 519

⁷⁶⁹ C Vivian, EIC, Page 21, Para 4.100

⁷⁷⁰ Submission 384

⁷⁷¹ Submission 829

⁷⁷² C Barr, Section 42A Report, Page 29, Para 10.10

⁷⁷³ Submission 600, 784

819. In the Section 42A Report, Mr Barr considered that the matters of discretion related to the effects on landscape and were consistent with the ODP in this regard. However, Mr Barr went on to compare the matters of control for farm buildings under the ODP with the matters of discretion under the PDP, concluding that the ODP matters of control nullified the controlled activity status. Mr Barr acknowledged that the “scale” and “location” were broad matters, but he remained of the view that they were relevant and should be retained.⁷⁷⁴
820. We heard no evidence in support of these submissions. We also note that the change in approach of the PDP, providing for farm buildings as permitted activities, is accompanied by objectives and policies to protect landscape values. We agree with Mr Barr where, in the Section 42A Report, he observes that the matters of discretion relate to landscape and not other matters such as vehicle access and trip generation, servicing, natural hazards or noise. While the matters of discretion are broad, they are in line with the relevant objectives and policies.
821. Nonetheless, we questioned Mr Barr as to relevance of “location” and “scale” as matters of discretion given that matters of discretion listed in this rule already provide for these matters.
822. In reply, Mr Barr noted the importance of “location” and “scale”, observing that they were specifically identified in Policy 21.2.1.2 (as notified) but considered that “... *The matters of discretion would better suit the rural amenity, landscape character, privacy and lighting being considered in the context of the scale and location of the farm building.*”⁷⁷⁵ Mr Barr, went on to recommend rewording of the matters of discretion so that location and scale are considered in the context of the other assessment matters. We agree and recommend that the wording of the matters of discretion be modified accordingly. Otherwise, we recommend that the submissions of Federated Farmers and JBIL be rejected.
823. Another submission sought that wahi tupuna be added to matters of discretion where farm buildings affect ridgelines and slopes⁷⁷⁶.
824. Mr Barr, in the Section 42A Report, considered that this matter was already addressed in Policy 21.2.1.7 and that as it pertained to ridgelines and slopes, it was already included in the matters of discretion⁷⁷⁷. We agree. Accordingly, we recommend that the submission be rejected.
825. Taking account of the amendments recommended above and our overall rewording of the provisions, we recommend that Rule 21.5.18 be located in Table 5, renumbered and worded as follows;

	Table 5- Standards for Farm Buildings	Non-compliance
	The following standards apply to Farm Buildings.	
21.8.1	<p>Construction, Extension or Replacement of a Farm Building</p> <p>The construction, replacement or extension of a farm building is a permitted activity, subject to the following standards:</p> <p>21.8.1.1 The landholding the farm building is located within must be greater than 100ha; and</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. The extent to which the scale and location of the Farm Building is appropriate in terms of:</p> <p>i. rural amenity values.</p> <p>ii. landscape character.</p>

⁷⁷⁴ C Barr, Section 42 A Report, Pages 3-32, Para 10.21 – 10.26

⁷⁷⁵ C Barr, Reply, Page 15, Para 5.5

⁷⁷⁶ Submission 810

⁷⁷⁷ C Barr, Section 42A Report, Page 32, Para 10.27 – 10.28

	Table 5- Standards for Farm Buildings The following standards apply to Farm Buildings.	Non-compliance
	<p>21.8.1.2 The density of all buildings on the landholding, inclusive of the proposed building(s) must not exceed one farm building per 50 hectares; and</p> <p>21.8.1.3 The farm building must not be located within or on an Outstanding Natural Feature (ONF); and</p> <p>21.8.1.4 If located within the Outstanding Natural Landscape (ONL), the farm building must not exceed 4 metres in height and the ground floor area must not exceed 100m²; and</p> <p>21.8.1.5 The farm building must not be located at an elevation exceeding 600 masl; and</p> <p>21.8.1.6 If located within the Rural Character Landscape (RCL), the farm building must not exceed 5m in height and the ground floor area must not exceed 300m²; and</p> <p>21.8.1.7 Farm buildings must not protrude onto a skyline or above a terrace edge when viewed from adjoining sites, or formed roads within 2km of the location of the proposed building.</p>	<p>iii. privacy, outlook and rural amenity from adjoining properties.</p> <p>iv. visibility, including lighting.</p>

9.2 Rule 21.5.19 – Exterior colours of buildings

826. Rule 21.5.19, as notified, set out the permitted activity standards for exterior colours for farm buildings (21.5.19.1 – 21.5.19.3) and provided matters of discretion to support a restricted discretionary activity status where the standards were not complied with.

827. One submission sought that the rule be retained⁷⁷⁸, one submission sought that wording be amended for clarity and that the reflectance value not apply to locally sourced schist⁷⁷⁹, and one submission sought removal of visual amenity values from the matters of discretion⁷⁸⁰.

828. The submission on this provision from Darby Planning⁷⁸¹ is the same as that made to 21.5.15 which we addressed above (Section 8.15). For the same reasons, we recommend that the submission on provision 21.5.19 be accepted in part.

829. The submission from Federated Farmers⁷⁸² seeking the removal of visual amenity values from the matters of discretion is the same as that made to 21.5.15 in regard to rural amenity values, which we addressed above (Section 8.15). For the same reasons, we recommend that the submission on provision 21.5.19 be rejected.

⁷⁷⁸ Submission 325

⁷⁷⁹ Submission 608

⁷⁸⁰ Submission 600

⁷⁸¹ Submission 608

⁷⁸² Submission 600

830. Accordingly, we recommend that 21.5.19 be located in Table 5, renumbered and worded as follows;

21.8.2	<p>Exterior colours of farm buildings:</p> <p>21.8.2.1 All exterior surfaces, except for schist, must be coloured in the range of browns, greens or greys (except soffits).</p> <p>21.8.2.2 Pre-painted steel, and all roofs must have a reflectance value not greater than 20%.</p> <p>21.8.2.3 Surface finishes, except for schist, must have a reflectance value of not greater than 30%.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. external appearance b. visual prominence from both public places and private locations c. landscape character d. visual amenity.
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9.3 Rule 21.5.20 – Building Height

831. This standard set a maximum height of 10m for farm buildings. Two submissions⁷⁸³ supported this provision. Other than some minor rewording to make the rule clearer, location in Table 5 and renumbering, we recommend it be adopted as notified.

10 TABLE 5 – STANDARDS FOR COMMERCIAL ACTIVITIES

10.1 Rule 21.5.21 – Commercial Recreational Activity

832. We have dealt with this standard in Section 7.15 above.

10.2 Rule 21.5.22 – Home Occupation

833. Rule 21.5.22, as notified set out the permitted activity standards for home occupations and provided for a restricted discretionary activity status for non-compliance with the standards.

834. One submission sought that the provision be retained⁷⁸⁴ and one sought that it be amended to ensure that the rule was effects-based and clarified as to its relationship with rules controlling commercial and commercial recreational activities.⁷⁸⁵

835. In the Section 42A Report, Mr Barr considered that the rule did provide clear parameters and certainty.⁷⁸⁶ We heard no other evidence on this provision. We agree with Mr Barr, that this rule is clear and note that it specifically applies to home occupations. Accordingly, we recommend that the submission seeking that the rule be amended, be rejected.

836. Accordingly, taking account of the amendments recommended above and our overall rewording of the provisions, we recommend that Rule 21.5.22 be located in Table 6, renumbered and worded as follows;

⁷⁸³ Submissions 325 and 600 (supported by FS1209, opposed by FS1034)

⁷⁸⁴ Submission 719

⁷⁸⁵ Submission 806

⁷⁸⁶ C Barr, Section 42A Report, Page 48, Par 13.36

21.9.2	<p>Home Occupation</p> <p>21.9.2.1 The maximum net floor area of home occupation activities must not exceed 150m²;</p> <p>21.9.2.2 Goods materials or equipment must not be stored outside a building;</p> <p>21.9.2.3 All manufacturing, altering, repairing, dismantling or processing of any goods or articles must be carried out within a building.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the nature, scale and intensity of the activity in the context of the surrounding rural area.</p> <p>b. visual amenity from neighbouring properties and public places.</p> <p>c. noise, odour and dust.</p> <p>d. the extent to which the activity requires a rural location because of its link to any rural resource in the Rural Zone.</p> <p>e. access safety and transportation effects.</p>
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10.3 Rule 21.5.23 – Retail Sales

837. This rule imposed a setback from road boundaries of 30m on buildings in excess of 25m² used for retail sales. No submissions were received on this standard. Other than some wording changes for clarification purposes, we recommend the rule be located in Table 6, renumbered and adopted as notified.

10.4 Rule 21.5.24 – Retail Sales

838. As notified, this rule read:

Retail sales where the access is onto a State Highway, with the exception of the activities listed in Table 1.

839. Non-compliance was listed as a non-complying activity.

840. The sole submission⁷⁸⁷ on the rule sought its retention.

841. The problem with this rule is that it is not a standard. It appears to us that the intention of the rule is to make any retail sales other than those specifically listed in Table 1 (21.4.14 Roadside stalls and 21.4.15 sales of farm produce) a non-complying activity. That being the case, we recommend the rule be relocated in Table 1 as Rule 21.4.21 to read:

Retail sales where the access is onto a State Highway, with the exception of the activities provided for by Rule 21.4.14 or Rule 21.4.16.

Non-complying activity

11 TABLE 6 – STANDARDS FOR INFORMAL AIRPORTS

842. We have dealt with this in Section 7.23 above.

12 TABLE 7 – STANDARDS FOR SKI AREA ACTIVITIES WITHIN THE SKI AREA SUB ZONE

⁷⁸⁷ Submission 719

12.1 Rule 21.5.27 – Construction, relocation, addition or alteration of a building

843. As notified, Rule 21.5.27 read:

21.5.27	Construction, relocation, addition or alteration of a building. Control is reserved to all of the following: <ol style="list-style-type: none"> a. Location, external appearance and size, colour, visual dominance b. Associated earthworks, access and landscaping c. Provision of water supply, sewage treatment and disposal, electricity and communication services (where necessary) d. Lighting. 	C
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844. One submission sought to add provisions relating to the exterior colour of all buildings⁷⁸⁸; and one submission sought that the table be renamed “Standards for Ski Area Activities within Ski Area Sub Zones and Tourism Activities within the Cardrona Alpine Resort” and that numerous changes be made to 21.5.27 including adding reference to earthworks infrastructure, snow grooming, lift and tow provisions and particular reference to the Cardrona Alpine Resort.⁷⁸⁹

845. The submission seeking specification of the exterior colour for building stated as the reason for the request that the matters listed are assessment matters not standards. Mr Barr, in the Section 42A Report, acknowledged the ambiguity of the table and recommended it be updated to correct this issue. Mr Brown, in evidence for Mt Cardrona Station Ltd, supported such an amendment⁷⁹⁰ and Mr Barr, in reply provided further modification to the Table to clarify activity status⁷⁹¹. We agree with Mr Brown and Mr Barr that clarification as to the difference between activity status and standards is required. However, we do not think that their recommended amendments fully address the issue.

846. Accordingly, and in line with our recommendation in Section 7.1 above, we recommend that the activities for Ski Area Sub Zones be included in one table (Table 9).

847. Mr Barr, in the Section 42A Report, questioned if the substantive changes sought by Cardrona Alpine Resort Ltd were to be addressed in the Stream 11 hearing due to the extensive nature of changes sought by the submission. For the avoidance of doubt, Mr Barr assessed the amendments to 21.5.27 in a comprehensive manner, concluding that the submission should be rejected⁷⁹². We heard no evidence in support of the amendments to Rule 21.5.27 sought by Cardrona Alpine Resort Ltd. As such, we agree with Mr Barr, for the reasons set out in the Section 42A Report, and recommend that the submission be rejected.

848. Accordingly, we recommend that Rule 21.5.27 be located in Table 9 Activities within the Ski Area Sub Zones, renumbered and worded as follows:

21.11.2	Construction, relocation, addition or alteration of a building. Control is reserved to: <ol style="list-style-type: none"> a. location, external appearance and size, colour, visual dominance b. associated earthworks, access and landscaping c. provision of water supply, sewage treatment and disposal, electricity and communication services (where necessary) 	C
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⁷⁸⁸ Submission 407

⁷⁸⁹ Submission 615

⁷⁹⁰ J Brown, EIC, Page 24, Para 2.38

⁷⁹¹ C Barr, Reply, Appendix 1, Page 21-21

⁷⁹² C Barr, Section 42A Report, Pages 63 – 64, Paras 14.43 – 14.51

	d. lighting.	
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12.2 Rule 21.5.28 – Ski tows and lifts

849. As notified, Rule 21.5.28 read as follows:

21.5.28	<p>Ski tows and lifts.</p> <p>Control is reserved to all of the following:</p> <ol style="list-style-type: none"> a. The extent to which the ski tow or lift or building breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes b. Whether the materials and colour to be used are consistent with the rural landscape of which the tow or lift or building will form a part c. Balancing environmental considerations with operational characteristics. 	C
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850. One submission sought to replace ski tows and lift with passenger lift systems and add provisions relating to the exterior colour of all passenger lift systems⁷⁹³. We have already addressed the definition of passenger lift system in paragraphs Section 5.16 above, concluding that it is appropriate to use this term for all such systems, including gondolas, ski tows and lifts. In addition, the submission of Mt Cardrona Station Ltd regarding exterior colour has the same reasoning as we discussed in Section 13.1 above. We adopt that same reasoning here. After hearing more extensive evidence on passenger lift systems, the Stream 11 Panel has recommended the inclusion of an additional matter of control ((c) in the rule set out below). Accordingly, we recommend that Rule 21.5.28 be located in Table 9 as an activity rather an a standard, be renumbered and worded as follows:

21.11.3	<p>Passenger Lift Systems.</p> <p>Control is reserved over:</p> <ol style="list-style-type: none"> a. the extent to which the passenger lift system breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes; b. whether the materials and colour to be used are consistent with the rural landscape of which the passenger lift system will form a part; c. the extent of any earthworks required to construct the passenger lift system, in terms of the limitations set out in Chapter 25 Earthworks; d. balancing environmental considerations with operational characteristics. 	C
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12.3 Rule 21.5.29 – Night Lighting

851. As notified, this rule made night lighting a controlled activity in the SASZ. There were no submissions on it. We recommend it be located in Table 9 as an activity rather than a standard, and adopted as notified subject to minor wording changes and renumbering.

12.4 Rule 21.5.30 – Vehicle Testing

852. As notified, this rule provided for vehicle testing facilities at the Waiorau Snow Farm SASZ as a controlled activity There were no submissions on it. We recommend it be located in Table 9 as

⁷⁹³ Submission 407

an activity rather than a standard, and adopted as notified subject to minor wording changes and renumbering.

12.5 Rule 21.5.31 – Retail activities ancillary to Ski Area Activities

853. As notified, this rule provided for retail activities ancillary to ski area activities as a controlled activity in the SASZ. There were no submissions on it. We recommend it be located in Table 9 as an activity rather than a standard, and adopted as notified subject to minor wording changes and renumbering.

12.6 New Activity for Ski Area Sub Zone Accommodation within Ski Area Sub Zones

854. Two submissions sought to insert a new rule into Table 7 (as notified) to provide Residential and Visitor Accommodation⁷⁹⁴.

855. In Section 5.19 above, we set out findings as regards a definition and policy for Ski Area Sub Zone Accommodation. We do not repeat that here. Rather, having established the policy framework, we address here the formulation of an appropriate rule. We understood that Mr Barr and Mr Ferguson⁷⁹⁵ were in general agreement as to the substance of the proposed rule. However, in terms of matters that we have not previously addressed, they had differences of opinion in relation to the inclusion in the rule of reference to landscape and ecological values.

856. Mr Ferguson initially recommended inclusion in the matters of discretion of reference to the positive benefits for landscape and ecological values⁷⁹⁶. However, in response to our questions, he made further amendments removing the reference to positive benefits.⁷⁹⁷ Mr Barr, in reply, considered that it did not seem appropriate to have landscape and ecological values apply to Ski Area Sub-Zone Accommodation facilities and not to other buildings in the Sub-Zone, which are addressed by the framework in Chapter 33 and which provided for the maintenance of biological diversity⁷⁹⁸. We agree with Mr Barr. The inclusion of reference to ecological matters would be a duplication of provisions requiring assessment. We note that the policy framework for Ski Area Sub-Zones precludes the landscape classification from applying in the Sub-Zone. This is not to say that landscape considerations are unimportant, but, in our view, those considerations should be applied consistently when considering all buildings and structures in the Sub-Zone.

857. In Section 5.19, we noted the need for the inclusion of the 6 month stay period as it applies to Ski Area Sub Zone Accommodation to be part of this rule. Mr Ferguson included this matter as a separate rule⁷⁹⁹. Mr Barr, in reply, recommended the 6 month period be included as part of a single rule and also considered that given that such activities were in an alpine environment, natural hazards should be included as a matter of discretion.

858. In considering all of the above, we recommend that new rule be included in Table 9 to provide for Ski Area Sub Zone Accommodation, numbered and worded as follows:

21.12.7	Ski Area Sub Zone Accommodation	RD
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⁷⁹⁴ Submissions 610, 613

⁷⁹⁵ Expert Planning Witness for Submission Numbers 610 and 613

⁷⁹⁶ C Ferguson, EIC, Page 32-33, Para 125

⁷⁹⁷ C Ferguson, Response to Panel Questions, 27 May 2016, Pages 7 - 8

⁷⁹⁸ C Barr, Reply, Pages 40 – 41, Para 14.12

⁷⁹⁹ C Ferguson, Response to Panel Questions, 27 May 2016, Page 8

	<p>Comprising a duration of stay of up to 6 months in any 12 month period and including worker accommodation.</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. scale and intensity and whether these would have adverse effects on amenity, including loss of remoteness or isolation b. location, including whether that because of the scale and intensity the visitor accommodation should be located near the base building area (if any) c. parking d. provision of water supply, sewage treatment and disposal e. cumulative effects f. natural hazards 	
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12.7 New Rule – Ski Area Sub-Zone Activities

859. As a result of hearings in Stream 11, a new Rule 21.12.8 providing for a no build area in the Remarkables Ski Area Sub-Zone has been recommended by the Stream 11 Panel.

12.8 Standards for Ski Area Sub-Zones

860. As will be clear from above, we concluded that all the provisions listed in notified Table 7 were activities rather than standards. We had no evidence suggesting any specific standard be included for Ski Area Sub-Zone. Thus we recommend the table for such standards be deleted.

13 TABLE 8 – STANDARDS FOR ACTIVITIES WITHIN THE RURAL INDUSTRIAL SUB ZONE

13.1 Rule 21.5.32 – Buildings

861. As notified, Rule 21.5.32 read as follows;

21.5.32	<p>Buildings Any building, including any structure larger than 5m², that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building are subject to the following: All exterior surfaces shall be coloured in the range of browns, greens or greys (except soffits), including;</p> <p>21.5.32.1 Pre-painted steel and all roofs shall have a reflectance value not greater than 20%; and,</p> <p>21.5.32.2 All other surface finishes shall have a reflectance value of not greater than 30%.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • External appearance • Visual prominence from both public places and private locations. • Landscape character • Visual amenity. 	RD
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862. One submission sought that the activity status be amended to fully discretionary or that the Rural Industrial Sub-Zone be removed from this Stage of the Review⁸⁰⁰. On reviewing the submission, we note that the concern expressed was that ‘rural amenity’ was not provided in the list of matters of discretion.

863. This submission was addressed by Mr Barr in the Section 42A Report, Appendix 2 where Mr Barr recorded that, *“The matters of discretion are considered to appropriately contemplate ‘rural amenity’. The matters of discretion specify ‘visual amenity’. Visual amenity would encompass rural amenity.”*⁸⁰¹

864. We heard no evidence in support of the submission. We agree with Mr Barr for the reasons set out in the Section 42A Report. Accordingly, we recommend that the submission be rejected and subject to minor word changes, the rule be adopted as notified as Rule 21.14.1 in Table 11..

13.2 Rule 21.5.33 – Building size

865. As notified this rule set a maximum ground floor of buildings in the Rural Industrial Sub-Zone at 500m², with non-compliance a restricted discretionary activity. No submissions were received on this rule.

866. Other than minor wording changes for clarity and renumbering, we recommend this rule be adopted as notified.

13.3 Rule 21.5.34 – Building height

867. As notified, this rule set the maximum building height at 10m in the Sub-Zone. No submissions were received on this rule.

868. Other than minor wording changes for clarity and renumbering, we recommend this rule be adopted as notified.

13.4 Rule 21.5.35 – Setback from Sub-Zone Boundaries

869. As notified, this rule set the setback from the Sub-Zone boundaries at 10m in the Sub-Zone. No submissions were received on this rule.

870. Other than minor wording changes for clarity and renumbering, we recommend this rule be adopted as notified.

13.5 Rule 21.5.36 – Retail Activities

871. As notified, this limited the location and area of space used for retail sales to being within a building, and not exceeding 10% of the building’s total floor area. Non-compliance was set as a non-complying activity. No submissions were received on this rule.

872. Other than minor wording changes for clarity and renumbering, we recommend this rule be adopted as notified.

13.6 Rule 21.5.37 – Lighting and Glare

873. As notified, Rule 21.5.37 read as follows;

21.5.37	Lighting and Glare	NC
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⁸⁰⁰ Submission 314

⁸⁰¹ C Barr, Section 42A Report, Appendix 2, Page 127

	21.5.37.1	All fixed exterior lighting shall be directed away from adjoining sites and roads; and	
	21.5.37.2	No activity on any site shall result in greater than a 3.0 lux spill (horizontal and vertical) of light onto any other site measured at any point inside the boundary of the other site, provided that this rule shall not apply where it can be demonstrated that the design of adjacent buildings adequately mitigates such effects.	
	21.5.37.3	There shall be no upward light spill.	

874. One submission sought that this provision be relocated to Table 2 – General Standards⁸⁰². At this point, we also note that there was one submission seeking shielding and filtration standards for outdoor lighting generally within the zone with any non-compliance to be classified as a fully discretionary activity⁸⁰³.
875. Mr Barr considered that shifting the standard to Table 2 – General Standards was appropriate relying on the evidence of Dr Read, “... that the absence of any lighting controls in the ONF/L is an oversight and is of the opinion that the lighting standards should apply District Wide”⁸⁰⁴. We agree for the reason set out in Mr Barr’s Section 42A Report and recommend that the submission be accepted in part. We also consider that this addresses the submission seeking new lighting standards and accordingly recommended that submission be accepted in part.
876. The submission of QLDC Corporate also sought the following additional wording be added to the standard, ‘Lighting shall be directed away from adjacent roads and properties, so as to limit effects on the night sky’.
877. We agree with Mr Barr that such a standard is too subjective in that the rule itself would limit effects on the night sky and that it would be too difficult to ascertain as a permitted standard. Accordingly, we recommended that that submission be rejected.
878. Consequently, we recommend this rule be located in Table 2 as Rule 21.5.7 with the only text change being the replacement in recommended Rule 21.5.7.3 of “shall” with “must”.

14 TABLE 9 – ACTIVITIES AND STANDARDS FOR ACTIVITIES ON THE SURFACE OF LAKES AND RIVERS

879. This table, as notified, contained a mixture of activities and standards. We recommend it be divided into two tables: Table 12 containing the activities on the surface of lakes and rivers, and Table 13 containing the standards for those activities.

14.1 Rule 21.5.38 – Jetboat Race Events

880. As notified, Rule 21.5.38 read as follows:

⁸⁰² Submission 383

⁸⁰³ Submission 568

⁸⁰⁴ C Barr, EIC, Page 101, Para 20.8

21.5.38	<p>Jetboat Race Events</p> <p>Jetboat Race Events on the Clutha River, between the Lake Outlet boat ramp and the Albert Town road bridge not exceeding 6 race days in any calendar year.</p> <p>Control is reserved to all of the following:</p> <ol style="list-style-type: none"> a. The date, time, duration and scale of the jetboat race event, including its proximity to other such events, such as to avoid or mitigate adverse effects on residential and recreational activities in the vicinity b. Adequate public notice is given of the holding of the event c. Reasonable levels of public safety are maintained. 	C
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881. One submission sought that the rule be deleted as it would limit recreational opportunities and activities on the Clutha River⁸⁰⁵.

882. Mr Barr, in the Section 42A Report, noted that this rule was effectively brought over from the ODP with the same activity status. The only change was that the limitation of 6 races per year was specified in the rule, rather than in a note⁸⁰⁶. We heard no evidence in support of the submission and we do not consider a 6 race limit unreasonable. Accordingly, we recommend that the submission be rejected and that the only changes be to numbering and structuring, in line with our more general recommendations. Some minor changes to the matters of control are also recommended so they do not read as standards. It would therefore be located in Table 12 as an activity and worded as follows:

21.15.4	<p>Jetboat Race Events</p> <p>Jetboat Race Events on the Clutha River, between the Lake Outlet boat ramp and the Albert Town road bridge not exceeding 6 race days in any calendar year.</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> a. the date, time, duration and scale of the jetboat race event, including its proximity to other such events, such as to avoid or mitigate adverse effects on residential and recreational activities in the vicinity; b. the adequacy of public notice of the event; c. public safety. 	C
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14.2 Rule 21.5.39 - Commercial non-motorised boating activities and Rule 21.5.43 – Commercial boating activities

883. As notified, Rule 21.5.39 read as follows:

21.5.39	<p>Commercial non-motorised boating activities</p> <p>Discretion is restricted to all of the following:</p> <ol style="list-style-type: none"> a. Scale and intensity of the activity b. Amenity effects, including loss of privacy, remoteness or isolation c. Congestion and safety, including effects on other commercial operators and recreational users 	RD
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⁸⁰⁵ Submission 758

⁸⁰⁶ C Barr, Section 42A Report, Pages 88 – 89, Paras 17.43 – 17.48

	<p>d. Waste disposal</p> <p>e. Cumulative effects</p> <p>f. Parking, access safety and transportation effects.</p>	
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884. One submission sought that the rule be retained⁸⁰⁷, one sought that it be deleted⁸⁰⁸, two submissions sought that the rule be amended to prohibit non-motorised commercial activities on Lake Hayes⁸⁰⁹ and one submission sought that the rule be amended so that the matters of discretion included location⁸¹⁰. We note that Queenstown Rafting Ltd lodged a number of further submissions opposing many of the submissions on this provision and also seeking that the activity status be made fully discretionary. We find this latter point is beyond the scope of the original submissions, and hence we not have considered that part of those further submissions.
885. Mr Barr, in the Section 42A Report, noted the safety concerns raised in the QRL submission⁸¹¹, but considered that the provision as notified adequately addressed safety issues and that the restricted discretionary activity status was appropriate. Mr Barr also considered that the addition of 'location' as a matter of discretion was appropriate.⁸¹² Mr Farrell, in evidence for R/L agreed with Mr Barr⁸¹³.
886. In evidence for QRL, Mr Boyd (Managing Director of QRL) suggested that restricted discretionary activity status would result in the Council not considering other river and lake users when assessing such applications. He also highlighted the potential impact of accidents on tourism activities.⁸¹⁴
887. Mr Brown, in his evidence for Kawarau Jet Services Holdings Limited⁸¹⁵ considered safety and congestion an important factor that should be considered for any application involving existing and new motorised and non-motorised boating activities⁸¹⁶.
888. In reply, Mr Barr considered that the inclusion of safety in the matters of assessment meant that restricted discretionary status did not unduly impinge on a thorough analysis and application of section 104 and section 5.⁸¹⁷
889. Considering the evidence of the witnesses we heard, we had difficulty in reaching the conclusion that restricted discretionary activity status was appropriate for commercial non-motorised boating activities (Rule 21.5.39) alongside fully discretionary activity status for commercial motorised boating activities (Rule 21.4.43), particularly where motorised and non-motorised activities may occur on the same stretch of water. It appeared to us that the same activity status should apply to both motorised and non-motorised commercial boating activities.
890. We therefore consider Rule 21.5.43 at this point. As notified, this rule read as follows;

⁸⁰⁷ Submissions 45, 719

⁸⁰⁸ Submission 167

⁸⁰⁹ Submission 11, 684

⁸¹⁰ Submission 621

⁸¹¹ Submission 167

⁸¹² C Barr, Section 42A Report, Page 84-85, Paras 17.25 – 17.28

⁸¹³ B Farrell, EIC, Page 27, Paras 125 - 126

⁸¹⁴ RV Boyd, EIC, Pages 3- 5, Paras 3.3 – 4.5

⁸¹⁵ Submission 307

⁸¹⁶ J Brown, EIC, Page 20, Para 2.28

⁸¹⁷ C Barr, Reply, Page 30, Para 10.2

21.5.43	<p>Commercial boating activities Motorised commercial boating activities.</p> <p>Note: Any person wishing to commence commercial boating activities could require a concession under the QLDC Navigation Safety Bylaw. There is an exclusive concession currently granted to a commercial boating operator on the Shotover River between Edith Cavell Bridge and Tucker Beach until 1 April 2009 with four rights of renewal of five years each.</p>	D
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891. One submission sought that the term “motorised commercial boating activities” be deleted from the rule⁸¹⁸ and one submission sought that the rule be amended to separately provide for commercial ferry operations for public transport between the Kawarau River, Frankton Arm, and Queenstown CBD as a controlled activity⁸¹⁹.
892. We were unable to find direct reference in the Section 42A Report to this rule or to the submission from QRL. Rather, the focus of the Section 42A Report remained on the commercial non-motorised boating activities as discussed above.
893. Reading Submission 167 as a whole, the combination of relief resulting from deleting rule 21.5.39 and deleting “*motorised commercial boating activities*” from Rule 21.5.43 would mean that all commercial boating activities (meaning both motorised and non-motorised operations) would become fully discretionary activities. For the reasons discussed above, we agree that it is appropriate that the same activity status apply to motorised and non-motorised boating activities. We have no jurisdiction to consider restricted discretionary status for motorised activities (other than for commercial ferry operations in the areas specified in Submission 806).
894. Accordingly, we recommend that Rule 21.5.39 and Rule 21.4.43 be combined and renumbered, with the following wording;

21.15.9	<p>Motorised and non-motorised Commercial Boating Activities Except where otherwise limited by a rule in Table 12.</p> <p>Note: Any person wishing to commence commercial boating activities could require a concession under the QLDC Navigation Safety Bylaw. There is an exclusive concession currently granted to a commercial boating operator on the Shotover River between Edith Cavell Bridge and Tucker Beach until 1 April 2009 with four rights of renewal of five years each.</p>	D
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895. In relation to the submission of QPL seeking commercial ferry operations for public transport between the Kawarau River, Frankton Arm, and Queenstown CBD be subject to a separate rule as a controlled activity, this issue has also been raised by RJL. Both QPL and RJL sought related amendments to a number of provisions and we address those matters later in the report in Section 15.4.

⁸¹⁸ Submission 167

⁸¹⁹ Submission 806

14.3 Rule 21.5.40 – Jetties and Moorings in the Frankton Arm

896. As notified, this rule provided for jetties and moorings in the Frankton Arm as a restricted discretionary activity. No submissions were received on this rule.
897. Other than minor wording changes and renumbering, we recommend this be adopted as notified.

14.4 Rule 21.5.41 and Rule 21.5.42 – Structures and Moorings

898. As notified, Rules 21.5.41 and 21.5.42 read as follows;

21.5.41	Structures and Moorings Any structure or mooring that passes across or through the surface of any lake or river or is attached to the bank of any lake and river, other than where fences cross lakes and rivers.	D
21.5.42	Structures and Moorings Any structures or mooring that passes across or through the surface of any lake or river or attached to the bank or any lake or river in those locations on the District Plan Maps where such structures or moorings are shown as being non-complying.	NC

899. One submission sought that Rule 21.5.41 be amended to include pipelines for water takes that are permitted in a regional plan and gabion baskets or similar low impact erosion control structures installed for prevention of bank erosion⁸²⁰.
900. Two submissions sought that Rule 21.5.42 be amended to provide for jetties and other structures for water based public transport on the Kawarau River and Frankton Arm, as a controlled activity⁸²¹.
901. In relation to the amendment sought by RJL regarding water take pipelines and erosion controls, we could not find reference to this submission point in the Section 42A Report. Mr Farrell, likewise did not address this matter in evidence for RJL. In reply, Mr Barr recommended amending 21.5.41 to clarify that post and wire fences were in this situation permitted activities, although he provided no discussion of this change or reference to a submission seeking it.
902. Having heard no evidence in support of the amendments for inclusion of water pipeline takes and erosion control devices, we recommend that that submission be rejected.
903. While there may have been an intention that post and wire fences crossing lakes and rivers were a permitted activity, Rule 21.5.41 as notified did not classify those activities in that way. What the rule did do is exclude fences crossing lakes and rivers from the discretionary activity category. Given the application of (notified) Rule 21.4.1, those fences would therefore be non-complying activities. There is no scope for those activities to be reclassified as permitted. Therefore, we do not agree with Mr Barr's recommended amendment.
904. What we do recommend is a minor, non-substantive change to Rule 21.5.41 to make it clear that it is subject to Rule 21.5.42 (as notified).

⁸²⁰ Submission 621

⁸²¹ Submission 621, 806

905. Accordingly, we recommend that Rules 21.5.41 and 21.5.42 be renumbered and worded as follows:

21.15.7	Structures and Moorings Subject to Rule 21.15.8, any structure or mooring other than post and wire fences that passes across or through the surface of any lake or river or is attached to the bank of any lake and river.	D
21.15.8	Structures and Moorings Any structures or mooring that passes across or through the surface of any lake or river or attached to the bank or any lake or river in those locations on the District Plan Maps where such structures or moorings are shown as being non-complying.	NC

906. Returning to the submissions regarding jetties and other structures for water based public transport on the Kawarau River and Frankton Arm as a controlled activity, we have already addressed these matters at a policy level in Section 5.48 above, where we recommended separating public ferry systems from other commercial boating activities. We also recorded the need for jetties and moorings to be considered in the context of policies related to protection landscape quality and character, and amenity values.

907. Mr Barr, in the Section 42A Report, was opposed to controlled activity status for jetties and other structures and his recommendation was *“that the restricted discretionary activity status is appropriate, as is a discretionary, or non-complying activity status for other areas as identified in the provisions.”*⁸²² Mr Farrell, in evidence for RJL, agreed with Mr Barr as to the restricted discretionary activity status for structures associated with water based public transport in the Frankton Arm⁸²³.

908. We could not identify anywhere in the Section 42A Report or in his Reply Statement where Mr Barr included any recommendations so that the revised text of the PDP would provide for jetties and other structures as restricted discretionary activities. Even if we are wrong on that matter, we do not agree that that is the appropriate activity status. In our view, Policy 21.2.12.8 recommended above goes far enough towards encouraging public ferry systems and beyond that, the rules need to be balanced so that consideration is given to landscape quality and character, and amenity values, that are to be maintained and enhanced under Policies 6.3.29 and 6.3.30.

909. Accordingly, we recommend that the submissions seeking rule amendments to provide for jetties and other structures for water based public transport on the Kawarau River and Frankton Arm as a controlled activity be rejected.

14.5 Rule 21.5.44 – Recreational and commercial boating activities

910. As notified, Rule 21.5.44 read as follows:

21.5.44	Recreational and commercial boating activities The use of motorised craft on the following lakes and rivers is prohibited, except where the activities are for emergency search and rescue, hydrological survey, public scientific research,	PR
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⁸²² C Barr, Section 42A Report, Page 87, Para 17.36

⁸²³ B Farrell, EIC, Page 28, Para 129

	resource management monitoring or water weed control, or for access to adjoining land for farming activities.	
21.5.44.1	Hawea River.	
21.5.44.2	Commercial boating activities on Lake Hayes.	
21.5.44.3	Any tributary of the Dart and Rees rivers (except the Rockburn tributary of the Dart River) or upstream of Muddy Creek on the Rees River.	
21.5.44.4	Young River or any tributary of the Young or Wilkin Rivers and any other tributaries of the Makarora River.	
21.5.44.5	Dingle Burn and Timaru Creek.	
21.5.44.6	The tributaries of the Hunter River.	
21.5.44.7	Hunter River during the months of May to October inclusive.	
21.5.44.8	Motatapu River.	
21.5.44.9	Any tributary of the Matukituki River.	
21.5.44.10	Clutha River - More than six jet boat race days per year as allowed by Rule 21.5.38.	

911. Submissions to this rule variously sought that:

- a. 21.5.44 be retained⁸²⁴
- b. 21.5.44.1 be amended to provide for recreational jet sprint racing on the Hawea River⁸²⁵
- c. 21.5.44.3 be amended to provide for recreational and commercial boating activities on the Beansburn tributary of the Dart River⁸²⁶
- d. 21.5.44.7 amend rule to permitted activity status⁸²⁷
- e. 21.5.44.10 amend rule to permitted activity status⁸²⁸.

912. Mr Barr, in the Section 42A Report, addressed the submission of Jet Boat NZ as regards jet sprint racing on the Hawea River, noting that the ODP did provide for such activities 6 days per year on an identified course on the river. However, Mr Barr set out in detail the reasons he considered that the activity status in the PDP should remain as prohibited, as follows;

- “a. There is not any 'one approved jet sprint course' on the ODP planning maps. I accept this is not the fault of the submitter, however it illustrates that the rule has not been exercised.*
- a. *The qualifiers in the exemption to the prohibited status are cumbersome and subject to third party approvals from a whitewater group and the Queenstown Harbour Master.*
 - b. *There is a jet sprint course constructed and in operation near the Wanaka Airport⁵³ for these activities that negate the need to manage risks to safety, amenity and nature conservation values as required in the qualifiers in Rule 5.3.3.5(a) through undertaking the activity on the Hawea River.*
 - c. *The jet sprint course near Wanaka Airport held a New Zealand Jet Sprint Championship event, however the resource consent was for a one-off event⁵⁴. While these activities require a resource consent the physical works associated with constructing a jet sprint course are already done*

⁸²⁴ Submission 688

⁸²⁵ Submission 758

⁸²⁶ Submission 716

⁸²⁷ Submission 758

⁸²⁸ Submission 758

d. *The jet sprint course on the Hawea River has not been used for a long time and is disused. The Council's Albert Town Reserve Management Plan 2010⁸²⁹ noted this and states that the jet sprint course was not compatible with the quiet values of the reserve and adjacent camping areas and, Central Otago Whitewater have expressed an interest in using the disused course for a pond to complement the kayak slalom site.*⁸²⁹

53. *<http://www.jetsprint.co.nz/tracks/oxbow-aquatrack-wanaka/> Downloaded 28 February 2016.*

54. *RM130098 Oxbow Limited. To hold the fifth round of the New Zealand Jet Sprint Championship on the 30 March 2013 and undertake earthworks to construct the jet sprint course*

55. *http://www.qldc.govt.nz/assets/OldImages/Files/Reserve_Management_Plan_s/Albert_Town_Recreation_Reserve_Mgmt_Plan_2010.pdf*

913. Mr McSoriley, in evidence for JBNZ, considered that Mr Barr's interpretation of the rules in the ODP was incorrect and that the rules provided for both jet boating runs on the Hawea River itself, as well as jet sprint events on the identified course⁸³⁰. Mr McSoriley considered that there was no support for a blanket prohibition on the Hawea River and also set out the reasons for the limited utilisation of jet sprint course and factors that may have led to the PDP discouraging recreational jet boating⁸³¹.

914. In reply, Mr Barr considered that it was appropriate to have jet boating runs on the Hawea River as per the ODP Rule 5.3.3.5i (a) (2) despite the cumbersome nature of the provisions in the ODP and recommended amendments to that effect⁸³². Having considered the witness's evidence, we agree.

915. We questioned Mr Barr, as to whether the jet sprint course was part of the river, or whether, because it was artificially constructed, it therefore fell under Council's jurisdiction as a land-based activity rather than a surface of water activity. We understood from Mr Barr's evidence in reply that he supported the second interpretation. It followed that any activity on the course would require consideration under the provisions governing noise, commercial recreation activities and temporary activities. Mr Barr provided a copy of a consent from 14 Dec 1999 for a one-off jet sprint event to be held on 3 Jan 2000.

916. We agree with Mr Barr that the jet sprint course is not part of the surface of a lake or river, but that this use should be addressed under other provisions in Plan. We also note that we did not receive any evidence that the activity was lawfully established. In our view, the activity would be most appropriately addressed as a temporary activity.

917. Accordingly we recommend that the submission of JBNZ seeking the reinstatement of the Jet Sprint Course be rejected and recreational jet boat runs on the Hawea be provided for subject to limitations as follows;

⁸²⁹ C Barr, Section 42A Report, Pages 90 – 91, Para 17.52

⁸³⁰ L McSoriley, EIC, Pages 2-3, Para 10 - 12

⁸³¹ L McSoriley, EIC, Pages 4-5, Paras 14 - 24

⁸³² C Barr, Reply, Page 31, Para 10.6

21.15.3	<p>Motorised Recreational Boating Activities</p> <p>Hawea River, motorised recreational boating activities on no more than six (6) days in each year subject to the following conditions:</p> <ol style="list-style-type: none"> a. at least four (4) days of such activity are to be in the months January to April, November and December b. The Jet Boat Association of New Zealand (“JBANZ”) (JBANZ or one of the Otago and Southland Branches as its delegate) administers the activity on each day c. The prior written approval of Central Otago Whitewater Inc is obtained if that organisation is satisfied that none of its member user groups are organising activities on the relevant days; and d. JBANZ gives two (2) calendar months written notice to the Council’s Harbour-Master of both the proposed dates and the proposed operating schedule e. The Council’s Harbour-Master satisfies himself that none of the regular kayaking, rafting or other whitewater (non-motorised) river user groups or institutions (not members of Central Otago Whitewater Inc) were intending to use the Hawea River on that day, and issues an approved operating schedule f. JBANZ carries out, as its expense, public notification on two occasions 14 and 7 days before the proposed jet boating g. Public notification for the purposes of (f) means a public notice with double-size font heading in both the Otago Daily Times and the Southland Times, and written notices posted at the regular entry points to the Hawea River. 	P
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918. As regards the submission of Ngai Tahu Tourism Ltd seeking that Rule 21.5.44.3 be amended to provide for recreational and commercial boating activities on the Beansburn tributary of the Dart River, Mr Barr, in the Section 42A Report, considered that the submission did not contain any evaluation of safety effects, or how natural conservation values or amenity values of other recreational users would be impacted⁸³³.

919. Mr Edmonds spoke to the submission of Ngai Tahu Tourism Ltd, noting that the jet boat trip includes a stop at toilet facilities up the Beansburn River for which Ngai Tahu Tourism have a concession and presented maps showing stopping points. Mr Barr, in reply, agreed with Mr Edmonds and included a recommended amendment as part of a section 32AA assessment to provide for the exception of Beansburn tributary of the Dart River⁸³⁴.

920. We agree that an exception in this case is appropriate in addressing a practical aspect of the existing commercial boating operation. By excluding the Beansburn from the rule, the more general Rule 21.15.9 (as recommended) would apply making the activities described by Mr Edmonds a discretionary activity. Accordingly, we recommend that 21.5.44.3 be renumbered and worded as follows:

⁸³³ C Barr, Section 42A Report, Page 91, Para 17.55

⁸³⁴ C Barr, Reply, Appendix 2, Page 12, Rule 21.5.44.3

Any tributary of the Dart and Rees rivers (except the Beansburn and Rockburn tributaries of the Dart River) or upstream of Muddy Creek on the Rees River.

921. The submission of JBNZ sought to amend Rule 21.5.44.7, which prohibited recreational motorised craft on the Hunter River during the months of May to October, so that it would be permitted. Mr Barr in the Section 42A Report, noted that the submission stated that the rule would, *“prohibit recreational opportunities in certain months which is a permitted activity under the Operative District Plan”*. Mr Barr recorded that the rule is in fact carried over from the ODP and he considered the rule appropriate in terms of navigation and safety considerations and environmental impacts.
922. We heard no evidence from JBNZ in support of the submission that would contradict Mr Barr’s evidence. Therefore we recommend that the submission be rejected.
923. As regards the amendment sought by JBNZ to Rule 21.5.44.10 seeking permitted activity status for jet boating racing on the Clutha River (up to 6 race days a year), Mr Barr noted in the Section 42A Report that controlled activity status under Rule 21.5.38 is the same as in the ODP.⁸³⁵ Mr Barr did not consider the reasons provided by JBNZ to be compelling enough to alter the existing situation.
924. As for our consideration of Rule 21.5.38, JBNZ did not present any evidence in support of the submission that would cause us to take a different view to Mr Barr. We therefore recommend that the submission be rejected.
925. Notwithstanding the recommended acceptance and rejection of submissions set out above, we consider this rule has some inherent difficulties. As we understand the intention of the rule, it is to make it a prohibited activity for motorised craft to use the listed rivers and Lake Hayes (limited to commercial motorised craft). However, the rule also implies that where motorised craft are used for emergency search and rescue, hydrological survey, public scientific research, resource management monitoring or water weed control, or for access to adjoining land for farming activities, then they can use those rivers and Lake Hayes, presumably as a permitted activity.
926. In our view, the PDP would be a more easily understood document if the permitted activities were specified as such, and the prohibited activity rule was drafted so that it did not apply to those activities. For those reasons, we recommend this rule be split into two rules as follows:

21.15.2	Motorised Recreational and Commercial Boating Activities The use of motorised craft for the purpose of emergency search and rescue, hydrological survey, public scientific research, resource management monitoring or water weed control, or for access to adjoining land for farming activities.	P
21.15.10	Motorised Recreational and Commercial Boating Activities The use of motorised craft on the following lakes and rivers is prohibited except as provided for under Rules 21.15.2 and 21.15.3. 21.15.10.1 Hawea River. 21.15.10.2 Lake Hayes - Commercial boating activities only.	PR

⁸³⁵ C Barr, Section 42A Report, Page 89, Para 17.47

	<p>21.15.10.3 Any tributary of the Dart and Rees Rivers (except the Beansburn and Rockburn tributaries of the Dart River) or upstream of Muddy Creek on the Rees River.</p> <p>21.15.10.4 Young River or any tributary of the Young or Wilkin Rivers and any other tributaries of the Makarora River.</p> <p>21.15.10.5 Dingle Burn and Timaru Creek.</p> <p>21.15.10.6 The tributaries of the Hunter River.</p> <p>21.15.10.7 Hunter River during the months of May to October inclusive.</p> <p>21.15.10.8 Motatapu River.</p> <p>21.15.10.9 Any tributary of the Matukituki River.</p> <p>21.15.10.10 Clutha River - More than six jet boat race days per year as allowed by Rule 21.15.4</p>	
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14.6 Rule 21.5.45 – Boating Craft used for Accommodation

927. As notified, this rule provided standards applying to the use of craft for overnight accommodation. Non-compliance was a non-complying activity. No submissions were received to this rule.

928. In his Reply Statement, Mr Barr recommended changed wording so as to make it clear that the activity is allowed subject to the standards. In large part we agree with his recommended amendments. We consider such an amendment to be minor and available under Clause 16(2).

929. We recommend the rule be renumbered and adopted with the following wording:

21.16.1	<p>Boating craft used for Accommodation</p> <p>Boating craft on the surface of the lakes and rivers may be used for accommodation, provided that:</p> <p>21.16.1.1 The craft must only be used for overnight recreational accommodation; and</p> <p>21.16.1.2 The craft must not be used as part of any commercial activity; and</p> <p>21.16.1.3 All effluent must be contained on board the craft and removed, ensuring that no effluent is discharged into the lake or river.</p>	NC
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14.7 Rule 21.5.46 – Jetties in Frankton Arm

930. As notified, Rules 21.5.46 read as follows:

21.5.46	<p>No new jetty within the Frankton Arm identified as the area east of the Outstanding Natural Landscape Line shall:</p> <p>21.5.46.1 be closer than 200 metres to any existing jetty;</p> <p>21.5.46.2 exceed 20 metres in length;</p> <p>21.5.46.3 exceed four berths per jetty, of which at least one berth is available to the public at all times;</p> <p>21.5.46.4 be constructed further than 200 metres from a property in which at least one of the registered owners of the jetty resides.</p>	NC
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931. One submission sought that the standard be amended to exclude jetties associated with water based public transport or amended to provide flexibility for the provision of such jetties⁸³⁶. Two other submissions similarly sought that the rule not apply to jetties for public transport linkage on the Kawarau River, the Frankton Arm and Queenstown CBD⁸³⁷.
932. Submissions to this rule were not directly referenced in the Section 42A Report, Mr Barr noting in Appendix 2 that the matter was addressed under his consideration of Objective 21.2.12 (as notified)⁸³⁸.
933. Mr Farrell, in evidence for RJC opined that the importance of water based public transport warranted discretionary activity status for associated jetties and structures rather than the non-complying activity status⁸³⁹. Mr Farrell did not provide any further reasons for reaching that opinion.
934. We have already addressed the issue of water based public transport infrastructure at a policy level in Section 5.48 above, where we recommended separating public ferry systems from other commercial boating activities and, in particular, recording the need for jetties and moorings to be considered within the context of landscape quality and character, and amenity values all being maintained and enhanced under Policies 6.3.29 and 6.3.30. For the same reasons, we recommend that these submissions be rejected.
935. Mr Barr, in reply did recommend clarification of the rule by inserting a reference to Outstanding Natural Landscape line as shown on the District Plan Maps⁸⁴⁰. We agree that this is a useful clarification. Accordingly, we recommend that Rule 21.5.46 be renumbered and the wording be as follows;

21.16.2	<p>Jetties and Moorings in the Frankton Arm</p> <p>Jetties and moorings in the Frankton Arm, identified as the areas located to the east of the Outstanding Natural Landscape line as shown on District Plan Map</p> <p>No new jetty within the Frankton Arm identified as the area east of the Outstanding Natural Landscape Line shall:</p> <p>21.16.2.1 Be closer than 200 metres to any existing jetty;</p> <p>21.16.2.2 Exceed 20 metres in length;</p> <p>21.16.2.3 Exceed four berths per jetty, of which at least one berth is available to the public at all times;</p> <p>21.16.2.4 Be constructed further than 200 metres from a property in which at least one of the registered owners of the jetty resides.</p>	NC
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14.8 Rule 21.5.47 – Specific Standards

936. As notified, Rule 21.5.47 read as follows;

21.5.47	The following activities are subject to compliance with the following standards:	NC
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⁸³⁶ Submission 621

⁸³⁷ Submissions 766, 806

⁸³⁸ C Barr, Section 42A Report, Appendix 2, Page 131

⁸³⁹ B Farrell, EIC, Page 29, Para 135

⁸⁴⁰ C Barr, Reply, Appendix 1, Page 21-27

	<p>21.5.47.1 Kawarau River, Lower Shotover River downstream of Tucker Beach and Lake Wakatipu within Frankton Arm - Commercial motorised craft shall only operate between the hours of 0800 to 2000.</p> <p>21.5.47.2 Lake Wanaka, Lake Hawea and Lake Wakatipu - Commercial jetski operations shall only be undertaken between the hours of 0800 to 2100 on lakes Wanaka and Hawea and 0800 and 2000 on Lake Wakatipu.</p> <p>21.5.47.3 Dart and Rees Rivers - Commercial motorised craft shall only operate between the hours of 0800 to 1800, except that above the confluence with the Beansburn on the Dart River commercial motorised craft shall only operate between the hours of 1000 to 1700.</p> <p>21.5.47 Dart River – The total number of commercial motorised boating activities shall not exceed 26 trips in any one day. No more than two commercial jet boat operators shall operate upstream of the confluence of the Beansburn, other than for tramper and angler access only.</p>	
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937. One submission sought that the rule be amended to clarify that it did not apply to commercial boating operations providing a public transport service⁸⁴¹. Another submission sought that Rule 21.5.47.1 be amended so as not to provide a disincentive for public transport⁸⁴². A third submission sought that rule 21.5.47.4 be amended to refer to ‘one’ instead of ‘two’ commercial jet boat operators⁸⁴³.
938. Mr Barr, in the Section 42A Report, agreed that the hours of operation specified in Rule 21.5.47.1 could provide a disincentive for public transport and recommended amending the rule to exclude public transport ferries, rather than deleting the rule entirely.⁸⁴⁴
939. We have already addressed public transport ferry activities above. We agree with Mr Barr that the restriction on the hours of operation would be a disincentive that should be removed.
940. In speaking to the submission of Ngai Tahu Tourism Ltd⁸⁴⁵ seeking an amendment to Rule 21.5.47.4, to refer to ‘one’ instead of ‘two’ commercial jet boat operators, Mr Edmonds explained that Ngai Tahu Tourism Ltd now owned all the jet boat operations on the Dart River.
941. We are concerned that, notwithstanding that Ngai Tahu Tourism Limited may be the only present operator on the Dart River, restricting the number of operators to one would amount to a restriction of trade competition. In the absence of evidence of resource management reasons as to why the standard should be further restricted, we do not recommend it be changed.

⁸⁴¹ Submission 806

⁸⁴² Submission 383

⁸⁴³ Submission 716

⁸⁴⁴ C Barr, Section 42A Report, Page 87, Para 17.39

⁸⁴⁵ Submission 716

942. Taking account of all of the above, we recommend that rule 21.5.47 be renumbered and worded as follows:

21.16.3	<p>The following activities are subject to compliance with the following standards:</p> <p>21.16.3.1 Kawarau River, Lower Shotover River downstream of Tucker Beach and Lake Wakatipu within Frankton Arm - Commercial motorised craft other than public transport ferry activities, may only operate between the hours of 0800 to 2000.</p> <p>21.16.3.2 Lake Wanaka, Lake Hawea and Lake Wakatipu - Commercial jetski operations must only be undertaken between the hours of 0800 to 2100 on Lakes Wanaka and Hawea and 0800 and 2000 on Lake Wakatipu.</p> <p>21.16.3.3 Dart and Rees Rivers - Commercial motorised craft must only operate between the hours of 0800 to 1800, except that above the confluence with the Beansburn on the Dart River commercial motorised craft must only operate between the hours of 1000 to 1700.</p> <p>21.16.3.4 Dart River – The total number of commercial motorised boating activities must not exceed 26 trips in any one day. No more than two commercial jet boat operators may operate upstream of the confluence of the Beansburn, other than for tramper and angler access only.</p>	NC
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15 TABLE 10 – CLOSEBURN STATION

943. As notified, this table contained one activity rule and four standards applying solely to Closeburn Station. The only submission⁸⁴⁶ on these supported the provisions.

944. We recommend these be split into two tables: Table 14: Closeburn Station – Activities; and Table 15: Closeburn Station – Standards. Other than that, renumbering and a minor grammatical correction to the height standards, we recommend the rules be adopted as notified.

16 NEW STANDARDS SOUGHT

945. The NZFS⁸⁴⁷ sought inclusion of a standard requiring compliance with the NZFS Code of Practice SNZ PAS 4509:2003 in relation to water supply and access. We were not able to find any further submissions opposing the relief sought.

946. In the Section 42A Report, Mr Barr supported the request but raised concerns around the reliance on the Code of Practice, which is a document outside the PDP, for a permitted activity status. As there were no development rights attached to dwellings in the Rural Zone, Mr Barr

⁸⁴⁶ Submission 323

⁸⁴⁷ Submission 438

did not consider the rule necessary and recommended that the submission be rejected⁸⁴⁸. We note that in Section 5.4 above that we have already dealt with the policy matter of the provision of firefighting water supply and fire service vehicle access within this Chapter and the other rural chapters. We also note that Mr Barr, in the Section 42A Report on Chapter 22, recommended that the specifics of the Code of Practice be incorporated into the wording of a standard⁸⁴⁹.

947. We heard evidence from Mr McIntosh, Area Manager Central/North Otago at the NZFS, as to the detail of the Code of Practice and the importance of water supply and access to property in the event of the NZFS attending emergency call outs⁸⁵⁰. We also heard evidence from Ms A McLeod, a planner appearing for NZFS. Ms McLeod had a different view to Mr Barr, considering that a standard should be included. Her reasons included greater certainty and clarity for plan users, consistency with the priority given to fire-fighting water supply in section 14(3) of the RMA and by being *“the most appropriate way to achieve the purpose of the RMA by enabling people and community to provide for their health, safety and well-being by managing a potential adverse effect of relatively low probability but high consequence.”*⁸⁵¹
948. In her evidence, Ms McLeod considered that reference to codes of practice were provided for by the Act and that interpreting the code into the provision as proposed by Mr Barr could lead to the PDP being more restrictive than the code itself⁸⁵². We questioned the NZFS witnesses regarding the detail of the application of the code and proposed standard and activity status during the hearing and also sought additional information on specific questions relating to the treatment of multiple units, separation distances and the suggested 45,000 litre tank size. We received that information on 7 June 2016.
949. Taking into account all the evidence and information we were provided with, we think that reliance on the code of practice is not appropriate in terms of specifying the requirements and that those requirements should be set out in the Plan. We agree that the tank/s size should be 45,000litres and the activity status for non-compliance should be restricted discretionary. In line with our policy recommendation above, we also consider that these provisions be consistently applied across all the rural chapters.
950. Accordingly we recommend the NZFS submission be accepted in part and that the provisions be located in Table 4 (Standards for Structures and Buildings), numbered and worded as follows:

21.7.5	<p>Fire Fighting water and access</p> <p>All new buildings, where there is no reticulated water supply or any reticulated water supply is not sufficient for fire-fighting water supply, must make the following provision for fire-fighting:</p> <p>21.7.5.1 A water supply of 45,000 litres and any necessary couplings.</p> <p>21.7.5.2 A hardstand area adjacent to the firefighting water supply</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. The extent to which SNZ PAS 4509: 2008 can be met including the adequacy of the water supply.</p> <p>b. The accessibility of the firefighting water connection point for fire service vehicles.</p>
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⁸⁴⁸ C Barr, Section 42A Report, Pages 99 -100, Paras 20.1 – 20.5

⁸⁴⁹ C Barr, Chapter 22 Section 42A Report, Page 34, Paras 16.6 – 16.8

⁸⁵⁰ D McIntosh, EIC, Pages 2 – 5, Paras 19 - 33

⁸⁵¹ A McLeod, EIC, Pages 8-9, Para 5.10

⁸⁵² A McLeod, EIC, Pages 9 – 11, Paras 5.13 – 5.18

	<p>capable of supporting fire service vehicles.</p> <p>21.7.5.3 Firefighting water connection point within 6m of the hardstand, and 90m of the dwelling.</p> <p>21.7.5.4 Access from the property boundary to the firefighting water connection capable of accommodating and supporting fire service vehicles.</p>	c. Whether and the extent to which the building is assessed as a low fire risk.
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17 RULE 21.6 – NON-NOTIFICATION OF APPLICATIONS

951. As notified, Rule 21.6 read as follows;

21.6 Non-Notification of Applications

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

21.6.1 Controlled activity retail sales of farm and garden produce and handicrafts grown or produced on site (Rule 21.4.14), except where the access is onto a State highway.

21.6.2 Controlled activity mineral exploration (Rule 21.4. 31).

21.6.3 Controlled activity buildings at Closeburn Station (Rule 21.5.48).

952. One submission sought that the rule be amended to include a provision that states consent to construct a building will proceed non-notified⁸⁵³. The reasons set out in the submission include that, *“Buildings within the rural zone can have limited impact upon the environment and the community. Often buildings are related to the activities that occur onsite. Given the limited impact that buildings have on the rural environment and communities it is appropriate that consent for any building proceed non-notified.”*⁸⁵⁴

953. In the Section 42A Report, Mr Barr considered that it was important that all buildings had the potential to be processed on a notified or limited notified basis and recommended that the submission be rejected⁸⁵⁵. We heard no evidence in support of the submission.

954. We agree with Mr Barr that buildings should have the potential to be processed as notified or limited notified. Any decision as regards buildings in the Rural Zone is needs to be subject of a separate assessment as to effects and potentially affected parties. In appropriate cases, applications will proceed on a non-notified basis.

955. Accordingly, we recommend that submission be rejected and that apart from numbering, the provisions remain as notified.

⁸⁵³ Submission 701

⁸⁵⁴ Submission 701, Page 3, Para 23

⁸⁵⁵ C Barr, Section 42A Report, Page 92, Para 18.4

18 SUMMARY OF CONCLUSIONS ON RULES

956. We have set out in full in Appendix 1 the rules we recommend the Council adopt. For all the reasons set out above, we are satisfied that these rules are the most effective and efficient means of implementing the policies so as to achieve the objectives of Chapter 21, and those in the Strategic Directions chapters. Where we have recommended rules not be included, that is because, as our reasons above show, we do not consider them to be efficient or effective.

19 21.7 – ASSESSMENT MATTERS (LANDSCAPE)

19.1 21.7.1 Outstanding Natural Features and Outstanding Natural Landscapes

957. As notified Clauses 21.7.1 and 21.7.1.1 – 21.7.1.2 read as follows;

21.7.1 *Outstanding Natural Features and Outstanding Natural Landscapes (ONF and ONL).*

These assessment matters shall be considered with regard to the following principles because, in or on Outstanding Natural Features and Landscapes, the applicable activities are inappropriate in almost all locations within the zone:

21.7.1.1 *The assessment matters are to be stringently applied to the effect that successful applications will be exceptional cases.*

21.7.1.2 *Existing vegetation that:*

a. was either planted after, or, self-seeded and less than 1 metre in height at 28 September 2002; and,

b. obstructs or substantially interferes with views of the proposed development from roads or other public places, shall not be considered:

i. as beneficial under any of the following assessment matters unless the Council considers the vegetation (or some of it) is appropriate for the location in the context of the proposed development; and

ii. as part of the permitted baseline.

958. Submissions on these provisions sought that the introductory note be deleted entirely⁸⁵⁶, or that the wording in the introductory note be variously amended to remove the wording “*the applicable activities are inappropriate in almost all locations within the zone.*”⁸⁵⁷; or to refer only to the Wakatipu Basin⁸⁵⁸; that the provision be amended to take into account the locational constraints of infrastructure⁸⁵⁹; that the assessment criteria be amended to accord with existing case law⁸⁶⁰; and that 21.7.1.1⁸⁶¹ and 21.7.1.2⁸⁶² be deleted.

⁸⁵⁶ Submissions 179, 421

⁸⁵⁷ Submission 355, 608, 693, 702

⁸⁵⁸ Submission 519

⁸⁵⁹ Submission 433

⁸⁶⁰ Submission 806

⁸⁶¹ Submissions 179, 191, 249, 355, 421, 598, 621, 624, 693, 702, 781

⁸⁶² Submission 249

959. In the Section 42A Report, Mr Barr provided a table that set out in detail the comparison between the assessment criteria under the ODP and PDP⁸⁶³ and recommended that 21.7.1 and 21.7.1.1 be amended in response to the submissions and should be worded as follows:

19.1.1.1 ~~21.7.1~~ Outstanding Natural Features and Outstanding Natural Landscapes (ONF and ONL).

These assessment matters shall be considered with regard to the following principles because, in or on Outstanding Natural Features and Landscapes, the applicable activities are inappropriate in almost all locations within the Wakatipu Basin, and inappropriate in many locations throughout the District wide Outstanding Natural Landscapes:

~~19.1.1.2 21.7.1.1 The assessment matters are to be stringently applied to the effect that successful applications will be exceptional cases.~~

960. Mr Barr's reasoning supporting the amendments, was to clarify that the assessment criteria were not a 'test', and to remove the word exceptional which has connotations to section 104D of the RMA given it is discretionary activities that the assessment is generally applied to⁸⁶⁴.

961. In evidence for Darby Planning, Mr Ferguson considered the wording of the assessment criteria as notified predetermined that activities were inappropriate in almost all locations, and that this was itself inappropriate and unnecessary⁸⁶⁵.

962. Mr Vivian, in evidence for NZTM agreed with Mr Barr's recommendation as to referencing that activities are inappropriate in almost all locations within the Wakatipu Basin and noted the Environment Court decision from which the assessment criteria was derived (C180/99). However, Mr Vivian considered that the term Wakatipu Basin was not adequately defined and recommended additional wording for clarification purposes.⁸⁶⁶

963. Mr Haworth, in evidence for UCES on wider assessment criteria matters, referred to the assessment criteria as a 'test'⁸⁶⁷. We questioned Ms Lucas as to her tabled evidence for UCES as to what the meaning of 'test' was in the context of her evidence. Ms Lucas' response was that "A "test", that is, in application of the assessment matter, "shall be satisfied" that".

964. Mr Barr, in reply, made some changes to the recommended assessment criteria in light of the submissions and evidence noted above, but considered that some of the wording changes added little value or would potentially weaken the assessment required⁸⁶⁸. Also in reply, Mr Barr detailed his view that a test was appropriately located in the objective and policies and that assessment matters provide guidance in considering specified environment effects⁸⁶⁹.

965. In the Section 42A Report, Mr Barr did not support the amendment sought by QAC for the inclusion of locational constraints within the assessment criteria on the basis that it was the

⁸⁶³ C Barr, Section 42A Report, Page 110, Table 1, Issue 12: Landscape Assessment Matters: cross referencing with PDP Landscape Policy and ODP assessment matters

⁸⁶⁴ C Barr, Section 42A Report, Page 98, Para 19.21

⁸⁶⁵ C Ferguson, EIC, Page 15, Para 66

⁸⁶⁶ C Vivian, EIC, Page 22, Paras 4.102 – 4.106

⁸⁶⁷ J Haworth, EIC, Page 12, Para 88

⁸⁶⁸ C Barr, Reply, Pages 31-32, Para 11.1

⁸⁶⁹ C Barr, Reply, Pages 32, Para 11.4

place of policies or higher order planning documents to direct consideration of any such constraints and amendments to the strategic directions chapter had been recommended⁸⁷⁰.

966. In evidence for QAC, Ms O’Sullivan took a different view, considering *“that the Assessment Matters, as drafted, may inappropriately constrain the development, operation and upgrade of infrastructure and utilities that have a genuine operational and/or locational requirement to be located ONLs, ONFs or RCLs. I also consider the complex cross referencing between the Chapter 6 Landscapes, Chapter 21 Rural and Chapter 30 Energy and Utilities will give rise to inefficiencies and confusion in interpretation”*⁸⁷¹. To address these issues Ms O’Sullivan recommended new assessment criteria, narrowing the assessment to regional significant infrastructure with the assessment criteria be worded as follows;

21.7.3.4 For the construction, operation and replacement of regionally significant infrastructure and for additions, alterations, and upgrades to regionally significant infrastructure, in addition to the assessment matters at 21.7.1, 21.7.2, 21.7.3.2 and 21.7.3.3, whether the proposed development:

- a. Is required to provide for the health, safety or wellbeing of the community; and*
- b. Is subject to locational or functional requirements that necessitate a particular siting and reduce the ability of the development to avoid adverse effects; and*
- c. Avoids, remedies or mitigates adverse effects on surrounding environments to the extent practicable in accordance with Objective 30.2.7 and Policies 30.2.7.1 – 30.2.7.4 (as applicable).*

967. We agree with Mr Barr that the assessment criteria are for landscape assessment and the policies are the place where consideration by decision-makers as to policy direction on locational constraints of infrastructure should be found. Earlier in this decision we addressed the inclusion of infrastructure into this chapter⁸⁷². For the reasons we set out there, and because we doubt that Ms O’Sullivan’s suggestion is within the scope of the QAC submission, we recommend that the submission of QAC be rejected.

968. The wording of the first paragraph of 21.7.1 along with 21.7.1.1 are derived from (notified) policy 6.3.1.3. The issue as to inappropriateness and stringency of application were also canvassed before the Hearing Stream 1B in hearing submissions on Policy 6.3.1.3.. We refer to and adopt the reasoning of that Panel⁸⁷³. That Panel has recommended that (revised) Policy 6.3.11 read:

Recognise that subdivision and development is inappropriate in almost all locations in Outstanding Natural Landscapes and on Outstanding Natural Features, meaning successful applications will be exceptional cases where the landscape or feature can absorb the change and where the buildings and structures and associated roading and boundary changes are reasonably difficult to see from beyond the boundary of the site the subject of application.

969. In considering all of the above, we agree in part with Mr Barr that the objectives and policies need to link through to the assessment criteria. However, to our minds, the recommendations

⁸⁷⁰ C Barr, Section 42A Report, Pages 97 – 98, Para 19.20

⁸⁷¹ K O’Sullivan, EIC, Page5, Para 3.4

⁸⁷² Section 5

⁸⁷³ Report 3, Recommendations on Chapters 3, 4 and 6, Section 10.6

to establish that connection do not go far enough. Accordingly, we recommend that there be direct reference to the policies from Chapters 3 and 6 included within the assessment criteria description. In addition, we agree with Mr Barr as the assessment criteria are not tests and accordingly recommend that the submission of UCES be rejected.

970. Given the recommended wording of Policy 6.3.11, we recommend that the introductory paragraph and 21.7.1.1 be reworded consistent with that policy.

971. We heard no evidence from Willowridge Developments Limited⁸⁷⁴ in relation to its submission seeking the deletion of Rule 21.7.1.2. Mr Barr did not particularly discuss the submission, nor recommend any changes to the provision. We understand the provision has been taken directly from the ODP (Section 5.4.2.2(1)). Without any evidence as to why the provision should be deleted or changed, we recommend it remain unaltered.

972. Accordingly we recommend that the introductory part of 21.7.1 be numbered and worded as follows:

21.21 *Assessment Matters (Landscapes)*

21.21.1 *Outstanding Natural Features and Outstanding Natural Landscapes (ONF and ONL).*

The assessment matters set out below are derived from Policies 3.3.30, 6.3.10 and 6.3.12 to 6.3.18 inclusive Applications shall be considered with regard to the following assessment matters.

21.20.1.1 *In applying the assessment matters, the Council will work from the presumption that in or on Outstanding Natural Features and Landscapes, the applicable activities are inappropriate in almost all locations and that successful applications will be exceptional cases where the landscape or feature can absorb the change and where the buildings and structures and associated roading and boundary changes are reasonably difficult to see from beyond the boundary of the site the subject of application.*

21.20.1.2 *Existing vegetation that:*

- a. *was either planted after, or, self-seeded and less than 1 metre in height at 28 September 2002; and*
- b. *obstructs or substantially interferes with views of the proposed development from roads or other public places, shall not be considered:*
 - i. *as beneficial under any of the following assessment matters unless the Council considers the vegetation (or some of it) is appropriate for the location in the context of the proposed development; and*
 - ii. *as part of the permitted baseline.*

⁸⁷⁴ Submission 249

19.2 Assessment Matters 21.7.1.3 to 21.7.1.6 Inclusive

973. The only submission on these assessment matters supported 21.7.1.5⁸⁷⁵. We recommend those matters be adopted as notified, subject to renumbering.

19.3 Section 21.7.2 Rural Landscape Classification (RLC) and 21.7.2.1 – 21.7.2.2

974. As notified Rule 21.7.2 and 21.7.2.1 – 21.7.2.2 read as follows;

21.7.2 Rural Landscape Classification (RLC)

These assessment matters shall be considered with regard to the following principles because in the Rural Landscapes the applicable activities are inappropriate in many locations:

21.7.2.1 *The assessment matters shall be stringently applied to the effect that successful applications are, on balance, consistent with the criteria.*

21.7.2.2 *Existing vegetation that:*

- a. *was either planted after, or, self seeded and less than 1 metre in height at 28 September 2002; and,*
- b. *obstructs or substantially interferes with views of the proposed development from roads or other public places, shall not be considered:*
 - i. *as beneficial under any of the following assessment matters unless the Council considers the vegetation (or some of it) is appropriate for the location in the context of the proposed development; and*
 - ii. *as part of the permitted baseline.*

975. Submissions on these provisions variously sought that the introductory note be deleted entirely⁸⁷⁶, that the wording in the introductory note be amended to remove the wording “*the applicable activities are inappropriate in almost all locations within the zone:*”⁸⁷⁷, that the current assessment criteria in 21.7.2 be deleted and replaced with a set of assessment matters that better reflect and provide for the “Other Rural Landscape (ORL) category of landscapes⁸⁷⁸, that 21.7.2 be amended to provide for cultural and historic values⁸⁷⁹, and that 21.7.2.1⁸⁸⁰ and 21.7.1.2⁸⁸¹ be deleted.

976. In the Section 42A Report, Mr Barr disagreed with the request for the inclusion of the ORL category of landscape criteria which the submitters were seeking to transfer from the ODP. Relying on Dr Read’s evidence that the ORL has only been applied in two circumstances, Mr Barr considered that the ORL criteria were too lenient on development and would not maintain amenity values, quality of the environment or finite characteristics of natural physical

⁸⁷⁵ Submission 719

⁸⁷⁶ Submissions 179, 251, 781

⁸⁷⁷ Submission 608

⁸⁷⁸ Submission 345, 456

⁸⁷⁹ Submission 798

⁸⁸⁰ Submissions 179, 191, 421, 781

⁸⁸¹ Submission 251

resources⁸⁸². We agree for reasons set out in Mr Barr’s Section 42A Report. We also note that it has already been determined by the Stream 1B Hearing Panel that there are only two landscape categories (ONL/ONR and RCL) and that is reflected in our recommendations on this Chapter. Accordingly, we recommend that Submissions 345 and 456 be rejected.

977. In the Section 42A Report, Mr Barr recommended that 21.7.2 and 21.7.2.1 be amended in response to the submissions and should be worded as follows:

21.7.2 Rural Landscape Classification (RLC)

These assessment matters shall be considered with regard to the following principles because in the Rural Landscapes the applicable activities are unsuitable in many locations:

~~*21.7.2.1 The assessment matters shall be stringently applied to the effect that successful applications are, on balance, consistent with the criteria.*~~

978. Mr Barr did not alter his opinion in his Reply Statement.
979. We note that before addressing the detail of this provision, a consequential change is required to refer to Rural Character Landscapes (RCL) consistent with the recommendations of the Stream 1B Hearing Panel. In addition, the reference in the introductory sentence to “Rural Landscapes” should be changed to “Rural Character Landscapes” so as to make it clear that these assessment criteria do not apply in ONLs or on ONFs.
980. As in the discussion on 21.7.1 above, we consider the introductory remarks should refer the relevant policies from Chapters 3 and 6. For those reasons, and taking into account Mr Barr’s recommendations, we recommend that 21.7.2 and 21.7.2.1 be renumbered and worded as follows :

21.7.2 Rural Character Landscape (RCL)

The assessment matters below have been derived from Policies 3.3.32, 6.3.10 and 6.3.19 to 6.3.29 inclusive. Applications shall be considered with regard to the following assessment matters because in the Rural Character Landscapes the applicable activities are unsuitable in many locations:

~~*21.7.2.1 The assessment matters shall be stringently applied to the effect that successful applications are, on balance, consistent with the criteria.*~~

19.4 Assessment Matters 21.7.2.2 and 21.7.2.3

981. There were no submissions on these assessment matters and, accordingly, we recommend they be adopted as notified subject to renumbering.

19.5 Assessment Matters 21.7.2.4, 21.2.2.5 and 21.7.2.7

982. As notified Rule 21.7.2.4, 21.7.2.5 and 21.7.2.7 read as follows;

21.7.2.4 Effects on visual amenity:

Whether the development will result in a loss of the visual amenity of the Rural Landscape, having regard to whether and the extent to which:

⁸⁸² C Barr, Section 42A report, Page 98, Para 9.24

- a. *the visual prominence of the proposed development from any public places will reduce the visual amenity of the Rural Landscape. In the case of proposed development which is visible from unformed legal roads, regard shall be had to the frequency and intensity of the present use and, the practicalities and likelihood of potential use of these unformed legal roads as access*
- b. *the proposed development is likely to be visually prominent such that it detracts from private views*
- c. *any screening or other mitigation by any proposed method such as earthworks and/or new planting will detract from or obstruct views of the Rural Landscape from both public and private locations*
- d. *the proposed development is enclosed by any confining elements of topography and/or vegetation and the ability of these elements to reduce visibility from public and private locations*
- e. *any proposed roads, boundaries and associated planting, lighting, earthworks and landscaping will reduce visual amenity, with particular regard to elements which are inconsistent with the existing natural topography and patterns*
- f. *boundaries follow, wherever reasonably possible and practicable, the natural lines of the landscape or landscape units.*

21.7.2.5 *Design and density of development:*

In considering the appropriateness of the design and density of the proposed development, whether and to what extent:

- a. *opportunity has been taken to aggregate built development to utilise common access ways including roads, pedestrian linkages, services and open space (i.e. open space held in one title whether jointly or otherwise)*
- b. *there is merit in clustering the proposed building(s) or building platform(s) having regard to the overall density and intensity of the proposed development and whether this would exceed the ability of the landscape to absorb change*
- c. *development, including access, is located within the parts of the site where they will be least visible from public and private locations*
- d. *development, including access, is located in the parts of the site where they will have the least impact on landscape character.*

21.7.2.7 *Cumulative effects of development on the landscape:*

Taking into account whether and to what extent any existing, consented or permitted development (including unimplemented but existing resource consent or zoning) has degraded landscape quality, character, and visual amenity values. The Council shall be satisfied;

- a. *the proposed development will not further degrade landscape quality, character and visual amenity values, with particular regard to situations that would result in a loss of valued quality, character and openness due to the prevalence of residential or non-farming activity within the Rural Landscape*
- b. *where in the case resource consent may be granted to the proposed development but it represents a threshold to which the landscape could absorb any further development, whether any further cumulative adverse effects would be avoided by way of imposing a covenant, consent notice or other legal instrument that maintains open space.*

983. Submissions on these provisions variously sought that;

- a. 21.7.4.2 (b) be deleted⁸⁸³
- b. 21.7.2.5 (b) be incorporated into the ODP assessment matters⁸⁸⁴
- c. 21.7.2.5 (c) be deleted⁸⁸⁵
- d. 21.7.2.7 be deleted⁸⁸⁶

984. In the Section 42A Report, having addressed the majority of the submissions in relation to 21.7.2, Mr Barr did not specifically address these submissions, but recommended that the assessment matters be retained as notified⁸⁸⁷.

985. Mr Brown and Mr Farrell, in evidence for the submitters, made recommendations to amend the assessment criteria in 21.7.2.4, 21.7.2.5 and 21.7.2.7. Mr Brown and Mr Farrell also made recommendations to amend other assessment criteria in 21.7.2⁸⁸⁸. In summary, Mr Brown and Mr Farrell recommended amendments to reflect RMA language, rephrase from negative to positive language, and remove repetition⁸⁸⁹.

986. In reply, Mr Barr considered that the amendments to these provisions added little value or potentially weakened the assessment required⁸⁹⁰ and hence remained of the view that the provisions as notified should be retained. We agree.

987. In addition, the amendments recommend by Mr Brown and Mr Farrell in some instances go beyond the relief sought. Accordingly, we recommend that the submissions be rejected.

988. We have already the UECS submission seeking the retaining of the ODP provisions. We do not repeat that here and recommend that submission on this provision be rejected.

19.6 Assessment Matter 21.7.2.6

989. There were no submissions in relation to this matter. We recommend it be adopted as notified, subject to renumbering.

⁸⁸³ Submissions 513, 515, 522, 531, 532, 534, 535, 537

⁸⁸⁴ Submission 145

⁸⁸⁵ Submission 513, 515, 522, 531, 532, 534, 535, 537

⁸⁸⁶ Submission 513, 515, 522, 531, 532, 534, 535, 537

⁸⁸⁷ C Barr, Section 42A Report, Page 99, Para 19.25

⁸⁸⁸ J Brown, EIC, Attachment B, Pages 35-37 and Mr B Farrell, EIC, Pages 30-32, Para 138

⁸⁸⁹ J Brown, EIC, Page 15, Para 2.22 and Mr B Farrell, EIC, Page 29, Para 137

⁸⁹⁰ C Barr, Reply, Pages 31-32, Para 11.1

19.7 21.7.3 Other factors and positive effects, applicable in all the landscape categories (ONF, ONL and RLC)

990. One submission⁸⁹¹ supported this entire section. No submissions were lodged specifically in relation to 21.7.3.1. We therefore recommend that 21.7.3.1 be adopted as notified, subject to renumbering and amending the title to refer to Rural Character Landscapes.

19.8 Assessment Matter 21.7.3.2

991. As notified, 21.7.3.2 read as follows:

Other than where the proposed development is a subdivision and/or residential activity, whether the proposed development, including any buildings and the activity itself, are consistent with rural activities or the rural resource and would maintain or enhance the quality and character of the landscape.

992. One submission sought that this provision be amended to enable utility structures in landscapes where there is a functional or technical requirement⁸⁹².

993. We addressed this matter in above in discussing the provisions sought by QAC in 21.7.1. We heard no evidence in relation to this submission. We recommend that the submission be rejected.

19.9 Assessment Matter 21.7.3.3

994. As notified, this criterion set out the matters to be taken into account in considering positive effects. Two submissions⁸⁹³ sought the retention of this matter, and one⁸⁹⁴ supported it subject to inclusion of an additional clause to enable the consideration of the positive effects of services provided by utilities.

995. We heard no evidence in support of the amendment sought by PowerNet Limited. We agree with Mr Barr's comments⁸⁹⁵ made in relation to the QAC submission discussed above. Assessment criteria are a means of assessing applications against policies in the Plan. The amendment sought by the submitter should be located in the policies, particularly those in Chapter 6. Consequently, we recommend this submission be rejected, and 21.7.3.3 be adopted as notified, subject to renumbering.

20 SUMMARY REGARDING ASSESSMENT MATTERS

996. We have included our recommended set of assessment matters in Appendix 1. We are satisfied that application of these assessment matters on resource consent applications will implement the policies in the Strategic Direction Chapters and those of Chapter 21.

21 SUBMISSIONS ON DEFINITIONS NOT OTHERWISE DEALT WITH

997. Several submissions relating to definitions were set down to be heard that were relevant to this chapter that have not been dealt with in the discussion above. In each case we received no evidence in support of the submission therefore we do not recommend any changes to the relevant definitions, which were as follows:

⁸⁹¹ Submission 378, opposed by FS1049, FS1095 and FS1282

⁸⁹² Submission 251, supported by FS1097 and FS1121

⁸⁹³ Submissions 355 and 806

⁸⁹⁴ Submission 251, supported by FS1097, opposed by FS1320

⁸⁹⁵ C Barr, Section 42A Report, page 97, paragraph 19.20

- a. Factory farming⁸⁹⁶;
- b. Farming activity⁸⁹⁷;
- c. Farm building⁸⁹⁸;
- d. Forestry⁸⁹⁹;
- e. Holding⁹⁰⁰;
- f. Informal airport⁹⁰¹;
- g. Rural industrial activity⁹⁰²;
- h. Rural selling place.⁹⁰³

⁸⁹⁶ Submission 805

⁸⁹⁷ Submissions 243 and 805

⁸⁹⁸ Submissions 600 and 805

⁸⁹⁹ Submission 600

⁹⁰⁰ Submission 600

⁹⁰¹ Submissions 220, 296, 433 and 600

⁹⁰² Submission 252

⁹⁰³ Submission 600

PART C: CHAPTER 22 – RURAL RESIDENTIAL AND LIFESTYLE

22 PRELIMINARY

22.1 Introduction

998. This Chapter contains the objectives, policies and rules for two zones: the Rural Residential Zone and the Rural Lifestyle Zone. There were also several Sub-Zones of each zone.
999. Each zone is distributed through rural parts of the District. Thus submissions seeking changes to one or other of the zones based on reasons relying on the environment in one part of the District could have ramifications in other parts of the District.
1000. During the hearing Commissioner St Clair discovered he had a conflict of interest in relation to the submission and further submission lodged by Matakauri Lodge Limited⁹⁰⁴. This is explained in greater detail in Report 4B prepared by the remaining commissioners, who heard Matakauri Lodge Limited, Ms Byrch⁹⁰⁵ and Mr Scaife⁹⁰⁶ without Commissioner St Clair present. While Report 4B is directed specifically at the provisions relating to the Visitor Accommodation Sub-Zone and the evidence presented at the hearing, Ms Byrch and Mr Scaife's submissions also related to a number of other provisions in this chapter, and Matakauri Lodge Limited's further submission was in opposition to all of those other submission points. As it transpired, Commissioner St Clair was unable to be involved in the report preparation and the final recommendations on Chapter 22. Thus, we have been able to incorporate our recommendations on Submissions 243 and 811 where they relate to matters other than the Visitor Accommodation Sub-Zone into this report. We note that no evidence was heard in respect of these other amendments sought.
1001. Glentui Heights Limited⁹⁰⁷ sought the deletion of the Bob's Cove Rural Residential Sub-Zone, including Objective 22.2.6, Policies 22.2.6.1 and 22.2.6.2 and Rules 22.5.21 to 22.5.32 (Table 5). This was listed in Appendix 2 to the Section 42A Report as being deferred to the Mapping Hearing Stream. Notwithstanding that, Mr Wells appeared in support of this submission and suggested various amendments to the provisions listed above, although not total deletion. These amendments appeared to suggest that the Sub-Zone should not be deleted.
1002. Mr Barr responded to this in his Reply Statement. Mr Barr considered that the emphasis on ecological outcomes in the objectives and rules should be retained.
1003. We understood that these provisions were included in the ODP as the result of an Environment Court consent order, and had been rolled over into the PDP. While we do not consider that background sufficient reason to retain the provisions, we do consider it relevant to the zoning issue, as intended by the deferment. The Hearing Panel considering the zoning issues in the District are in a better position to consider the consequences of removing the provisions sought by this submission.
1004. As it was, no evidence was presented to the Stream 13 Hearing Panel seeking the deletion of these provisions. In the absence of evidence supporting their deletion, we recommend the submission be rejected.

⁹⁰⁴ Submission 595 and Further Submission 1224

⁹⁰⁵ Submission 243

⁹⁰⁶ Submission 811

⁹⁰⁷ Submission 694

22.2 General Submissions

1005. Two submissions⁹⁰⁸ supported the chapter generally. One submission⁹⁰⁹ supported the Rural Lifestyle Zone. One submission⁹¹⁰ supported the Rural Residential Zone. Given that we are recommending amendments to the chapter, we recommend these submissions be accepted in part.
1006. Submission 117 sought that the chapter make it clear that it applies to rural residential development outside of the urban boundary, and Submission 332 sought that the PDP clearly distinguish between rural residential development and large lot residential development. When looked at in the round, our recommendations would satisfy both of these submitters. We recommend they be accepted in full.
1007. Several submissions⁹¹¹ supported those parts of the chapter which they did not seek to alter. We recommend those submissions be accepted in part.

22.3 Density in Rural Lifestyle Zone

1008. There was one topic which dominated submissions on this Chapter: the density limits in the Rural Lifestyle Zone. As noted in Section 2.3 above, on 23 November 2017 the Council notified the Stage 2 variations which included replacing all the land in the Wakatipu Basin that was zoned Rural Lifestyle with the Wakatipu Basin Zone, including the Wakatipu Basin Lifestyle Precinct. As we explained in Section 2.3, the consequence of the provisions of Clause 16B of the First Schedule is that the submissions relating to the provisions of the Rural Lifestyle Zone replaced by the Wakatipu Basin Zone are deemed to be submissions on the variation. Thus we may not make recommendations on those.
1009. The removal of those submissions from our consideration left a single submission⁹¹² seeking that notified Rule 22.5.12.3 be removed. This submission was heard in full in Stream 13 and the Hearing Panel for that stream has made recommendations regarding both the zoning of the submitter's land and the reduction in the Rural Lifestyle Zone density provisions on that land. The only other submission not deemed to be a submission on the variation sought that non-compliance with Rule 22.5.12 be a prohibited activity⁹¹³.
1010. No evidence was provided to support the submission seeking that non-compliance with the standards in Rule 22.5.12 be a prohibited activity. In the absence of justification for such an onerous provision, we recommend Submission 811 be rejected.
1011. As the matters relating to density were related to evidence we heard on other provisions in the Rural Lifestyle Zone, we will outline the relevant provisions and discuss and make recommendations on the relevant remaining submissions.
1012. As notified, the provisions of the Rural Lifestyle Zone provided for an average density of 1 residential unit per two hectares. This was instituted via a requirement for a building platform to be approved and registered on the computer freehold register (Rule 22.4.3.3); a limitation

⁹⁰⁸ Submissions 19 and 21

⁹⁰⁹ Submission 431

⁹¹⁰ Submission 771

⁹¹¹ Submissions 360 (supported by FS1206), 514, 546 (supported by FS1065), 554, 594 (supported by FS1322) and 694

⁹¹² Submission 328

⁹¹³ Submission 811

of one (1) residential unit per building platform (Rule 22.5.12.1); a limit of 1 residential unit per site on sites less than 2 ha in area (Rule 22.5.12.2); an average of 1 residential unit per 2 ha on sites larger than 2 ha (Rule 22.5.12.3). Breach of the standards in Rule 22.5.12 would require consent as a non-complying activity.

1013. As the subdivision rules in Chapter 27 (as notified) set a minimum site size of 1 ha, with an average site size of 2 ha, the effective maximum density of residential units in the zone was 1 per hectare, albeit with an average of 1 per 2 ha across the relevant subdivision. This was explained in the Zone Purpose (Section 22.1) as follows:

The Rural Lifestyle zone provides for rural living opportunities, having a development density of one residential unit per hectare with an overall density of one residential unit per two hectares across a subdivision. Building platforms are identified at the time of subdivision to manage the sprawl of buildings, manage adverse effects on landscape values and to manage other identified constraints such as natural hazards and servicing.

1014. One submission⁹¹⁴ sought the retention of Rule 22.4.3.3, while two⁹¹⁵ opposed the rule. Another submission⁹¹⁶ sought that the classification of the activity as Discretionary be changed to Controlled, while three submissions⁹¹⁷ sought that the identification of a building platform be a controlled or permitted activity.
1015. Five submissions⁹¹⁸ sought changes to the Zone Purpose so that the purpose promoted the Rural Lifestyle Zone as a location where further development would accommodate housing demand. As these five submissions also had submission points transferred to the Wakatipu Basin Zone variation we consider them to be directly concerned with the density provisions of the zone.
1016. We heard no evidence solely related to the Zone Purpose or suggesting the building platform regime in this zone be deleted and any evidence related to the activity status of Rule 22.4.3.3 was subsidiary to evidence on the density issue.
1017. In the absence of substantive evidence, we can find no justification for altering the Zone Purpose in the manner sought by the submitters.
1018. With no submissions opposing notified Rule 22.5.12, we recommend the density rules for the Rural Lifestyle Zone be adopted as notified, subject to the word “shall” in Rule 22.5.12.3 being changed to “must”.
1019. We also recommend that Rule 22.4.3.3 be adopted as notified.

22.4 Makarora Rural Lifestyle Zone

1020. We will deal with this issue before moving onto the details of the provisions as Submission 585 and the recommendation from the Hearing Stream 12 Panel affect several provisions, including the Zone Purpose, Objective 22.2.3, Policy 22.2.3.1, Rule 22.4.4 and Rule 22.7.1.

⁹¹⁴ Submission 761

⁹¹⁵ Submissions 248 and 557

⁹¹⁶ Submission 820, opposed by FS1034

⁹¹⁷ Submissions 546 (supported by FS1065), 554 and 594 (Supported by FS1221, FS1322)

⁹¹⁸ Submissions 497, 513, 523 (supported by FS1256), 534 (supported by FS1322), 535 (supported by FS1259, FS1267, FS1322, opposed by FS1068, FS1071)

1021. As notified, the PDP provided for a large area⁹¹⁹ of the valley floor at Makarora to be zoned Rural Lifestyle with additional provisions in Chapter 22 in recognition of the natural hazard risk on that land. In particular, Rule 22.4.4 set the construction of buildings within an approved building platform as a controlled activity with control reserved to the avoidance or mitigation of the effects of natural hazards, and Rule 22.7 set out assessment matters for evaluating such controlled activity applications.
1022. Submission 585 sought the removal of this area of zoning and replacement of it with Rural (dealt with in the Stream 12 Hearing: Upper Clutha Mapping) and the deletion of the relevant provisions from Chapter 22. Submission 669 sought the deletion of Objective 22.2.3 and Policy 22.2.3.1 on the basis that they repeated matters covered by Chapter 28 (Natural Hazards). Two submissions⁹²⁰ sought the deletion of Rule 22.4.4 and one submission⁹²¹ supported Rule 22.7.
1023. Mr Barr did not discuss the Makarora zone in his Section 42A Report other than in justifying the retention of Objective 22.2.3 and its policy on the basis, in part, that Chapter 22 contained detailed methods *“to manage the risk of development and natural hazards in the Makarora Rural Lifestyle Zone”*⁹²². He did not discuss the issue in his Reply Statement either.
1024. Ms Pennycook explained to us how the Makarora community was undertaking a project in conjunction with the Department of Conservation and the Forest & Bird to create a protected landscape in the Makarora valley, involving a predator-free environment with restoration of the forests and riverbeds. The area involved is that between Mount Aspiring National Park and Lake Wanaka and the east side of Lake Wanaka to The Neck. Ms Pennycook also provided us with copies of photographs she had taken in 2015 and 2016 of flooding across the land zoned Rural Lifestyle.
1025. In 2017 the Stream 12 Hearing Panel also heard from Ms Pennycook, more specifically on the zoning rather than the rules. That Panel has recommended that Ms Pennycook’s submission be accepted and have recommended that we make consequential amendments to Chapter 22 to reflect to removal of this zoning.
1026. We agree with Ms Pennycook that the Rural Lifestyle provisions would be inconsistent with the conservation project the Makarora community was undertaking. We also accept the recommendation of the Stream 12 Hearing Panel. Consequently, we recommend that:
- a. The second sentence of the second paragraph in Section 22.1 be deleted;
 - b. Rule 22.4.4 be deleted;
 - c. Rule 22.7.1 be deleted; and
 - d. Section 22.7 be retitled “Rural Residential Ferry Hill Sub-Zone Concept Development Plan”⁹²³ and sub-numbering in the section be deleted.
1027. With respect to Objective 22.2.3 and Policy 22.2.3.1, we have considered this in the light of the recommended objectives and policies in Chapter 28. As notified Objective 22.2.3 and its policy stated:

⁹¹⁹ The area is quoted in Submission 585 as being 1,292 ha. This was neither verified nor disputed by the Council.

⁹²⁰ Submissions 339 and 706 (opposed by FS1162)

⁹²¹ Submission 21

⁹²² C Barr, Section 42A Report, paragraph 13.4

⁹²³ We note that Variation 2 proposes deleting the Rural Residential Ferry Hill Sub-Zone, including the Concept Development Plan. The result is that Section 22.7 becomes redundant.

Manage new development and natural hazards.

Policy

Parts of the Rural Residential and Rural Lifestyle zones have been, and might be identified in the future as susceptible to natural hazards and some areas may not be appropriate for residential activity if the natural hazard risk cannot be adequately managed.

1028. Mr Barr recommended rewording the objective to read⁹²⁴:

New development adequately manages natural hazard risk.

1029. In addition to the submission seeking the deletion of Objective 22.2.3, five submissions⁹²⁵ sought its amendment. Mr Barr's recommendation reflected the amendment sought.

1030. Three submissions sought the deletion of Policy 22.2.3.1⁹²⁶.

1031. The relevant recommended objective and policies in Chapter 28 read:

28.3.2 Development on land subject to natural hazards only occurs where the risks to the community and the built environment are appropriately managed.

Policies

28.3.2.2 Not preclude subdivision and development of land subject to natural hazards where the proposed activity does not:

- a. accelerate or worsen the natural hazard risk to an intolerable level*
- b. Expose vulnerable activities to intolerable natural hazard risk*
- c. Create an intolerable risk to human life*
- d. Increase the natural hazard risk to other properties to an intolerable level*
- e. Require additional works and costs, including remedial works, that would be borne by the public.*

28.3.2.3 Ensure all proposals to subdivide or develop land that is subject to natural hazard risk provide an assessment that meets the following information requirements, ensuring that the level of detail of the assessment is commensurate with the level of natural hazard risk: ... [then follows a list of 8 requirements for information]

1032. Our concern with both the objective and the policy in Chapter 22 is that they suggest a potentially different approach to natural hazards in these two zones than the approach Chapter 28 is establishing for the entire district. In our view, the appropriate course of action is to delete Objective 22.2.3 and Policy 22.2.3.1 and rely on the policies in Chapter 28 that more precisely set out the requirements for dealing with natural hazard risk. Therefore, we recommend the

⁹²⁴ C Barr, Section 42A Report, Appendix 1

⁹²⁵ Submissions 530, 761, 763, 764 and 767

⁹²⁶ Submissions 669, 764 and 767

submissions seeking the deletion of Objective 22.2.3 and Policy 22.2.3.1 be accepted and those provisions be deleted.

23 22.1 – ZONE PURPOSE

1033. As notified, this section explained:
- a. The locational characteristics of the zones;
 - b. The potential for them to be affected by natural hazards;
 - c. The nature of development expected in the Rural Residential Zone;
 - d. The nature of development expected in the Rural Lifestyle Zone;
 - e. The rationale behind the Deferred Rural Lifestyle (Buffer) Zone;
 - f. The potential for further Rural Lifestyle development in the Wakatipu Basin; and
 - g. Justifying the application of controls for landscape reasons.
1034. Submissions on this section sought:
- a. Support⁹²⁷;
 - b. Make clear and concise⁹²⁸;
 - c. Remove reference to the zones providing a buffer edge⁹²⁹;
 - d. Include maintaining nature conservation values in the purpose⁹³⁰;
 - e. Include reference to providing for community facilities⁹³¹;
 - f. Discourage commercial activities in the Rural Lifestyle zone⁹³²;
 - g. Improve references to rural character and amenity values⁹³³; and
 - h. Delete⁹³⁴.
1035. In his Section 42A Report Mr Barr recommended deleting the reference to these zones being a buffer between urban and rural activities.
1036. Other than in relation to the matters discussed above relating to density in the Rural Lifestyle Zone and natural hazards, we heard no evidence particularly directed to this section.
1037. As we discussed above in relation to Section 21.1 (in Chapter 21), we consider the relationship between the four rural zones can be better understood if an introductory paragraph describes where the relevant chapter sit in relation to the other two. Consequently, we recommend the following be inserted as the first paragraph in this section:

There are four rural zones in the District. The Rural Zone (Chapter 21) is the most extensive of these. The Gibbston Valley is recognised as a special character area for viticulture production and the management of this area is provided for in Chapter 23: Gibbston Character Zone. Opportunities for rural living activities are provided for in the Rural-Residential and Rural Lifestyle Zones.

⁹²⁷ Submissions 236 (opposed by FS1203) and 771

⁹²⁸ Submission 243

⁹²⁹ Submission 238, supported by FS1255, opposed by FS1107, FS1157, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249

⁹³⁰ Submissions 339 and 706 (opposed by FS1162)

⁹³¹ Submission 844

⁹³² Submission 286

⁹³³ Submission 674, supported by FS1082, FS1089, FS1146, opposed by FS1255

⁹³⁴ Submission 669

1038. We consider this to be a minor non-substantive amendment which can be made under Clause 16(2).
1039. We agree with Mr Barr that, when looked at in the round, these zones do not have the purpose of providing a buffer edge to urban areas. We recommend that Submission 238 be accepted and the reference to “buffer edges” be deleted from the second sentence of what is now the second paragraph.
1040. Of the other amendments sought by submitters, we make the following comments:
- a. The policies in the chapter generally discourage commercial activities, thus the wording of this section appropriate;
 - b. The overall purpose of the zones is rural living, not nature conservation; and
 - c. Community facilities are not generally appropriate in these zones, which are provided for rural living purposes (Strategic Policy 3.3.22).
1041. Thus, we do not recommend any further changes to the section and recommend those submissions be rejected.

24 22.2 – OBJECTIVES AND POLICIES

24.1 General

1042. Submission 21 supported the objectives and policies. Submission 674 sought that the objectives and policies be generally amended to make the rationale of the zones more explicit.

24.2 Objective 22.2.1 and Policies

1043. As notified, these read:

Objective

Maintain and enhance the district’s landscape quality, character and visual amenity values while enabling rural living opportunities in areas that can avoid detracting from those landscapes.

Policies

- 22.2.1.1 *Ensure the visual prominence of buildings is avoided, particularly development and associated earthworks on prominent slopes, ridges and skylines.*
- 22.2.1.2 *Set minimum density and building coverage standards so the open space, natural and rural qualities of the District’s distinctive landscapes are not reduced.*
- 22.2.1.3 *Allow for flexibility of the density provisions, where design-led and innovative patterns of subdivision and residential development, roading and planting would enhance the character of the zone and the District’s landscapes.*
- 22.2.1.4 *Manage anticipated activities that are located near Outstanding Natural Features and Outstanding Natural Landscapes so that they do not diminish the qualities of these landscapes and their importance as part of the District’s landscapes.*
- 22.2.1.5 *Maintain and enhance landscape values by controlling the colour, scale, location and height of permitted buildings and in certain locations or circumstances require landscaping and vegetation controls.*

22.2.1.6 *Have regard to the location and direction of lights so they do not cause glare to other properties, roads, public places or the night sky.*

22.2.1.7 *Have regard to fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision, development and any landscaping.*

1044. One submission supported this objective⁹³⁵, and another⁹³⁶ suggested it be rewritten without providing any suggested wording. Several submissions⁹³⁷ sought that it be reworded to read:

The District's landscape quality, character and visual amenity values are maintained and enhanced while rural living opportunities in areas that can absorb development within those landscape are enabled.

1045. Submission 669 sought that the objective be replaced with:

Rural living opportunities are enabled in identified appropriate areas.

1046. In his Section 42A Report, Mr Barr largely agreed with the amendments to this objective sought by Arcadian Triangle Ltd and others. Mr Vivian, appearing for J & R Hadley⁹³⁸, agreed with Mr Barr's recommended amendment, subject to deletion of the word "visual" so that all amenity values became relevant. Mr Barr agreed with this further amendment⁹³⁹.

1047. We agree that the reformulated objective better expresses the environmental outcome sought: maintenance and enhancement of various environmental qualities while enabling rural living opportunities. We recommend Objective 22.2.1 read:

The district's landscape quality, character and amenity values are maintained and enhanced while enabling rural living opportunities in areas that can absorb development.

1048. The only submissions⁹⁴⁰ on Policy 22.2.1.1 sought that it be amended to enable the visual prominence of buildings to be avoided, remedied or mitigated. Mr Barr supported this amendment in his Section 42A Report⁹⁴¹.

1049. We agree that built development should not be unexpected in either of these two zones and the option of remedying or mitigating visual prominence would be appropriate.. We recommend that these submissions be accepted.

⁹³⁵ Submission 380

⁹³⁶ Submission 243, opposed by FS1150, FS1325

⁹³⁷ Submissions 497, 513, 515, 522 (supported by FS1292), 523 (supported by FS1256), 530, 532 (supported by FS1322, opposed by FS1071), 534, 535 (supported by FS1259, FS1267, FS1322), 537 (supported by FS1256, FS1286, FS1292), 761, 763, 764 and 767

⁹³⁸ Submission 674

⁹³⁹ C Barr, Reply Statement, Appendix 1

⁹⁴⁰ Submissions 497, 513, 515, 522, 523 (supported by FS1256), 530 and 537 (supported by FS1256, FS1286, FS1292)

⁹⁴¹ C Barr, Section 42A Report, paragraph 8.24

1050. Two submissions questioned whether use of the word “minimum” in Policy 22.2.1.2 was correct⁹⁴². The remaining submissions sought one of two options of rewording of the policy. Option A, sought by four submissions⁹⁴³, read:

Set density standards in order to achieve and maintain an appropriate density of development and related rural amenity values.

1051. Option B, sought by four submissions⁹⁴⁴, read:

Set minimum density and building coverage standards so that adverse effects on the open space, natural and rural qualities of the District’s distinctive landscapes are mitigated.

1052. Mr Barr accepted this policy needed rewording and suggested a revised version in his Section 42A Report which read:

Set density and building coverage standards in order to maintain the open space, rural living character and landscape values.

1053. No evidence was specifically directed at this policy.

1054. We have difficulty understanding what the policy is trying to achieve, either as notified or in Mr Barr’s version. The objective is that by enabling rural living in areas able to absorb development, the district’s landscape quality, character and amenity values will be maintained and enhanced. As we see it, this policy should be directed at setting density and coverage standards that ensure the level of development in the relevant zone is not beyond that which the landscape can absorb.

1055. Option B sought by submissions goes somewhat to clarifying the policy. We do not think Option A assists at all. We do agree that the word “minimum” has not been used correctly in the notified version. We agree with Mr Barr’s opinion that natural values are not relevant in this policy⁹⁴⁵. We also agree with Submission 674 that the amenity values of rural living areas should be recognised.

1056. Taking all those matters into account, we recommend the policy be reworded as:

Set density and building coverage standards in order to maintain rural living character and amenity values, and the open space and rural qualities of the District’s landscapes.

1057. One submission⁹⁴⁶ supported Policy 22.2.1.3. Two submissions⁹⁴⁷ sought that the policy provide for review by the urban design panel of developments varying the density provisions. Submission 669 sought that the policy be amended such that flexibility in density provisions be allowed where the effects on amenity values and landscape were no worse than a proposal complying with density.

⁹⁴² Submissions 238 (opposed by FS11.07, FS1157, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249) and 368

⁹⁴³ Submissions 497, 522 (supported by FS1292), 523 (supported by FS1256) and 669

⁹⁴⁴ Submissions 513, 515, 530 and 537 (supported by FS1256, FS1292)

⁹⁴⁵ C Barr, Section 42A Report, paragraph 8.25

⁹⁴⁶ Submission 444, supported by FS1089

⁹⁴⁷ Submissions 238 (opposed by FS11.07, FS1157, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249, FS1325) and 238 (opposed by FS1325)

1058. Mr Barr discussed this latter submission in his Section 42A Report⁹⁴⁸, recommending it be rejected. In his Reply Statement, Mr Barr recommended that “amenity values” be included as a matter that could be potentially enhanced.
1059. We are not sure of the status of this policy. While on the face of it, as Mr Barr comments, it provides for a degree of flexibility on subdivisions in circumstances where the design characteristics would enhance environmental outcomes, the rules to implement it do not appear to allow for such flexibility. Both Rule 22.5.11 (density in Rural Residential Zone) and Rule 22.5.12 (density in Rural Lifestyle Zone) require a non-complying activity consent if the respective rule is not complied with. We do not see that as providing flexibility, even with this proposed policy in place. We do not agree with Mr Barr that the averaging provisions available in the Rural Lifestyle Zone implement this policy, as those provisions do not require any assessment of design in the way this policy implies.
1060. While we recommend the policy be adopted as per Mr Barr’s reply version, we also recommend the Council review whether it should remain, or whether the rules be amended so the policy can be implemented as it appears to intend.
1061. No submissions were received on Policies 22.2.1.4 and 22.2.1.5. Mr Barr recommended an amendment to Policy 22.2.1.5 to include reference to amenity values⁹⁴⁹, responding to the general approach of Submission 674 that amenity values within the zones were also important. We agree with that minor amendment.
1062. We recommend Policy 22.2.1.4 be adopted as notified, and Policy 22.2.1.5 be worded as follows:
- Maintain and enhance landscape values and amenity values within the zones by controlling the colour, scale, location and height of permitted buildings and in certain locations or circumstances require landscaping and vegetation controls.*
1063. The only submission on Policy 22.2.1.6⁹⁵⁰ suggested the wording was too weak and that it should require all new and replacement lighting in the District to be downward facing using energy efficient lightbulbs. When this policy is read in the context of Strategic Policy 6.3.4 it is apparent that Policy 22.2.1.6 is expressed weakly. We recommend it be reworded so as to implement the Strategic Policies in line with the submitter’s request, as follows:
- Lights be located and directed so as to avoid glare to other properties, roads and other public places, and to avoid degradation of views of the night sky.*
1064. The only submissions⁹⁵¹ on Policy 22.2.1.7 supported the wording, but sought that it be moved to sit under (notified) Objective 22.2.3. The reasons given in the submissions were that the policy was not directed to matters the objective was directed to (landscape and visual amenity values). We have recommended above that Objective 22.2.3 be deleted so have considered whether the policy would more appropriately be located under any other objective in this chapter.

⁹⁴⁸ C Barr, Section 42A Report, paragraph 8.43

⁹⁴⁹ C Barr, Reply Statement, Appendix 1

⁹⁵⁰ Submission 289

⁹⁵¹ Submissions 761, 763, 764 and 767

1065. Given that one of the methods people use to mitigate adverse effects on landscape values is to “hide” buildings with landscaping or amongst existing vegetation, the policy is, in our view, best located under Objective 22.2.1. We therefore recommend the policy be adopted as notified.
1066. Two submissions⁹⁵² sought the inclusion of a new policy requiring that development and subdivision in this zone avoid SNAs. Mr Barr considered this was better dealt with in Chapter 33 and we agree.

24.3 Objective 22.2.2 and Policies

1067. As notified, these read:

Objective

Ensure the predominant land uses are rural, residential and where appropriate, visitor and community activities.

Policies

- 22.2.2.1 *Provide for residential and farming as permitted activities, and recognise that depending on the location, scale and type, community activities may be compatible with and enhance the Rural Residential and Rural Lifestyle Zones.*
- 22.2.2.2 *Any development, including subdivision located on the periphery of residential and township areas, shall avoid undermining the integrity of the urban rural edge and where applicable, the urban growth boundaries.*
- 22.2.2.3 *Discourage commercial and non-residential activities, including restaurants, visitor accommodation and industrial activities, so that the amenity, quality and character of the Rural Residential and Rural Lifestyle zones are not diminished and the vitality of the District’s commercial zones is not undermined.*
- 22.2.2.4 *Encourage visitor accommodation only within the specified visitor accommodation subzone areas and control the scale and intensity of these activities.*
- 22.2.2.5 *The bulk, scale and intensity of buildings used for visitor accommodation activities are to be commensurate with the anticipated development of the zone and surrounding residential activities.*

1068. Four submissions sought the retention of Objective 22.2.2⁹⁵³. Other submissions on this objective sought:
- a. Generally oppose objective⁹⁵⁴;
 - b. Delete reference to visitor activities⁹⁵⁵;
 - c. Exclude visitor and community activities from objective⁹⁵⁶;
 - d. Generally broaden objective⁹⁵⁷;
 - e. Amend so as to provide for visitor activities⁹⁵⁸;

⁹⁵² Submissions 339 (opposed by FS1097) and 706 (opposed by FS1150, FS1162)

⁹⁵³ Submissions 380, 524, 600 (supported by FS1209, opposed by FS1034) and 844

⁹⁵⁴ Submission 248

⁹⁵⁵ Submissions 243

⁹⁵⁶ Submission 674, supported by FS1050, FS1082, FS1089, FS1146, opposed by FS1255

⁹⁵⁷ Submission 294

⁹⁵⁸ Submission 285, supported by FS1097

- f. Amend so as to encourage commercial and non-residential activities, especially near the Queenstown Trail⁹⁵⁹;
 - g. Remove ensure and limit community activities to where appropriate⁹⁶⁰;
 - h. Remove ensure⁹⁶¹;
 - i. Renumber as a policy⁹⁶².
1069. Also relevant to this objective is Submission 497 seeking provision in the Rural Lifestyle Zone for visitor accommodation.
1070. In the Section 42A Report Mr Barr agreed that the objective should commence with “*Within the rural residential and rural lifestyle zones*” deleting the word “*ensure*”⁹⁶³. He saw these changes as matters of clarity and grammar. Other than that he suggested no other alterations to the objective.
1071. We see the role of this objective to be setting the range of activities appropriate in the zone. None of the submissions suggested that the combination of residential and rural activities one would expect in a rural living area to be inappropriate. The issue was the extent to which visitor and community activities would be appropriate.
1072. In his evidence for Arcadian Triangle Ltd, Mr Goldsmith clarified that in terms of visitor accommodation, it was the ability of people to use their residential unit or residential flat for visitor accommodation that the submission was directed to, not motels or lodges⁹⁶⁴. Submissions 285 and 423 sought expansion of the objective so as to provide for visitor-related facilities in areas that visitors are presently visiting, such as adjacent to the Queenstown Trails. Submission 243, on the other hand, was more directed to removal of the Visitor Accommodation Subzone which has been dealt with separately.
1073. Mr Vivian, in evidence on behalf of J & R Hadley, explained that while visitor and community activities could be appropriate in some locations, they should not be considered predominant uses in the zones⁹⁶⁵. He suggested the objective should state that visitor and community activities would only be appropriate where it could be demonstrated that those activities were of principal benefit to the adjacent rural living activities⁹⁶⁶.
1074. In discussing Section 22.1 we referred to Strategic Policy 3.3.22 as establishing the rationale of the zone as being to provide for rural living opportunities. Strategic Policy 3.3.24 also seeks to ensure that development within the rural living areas does not result in the alteration of the character of the rural environment to the point where the area is no longer rural in character. These policies suggest that Mr Vivian is correct in suggesting that visitor and community activities are not to be considered predominant activities in the zones. However, we think the additional wording he proposed for this objective would be better included in the relevant policies.

⁹⁵⁹ Submission 423

⁹⁶⁰ Submission 497

⁹⁶¹ Submissions 513, 515, 522 (supported by FS1292), 523 (supported by FS1256), 530, 532 (supported by FS1322), 534 (supported by FS1322), 535 (supported by FS1259, FS1267, FS1322), 537 (supported by FS1292), 761, 763 (supported by FS1125), 764 and 767

⁹⁶² Submission 669

⁹⁶³ C Barr, Section 42A Report, paragraph 8.30

⁹⁶⁴ W Goldsmith, EiC, paragraph 5.2

⁹⁶⁵ C Vivian, EiC, paragraph 9.15

⁹⁶⁶ *ibid*, Appendix B, page 22-3

1075. For those reasons, along with a grammatical change, we recommend that that Objective 22.2.2 be worded as follows:

The predominant land uses within the Rural Residential and Rural Lifestyle Zones are rural and residential activities.

1076. Three submissions⁹⁶⁷ sought the retention of Policy 22.2.2.1. One submission⁹⁶⁸ sought it be reworded so as to clarify that any community facilities be primarily for the benefit of the local community.

1077. Other than recommend the deletion of the word “recognise” from the policy⁹⁶⁹, Mr Barr made no comment on it.

1078. To implement Objective 22.2.2 we consider this policy should enable residential and farming activities, rather than provide for them. We also consider this is an appropriate policy to outline the circumstances in which visitor accommodation and community activities would be appropriate in the zones, as discussed above when considering Objective 22.2.2.. In our view, rather than stating that such activities may be “compatible with and enhance” the zones, the nature of the zones mean that such activities should be compatible and would enhance the zones. Such wording would enable the type of accommodation envisaged by Mr Goldsmith and achieve the type of limitation suggested by Mr Vivian.

1079. For those reasons, we recommend Policy 22.2.2.1 read:

Enable residential and farming activities in both zones, and provide for community and visitor accommodation activities which, in terms of location, scale and type, are compatible with and enhance the predominant activities of the relevant zone.

1080. One submission⁹⁷⁰ sought the retention of Policy 22.2.2.2, one sought it only apply to the Rural Lifestyle Zone⁹⁷¹, and one sought it be strengthened⁹⁷². On the other hand, five submissions⁹⁷³ sought the policy be deleted and four submissions⁹⁷⁴ sought it be replaced with a policy to encourage efficient and effective use of rural living land.

1081. Mr Barr, in his Section 42A Report, explained that he considered the policy necessary to provide guidance when considering applications to exceed the density and subdivision rules of the two zones. He considered it complementary to (notified) Objective 4.2.3. No other evidence was directed to this policy.

1082. Three Strategic Policies are relevant to this policy:

⁹⁶⁷ Submissions 524, 600 (supported by FS1209, opposed by FS1034) and 844

⁹⁶⁸ Submission 444, supported by FS1089

⁹⁶⁹ C Barr, Section 42A Report, Appendix 1

⁹⁷⁰ Submission 719

⁹⁷¹ Submission 844

⁹⁷² Submission 238, opposed by FS1107, FS1157, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249

⁹⁷³ Submissions 515, 522 (supported by FS1292), 530, 532 (supported by FS1322) and 537 (supported by FS1256, FS1286, FS1292)

⁹⁷⁴ Submissions 497, 513, 523 (supported by FS1256) and 534 (supported by FS1322)

4.2.1.3 *Ensure that urban development is contained within the defined Urban Growth Boundaries, and that aside from urban development within existing rural settlements, urban development is avoided outside of those boundaries.*⁹⁷⁵

4.2.2.12 *Ensure that any transition to rural areas is contained within the relevant Urban Growth Boundary.*

6.3.4 *Avoid urban development and subdivision to urban densities in the rural zones.*

1083. We are satisfied that Policy 22.2.2.2 is consistent with these Strategic Policies. We consider the replacement policy sought by Submission 497 and others would be in conflict with the Strategic Policies by encouraging more intense use of rural living land (potentially to urban densities).

1084. Consequently, we recommend that Policy 22.2.2.2 be adopted as notified.

1085. Policy 22.2.2.3, as notified, sought to discourage commercial and non-residential activities in these zones, except in specified circumstances. Two submissions⁹⁷⁶ supported this policy.. Submission 844 sought to exclude community activities from the policy. Submission 577 sought to amend the policy so that it was the nature, scale and hours of operation of the non-residential activity that determined whether they be discouraged. Two submissions⁹⁷⁷ sought amendments to reduce the negatives in the policy, but with the effect of making the effects on values in the zones conjunctive with effects on urban commercial areas. Two submissions⁹⁷⁸ sought deletion of the policy to encourage commercial activities.

1086. Mr Barr, in the Section 42A Report, accepted that some change was necessary so as to reinforce that non-residential activity would be commensurate with the nature and scale of the environment and maintain rural living amenity⁹⁷⁹.

1087. We agree with Mr Barr that some amendment to this policy is appropriate and that it should focus on ensuring the amenity values and quality and character of the rural living environment is not diminished. However, we consider the various wording options presented in the submissions, along with Mr Barr's version, failed to properly convey this. We therefore recommend that Policy 22.2.2.3 read:

Discourage commercial and non-residential activities, including restaurants, visitor accommodation and industrial activities, that would diminish the amenity values and quality and character of the rural living environment.

1088. Policy 22.2.2.4 has been the subject of separate consideration due to Commissioner St Clair's conflict of interest. The remaining Commissioners, after hearing from the submitter and further submitter have recommended this policy be deleted.

1089. There were no submissions on Policy 22.2.2.5. With the deletion of Policy 22.2.2.4 and the amendments made to Policies 22.2.2.1 and 22.2.2.3 we consider it to be potentially superfluous but accept that it could assist in guiding the scale and intensity of any visitor accommodation activity in the two zones. Therefore, we recommend it be adopted as notified.

⁹⁷⁵ See also Policy 3.3.14 to the same effect.

⁹⁷⁶ Submissions 674 (supported by FS1050, FS1082, FS1089, FS1146, opposed by FS1255) and 719

⁹⁷⁷ Submissions 763 and 764 (opposed by FS1015)

⁹⁷⁸ Submissions 221 and 265

⁹⁷⁹ C Barr, Section 42A Report, paragraph 9.2

24.4 Objective 22.2.4 and Policies

1090. As notified, these read:

Objective

Ensure new development does not exceed available capacities for servicing and infrastructure.

Policies

22.2.4.1 *Discourage new development that requires servicing and infrastructure at an adverse cost to the community.*

22.2.4.2 *Ensure traffic generated by new development does not compromise road safety or efficiency.*

1091. The only submissions on this objective supported its retention⁹⁸⁰. The only amendment recommended by Mr Barr, so as to make it clearly an objective, was to delete the word “ensure” from the commencement of the objective⁹⁸¹.

1092. We agree with Mr Barr’s recommendation and consider the change to be a non-substantive grammatical change under Clause 16(2). We therefore recommend the objective read:

New development does not exceed available capacities for servicing and infrastructure.

1093. The only submission on the two policies sought their retention⁹⁸². Mr Barr did not recommend any changes to these policies.

1094. We consider a minor amendment is needed to Policy 22.2.4.1 to replace “an adverse cost” with “a cost” as, in the context of the policy, adverse is an unnecessary adjective. We consider this to be a minor amendment within the realm of Clause 16(2).

1095. With those minor amendments, and renumbering, we recommend that Objective 22.2.4 and the two ensuing policies be adopted as notified.

24.5 Objective 22.2.5 and Policy

1096. As notified, these read:

Objective

Manage situations where sensitive activities conflict with existing and anticipated rural activities.

Policies

22.2.5.1 *Recognise existing and permitted activities, including activities within the surrounding Rural Zone might result in effects such as odour, noise, dust and traffic generation that are established, or reasonably expected to occur and will be noticeable to residents and visitors in rural areas.*

⁹⁸⁰ Submissions 217, 380, 438 and 719

⁹⁸¹ C Barr, Section 42A Report, Appendix 1

⁹⁸² Submission 719

1097. The only submissions on this objective sought is be revised to be clearer⁹⁸³ or retained⁹⁸⁴. Mr Barr recommended a grammatical change to the objective so that it was focussed on an environmental outcome⁹⁸⁵. We agree that Mr Barr’s wording more clearly expresses the appropriate outcome to minimise potential reverse sensitivity issues. We therefore recommend Objective 22.2.5 read (and be renumbered):

Sensitive activities conflicting with existing and anticipated rural activities are managed.

1098. The only submissions on Policy 22.2.5.1 supported its retention⁹⁸⁶. Mr Barr did not recommend any changes to the wording of this policy. Other than renumbering, we recommend it be adopted as notified.

24.6 Objective 22.2.6 and Policies & Objective 22.2.7 and Policies

1099. As notified, these read:

Objective 22.2.6

Bob’s Cove Rural Residential sub-zone – To create comprehensively-planned residential development with ample open space and a predominance of indigenous vegetation throughout the zone.

22.2.6.1 *Ensure at least 75% of the zone is retained as undomesticated area and at least 50% of this area is established and maintained in indigenous species such that total indigenous vegetation cover is maintained over that area.*

22.2.6.2 *Ensure there is open space in front of buildings that remains generally free of vegetation to avoid disrupting the open pastoral character of the area and the lake and mountain views.*

Objective 22.2.7

Bob’s Cove Rural Residential Zone - To maintain and enhance the ecological and amenity values of the Bob’s Cove Rural Residential zone.

22.2.7.1 *To ensure views of Lake Wakatipu and the surrounding landforms from the Glenorchy-Queenstown Road are retained through appropriate landscaping and the retention of view shafts.*

22.2.7.2 *To ensure the ecological and amenity values of Bob’s Cove are retained and, where possible, enhanced through:*

- a. appropriate landscaping using native plants*
- b. restricting the use of exotic plants*
- c. removing wilding species*
- d. providing guidance on the design and colour of buildings*
- e. maintaining view shafts from the Queenstown-Glenorchy Road.*

⁹⁸³ Submission 243, opposed by FS1224

⁹⁸⁴ Submissions 600 (supported by FS1209, opposed by FS1034), 719 and 811 (opposed by FS1224)

⁹⁸⁵ C Barr, Section 42A Report, Appendix 1

⁹⁸⁶ Submissions 600 (supported by FS1209, FS1034) and 719

1100. The only submissions on these provisions related to Objective 22.2.6. One submission⁹⁸⁷ supported the objective, the other⁹⁸⁸ sought it be revised to be clearer. Other submissions⁹⁸⁹ relating to these provisions were deferred by the staff to the Mapping Hearing (Stream 13) as discussed in Section 22.1 above.

1101. No amendments to these provisions were recommended by Mr Barr. The only change we recommend (apart from renumbering) is that the bullet points in Policy 22.2.7.2 be changed to an alphabetic list. Other than that, we recommend the objectives and policies be adopted as notified.

24.7 Additional Policy

1102. We have discussed above⁹⁹⁰, in relation to Chapter 21, the evidence of the NZFS and its requests for additional policies and rules in the rural chapters. In relation to this Chapter, Mr Barr recommended the insertion of an additional policy under Objective 22.2.1 to satisfy the NZFS's concerns in part.

1103. For the same reasons we gave for our recommendations in Chapter 21, we recommend that a new Policy 2.2.1.8 be inserted worded as follows:

Provide adequate firefighting water and fire service vehicle access to ensure an efficient and effective emergency response.

25 SUMMARY

1104. We have set out in Appendix 2 the recommended objectives and policies. In summary, we regard the combination of objectives recommended as being the most appropriate to achieve the purpose of the Act in the context of this zone, while giving effect to, and taking into account, the relevant higher order documents, the Strategic directions chapters and the alternatives open to us. The recommended new or amended policies are, in our view, the most appropriate way to achieve those objectives.

26 SECTION 22.3: OTHER PROVISIONS AND RULES

26.1 Section 22.3.1 – District Wide

1105. The only submissions on this section

- a. supported the entire section⁹⁹¹
- b. queried the need for a separate floor area calculation in this chapter⁹⁹².

1106. We understand the purpose of Rule 22.3.2.7 is to define what is the ground floor of a building for the purposes of applying rules in this chapter. We have recommended that the equivalent provision in Chapter 21 be replaced by the inclusion of the definition in Chapter 2. We make the same recommendation in respect of this provision.

⁹⁸⁷ Submission 380

⁹⁸⁸ Submission 243, opposed by FS1224

⁹⁸⁹ Submissions 694 and 712

⁹⁹⁰ Sections 5.4 and 17

⁹⁹¹ Submission 21

⁹⁹² Submission 243, opposed by FS1224

1107. Mr Barr recommended an additional matter be listed in the exemptions as a point of clarification that internal alterations were permitted. While we are not sure it is necessary, we see no reason not to include that clarification.
1108. Apart from the inclusion of the additional exemption (Rule 22.3.3.2), the only amendments we recommend to this section are minor formatting changes under Clause 16(2) to make the terminology and format consistent with that we have recommended in other chapters and the inclusion of reference to Table 5: Rural Residential at Camp Hill in Rule 22.3.2.9 as a consequential amendment arising from the Stream 13 Panel recommendation to include new provisions relating to Camp Hill (discussed below).

27 SECTION 22.4: RULES – ACTIVITIES

27.1 General

1109. One submission⁹⁹³ supported this section, and a second sought that all buildings have an activity status⁹⁹⁴. A third submission⁹⁹⁵ sought that the rules, particularly as they related to the north Lake Hayes area, be strengthened.
1110. Our understanding of the rules in this section is that all buildings do have an activity status. If they are not individually listed as an activity, then they fall to be considered under notified Rule 22.4.1 as a non-complying activity.
1111. The evidence received on Submission 674 was focussed on individual rules within this section. We will deal with that evidence in the context of the relevant rules.

27.2 Rule 22.4.1

1112. As notified, this rule classified as a non-complying activity “*Any other activity not listed in Tables 1-7*”.
1113. Submissions on this rule sought:
- a. Change activity status to permitted⁹⁹⁶
 - b. Change visitor accommodation (outside Visitor Accommodation Sub Zone) to restricted discretionary⁹⁹⁷ and
 - c. Remove non-complying status for buildings erected outside of building platforms⁹⁹⁸.
1114. We heard no evidence in support of the submissions seeking to change the default status to permitted. We consider such an approach would undermine the management regime the Chapter establishes for the two zones and recommend those submissions be rejected.
1115. In terms of the change sought to the activity status of visitor accommodation (which was individually listed in notified Rule 22.4.11 as non-complying), Mr Barr recommended in his Section 42A Report that this be changed to full discretionary rather than restricted discretionary⁹⁹⁹. Mr Ferguson presented evidence for Mount Christina Limited supporting the restricted discretionary status. He suggested the matters of discretion proposed by the

⁹⁹³ Submission 21

⁹⁹⁴ Submission 243, opposed by FS1224

⁹⁹⁵ Submission 674, supported by FS1050, FS1082, FS1089, FS1146, opposed by FS1255

⁹⁹⁶ Submissions 669, 694 and 712

⁹⁹⁷ Submission 764

⁹⁹⁸ Submission 248

⁹⁹⁹ C Barr, Section 42A Report, paragraphs 9.3-9.4

submitter were very broad and that visitor accommodation was not an unexpected activity in the Rural Lifestyle Zone. He further suggested that if we considered the list of matters of discretion were inadequate we could add further matters.

1116. We note first that the purpose of these two zones is rural living. Any visitor accommodation in the zones needs to be subsidiary to that purpose. To this end, the objectives and policies we are recommending discourage visitor accommodation that is not compatible with the rural living activities, the amenity values and rural character of the area, or are in buildings of a scale or form not anticipated in the zones. We consider the list of matters proposed for discretion in the submission does not cover all the matters that could be relevant in any particular application. We agree with Mr Barr, for the reasons he gave, that a full discretionary activity consent, within the terms of the policy regime, is a more appropriate activity status. We discuss this further in the context of Rule 22.4.11.
1117. Building platforms are required in the Rural Lifestyle Zone to ensure the policies of this chapter are met. We consider Policies 22.2.1.1 and 22.2.1.4 as being particularly pertinent. We also note that where a building platform is not located on a property, notified Rule 22.4.3.3 provides for the identification of such a platform as a discretionary activity. As the erection of a dwelling on a building platform, meeting the relevant standards, is a permitted activity, the management regime is such that a non-complying activity consent is not required where it is proposed to erect a dwelling outside of a building platform, unless the applicant is proposing to do so on a site that already contains a defined building platform. In the latter circumstance we are satisfied that it is appropriate for the management regime to discourage buildings outside of consented building platforms. Such discouragement would be consistent with the objectives and policies for this chapter. We recommend that Submission 669 be rejected.
1118. We do, however, consider some minor amendments are required with this rule. It is stated as applying to all activities not listed in Tables 1 to 7. However, Tables 2 to 7 list standards, not activities. In addition, Tables 2 to 7 also list, in each case, an activity status that applies if a standard is not met. We consider the reference to Tables 2 to 7 is superfluous and potentially confusing, and should be deleted as a minor amendment under Clause 16(2). In addition, we consider this rule should be located near the end of Table 1 with other non-complying activities. We therefore recommend it be renumbered as 22.4.14.

27.3 Rule 22.4.2

1119. As notified, this rule provided for the construction and exterior alteration of buildings in the Rural Residential Zone as a permitted activity. The only submissions on this rule sought its retention¹⁰⁰⁰.
1120. We recommend the rule be adopted as notified, renumbered as 22.4.1.

27.4 Rule 22.4.3

1121. As notified, this rule read as follows:

¹⁰⁰⁰ Submissions 219, 229, 231, 232, 669, 694, 712, 763, 764, 767, 844

Rural Lifestyle Zone:	
22.4.3.1	The construction and exterior alteration of buildings located within a building platform approved by resource consent, or registered on the applicable computer freehold register.
22.4.3.2	The exterior alteration of buildings located outside of a building platform not exceeding 30% of the ground floor area of the existing building in any ten year period.
Non-compliance with rule 22.4.3.2 is a restricted discretionary activity.	
Discretion is restricted to all of the following:	
	a. External appearance
	b. Visibility from public places
	c. Landscape character
	d. Visual amenity.
22.4.3.3	The identification of a building platform for the purposes of a residential unit.
	P
	P
	D

1122. Submissions sought the following:

- a. Support rule¹⁰⁰¹;
- b. Agree with the permitted activity status for buildings but there should standards covering location, appearance, earthworks and landscaping¹⁰⁰²;
- c. Clarify the status of non-residential buildings¹⁰⁰³;
- d. Retain Rule 22.4.3.1¹⁰⁰⁴;
- e. Support Rule 22.4.3.2¹⁰⁰⁵;
- f. Make Rule 22.4.3.2 a discretionary activity¹⁰⁰⁶;
- g. Include “Nature conservation values” in the matters of discretion¹⁰⁰⁷;
- h. Delete “Visibility from public places” from the matters of discretion¹⁰⁰⁸;
- i. Retain Rule 22.4.3.3¹⁰⁰⁹;
- j. Oppose discretionary activity status of Rule 22.4.3.3¹⁰¹⁰; and
- k. Change activity status of Rule 22.4.3.3 to controlled¹⁰¹¹.

¹⁰⁰¹ Submission 231

¹⁰⁰² Submission 811, opposed by FS1224

¹⁰⁰³ Submission 811, opposed by FS1224

¹⁰⁰⁴ Submissions 384 and 761

¹⁰⁰⁵ Submissions 350 and 384

¹⁰⁰⁶ Submission 238, opposed by FS1107, FS1150, FS1157, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249, FS1255, FS1256, FS1258, FS1273, FS1325

¹⁰⁰⁷ Submissions 339 and 706 (opposed by FS1015, FS1162)

¹⁰⁰⁸ Submission 350

¹⁰⁰⁹ Submission 761

¹⁰¹⁰ Submission 2248

¹⁰¹¹ Submission 820, opposed by FS1034

1123. Mr Barr discussed Rule 22.4.3.2 in the Section 42A Report and clarified that it was intended to apply in situations where buildings had been erected prior to the building platform regime being introduced, and that it was applicable to existing buildings¹⁰¹².
1124. In terms of Rule 22.4.3.3, Mr Barr advised that the inclusion of the ability to obtain consent for a building platform as a land use consent was an improvement on the ODP situation, where only a subdivision consent was available¹⁰¹³. Mr Barr considered that the wide range of issues that could be relevant to the location of a building platform and any conditions that were imposed with it, meant that a discretionary activity status was appropriate, rather than controlled¹⁰¹⁴. Mr Barr did recommend a minor alteration to clarify that this rule enabled an alternative to the subdivision process, rather than additional to.
1125. Mr Brown supported the rule, but considered the matter of discretion “*visibility from public places*” should be deleted¹⁰¹⁵. He considered the visibility of a 30% expansion to a building, subject to meeting other development controls, would not have adverse effects on views from a public place. We note that this matter of discretion would only apply when the extension exceeded 30% of the ground floor area of the building, which, we consider, could give rise to adverse effects on views from public places.
1126. In his Reply Statement Mr Barr recommended further clarification to Rule 22.4.3.2 and Rule 22.4.3.3¹⁰¹⁶.
1127. Before discussing the changes sought, some re-arrangement of this rule is necessary. Although it lists three sub-rules, it actually contains four. We consider the rule defining the activity status where Rule 22.4.3.2 is not complied with should be explicitly stated as a separate rule with its own activity status in the right-hand column. This would assist in avoiding the confusion as to when the activity became restricted discretionary.
1128. We agree with Mr Barr that where there is an existing building on a property that pre-dates the building platform regime, and there is no building platform consented for the property, it would be onerous to require a discretionary activity consent for alterations. We consider the regime proposed, where it is permitted where the extension is small, and restricted discretionary, is a reasonable approach. This is consistent with the restricted discretionary activity status of applications for consents for building platforms in the Rural Lifestyle Zone under recommended Rule 27.5.8.
1129. We received no evidence as to why “nature conservation values” should be included in the matters of discretion for the extension of an existing building in the Rural Lifestyle Zone, and have difficulty understanding how it would be relevant given the circumstances in which this particular consent process would be used. We recommend Submissions 339 and 706 be rejected.
1130. Given the objectives and policies seek to maintain the rural character of this zone, including its openness, we are satisfied that “visibility from public places” is a relevant matter of discretion, and recommend that part of Submission 350 be rejected.

¹⁰¹² C Barr, Section 42A Report, paragraphs 12.1-12.4

¹⁰¹³ *ibid*, paragraphs 8.11-8.13

¹⁰¹⁴ *ibid*, paragraph 8.14

¹⁰¹⁵ J Brown, EIC, paragraphs 3.3-3.4

¹⁰¹⁶ C Barr, Reply Statement, Appendix 1

1131. We agree with Mr Barr that providing the option of obtaining a building platform via a land use consent is a benefit. We note that when read in conjunction with the density rules of the Rural Lifestyle Zone, Rule 22.4.3.3 would enable the identification of more than one building platform on a site, subject to compliance with the density limits. Given that possibility, we do not consider a controlled activity status would be appropriate as it would not allow refusal of consent in circumstances where density would potentially be breached. Without any evidence from submitters as to what could be appropriate matters of discretion if the status were changed to restricted discretionary, we recommend that it remain full discretionary as notified. We consider Mr Barr’s recommended amendments to this rule make it more understandable.
1132. Finally, we consider the combination the rules relating to building platforms, building materials and colours, and the non-complying activity status of activities not listed covers the points raised by Mr Scaife. A building is to be either erected within a building platform, and be subject to the colour and material standard, or it is non-complying.. The approval of the building platform allows consideration of its location and whether conditions should be applied to it in respect of landscaping and earthworks.
1133. For the reasons set out above, we recommend Rule 22.4.3 be renumbered 22.4.2 and be worded as follows:

Rural Lifestyle Zone:		
22.4.2.1	The construction and exterior alteration of buildings located within a building platform approved by resource consent, or registered on the applicable computer freehold register.	P
22.4.2.2	Where there is not an approved building platform on the site, the exterior alteration of existing buildings located outside of a building platform not exceeding 30% of the ground floor area of the existing building in any ten year period.	P
22.4.2.3	Where there is not an approved building platform on the site, the exterior alteration of existing buildings located outside of a building platform that do not comply with Rule 22.4.2.2. Discretion is restricted to all of the following: a. External appearance. b. Visibility from public places. c. Landscape character. d. Visual amenity.	RD
22.4.2.4	The identification of a building platform not less than 70m ² and not greater than 1000m ² for the purposes of a residential unit except where identified by Rule 27.7.8.	D

27.5 Rule 22.4.5

1134. As notified, this rule provided for residential activity as a permitted activity. The only submissions¹⁰¹⁷ on the rule supported its retention.

¹⁰¹⁷ Submissions 229, 291, 763, 764 and 767

1135. Other than renumbering as Rule 22.4.3, we recommend this rule be adopted as notified.

27.6 Rule 22.4.6

1136. As notified, this rule provided for the activity of residential flat as a permitted activity. The only submissions¹⁰¹⁸ on the rule supported its retention.

1137. We therefore recommend this rule be adopted as notified, other than renumbering as 22.4.4. However, we do note that this rule is inconsistent with the approach recommended to the Hearing Panel by the council officers in Stream 6..

27.7 Rules 22.4.7 and 22.4.8

1138. As notified, these rules provided for farming and home occupations (respectively) as permitted activities. No submissions were received on these rules.

1139. Other than renumbering as 22.4.5 and 22.4.6 respectively, we recommend these rules be adopted as notified.

27.8 Rule 22.4.9

1140. As notified this rule provided, as a controlled activity, for a home occupation involving retail sales limited to handicrafts or items grown or produced on site.

1141. One submission¹⁰¹⁹ sought the retention of this rule, and one¹⁰²⁰ sought it be classified as a permitted activity.

1142. We heard no evidence on this rule, and it was not referred to by Mr Barr. Other than renumbering, we recommend it be adopted as notified.

27.9 Rule 22.4.10

1143. As notified, this rule provided for visitor accommodation within a Visitor Accommodation Sub-Zone as a controlled activity.

1144. This rule has been dealt with in Report 4B. The recommendation of the Commissioners who heard submissions on this rule is to delete the rule.

27.10 Rule 22.4.11

1145. As notified, this rule classified visitor accommodation outside of a visitor accommodation Sub-Zone as a non-complying activity.

1146. One submission¹⁰²¹ supported this rule, the second submission sought that visitor accommodation be generally non-complying¹⁰²². Also relevant in considering this rule is Submission 497 which sought provision be made for visitor accommodation in the Rural Lifestyle Zone, and our discussion in Section 27.2 above concerning Rule 22.4.1.

1147. In discussing Rule 22.4.1 we traversed the issues relevant to this rule and concluded that visitor accommodation should be a discretionary activity. That conclusion, allied with our

¹⁰¹⁸ Submissions 219, 350, 761, 764 and 767

¹⁰¹⁹ Submission 716

¹⁰²⁰ Submission 238, opposed by FS1107, FS1157, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249

¹⁰²¹ Submission 674, supported by FS1050, FS1082, FS1089, FS1146, opposed by FS1255

¹⁰²² Submission 236, opposed by FS1203

recommendation on Rule 22.4.10 above, leads us to recommend that Rule 22.4.11 be renumbered and read as follows:

Visitor accommodation, including the construction or use of buildings for visitor accommodation.	D
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27.11 Rule 22.4.12

1148. As notified, this rule provided for community activities as a discretionary activity.
1149. One submission¹⁰²³ sought they be classified as controlled activities, one¹⁰²⁴ sought they be non-complying, and one¹⁰²⁵ sought they be either non-complying or prohibited.
1150. Mr Barr discussed this rule in the context of Submission 844 and concluded that no change should be made to the rule¹⁰²⁶. Mr Vivian, in evidence in support of submission 674, agreed with Mr Barr that the term “community activity” covered a broad range of activities, but considered that the activities were fundamentally urban activities that would not be appropriate in a rural living area¹⁰²⁷.
1151. Community activity is defined as (recommended definition):
- ... the use of land and buildings for the primary purpose of health, welfare, care, safety, education, culture and/or spiritual well being. Excludes recreational activities. A community activity includes day care facilities, education activities, hospitals, doctors surgeries and other health professionals, churches, halls, libraries, community centres, police purposes, fire stations, courthouses, probation and detention centres, government and local government offices.*
1152. We agree with Mr Vivian that these are essentially urban activities and we note Policy 4.2.1.3 which states:
- Ensure that urban development is contained within the defined Urban Growth Boundaries, and that aside from urban development within existing rural settlements, urban development is avoided outside of those boundaries.*
1153. We agree with Mr Barr that Policies 22.2.2.1 states that community activities could be appropriate where the location, scale and type is compatible with and enhances the rural and rural living activities of the zones. Policy 22.2.3 also seeks to discourage community activities that would diminish amenity values and the quality and character of the rural living environment.
1154. While we agree with Mr Barr that controlled activity status would be inappropriate, and not give effect to the policies of the PDP, we are not satisfied that discretionary activity provides the balance as he suggests. We note that Mr Barr did not consider the two submissions seeking non-complying activity status; nor did he respond to Mr Vivian’s evidence in his reply.
1155. In our view, the policy regime of the PDP is opposed to community activities occurring in these zones except in limited circumstances. We consider that ensuring that policy direction is met

¹⁰²³ Submission 844

¹⁰²⁴ Submission 674, supported by FS1050, FS1082, FS1089, FS1146

¹⁰²⁵ Submission 236, opposed by FS1203

¹⁰²⁶ C Barr, Section 42A Report, paragraphs 9.7 to 9.111

¹⁰²⁷ C Vivian, EiC, paragraphs 9.29 to 9.35

requires that applications for such activities be assessed against the thresholds of section 104D. Therefore, we conclude that the activity status be changed to non-complying. That means this rule can be deleted as the activity will fall within the catch-all Rule 22.4.13.

1156. For those reasons, we recommend that Rule 22.4.12 be deleted.

27.12 Rules 22.4.13 and 22.4.14

1157. As notified, Rule 22.4.13 provided for informal airports to be a discretionary activity, and Rule 22.4.14 provided for informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming as permitted activities.

1158. Two submissions¹⁰²⁸ sought that informal airports under Rule 22.4.13 be a prohibited activity, one¹⁰²⁹ sought that they be a non-complying activity, and one submission¹⁰³⁰ sought that strong assessment standards be applied under both rules.

1159. Mr Barr considered discretionary activity status under Rule 22.4.13 appropriate as informal airports could be acceptable depending upon the location, scale and intensity of the activity¹⁰³¹. Mr Vivian, in evidence presented on behalf of J and R Hadley, disagreed with Mr Barr's assessment in respect of the Rural Residential Zone. It was Mr Vivian's opinion that anticipated size of allotments in the Rural Residential Zone (4,000m²) meant that informal airports would have a significant potential to affect character and amenity due to noise and privacy effects¹⁰³².

1160. We note that in the Rural Zone informal airports are permitted subject to standards that require them to be located a minimum distance of 500 metres from any other zone or the notional boundary of any residential unit or building platform not located on the same site. As we have discussed earlier in this report when considering informal airports in the Rural Zone, this limitation combined with the low frequency of flights, is designed to ensure the noise impact of such airports was acceptable on adjacent sites. We would not expect a lesser standard to be applied in these zones.

1161. In our view, Mr Vivian was correct to point out the relatively small site sizes of sites in the Rural Residential Zone. We doubt the practicality of informal airports complying with setbacks similar to those applied in the Rural Zone in the Rural Residential Zone. We do not have the same concern with the Rural Lifestyle Zone. Consequently, we recommend that the discretionary activity for informal airports only apply to the Rural Lifestyle Zone.

1162. There was no evidence in relation to Rule 22.4.14. We agree that it is appropriate that the exceptional circumstances provided for in this rule be allowed as permitted activities. We do, however, consider the rule should be moved up the table to sit with other permitted activities making it Rule 22.4.8.

1163. We also consider that Rule 22.4.13 should exclude those informal airports permitted by Rule 22.4.8. Therefore, we recommend that Rule 22.4.13 be renumbered and reworded to read:

Informal airports in the Rural Lifestyle Zone, except as provided for by Rule 22.4.8.

¹⁰²⁸ Submissions 243 (opposed by FS1224) and 811 (opposed by FS1150, FS1224, FS1325)

¹⁰²⁹ Submission 126

¹⁰³⁰ Submission 674, supported by FS1050, FS1082, FS1089, FS1146

¹⁰³¹ C Barr, Section 42A Report, paragraph 10.1

¹⁰³² C Vivian, EiC, paragraphs 9.36 to 9.39

27.13 Rule 22.4.15

1164. As notified, this rule made any building within a Building Restriction Area a non-complying activity.
1165. The sole submission¹⁰³³ on this rule sought that it be changed to prohibited. No evidence was presented by the submitter on this rule, and Mr Barr did not deal with in his Section 42A Report.
1166. With no evidence to justify changing this rule, we recommend the Council renumber it and otherwise retain it as notified.

27.14 Rule 22.4.16

1167. As notified, this rule stated that “Any other commercial or industrial activity” was a non-complying activity.
1168. Two submissions supported this rule¹⁰³⁴ and one sought that the activity status be changed from non-complying to discretionary¹⁰³⁵. Mr Barr did not discuss this rule in his Section 42A Report and no evidence was presented on it.
1169. We do not think this rule is necessary. Rule 22.4.13 (notified as Rule 22.4.1) makes any activity not otherwise listed in this Table a non-complying activity. Thus, deleting the rule would have no substantive effect. We recommend that it be deleted as a minor change under Clause 16(2).

27.15 Rule 22.4.17

1170. As notified, this rule listed the following as prohibited activities:

Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, commercial fish or meat processing, or any activity requiring an Offensive Trade Licence under the Health Act 1956.

1171. The submissions on this rule sought:
- Provide for commercial secondary meat processing as a discretionary activity¹⁰³⁶
 - Delete the words “motor vehicle repair”¹⁰³⁷.
1172. Mr Barr considered these submissions in his Section 42A Report¹⁰³⁸ and accepted that each would be appropriate if satisfying the home occupation provisions or being ancillary to residential activities. He recommended the following wording be added:

Except commercial fish or meat processing where undertaken as part of a permitted home occupation in terms of Rule 22.5.7.

1173. Mr Vivian, presenting evidence in support of Submission 486, explained that his client’s farm was partly zoned Rural, and partly Rural Lifestyle, and the portion where they normally repaired the farm vehicles was in the Rural Lifestyle Zone. Thus, while the activity was part of normal farming activities, it would be prohibited on part of the farm. Mr Vivian considered that motor

¹⁰³³ Submission 243, opposed by FS1224

¹⁰³⁴ Submissions 236 (opposed by FS1203) and 674 (supported by FS1050, FS1082, FS1089, FS1146)

¹⁰³⁵ Submission 577

¹⁰³⁶ Submission 127

¹⁰³⁷ Submission 486

¹⁰³⁸ C Barr, Section 42A Report, paragraphs 9.17 to 9.20

vehicle repair could be deleted from the rule as commercial motor vehicle repair would be a non-complying activity in any event.

1174. In his Reply Statement, after our questioning and further consideration, Mr Barr concluded that it should be clarified that activities that are undertaken as part of a farming or residential activity or home occupation would not fall within the prohibited activity status. He recommended that his earlier recommendation be replaced with:

Excluding activities undertaken as part of a Farming Activity, Residential Activity or a permitted Home Occupation.

1175. We agree with Mr Vivian and Mr Barr's Reply conclusions for the reasons they have given. However, we consider the rule can be better expressed. We recommend that Rule 22.4.17 be renumbered, remain a prohibited activity and be adopted with the following wording:

Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, commercial fish or meat processing, or any activity requiring an Offensive Trade Licence under the Health Act 1956, except where such activities are undertaken as part of a Farming Activity, Residential Activity or a permitted Home Occupation.

28 RULE 22.5 – STANDARDS

28.1 General

1176. Section 22.5 contained Tables 2 to 7 inclusive, which contained the standards that applied to the activities in Table 1. Submissions generally on the whole section sought:

- a. retain the provisions¹⁰³⁹;
- b. correct the misspelling of Wyuna¹⁰⁴⁰;
- c. correct a reference to Table 4 to Table 7¹⁰⁴¹;
- d. change each non-complying classification to prohibited¹⁰⁴²;
- e. add standards on landscaping, location and earthworks for all permitted buildings¹⁰⁴³.

1177. Items (b) and (c) are minor corrections that we recommend be made.

1178. No evidence was presented on items (d) or (e). We would expect any submitter seeking the application of prohibited activity status to provide compelling evidence in support of such a position, including a thorough Section 32AA assessment. In the absence of such material we recommend that Submission 243 be rejected.

1179. While the threshold may not be so high for applying standards to permitted activities, we would expect some evidence as to why that was necessary in these zones. Again, in the absence of evidence, we recommend Submission 811 be rejected.

28.2 Rule 22.5.1

1180. This rule set material and colour standards for permitted buildings. As notified, it read:

¹⁰³⁹ Submission 21

¹⁰⁴⁰ Submission 383

¹⁰⁴¹ Submission 481

¹⁰⁴² Submission 243, opposed by FS1224

¹⁰⁴³ Submission 811, opposed by FS1224

<p>Building Materials and Colours</p> <p>All buildings, including any structure larger than 5m², new, relocated, altered, reclad or repainted, are subject to the following in order to ensure they are visually recessive within the surrounding landscape:</p> <p>Exterior colours of buildings:</p> <p>22.5.1.1 All exterior surfaces shall be coloured in the range of black, browns, greens or greys;</p> <p>22.5.1.2 Pre-painted steel, and all roofs shall have a reflectance value not greater than 20%;</p> <p>22.5.2.3 Surface finishes shall have a reflectance value of not greater than 30%.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Whether the building would be visually prominent, especially in the context of the wider landscape, rural environment and as viewed from neighbouring properties • Whether the proposed colour is appropriate given the existence of established screening or in the case of alterations, if the proposed colour is already present on a long established building • The size and height of the building where the subject colours would be applied. 	RD
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1181. Submissions sought:

- a. Consider concentrated versus diffused light reflection¹⁰⁴⁴;
- b. Change the building threshold size to 10m²¹⁰⁴⁵;
- c. Distinguish residential and non-residential buildings¹⁰⁴⁶;
- d. Amend “Exterior colours of buildings:”¹⁰⁴⁷;
- e. Change list of colours in 22.5.1.1 to be less restrictive¹⁰⁴⁸;
- f. Exclude windows from 22.5.1.1¹⁰⁴⁹;
- g. Limit 22.5.1.2 to roofs¹⁰⁵⁰;
- h. Exempt locally sourced stone from 22.5.1.3¹⁰⁵¹;
- i. Include natural materials¹⁰⁵²;

¹⁰⁴⁴ Submission 29, supported by FS1157

¹⁰⁴⁵ Submissions 238 (opposed by FS1107, FS1157, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249) and 368 (supported by FS1157)

¹⁰⁴⁶ Submission 243, opposed by FS1224

¹⁰⁴⁷ Submissions 497, 515, 522, 523 (supported by FS1256, FS1292), 530, 532 (supported by FS1322), 537 (supported by FS1256, FS1286), 761, 763, 764

¹⁰⁴⁸ Submissions 146 (supported by FS1157) and 368

¹⁰⁴⁹ Submissions 443, 452

¹⁰⁵⁰ Submissions 497, 515, 522, 523 (supported by FS1256, FS1292), 530, 532 (supported by FS1322), 537 (supported by FS1256, FS1286), 761, 763, 764

¹⁰⁵¹ Submissions 497, 515, 522, 523 (supported by FS1256, FS1292), 530, 532 (supported by FS1322), 537 (supported by FS1256, FS1286), 761, 763, 764

¹⁰⁵² Submissions 443, 452

- j. Exclude interior surfaces¹⁰⁵³;
- k. Exclude solar panels and other renewable energy building materials¹⁰⁵⁴;
- l. Change the non-compliance from restricted discretionary to controlled¹⁰⁵⁵.

1182. In his Section 42A Report, Mr Barr only recommended minor changes to the standard to exclude soffits, windows and skylights and to include a means of assessing cladding that cannot be measured by way of light reflectance values. These were similar to changes he recommended to the similar rule in the Rural Zone (notified Rule 21.5.15). Mr Farrell supported Mr Barr's recommended amendments¹⁰⁵⁶.

1183. The only other evidence we received on this rule was from Mr Brown¹⁰⁵⁷ and Mr Ferguson¹⁰⁵⁸. While Mr Ferguson suggested amendments to do with exterior finishes¹⁰⁵⁹, the body of his evidence did not expand on this. Mr Brown recommended the exclusion of windows from 22.5.1.1 and the addition of a note that the rules did not apply if natural materials were used. He noted that natural materials such as schist may have reflective values that cannot be readily quantified, and that such material should be able to be used without triggering a resource consent.

1184. Other than the matters discretion was restricted to for non-compliance, this rule as notified was essentially the same as notified Rule 21.5.15 with respect colour and exterior surface finishes. In Section 9.2 above we have dealt with Rule 21.5.15 where essentially the same issue were raised by submitters. In our view, the standards should be the same, even if the matters of discretion for non-compliance differ. No evidence suggested there should be no standard for exterior finishes in the Rural Residential and Rural Lifestyle Zones and applying them would be consistent with the objectives and policies concerning landscape values in and around these zones.

1185. Consequently, for those reasons, we recommend this rule read:

¹⁰⁵³ Submissions 497, 515, 522, 523 (supported by FS1256, FS1292), 530, 532 (supported by FS1322), 537 (supported by FS1256, FS1286), 761, 763, 764

¹⁰⁵⁴ Submissions 497, 515, 522, 523 (supported by FS1256, FS1292), 530, 532 (supported by FS1322), 537 (supported by FS1256, FS1286)

¹⁰⁵⁵ Submission 844

¹⁰⁵⁶ B Farrell, EiC, paragraph 148

¹⁰⁵⁷¹⁰⁵⁷ In support of Submission 443 and 452

¹⁰⁵⁸ In support of submissions 763 and 764

¹⁰⁵⁹ C Ferguson, EiC, page 89

<p>Building Materials and Colours</p> <p>All buildings, including any structure larger than 5m², new, relocated, altered, reclad or repainted, are subject to the following in order to ensure they are visually recessive within the surrounding landscape.</p> <p>All exterior surfaces* must be coloured in the range of browns, greens or greys, including;</p> <p>22.5.1.1 Pre-painted steel and all roofs must have a light reflectance value not greater than 20%; and,</p> <p>22.5.1.2 All other surface** finishes, except for schist, must have a light reflectance value of not greater than 30%.</p> <p>* Excludes soffits, windows and skylights (but not glass balustrades).</p> <p>** Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed by the Council to be suitably recessive and have the same effect as achieving a light reflectance value of 30%.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. Whether the building would be visually prominent, especially in the context of the wider landscape, rural environment and as viewed from neighbouring properties b. Whether the proposed colour is appropriate given the existence of established screening or in the case of alterations, if the proposed colour is already present on a long established building c. The size and height of the building where the subject colours would be applied.
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28.3 Rule 22.5.2

1186. As notified, this rule set the maximum ground floor area of any building in the Rural Residential Zone at 15% of the net site area. Non-compliance required consent as a restricted discretionary activity.

1187. Submissions on this rule sought:

- a. Retain¹⁰⁶⁰;
- b. Delete and apply a building platform requirement¹⁰⁶¹;
- c. Change to apply limit to all buildings on site¹⁰⁶²;
- d. Add fourth matter of discretion concerning visual prominence¹⁰⁶³;
- e. Change non-compliance to non-complying or prohibited¹⁰⁶⁴.

1188. Mr Barr did not discuss this rule or recommend any amendments in either his Section 42A Report or his Reply Statement. The only evidence we received on this rule was from Mr Ferguson¹⁰⁶⁵. He considered this rule to be worded confusingly (consistent with Submission 243) and recommended it be amended so that the limit applied to the ground floor area of all buildings on a site, rather than any.

¹⁰⁶⁰ Submission 764

¹⁰⁶¹ Submission 243, opposed by FS1224

¹⁰⁶² Submission 243, opposed by FS1224

¹⁰⁶³ Submission 243, opposed by FS1224

¹⁰⁶⁴ Submission 811, opposed by FS1150, FS1224, FS1325

¹⁰⁶⁵ C Ferguson, EiC, at page 60

1189. We agree with Mr Ferguson and Submission 243 that the wording is potentially ambiguous, and accept that the rule should refer to the ground floor area of all buildings on a site. We recommend slightly different wording from that proposed by Mr Ferguson. Other than that, we do not consider any other amendments to this rule are required.

1190. We recommend that this rule read:

<p>Building Coverage (Rural Residential Zone only) The total ground floor area of all buildings shall not exceed 15% of the net site area.</p>	<p>RD Discretion is restricted to:</p> <ol style="list-style-type: none"> a. The effect on open space, character and amenity b. Effects on views and outlook from neighbouring properties c. Ability of stormwater and effluent to be disposed of on-site.
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28.4 Rule 22.5.3

1191. As notified, this read:

<p>Building Size The maximum size of any building shall be 500m². Discretion is restricted to all of the following:</p> <ol style="list-style-type: none"> a. Visual dominance b. The effect on open space, rural character and amenity c. Effects on views and outlook from neighbouring properties d. Building design and reasons for the size. 	<p>RD</p>
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1192. Submissions sought:

- a. Change maximum to 400m²¹⁰⁶⁶;
- b. Change maximum to be consistent with Rule 22.5.2¹⁰⁶⁷;
- c. Either delete or change non-compliance to controlled activity¹⁰⁶⁸;
- d. Delete matter of discretion "Building design and reason for the size"¹⁰⁶⁹;
- e. Clarify whether size is gross or ground floor area¹⁰⁷⁰;
- f. Delete rule¹⁰⁷¹.

1193. In his Section 42A Report, Mr Barr explained that the purpose of the rule is to provide the ability to assess and control buildings where their bulk has the ability to have adverse effects on amenity, and in some cases, potential adverse effects on the landscape values in the wider rural areas. He pointed out that in the ODP all buildings are a controlled activity and the intention via making buildings permitted but subject to standards such as this is to reduce the consenting

¹⁰⁶⁶ Submission 367

¹⁰⁶⁷ Submission 166

¹⁰⁶⁸ Submission 444, supported by FS1157

¹⁰⁶⁹ Submissions 243 (opposed by FS1224) and 444 (supported by FS1157)

¹⁰⁷⁰ Submission 811, opposed by FS1224

¹⁰⁷¹ Submissions 368 (supported by FS1157), 443, 452, 497, 513, 515, 522 (supported by FS1292), 523 (supported by FS1256), 530, 532 (supported by FS1322, opposed by FS1071), 534 (supported by FS1157, FS1322), 535 (supported by FS1157, FS1322), 537 (supported by FS1256, FS1292), 764 and 767

requirements. While he conceded the 500m² was arbitrary, he noted that Dr Read considered 300m² would be more appropriate.

1194. Mr Barr recommended the rule be amended to clarify that it applied to the ground floor area of each individual building. He also recommended the second matter of discretion be amended to refer to rural living character, rather than rural character, and that “*and reasons for the size*” be deleted from the fourth matter¹⁰⁷².
1195. The only evidence that we received on behalf of submitters which opposed the rule was from Mr Farrell. He considered the rule to be onerous, unnecessary and not satisfactorily justified. He also considered it would create unnecessary costs and consenting risks. It was his view that buildings between 500m² and 1,000m² within a building platform should be a controlled activity¹⁰⁷³. Ms Pflüger supported the 500m² limit¹⁰⁷⁴.
1196. When looked at in the context of the overall zone provisions we consider this rule to be reasonable. What it does, in combination with Rule 22.5.1, is allow individual buildings not exceeding 500m² in ground floor area as a permitted activity in each zone. As it applies to individual buildings, it is not in conflict with the building coverage rule in the Rural Residential Zone. It also allows for multiple buildings as a permitted activity within a building platform of up to 1,000m² in the Rural Lifestyle Zone. When looked at in that context, we consider Mr Farrell has overstated the potential consenting costs and risks. While, as Mr Barr said, the limit is arbitrary, we consider it is set at a level that would be breached infrequently, rather than regularly, which would likely be the case with a lower limit. We heard no evidence to support the contention that all effects could be dealt with by conditions. Thus, we also consider the restricted discretionary status for non-compliance to be appropriate.
1197. For those reasons, we recommend Rule 22.5.3 read as follows:

<p>Building Size The maximum ground floor area of any individual building must not exceed 500m².</p>	<p>RD Discretion is restricted to:</p> <ol style="list-style-type: none"> a. Visual dominance b. The effect on open space, rural living character and amenity c. Effects on views and outlook from neighbouring properties. d. Building design.
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28.5 Rule 22.5.4

1198. As notified, this read:

¹⁰⁷² C Barr, Section 42A Report, Appendix 1
¹⁰⁷³ B Farrell, EiC, page 35
¹⁰⁷⁴ Y Pflüger, EiC, paragraphs 7.14 to 17.16

<p>Setback from internal boundaries</p> <p>The minimum setback of any building from internal boundaries shall be:</p> <p>22.5.4.1 Rural Residential zone - 6m</p> <p>22.5.4.2 Rural Lifestyle zone - 10m</p> <p>22.5.4.3 Rural Residential zone at the north of Lake Hayes - 15m</p> <p>Discretion is restricted to all of the following:</p> <ol style="list-style-type: none"> a. Visual dominance b. The effect on open space, rural character and amenity c. Effects on privacy, views and outlook from neighbouring properties d. Reverse sensitivity effects on adjacent properties e. Landscaping. 	RD
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1199. The only submissions on this rule supported Rule 22.5.4.3¹⁰⁷⁵ or sought that non-compliance was classified non-complying or prohibited¹⁰⁷⁶.
1200. Mr Barr did not comment on this rule in his Section 42A Report, but recommended that the second matter of discretion refer to rural living character, rather than rural character. No evidence was presented on the rule.
1201. We agree with Mr Barr that as a matter of clarification it is rural living character that is of concern in these zones and it is appropriate for the matters of discretion refer to them.
1202. We note that the Stage 2 Variations propose deleting Rule 22.5.4.3 so make no recommendation in respect of that rule, and show it as light grey in our recommended version of the Chapter to reflect that fact.
1203. Otherwise, apart from reformatting to have the matters of discretion as an alphabetic list in the right-hand column and making the amendment recommended by Mr Barr, we recommend the rule be adopted as notified.

28.6 Rule 22.5.5

1204. As notified this read:

<p>Setback from roads</p> <p>The minimum setback of any building from a road boundary shall be 10m, except in the Rural Residential zone at the north of Lake Hayes, the minimum setback from Speargrass Flat Road shall be 15m.</p>	NC
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1205. Submissions on this rule sought:
- a. In Rural Lifestyle Zone setback should be 15m¹⁰⁷⁷;
 - b. In Rural Lifestyle Zone setback should be 30m¹⁰⁷⁸;
 - c. Setback from State Highways should be 20m¹⁰⁷⁹.
1206. Mr Barr reviewed these submissions in his Section 42A Report and concluded that the setback from roads in the Rural Lifestyle Zone should be set at 20m, and in the Rural Residential zone,

¹⁰⁷⁵ Submission 219

¹⁰⁷⁶ Submission 811, opposed by FS1150, FS1224, FS1325

¹⁰⁷⁷ Submission 350, opposed by FS1150, FS1325

¹⁰⁷⁸ Submission 367, opposed by FS1150, FS1325

¹⁰⁷⁹ Submission 716

it be increased to 15m where the site fronted a State Highway. Mr Barr also recommended reformatting the rule.

1207. No evidence was presented in support of the submissions.

1208. We agree with Mr Barr’s reasoning and recommend the rule read as follows:

<p>Setback from roads The minimum setback of any building from a road boundary shall be: 22.5.5.1 Rural Lifestyle Zone: 20m 22.5.5.2 Rural Residential Zone: 10m 22.5.5.3 Rural Residential Zone where the road is a State Highway: 15m</p>	<p>NC</p>
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1209. We note that the effect of the Stage 2 Variations would be to make Mr Barr’s recommended Rule 22.5.5.4 (which related to the setback from Speargrass Flat Road) redundant, although the variations do not specifically propose its deletion. We recommend it be deleted under Clause 16(2).

28.7 Rule 22.5.6

1210. As notified, this rule read:

<p>Setback of buildings from water bodies The minimum setback of any building from the bed of a river, lake or wetland shall be 20m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> a. Any indigenous biodiversity values b. Visual amenity values c. Landscape character d. Open space e. Whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the location of the building f. Except this rule does not apply to the visitor accommodation sub zones. 	<p>RD</p>
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1211. Two submissions supported this rule¹⁰⁸⁰, and two sought the exemption for visitor accommodation subzones be deleted¹⁰⁸¹.

1212. There was no discussion of this rule by Mr Barr, nor any evidence received in support of the submissions.

1213. Given the recommendation of Commissioners Nugent and Coombs that the Visitor Accommodation Sub-Zone be deleted, a consequential amendment is to accept Submissions 243 and 350. Apart from that change and reformatting of the matters of discretion, we recommend the rule be adopted as notified.

¹⁰⁸⁰ Submissions 339 and 706 (opposed by FS1162)

¹⁰⁸¹ Submissions 243 (opposed by FS1224) and 350

28.8 Rule 22.5.7

1214. As notified this read:

<p>Home Occupation Home occupation activities shall comply with the following:</p> <p>22.5.7.1 No more than one full time equivalent person from outside the household shall be employed in the home occupation activity.</p> <p>22.5.7.2 The maximum number of vehicle trips* shall be:</p> <ul style="list-style-type: none">a. Heavy Vehicles: 2 per weekb. other vehicles: 10 per day <p>22.5.7.3 Maximum net floor area:</p> <ul style="list-style-type: none">a. Rural Residential Zone: 60m²b. Rural Lifestyle Zone: 150m² <p>22.5.7.4 Activities and the storage of materials shall be indoors</p> <p>*A vehicle trip is two movements, generally to and from a site.</p>	D
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1215. The only submission on this rule sought that the maximum floor areas be changed to 80m² in the Rural Residential Zone and 180m² in the Rural Lifestyle Zone.

1216. We received no evidence supporting an increase in the floor area limits. While we have doubts that Rule 22.5.7.3 is able to be monitored or enforced, in the absence of evidence we are not prepared to recommend any changes. We recommend the rule be adopted as notified subject to minor word changes to make the rule clearer under Clause 16(2).

28.9 Rule 22.5.8

1217. As notified, this rule set the maximum height limit in both zones at 8m. Non-compliance required consent as a non-complying activity.

1218. The sole submission¹⁰⁸² on this rule sought the limit be dropped to 7m.

1219. While Dr Read commented¹⁰⁸³ on the development potential provided by this rule in combination with Rule 22.5.3 (Building Size), she did not assess Submission 367. Ms Pflüger provided the only evidence on this submission. While she concluded that an 8m height limit was reasonably permissive, she considered it did allow for a number of creative solutions and the ability to follow landform variation on undulating sites¹⁰⁸⁴.

1220. We accept Ms Pflüger's evidence and recommend this rule be adopted as notified.

28.10 Rule 22.5.9

1221. This rule provided standards for exterior light. No submissions were received on it. Subject to minor grammatical changes under Clause 16(2), we recommend this rule be adopted as notified.

28.11 Rule 22.5.10

1222. As notified this rule limited outdoor, overnight parking of heavy vehicles to 1 per site.

¹⁰⁸² Submission 367, opposed by FS1150, FS1325

¹⁰⁸³ Dr M Read, EIC, paragraphs 5.7 to 5.14

¹⁰⁸⁴ Y Pflüger, EIC, paragraphs 7.17 & 7.18

1223. The sole submission on this rule sought that it be amended to exclude private heavy vehicles parked close to the main buildings on the site¹⁰⁸⁵.

1224. We heard no evidence on this rule. In the absence of evidence supporting the change sought, we recommend it be adopted as notified.

28.12 Rule 22.5.11

1225. As notified, this rule set a residential density limit of one residential unit per 4,000m² of net site area in the Rural Residential Zone.

1226. Submissions on this rule sought:

- a. Retain¹⁰⁸⁶
- b. The standard should explicitly give effect to Policy 22.2.1.3¹⁰⁸⁷
- c. Retain ODP North Lake Hayes averaging rules¹⁰⁸⁸
- d. Make non-compliance a prohibited activity¹⁰⁸⁹.

1227. Mr Barr considered the rules affecting the area north of Lake Hayes in his Section 42A Report and recommended the rule be amended to incorporate the flexibility allowed for in the ODP¹⁰⁹⁰.

1228. No evidence was presented in support of the submissions.

1229. Since the hearing, the Council has notified the Stage 2 Variations, among other things rezoning the area north of Lake Hayes as Wakatipu Basin Lifestyle Precinct. Our understanding of Clause 16B(2) of the First Schedule is that Mr Clarke's submission has become a submission on the variation. We therefore do not make a recommendation on that submission.

1230. In the absence of evidence in respect of the other submissions, we recommend the rule be adopted as notified.

28.13 Rule 22.5.12

1231. See Sections 7.7 and 22.3 of this report.

28.14 New Standard in Table 2

1232. The NZFS lodged a submission¹⁰⁹¹ seeking inclusion of a standard requiring compliance with the NZFS Code of Practice SNZ PAS 4509:2003 in relation to water supply and access. We were not able to find any further submissions opposing the relief sought.

1233. Mr Barr discussed this submission in his Section 42A Report and recommended an additional standard be included to apply in the Rural Residential Zone¹⁰⁹².

1234. We have discussed this submission above in relation to Chapter 21.. For the same reasoning we expressed there, we agree that a standard be included in Chapter 22, but additionally consider

¹⁰⁸⁵ Submission 126

¹⁰⁸⁶ Submissions 219 and 229

¹⁰⁸⁷ Submission 444, supported by FS1082, FS1089

¹⁰⁸⁸ Submission 26

¹⁰⁸⁹ Submission 811, opposed by FS1224

¹⁰⁹⁰ C Barr, Section 42A Report, paragraphs 8.17 – 8.19

¹⁰⁹¹ Submission 438

¹⁰⁹² C Barr, Section 42A Report, Section 16

it should apply to the Rural Lifestyle Zone. Accordingly, we recommend a new Rule 22.5.13 be inserted that reads:

<p>Fire Fighting water and access</p> <p>New buildings where there is no reticulated water supply or it is not sufficient for fire-fighting water supply must provide the following provision for firefighting:</p> <p>22.5.13.1 A water supply of 20,000 litres and any necessary couplings.</p> <p>22.5.13.2 A hardstand area adjacent to the firefighting water supply capable of supporting fire service vehicles.</p> <p>22.5.13.3 Firefighting water connection point within 6m of the hardstand, and 90m of the dwelling.</p> <p>22.5.13.4 Access from the property boundary to the firefighting water connection capable of accommodating and supporting fire service vehicles.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. The extent to which SNZ PAS 4509: 2008 can be met including the adequacy of the water supply b. The accessibility of the firefighting water connection point for fire service vehicles c. Whether and the extent to which the building is assessed as a low fire risk.
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29 TABLE 3: RURAL LIFESTYLE DEFERRED AND BUFFER ZONES

1235. As notified this table contained Rules 22.5.14 to 22.5.18 inclusive setting particular standards in the Deferred Rural Lifestyle Zone and the Deferred Rural Lifestyle (Buffer) Zone.

1236. No submissions were received on these rules.

1237. On 23 November 2017 the Council notified the Stage 2 Variations which propose deleting this Table. We therefore make no recommendation on it.

30 TABLE 4: RURAL RESIDENTIAL FOREST HILL

1238. This table contained two rules (22.5.19 and 22.5.20) setting standards specifically for the Rural Residential Zone at Forest Hill. One submission¹⁰⁹³ was lodged on Rule 22.5.20 seeking that non-compliance be a prohibited activity.

1239. We heard no evidence in support of this submission. In the absence of supporting evidence we do not consider it appropriate to impose such a rigid control.. We recommend that Rules 22.5.19 and 22.5.20 be adopted as notified.

31 TABLE 5: RURAL RESIDENTIAL BOB'S COVE AND SUB-ZONE

1240. As notified, this contained Rules 22.5.21 to 22.5.32 inclusive setting specific standards for the Rural Residential Zone at Bob's Cove and the Bob's Cove Rural Residential Sub-Zone.

¹⁰⁹³ Submission 811, opposed by FS1224

1241. The Stream 13 Panel has not recommended the deletion of the Bob’s Cove Rural Residential Sub-Zone or the specific provisions relating to the Rural Residential Zone at Bob’s Cove. Thus, we can consider the submissions on this table.
1242. The only submissions on this table for our consideration were:
- a. Delete the averaging in Rule 22.5.24¹⁰⁹⁴; and
 - b. Delete Rule 22.5.25.1¹⁰⁹⁵.
1243. Appendix 2 to the Section 42A Report contained the following comment with regard to Submission 166:
- These rules are well established and the removal of them could have adverse effects on landscape values and rural living amenity.*
1244. We consider Mr McLeod may have a point that averaging density over entire zone, as Rule 22.5.24 does, encourages a “first in first served” approach to development, with the potential that property owners developing later may find their develop rights already used.
1245. Without adequate evidence we are not prepared to recommend the rule be changed, but we recommend the Council review the rule and consider its appropriateness today in the light of the development that has occurred in the Bob’s Cove area.
1246. We heard no evidence in respect of Rule 22.5.25.1. We recommend Submission 146 be rejected.
1247. Subject to reformatting and the correction of an incorrect reference to another rule, we recommend this table be adopted as notified. We have renumbered it Table 4 in anticipation of the deletion of the notified Table 4.

32 TABLE 6: FERRY HILL RURAL RESIDENTIAL SUB-ZONE

1248. This Table provided specific standards to apply to the Ferry Hill Rural Residential Sub-Zone. No submissions were received on any of the rules within the Table.
1249. On 23 November 2017 the Council notified the Stage 2 Variations which propose deleting this Table. We therefore make no recommendation on it.

33 TABLE 5: RURAL RESIDENTIAL CAMP HILL

1250. The Stream 13 Panel, after hearing submissions relating to the application of the Rural Residential zone at Camp Hill, has recommended to additional specific standards to apply to that location. These are:
- a. Setting a minimum setback of 20m from the zone boundary or the top of the escarpment where it is located within the zone boundary;
 - b. Limiting the building height to 5.5m;
 - c. Setting the maximum number of residential units at 36.
1251. Non-compliance with any of these standards would require consent as a non-complying activity.

¹⁰⁹⁴ Submission 166

¹⁰⁹⁵ Submission 146

1252. We have included this table as Table 5 in anticipation of the deletion of notified Table 4 by the Stage 2 Variations.

34 TABLE 7: WYUNA STATION RURAL LIFESTYLE ZONE

1253. As notified, this Table contained a single rule (Rule 22.5.37) limiting the identification of building platforms or construction of dwellings within the Wyuna Station Rural Lifestyle Zone. It also contained two typographical errors: it was called Table 4 and referred to Wynuna rather than Wyuna.

1254. No submissions were received on this Table. Subject to amending the policy number references to Chapter 27, we recommend this Table be adopted as notified subject to correction of the typographical errors under Clause 16(2). We have renumbered it Table 6 in anticipation of the deletion of the notified Table 6 by the Stage 2 Variations.

35 RULE 22.6 – NON-NOTIFICATION OF APPLICATIONS

1255. As notified, this rule stated:

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

22.6.1 *Controlled activity Home occupation (Rule 22.4.9).*

22.6.2 *Controlled activity Visitor Accommodation within a Visitor Accommodation subzone (Rule 22.4.10).*

1256. As Commissioners Nugent and Coombs have recommended that Rule 22.4.10 be deleted, we recommend Rule 22.6.2 be deleted as a consequential amendment.

1257. The only submissions relating to the remainder of the rule sought:

- a. Retain¹⁰⁹⁶
- b. Add an exception to Rule 22.6.1 where the activity had access from a State Highway¹⁰⁹⁷
- c. Add new rules for community activities as controlled activities¹⁰⁹⁸.

1258. As we have recommended above that Submission 844 seeking that community activities be a controlled activity be rejected, we recommend this submission on this rule be rejected also.

1259. In the Section 42A Report Mr Barr agreed that NZTA's submission was valid and recommended it be accepted¹⁰⁹⁹. We agree with Mr Barr's reasons and recommend the rule be appropriately amended.

1260. We note that two minor amendments under Clause 16(2) of the First Schedule are also required. First, Rule 22.6 talks of the "*written consent of other persons*". It is only the Council that provides consent. The term used in the Act is "*approval*" and we recommend that word be used in this rule. The second amendment is the rule number referred to in 22.6.1. That has changed to 22.4.7 and we recommend the text be amended to reflect that.

¹⁰⁹⁶ Submissions 21 and 197

¹⁰⁹⁷ Submission 719

¹⁰⁹⁸ Submission 844

¹⁰⁹⁹ C Barr, Section 42A Report, paragraph 14.3

36 SUMMARY OF CONCLUSIONS ON RULES

1261. We have set out in full in Appendix 2 the rules we recommend the Council adopt. For all the reasons set out above, we are satisfied that these rules are the most effective and efficient means of implementing the policies so as to achieve the objectives of Chapter 22, and those in the Strategic Directions chapters. Where we have recommended rules not be included, that is because, as our reasons above show, we do not consider them to be efficient or effective.

37 22.7 – ASSESSMENT MATTERS

1262. As notified, this section contained assessment matters related to natural hazards in the Makarora Rural Lifestyle Zone (Section 22.7.1) and the Rural Residential Ferry Hill Sub-Zone Concept Development Plan Section 22.7.2).

1263. We have recommended the deletion of Section 22.7.1 in Section 22.4 above. It follows that the assessment criteria should likewise be deleted.

1264. As we noted above, the Stage 2 Variations propose the deletion of the Rural Residential Ferry Hill Sub-Zone. This includes the deletion of the plan in Section 22.7.2. As any submissions on that section are deemed to be submissions on the variation, we make no recommendations on this section¹¹⁰⁰.

1265. Two submissions sought additional assessment criteria be included.. Submission 444¹¹⁰¹ sought that assessment criteria be included for assessing community activities. As we are recommending that community activities be a non-complying activity, there is no need for such assessment criteria.. We recommend Submission 444 be rejected.

1266. Submission 674¹¹⁰² sought that the operative assessment criteria be included, and that strong assessment matters be included so that rural character and amenity values of Rural Residential Zone are maintained.

1267. In his Section 42A Report Mr Barr¹¹⁰³ opined that assessment matters were unnecessary in the PDP as the objectives and policies in Chapters 3, 4, 5, 6 and 22 covered the matters the Hadleys' submission related to. He considered the policy framework on its own provided appropriate guidance as to the likely nature and scale of the adverse effects of activities.

1268. Mr Vivian, giving evidence for the Hadleys, suggested a set of assessment matters to apply only to the Rural Residential zone at the north of Lake Hayes, and his evidence set out his opinion as to why the various matters should be included. As the Stage 2 Variations propose the rezoning of this land at the north end of Lake Hayes, this evidence has been overtaken by the variations and we make no recommendation on the submission.

¹¹⁰⁰ The only submission was Submission 21 which supported Section 22.7

¹¹⁰¹ Supported by FS1082

¹¹⁰² Supported by FS1050, FS1082, FS1089, FS1146, opposed by FS1255

¹¹⁰³ Section 15

PART D: CHAPTER 23 – GIBBSTON CHARACTER ZONE

38 PRELIMINARY

1269. This zone is a rural zone with the purpose of primarily providing for viticulture activities. It is applied to land in the Kawarau Gorge from Card Farm to Waitiri. The zone is surrounded in all cases by the Rural Zone with Outstanding Natural Landscape classification.
1270. There were few submission on this chapter (35 submission points and 35 further submissions) and only four witnesses provided evidence on provisions in this chapter.
1271. Three submissions supported the chapter as a whole¹¹⁰⁴. The following provisions had no submissions specifically in relation to them:
- Policies 23.2.1.2, 23.2.1.3, 23.2.1.4, 23.2.1.5, 23.2.1.6, 23.2.1.10
 - Objective 23.2.3 and all policies under it
 - Objective 23.2.4 and Policies 23.2.4.1, 23.2.4.2, 23.2.4.4
 - Rules 23.4.1, 23.4.2, 23.4.3, 23.4.4, 23.4.5, 23.4.7, 23.4.9, 23.4.10, 23.4.11, 23.4.12, 23.4.13, 23.4.18
 - Standards 23.5.2, 23.5.3, 23.5.5, 23.5.7, 23.5.9, 23.5.10 and
 - Section 23.7.
1272. In addition, the only submissions on the following provisions sought the provision’s retention:
- Policy 23.2.1.9¹¹⁰⁵
 - Policy 23.2.4.3¹¹⁰⁶
 - Rule 23.4.8¹¹⁰⁷
 - Rule 23.4.15¹¹⁰⁸
 - Rule 23.4.16¹¹⁰⁹
 - Rule 23.4.19¹¹¹⁰
 - Rule 23.4.20¹¹¹¹
 - Standard 23.5.8¹¹¹²
 - Standard 23.5.11¹¹¹³ and
 - Rule 23.6.1¹¹¹⁴.
1273. We do not propose to discuss any of those listed provisions unless we consider a minor amendment is necessary for grammatical or clarity reasons.
1274. Finally we note that Submission 798 was listed as being against Policy 23.2.1.11. We have examined that submission and find no reference in it to this chapter.. We consider that to be a coding error and disregard the submission for the purposes of this report.

¹¹⁰⁴ Submissions 19, 21 and 330

¹¹⁰⁵ Submission 719

¹¹⁰⁶ Submission 719

¹¹⁰⁷ Submission 330

¹¹⁰⁸ Submission 330

¹¹⁰⁹ Submissions 330 and 719

¹¹¹⁰ Submission 438

¹¹¹¹ Submission 330

¹¹¹² Submission 719

¹¹¹³ Submission 719

¹¹¹⁴ Submission 719

39 SECTION 23.1 – ZONE PURPOSE

1275. This section sets out the overall purpose of the zone and provides an outline of how it is expected to develop.
1276. One submission supported the section¹¹¹⁵, and one sought to include a statement concerning the existing National Grid line passing through Gibbston Valley¹¹¹⁶.
1277. Mr Barr recommended the rejection of Submission 805¹¹¹⁷. Ms Craw, presenting evidence for Transpower NZ Ltd (Submission 805) agreed with Mr Barr’s recommendation¹¹¹⁸.
1278. We agree with Mr Barr and Ms Craw and recommend that Section 23.1 be adopted as notified, subject to deletion of the concluding phrase commencing “Pursuant to Section 86(b)(3) ...” which is only relevant to the PDP prior to the Council’s decisions on submissions.

40 SECTION 23.2 – OBJECTIVES AND POLICIES

40.1 Objective 23.2.1

1279. As notified, this objective read:

Protect the economic viability, character and landscape values of the Gibbston Character Zone by enabling viticulture activities and controlling adverse effects resulting from inappropriate activities locating in the Zone.

1280. Transpower¹¹¹⁹ sought that “regionally significant infrastructure” be added to the objective. Mt Rosa Wines¹¹²⁰ sought that other activities that rely on the rural resource should be added into the objective.

1281. In his Section 42A Report, Mr Barr recommended rejecting Transpower’s submission, but agreed in part with Mt Rosa’s submission, acknowledging that other activities benefit from viticulture¹¹²¹.

1282. Mr Barr recommended amendments to the objective both to frame it to be more outcome-based and in response to Mt Rosa’s submission. After hearing the evidence of Mr Brown¹¹²², he recommended further amendments in his Reply Statement. His recommended wording was:

The economic viability, character and landscape values of the Gibbston Character Zone are protected by enabling viticulture and other appropriate activities that rely on the rural resource and managing the adverse effects resulting from other activities locating in the Zone.

1283. We largely agree with Mr Barr’s recommended wording for the reasons he gave. The only change we recommend is to make it clear that it is the rural resources of the Gibbston Valley that are being relied upon, given the unique circumstances of this valley. We do not consider

¹¹¹⁵ Submission 238, opposed by FS1107, FGS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249

¹¹¹⁶ Submission 805

¹¹¹⁷ C Barr, Section 42A Report, paragraph 7.19

¹¹¹⁸ A Craw, EiC, paragraph 43

¹¹¹⁹ Submission 805

¹¹²⁰ Submission 377

¹¹²¹ C Barr, Section 42A Report, paragraphs 7.22 to 7.24

¹¹²² In support of Submission 377

regional infrastructure needs to be mentioned in the objective. Policy 3.2.25 establishes the policy framework for regionally significant infrastructure in the rural environment. We see no need to repeat this in each zone.

1284. We recommend that Objective 23.2.1 be amended to read as follows:

The economic viability, character and landscape values of the Gibbston Character Zone are protected by enabling viticulture and other appropriate activities that rely on the rural resource of the Gibbston Valley and managing the adverse effects resulting from other activities locating in the Zone.

40.2 Policy 23.2.1.

1285. As notified, this read:

Enable viticulture activities while protecting, maintaining or enhancing the values of indigenous biodiversity, ecosystems services, the landscape and surface of lakes and rivers and their margins.

1286. Submission 377 sought this be amended by including “and other activities that rely of rural resources” after “viticultural activities”.

1287. In his Section 42A Report Mr Barr recommended rejecting this amendment as he considered the wording was too broad¹¹²³. Mr Brown supported the inclusion of the wording in the policy, pointing out that it would make this policy more consistent with Policy 23.2.1.2. In his Reply Statement, Mr Barr recommended the wording be changed to:

Enable viticulture activities and provide for other appropriate activities that rely on the rural resource while protecting, maintaining or enhancing the values of indigenous biodiversity, ecosystems services, the landscape and surface of lakes and rivers and their margins.

1288. We agree with Mr Barr that this wording gives the emphasis to viticulture, but provides for other rural activities. However, again we consider it needs to be explicit that it is the Gibbston Valley rural resource that activities other than viticulture need to rely on. We recommend Policy 23.2.1.1 be amended to read as follows:

Enable viticulture activities and provide for other appropriate activities that rely on the rural resource of the Gibbston Valley while protecting, maintaining or enhancing the values of indigenous biodiversity, ecosystems services, the landscape and surface of lakes and rivers and their margins.

40.3 Policy 23.2.1.6

1289. As notified this read:

Protect, maintain and enhance landscape values by ensuring all structures are to be located in areas with the potential to absorb change.

1290. Although no submissions were lodged in respect of this submission, we recommend as a minor grammatical changes under Clause 16(2) that the words “to be” be deleted.

¹¹²³ C Barr, Section 42A Report, paragraph 7.26

40.4 Policy 23.2.1.7

1291. As notified, this policy read:

Avoid the location of structures and water tanks on skylines, ridges, hills and prominent slopes.

1292. Transpower¹¹²⁴ sought that the following wording be appended to this policy: “to the extent practicable recognising their locational, technical and functional constraints”.

1293. Mr Barr did not agree with the wording proposed in the submission, but considered that the policy was too absolute and recommended amending it to read¹¹²⁵:

Avoid, remedy or mitigate locating structures and water tanks on skylines, ridges, hills and prominent slopes, while having regard to the location constraints, technical or operational requirements of regionally significant infrastructure.

1294. Ms Craw agreed with these amendments¹¹²⁶.

1295. We consider it is relevant to consider the policies in Chapter 6 relating to regionally significant infrastructure in Rural Character Landscapes. Although, being in a zone other than the Rural Zone, this zone is not classified as ONL or RCL, the nature of the zone means that it has essentially a rural character, albeit predominantly derived from viticultural activities. Thus, in our view, the policy direction to be applied to regionally significant infrastructure in the Rural Zone RCL is apt for this zone.

1296. Policy 6.3.24 reads:

Locate, design, operate and maintain regionally significant infrastructure so as to seek to avoid significant adverse effects on the character of the landscape, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases.

1297. Policy 6.3.25 reads:

In cases where it is demonstrated that regionally significant infrastructure cannot avoid significant adverse effects on the character of the landscape, such adverse effects shall be minimised.

1298. In our view, Mr Barr’s recommended wording provides considerably more latitude than the policies in Chapter 6 contemplate, notwithstanding that Objective 23.2.1 seeks to protect the character and landscape values of this zone. In addition, we are concerned that it is not possible to “remedy or mitigate” the location of a structure.

1299. We also note that Policy 23.2.1.6 seeks to ensure all structures are located in areas with the potential to absorb change as a means of protecting, maintaining and enhancing landscape values. Mr Barr’s amended policy appears to be in conflict with that.

1300. We consider the rationale of Policies 6.3.23 and 6.3.24 should be incorporated into Policy 23.2.1.7. This would achieve the objective and treat the National Grid consistently with how it is treated in the RCL part of the Rural Zone. However, we do not consider that all structures,

¹¹²⁴ Submission 807

¹¹²⁵ C Barr, Section 42A Report, paragraphs 7.28-7.32

¹¹²⁶ A Craw, EiC, paragraph 50

including water tanks, should be treated the same as regionally significant infrastructure. Purely amending this policy would have that outcome.

1301. For these reasons, we recommend the policy be amended to exclude regionally significant infrastructure, and that Policies 6.3.23 and 6.3.24 be repeated in this list of policies as Policies 23.2.1.8 and 23.1.9 so that the policy regime in this zone is consistent with that in the Rural Zone.

40.5 Policy 23.2.1.8

1302. As notified, this read:

Recognise that the establishment of complementary activities such as commercial recreation or visitor accommodation may be complementary to the character and viability of the Gibbston Character Zone, providing they do not impinge on rural productive activities.

1303. Submission 377 sought that rural residential development be included in this policy as a complementary activity. Mr Barr recommended rejection of this submission in his Section 42A Report as he considered the policy was directed to activities that were commercial in nature¹¹²⁷. Mr Barr did, however, recommend that “Recognise that” be replaced with “Have regard to” as a grammatical change.

1304. Mr Brown, in his evidence supporting Submission 377, noted that the proposed modification was supported by the proposed rules in that residential development was listed as a discretionary activity as was visitor accommodation¹¹²⁸. Mr Barr agreed with the amendment sought in his Reply Statement on the basis it would provide more effective direction in implementing the objective¹¹²⁹.

1305. We agree that rural living is one of the complementary activities that can occur in the zone. However, we consider some further wording changes are necessary for the policy to be implementing the objective. For those reasons, we recommend the policy be renumbered 23.2.1.10 and read:

Provide for the establishment of activities such as commercial recreation, visitor accommodation and rural living that are complementary to the character and viability of the Gibbston Character Zone, providing they do not impinge on rural productive activities.

40.6 Policy 23.2.1.9

1306. As notified, this read:

Have regard to the location and direction of lights so they do not cause glare to other properties, roads, public places or the night sky.

1307. There were no submissions on this policy. However, we consider it needs amendment under Clause 16(2) as a consequential change to be consistent with Policy 6.3.5. We recommend it be renumbered as 23.2.1.11 and that it read:

The location and direction of lights do not cause glare to other properties, roads, or public places, or degrade views of the night sky.

¹¹²⁷ C Barr, Section 42A Report, paragraph 7.34

¹¹²⁸ J Brown, EIC, page 27

¹¹²⁹ C Barr, Reply Statement, paragraph 2.2

40.7 Objective 23.2.2

1308. Although there were no submissions on this objective or its policies, there are two changes we recommend.

1309. As notified, Objective 23.2.2 read:

Sustain the life-supporting capacity of soils.

1310. In order to make this an outcome-oriented objective, Mr Barr recommended it be amended to read:

The life-supporting capacity of soils is sustained.

1311. We agree that better expresses the objective and recommend it be amended as a minor grammatical change under Clause 16(2).

1312. The other change we recommend is the deletion of Policy 23.2.2.4. As notified, this read:

Prohibit the planting and establishment of trees with the potential to spread and naturalise.

1313. Although this gives effect to Strategic Objective 3.2.4.2, it largely repeats Strategic Policy 3.3.27 and Policy 34.2.1.1. We consider Policy 23.2.2.4 unnecessary given the role of Chapter 34 in managing the spread of wilding trees and recommend that it be deleted to avoid any potential conflict between the policies of this chapter and those in Chapter 34.

40.8 Objective 23.2.3

1314. Again there were no submissions on this objective, but Mr Barr recommended minor wording changes to make it read as an objective. We agree with Mr Barr's rewording and recommend that this objective be changed under Clause 16(2) to read:

The life-supporting capacity of water is safeguarded through the integrated management of the effects of activities.

40.9 Objective 23.2.4

1315. There were no submissions on this objective, but Mr Barr recommended it be reworded to turn it into an objective. We agree with his wording and recommend that this objective be changed under Clause 16(2) to read:

Land management practices that recognise and accord with the environmental sensitivity and amenity values of the Gibbston Character Zone are encouraged.

41 SUMMARY

1316. We have set out in Appendix 3 the recommended objectives and policies. In summary, we regard the combination of objectives recommended as being the most appropriate way to achieve the purpose of the Act in this context, while giving effect to, and taking into account, the relevant higher order documents, the Strategic Direction Chapters and the alternatives open to us. The recommended new policies are, in our view, the most appropriate way to achieve those objectives.

42 22.3 – OTHER PROVISIONS AND RULES

42.1 Section 23.3.1 – District Wide

1317. There was one submission¹¹³⁰ on this Section which sought that the first sentence included specific reference to Chapter 30. No evidence was provided as to why Chapter 30 should be elevated among all the other chapters which could equally apply to activities in this zone. We recommend that this submission be rejected as the wording proposed is unnecessary. Chapter 30 is listed appropriately under this heading.
1318. We recommend this section be amended so the wording is consistent with how we have amended the similar provision in other chapters. This is a minor change under Clause 16(2).

42.2 Section 23.3.2

1319. There were no submissions on this section. Mr Barr recommended a minor change to clarify that internal alterations to buildings were permitted. We agree that is a clarification that can be made under Clause 16(2) of the First Schedule.
1320. Other than changing the section title to “Interpreting and Applying the Rules”, deleting 23.3.2.7 as being covered by a definition in Chapter 2¹¹³¹ and including Mr Barr’s amendment, we recommend no changes to the section.

42.3 Section 23.4 – Rules – Activities

Table 1 - General

1321. There were no submissions on Rule 23.4.1. Our only recommendations are that it be relocated to be the final rule in Table 1, and that it only refer to Table 1. The notified reference to Tables 2 and 3 is potentially confusing as those two tables list standards with an activity classification if the standard is breached. We recommend these changes be made under Clause 16(2) of the First Schedule.
1322. Consistent with our general approach of listing activities from permitted to non-complying, we recommend that Rule 23.4.4 be moved above Rule 23.4.3, that Rule 23.4.8 and Rule 23.4.11 be moved ahead of Rule 23.4.7, Rule 23.4.15 be located ahead of Rule 23.4.14, and Rules 23.4.19 and 23.4.20 be located ahead of Rule 23.4.18. We recommend these as non-substantive changes under Clause 16(2).

42.4 Rule 23.4.6

1323. As notified, this Rule provided, as a permitted activity:

The exterior alteration of any lawfully established building located outside of a building platform, subject to compliance with the standards in Table 2.

1324. One submission¹¹³² sought that this be changed to a discretionary activity to incentivise working within approved building platforms. In his Section 42A Report Mr Barr clarified that this rule was intended to apply only to existing buildings in circumstances where a building platform was not defined on a site¹¹³³.

¹¹³⁰ Submission 805

¹¹³¹ As discussed in our recommendations on Chapter 21

¹¹³² Submission 238, opposed by FS1107, FS1157, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249

¹¹³³ C Barr, Section 42A Report, paragraph 8.3

1325. This submission raises the same issue as we have discussed above in relation to the equivalent rule in Chapter 22. We agree with Mr Barr’s analysis of the effect of the rules and recommend the submission be rejected.

42.5 Rule 23.4.14

1326. As notified, this rule provided, as a controlled activity for:

Retail sales of farm and garden produce, handicrafts and wine that is grown, reared or produced on the site and that comply with the standards in Table 3.

1327. One submission¹¹³⁴ supported the rule and one sought that it be a permitted activity¹¹³⁵, so as to encourage such activities. Mr Barr recommended the activity status remain controlled to enable the Council to control access, vehicle crossing location, car parking and lighting¹¹³⁶. He noted that many properties in this zone have access off State Highway 6 and the activities need to be managed so as to not compromise road safety.

1328. We agree with Mr Barr for the reasons he set out and, other than minor wording changes to the listing of the matters of control, we recommend it be adopted as notified.

42.6 Rule 23.4.16

1329. As notified, this rule provided for wineries and farm buildings as a controlled activity.

1330. Two submissions supported this rule¹¹³⁷. A third submission¹¹³⁸ sought that a separate activity of “Additional car parking associated with existing commercial or winery development” be provided for as a controlled activity.

1331. Mr Barr supported the relief sought, but considered it could be dealt with inclusion of specific provisions in Rule 23.4.16¹¹³⁹. We received no evidence from the submitter.

1332. We agree with Mr Barr that this is a matter better dealt with as part of the primary activity and agree with the amendments he proposed as a means of satisfying the submission. Accordingly, we recommend this rule be adopted subject to the amendments proposed by Mr Barr.

43 SECTION 23.5 – STANDARDS

43.1 Rule 23.5.1

1333. This rule sets the permitted range of colours for buildings. Submission 29 sought that the provisions include consideration of concentrated versus diffuse reflection of light. Submission 238 sought that the minimum building size be changed to 10m².

1334. Mr Barr discussed this latter submission in his Section 42A Report¹¹⁴⁰ noting that even a 5m² building can have an impact on landscape values. In his Reply Statement, Mr Barr noted the amendments made to the equivalent rule in Chapters 21 and 22 and recommended similar

¹¹³⁴ Submission 719

¹¹³⁵ Submission 238, opposed by FS1107, FS1157, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249

¹¹³⁶ C Barr, Section 42A Report, paragraph 8.7

¹¹³⁷ Submissions 330 and 719

¹¹³⁸ Submission 490, supported by FS1155

¹¹³⁹ C Barr, Section 42A Report, paragraphs 8.9 – 8.10

¹¹⁴⁰ at paragraph 8.11

changes be made to this rule to clarify that natural cladding such as schist can be used. He also noted that submissions similar to those lodged against the rules in Chapters 21 and 22 had not been made on this rule.

1335. While there are no submissions explicitly seeking the changes recommended by Mr Barr, they do in part deal with the issue raised by Submission 29. We recommend the rule be adopted consistent with the wording in Chapters 21 and 22, with the following wording:

<p>Buildings Materials and Colours</p> <p>Any building, including any structure larger than 5m², that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building are subject to the following:</p> <p>All exterior surfaces* shall be coloured in the range of browns, greens or greys (except soffits), including;</p> <ol style="list-style-type: none"> Pre-painted steel, and all roofs must have a light reflectance value not greater than 20% All other surface** finishes, except for schist must have a light reflectance value of not greater than 30% In the case of alterations to an existing building where there is not an approved building platform on the site, it does not increase the building coverage by more than 30% in a ten year period. <p>Except these standards do not apply to the blades of frost fighting devices.</p> <p>* Excludes soffits, windows and skylights (but not glass balustrades).</p> <p>** Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed by the Council to be suitably recessive and have the same effect as achieving a light reflectance value of 30%.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> External appearance Visibility from public places and surrounding properties Lighting Landscape character Visual amenity.
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43.2 Rule 23.5.4

1336. This rule, as notified, set a maximum height limit of 10m for farming or winery buildings. One submission sought an exclusion for frost fans¹¹⁴¹.
1337. Mr Barr discussed this submission at some length in his Section 42A Report¹¹⁴². Relying on Dr Read's evidence¹¹⁴³, he agreed that frost fans were an expected activity in the zone that would have little effect on landscape values. He recommended that the only appropriate change was a change to the height limit in this rule for frost fans. He further clarified¹¹⁴⁴, after considering provisions in other district plans, that the 12m limit he recommended should only apply to the tower, not the blades.

¹¹⁴¹ Submission 12

¹¹⁴² at paragraphs 8.12 – 8.18

¹¹⁴³ Dr M Read, EiC, paragraphs 7.2 – 7.3

¹¹⁴⁴ C Barr, Reply Statement, paragraphs 6.2 – 6.3

1338. We agree with Mr Barr’s reasoning, but we consider the wording of the rule can be improved. We recommend the rule read:

The maximum height of any farming or winery building shall be 10m, other than frost fighting towers which must not exceed 12 m in height.

43.3 Rule 23.5.6

1339. As notified, this rule set a minimum setback from the road as 20m, except where the road was a State Highway with a speed limit in excess of 70 km/hr, where it was 40m.
1340. Submission 719 sought an addition to this rule to require noise insulation of buildings.. We note also that the submission specified the distances from the seal edge rather than the property boundaries. Mr Barr considered the best way to manage this was through the resource consent process¹¹⁴⁵.
1341. Mr MacColl’s evidence on this rule was the same as he provided on Rule 21.5.2¹¹⁴⁶.
1342. As we noted above when discussing this matter in relation to Rule 21.5.2¹¹⁴⁷, Mr MacColl was unable to provide any evidence as to the actual effects in this zone that would justify the changes sought. Consequently, we recommend that submission be rejected.
1343. We recommend the rule be adopted as notified, subject to deletion of the word “other”.

43.4 Rule 23.5.9

1344. There were no submissions on this rule and Mr Barr made no recommendations in respect of it.. However, we perceive problems with the drafting of it. It is drafted as an activity rather than a standard. To overcome this problem, we recommend it be amended under Clause 16(2) to read:

Commercial recreation activity must be undertaken outdoors and must not involve more than 10 persons in any one group.

43.5 Rule 23.6.2

1345. As notified, this rule provided for controlled activity applications for wineries and farm buildings to not be notified or limited notified. NZTA sought that this rule not apply where such activities adjoined a State Highway¹¹⁴⁸.
1346. Mr Barr agreed with that submission and recommended it be changed to be consistent with the similar provisions in Chapters 21 and 22¹¹⁴⁹. We agree with Mr Barr’s recommendation and reasoning and recommend the rule be modified by adding to it “*except where the access is directly onto a State Highway*”.

44 SUMMARY OF CONCLUSIONS ON RULES

¹¹⁴⁵ C Barr, Reply Statement, paragraphs 4.1 – 4.2

¹¹⁴⁶ A MacColl, EiC, paragraph 23

¹¹⁴⁷ Section 8.2

¹¹⁴⁸ Submission 719

¹¹⁴⁹ C Barr, Section 42A Report, paragraph 7.13

1347. We have set out in full in Appendix 3 the rules we recommend the Council adopt. For all the reasons set out above, we are satisfied that these rules are the most effective and efficient means of implementing the policies so as to achieve the objectives of Chapter 23, and those in the Chapters 3 - 6. Where we have recommended rules not be included, that is because, as our reasons above show, we do not consider them to be efficient or effective.

45 SECTION 23.7 – ASSESSMENT MATTERS (LANDSCAPE)

1348. There were no submissions on this section. However, we recommend the Council change the introductory statement under Clause 16(2) so as to make it clear when they apply. We do not consider the first part of the introductory sentence makes sense and it seems to conflict with the second part. We also doubt that the Council can specify assessment matters for non-complying activities. Consequently, we recommend the introductory sentence read:

The following assessment matters apply to any discretionary activity within the Gibbston Character Zone where landscape is relevant.

PART E: CHAPTER 33 INDIGENOUS VEGETATION AND BIODIVERSITY

46 PREAMBLE

1349. Two submissions¹¹⁵⁰ generally supported the chapter. As we are recommending changes to provisions in the chapter we recommend they be accepted in part.
1350. One submission¹¹⁵¹ opposed the chapter in full, citing the restrictions it had imposed on the submitter's land. Again, as we are recommending changes to provisions in the chapter we recommend it be accepted in part.
1351. General submissions received sought:
- Ban or discourage burn-off of tussock¹¹⁵²;
 - Encourage native plantings¹¹⁵³; and
 - Change Chapter name to "Indigenous Biodiversity" and include reference to aquatic biodiversity¹¹⁵⁴.
1352. We did not hear from these submitters and were not provided any further clarification of how these submitters considered the chapter should be amended. In the absence of such clarification we recommend these submissions be rejected. We note that Mr Barr considered that those relating to burn-offs were out of scope. We are not so convinced. Burning is a form of clearance and arguably the submitters were seeking a specific prohibited activity rule in relation to the practice.
1353. Before discussing the chapter provision by provision, there are three general areas that need to be dealt with first:
- The definitions of 'indigenous vegetation' and 'clearance';
 - The complexity of the notified provisions; and
 - The submissions seeking removal of Significant Natural Areas from the schedule in notified Section 33.8.

47 DEFINITIONS OF 'INDIGENOUS VEGETATION' AND 'CLEARANCE VEGETATION'

47.1 Indigenous Vegetation

1354. As notified, the definition of 'indigenous vegetation' in Chapter 2 was –

Means vegetation that occurs naturally in New Zealand, or arrived in New Zealand without human assistance.

1355. Mr Barr explained to us that the Environment Court had recently highlighted deficiencies in the definition of 'indigenous vegetation' in the ODP¹¹⁵⁵. We understood the notified definition to be an attempt to overcome these deficiencies.

¹¹⁵⁰ Submissions 19 and 290

¹¹⁵¹ Submission 133, supported by FS1021

¹¹⁵² Submissions 9 (opposed by FS1097) and 300 (opposed by FS1097)

¹¹⁵³ Submission 281

¹¹⁵⁴ Submission 755

¹¹⁵⁵ C Barr, Section 42A Report, at paragraphs 6.15 to 6.20

1356. Two submissions¹¹⁵⁶ sought that the second part of the definition read “*arrived in New Zealand through natural processes without human intervention*”.

1357. Other submissions sought the definition refer to ‘*plant communities*’ rather than vegetation¹¹⁵⁷.

1358. Mr Barr discussed the first suggested amendment¹¹⁵⁸ but did not comment on the other suggested amendments. However, Mr Barr did also note that a submission on notified Rule 33.3.3¹¹⁵⁹ sought that the rule reference both vascular and non-vascular plants. He recommended the definition of ‘*indigenous vegetation*’ be amended to make it clear that the chapter related to both types of plant¹¹⁶⁰.

1359. We agree with Mr Barr that use of the term ‘without human assistance’ must mean that the plant species arrived by natural processes, so the additional wording would not add anything to the definition. We consider that including the terms ‘*plant communities*’ would only confuse the definition. The modern meaning of vegetation is:

*Plants collectively, esp. those dominating a particular area or habitat; plant cover.*¹¹⁶¹

1360. Vegetation is thus more than a plant community, it is all plants in an area, whether vascular or non-vascular. We largely agree with Mr Barr’s wording. The changes we recommend are merely grammatical. We recommend to the Stream 10 Hearing Panel that the definition read:

Indigenous Vegetation	Means vegetation that occurs naturally in New Zealand, or arrived in New Zealand without human assistance, including both vascular and non-vascular plants.
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47.2 Clearance of Vegetation

1361. As notified, ‘*clearance of vegetation*’ was defined as:

Means the removal, trimming, felling, or modification of any vegetation and includes cutting, crushing, cultivation, spraying with herbicide or burning.

Clearance of vegetation includes, the deliberate application of water where it would change the ecological conditions such that the resident indigenous plant(s) are killed by competitive exclusion. Includes dryland cushion field species.

1362. We note that the term defined was actually “*Clearance of Vegetation (Includes Indigenous Vegetation)*”. We are not sure what value is added by the words enclosed in brackets. We also note that in a provision we come to later in this report, there are certain circumstances where clearance of exotic vegetation needs to be controlled. We recommend the deletion of “*(Includes Indigenous Vegetation)*” as potentially leading to confusion in applying the rules.

¹¹⁵⁶ Submissions 339 and 706 (opposed by FS1162)

¹¹⁵⁷ Submissions 600 (supported by FS1209, opposed by FS1034, FS1040), 791 and 794

¹¹⁵⁸ C Barr, Section 42A Report, at paragraphs 9.2 to 9.4

¹¹⁵⁹ Submission 706

¹¹⁶⁰ C Barr, Section 42A, at paragraph 9.11

¹¹⁶¹ The New Shorter Oxford English Dictionary, Clarendon Press, Oxford, 1993

1363. Most of the submissions on this definition sought the deletion of the second paragraph¹¹⁶². The Director-General of Conservation¹¹⁶³ sought to include ‘over-sowing’ as a form of clearance. Forest & Bird¹¹⁶⁴ sought to include “*soil disturbance including direct drilling*” and references to application of “*other substances*”. This submission also sought to have plants *threatened* by competitive exclusion included in the definition.
1364. Mr Davis, for the Council, presented evidence on the ecological effects of direct drilling, irrigation and over-sowing¹¹⁶⁵. He supported the inclusion of direct drilling in the definition as this activity can crush native vegetation to a degree that would constitute direct clearance.
1365. Mr Davis did not support the inclusion of over-sowing within the definition as:
- [w]ithin the District much of the oversowing that has occurred is undertaken following the burning or spraying of predominantly bracken fern dominated vegetation.*¹¹⁶⁶
1366. Mr Davis also explained how irrigation is a form of vegetation clearance by altering the plant species composition. He noted that when irrigated indigenous vegetation adapted to naturally drier habitats cannot successfully compete with exotic species that are better adapted to wetter conditions. He also noted that irrigation would be undertaken in tandem with the application of seed and fertiliser, which would further enhance the competitive exclusion process and consequent clearance of indigenous vegetation. He referred us specifically to the Upper Clutha basin where native cushion field communities have adapted to relatively dry conditions and would not successfully compete with exotic species that grow taller and more rapidly in the presence of irrigation.
1367. Mr Cooper, for Federated Farmers, in opposing the inclusion of irrigation within the definition, emphasised the economic importance of irrigation to farm productivity¹¹⁶⁷. He suggested that importance of, and economic benefits derived from, irrigation in this District had not been considered in drafting the definition.¹¹⁶⁸
1368. Mr Tim Burdon, appearing on his own behalf¹¹⁶⁹ and for Lakes Landcare Group¹¹⁷⁰ told us that irrigation of undeveloped land would give a doubling in productive value, plus an increase in land value. He also told us that over-sowing and fertiliser would be applied in conjunction with irrigation. He stated that he hadn’t seen the deliberate use of irrigation to clear land. He said that the land would be cultivated and planted with better grass seeds first.
1369. We heard from several other submitters or their representatives on this issue, but the above summarises the range of evidence put to us.
1370. We consider that most of those appearing before us failed to consider the definition purely as a definition: they sought the definition be worded in a particular way to predetermine how rules

¹¹⁶² Submissions 315, 400 (supported by FS1091), 600 (supported by FS1091, FS1209, opposed by FS1034, FS1040, 701 (supported by FS1162), 784, 791 (supported by FS1091) and 794 (supported by FS1091)

¹¹⁶³ Submission 373, supported by FS1040, opposed by FS1091, FS1132, FS1347

¹¹⁶⁴ Submission 339, opposed by FS1097

¹¹⁶⁵ G Davis, EIC, Section 10

¹¹⁶⁶ *ibid*, at paragraph 10.3

¹¹⁶⁷ D Cooper, EIC,

¹¹⁶⁸ *ibid* at paragraphs 58-59

¹¹⁶⁹ Submission 791

¹¹⁷⁰ Submission 794 and FS1347

may apply to particular circumstances. We consider Mr Rance, appearing for DoC, provided the most helpful analysis¹¹⁷¹.

1371. In our view, the purpose of the definition is to set out clearly those activities or methods which amount to clearance of vegetation. Whether that leads to a restriction on an activity or method is a matter for any rule imposing such a restriction.
1372. Looking at the definition in this way, it is clear from the evidence that both irrigation and over-sowing are a form of clearance of indigenous vegetation. Arguably the application of fertiliser may also be a form of clearance, but Ms Maturin did not pursue the inclusion of the term “other substances” when she appeared¹¹⁷². Such a term is not sufficiently precise, in our view, to be used in such a definition.
1373. Finally, we need to consider Mr Page’s submission that the Council did not have jurisdiction to control the use of water, and the definition of vegetation clearance purported to be a control of the use of water¹¹⁷³. It was his submission that the control of the use of water was solely within the functions of the Regional Council.
1374. In her legal submissions in reply¹¹⁷⁴, Ms Scott submitted that the Council was not seeking to control the take or use of water. Rather, it was seeking to control activities that result in the application of water to land, and she submitted, that activity falls within the use of land. She further submitted that the Council was entitled to control land management practices such as irrigation (which fell within the use, development and protection of land) where it related to a matter over which the Council has an express statutory function – in this instance, the maintenance of indigenous biodiversity.
1375. We agree with Ms Scott. We note that the Regional Council has the function of controlling the discharge of contaminants to air, which includes the contaminants arising from burning off vegetation. No one suggested that burning should be excluded from the definition of clearance on the grounds that it fell outside the Council’s jurisdiction. As Ms Scott noted, it is a fact that applying water to certain dryland indigenous species has the effect of clearing those species. In the same way that burning those species would be a land use, so would the application of water. We also note that, while Mr Page discussed spray irrigation, the definition does not identify the form of irrigation used. That reinforces our view that the Council is not concerned with the method of discharge, but the activity itself.
1376. Accordingly, we recommend to the Stream 10 Hearing Panel that the definition of clearance of vegetation read:

Clearance of Vegetation	Means the removal, trimming, felling, or modification of any vegetation and includes cutting, crushing, cultivation, soil disturbance including direct drilling, spraying with herbicide or burning. Clearance of vegetation includes the deliberate application of water or over-sowing where it would change the ecological conditions such that the resident
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¹¹⁷¹ B Rance, EIC, at paragraph 35

¹¹⁷² Submissions by S Maturin, May 2016, at paragraph 53

¹¹⁷³ Submissions of Counsel for Jeremy Bell Investments Limited, 17 My 2016

¹¹⁷⁴ Legal Submissions on Behalf of Queenstown Lakes District Council as Part of Council’s Right of Reply – Hearing Stream 2 – Rural Chapters, 3 June 2016

	indigenous plant(s) are killed by competitive exclusion. Includes dryland cushion field species.
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48 CLARITY AND CERTAINTY OF RULES

48.1 Introduction

1377. As notified, the PDP contained the following policies:

- 33.2.1.1 Identify the District’s Significant Natural Areas and schedule them in the District Plan, including the ongoing identification of Significant Natural Areas through resource consent applications, using the criteria set out in Policy 33.2.1.9.
- 33.2.1.2 Identify the District’s rare or threatened indigenous species and schedule them in the District Plan to assist with the management of their protection.
- 33.2.1.3 Provide standards in the District Plan for indigenous vegetation that is not identified as a Significant Natural Area or threatened species, which are practical to apply and that permit the removal of a limited area of indigenous vegetation.

1378. In terms of SNAs, Table 3 set out clear standards limiting earthworks and clearance of indigenous vegetation. Rule 33.4.2 required a discretionary activity resource consent be obtained to exceed the standards in Table 3. While we discuss submissions on this policy and Table 3 later in this report we refer to Policy 33.2.1.1 here to enable understanding of the regulatory regime proposed in notified Chapter 33.

1379. In terms of Policy 33.2.1.2, Section 33.7 contained a table listing 120 threatened species. Rules 33.4.1 and 33.5.6 made it a discretionary activity to clear any plant on that list.

1380. In terms of Policy 33.2.1.3, it was necessary to consider the matters listed in Section 33.3.3, Rules 33.4.1 and 33.4.3, and the standards in Tables 2 and 4, to ascertain whether an activity was permitted or required a consent.

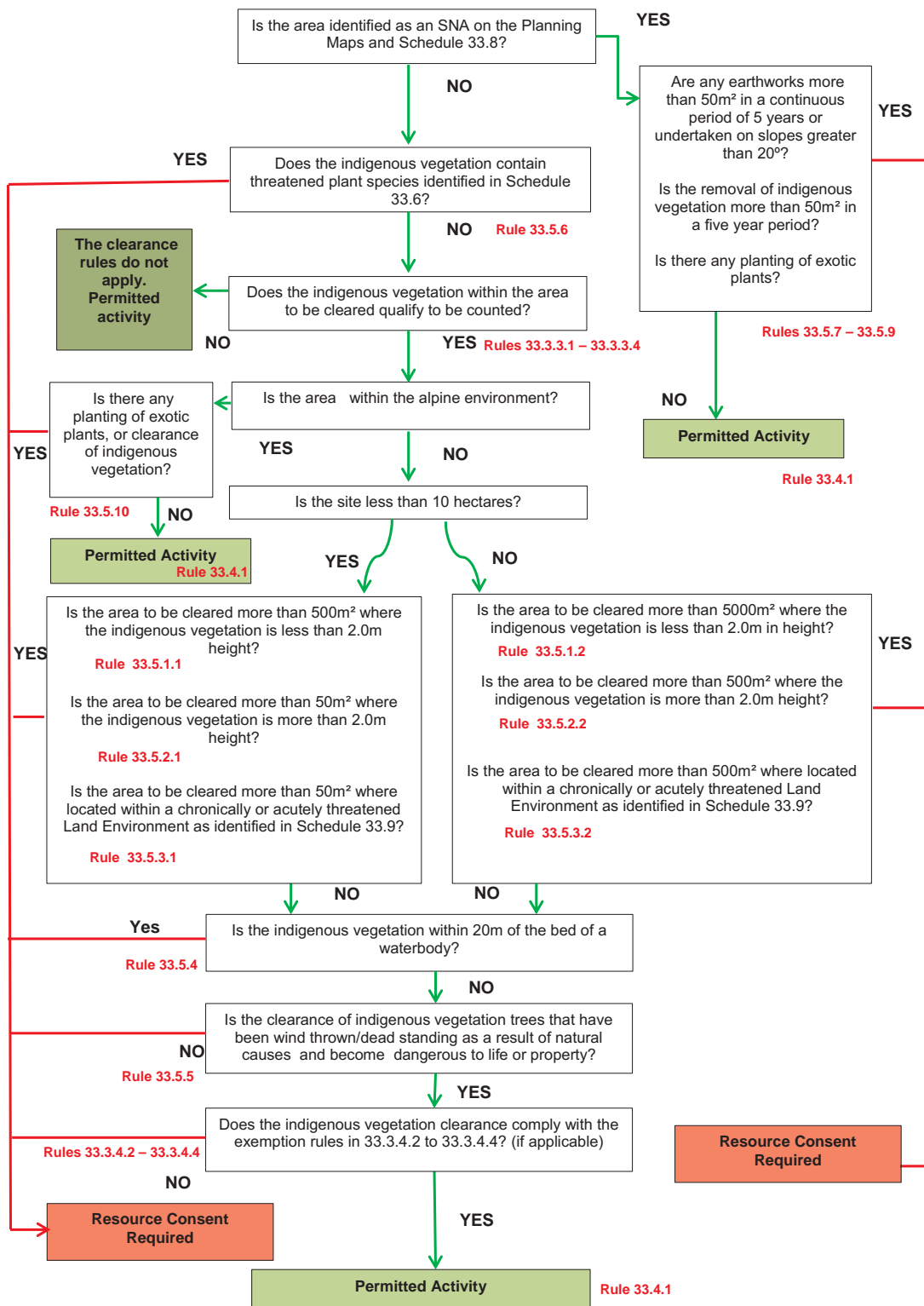
1381. DoC¹¹⁷⁵ sought that *“the structure of the indigenous vegetation and biodiversity provisions be altered to ensure that these provisions are clear, easy for the community to use, and ensure that appropriate protection is applied when it comes to areas of significant indigenous vegetation and habitats of indigenous fauna”*.

1382. We state at the outset that we found the provisions, other than those relating to SNAs and land over 1070 masl to be confusing and difficult to use to the point of almost being incomprehensible. Thus, we did not consider they accorded with Policy 33.2.1.3, which sought to provide standards that were practical to apply.

1383. In an attempt to understand how the Council envisaged these provisions being applied we asked Mr Barr to prepare a flow diagram of how the rules were to be applied, and to provide photographic examples of land containing indigenous vegetation along with an explanation of how the rules would apply to that land. We thank Mr Barr for the effort he put into answering these requests, and note that his examples assisted us greatly in our deliberations.

¹¹⁷⁵ Submission 373, opposed by FS1254, FS1287, FS1313, FS1347

1384. We include final version of Mr Barr’s flow diagram as Figure 33-1.



Clearance of indigenous vegetation flow diagram. Council Reply 3 June 2016

Figure 33-1: C Barr, Flow Diagram

1385. We think this diagram illustrates the complexity of the rules on its own. However, some rules are more difficult to interpret than others. Before discussing the rules, we need to consider the relevant objectives and policies first.

48.2 Objective 33.2.1, Policies 33.2.1.2 and 33.2.1.3

1386. As notified, these read:

Objective

Protect, maintain and enhance indigenous biodiversity.

Policies

33.2.1.2 *Identify the District's rare or threatened indigenous species and schedule them in the District Plan to assist with the management of their protection.*

33.2.1.3 *Provide standards in the District Plan for indigenous vegetation that is not identified as a Significant Natural Area or threatened species, which are practical to apply and that permit the removal of a limited area of indigenous vegetation.*

1387. Submissions on Objective 33.2.1 sought:

- a. Retain the objective¹¹⁷⁶
- b. Amend to read: "*Existing indigenous biodiversity values are protected, maintained or enhanced*"¹¹⁷⁷
- c. Amend to read" "*Protect, maintain or enhance the stock of indigenous biodiversity*"¹¹⁷⁸
- d. Amend to relate to land management practices.¹¹⁷⁹

1388. In order to make the objective outcome focussed, Mr Barr recommended it be amended to read¹¹⁸⁰:

The protection, maintenance and enhancement of indigenous biodiversity.

1389. In his Reply Statement, Mr Barr recommended further amendment such that it would read:

Indigenous biodiversity is protected, maintained and enhanced.

1390. We received no evidence as to how the objective could be amended to focus on land management practices, or why it should. When Mr Barr's Reply version is compared to the other amendments sought, it has the advantage of not being limited to indigenous biodiversity existing at the date of the PDP; it allows for enhancement of that biodiversity. We recommend that the Reply version be adopted.

1391. Three submissions on Policy 33.2.1.2 supported it and sought its retention¹¹⁸¹. DoC¹¹⁸² sought that this policy be deleted and that the list of threatened plant in Section 33.7 be used as part of the criteria for determining Significant Natural Areas.

¹¹⁷⁶ Submissions 339 (opposed by FS1097), 378 (opposed by FS1049, FS1095) and 706 (opposed by FS1162, FS1254, FS1287)

¹¹⁷⁷ Submission 373, opposed by FS1254, FS1287, FS1313, FS1342, FS1347

¹¹⁷⁸ Submission 600, supported by FS1209, opposed by FS1034, FS1040

¹¹⁷⁹ Submission 806

¹¹⁸⁰ C Barr, Section 42A Report, paragraph 11.5

¹¹⁸¹ Submissions 339, 600 (supported by FS1209, opposed by FS1034) and 706 (opposed by FS1254)

¹¹⁸² Submission 373, opposed by FS1254, FS1287, FS1313, FS1342, FS1347

1392. We heard no specific evidence on this policy and Mr Barr recommended it remain unaltered. We discuss this further below in relation to Rule 33.5.6 and Section 33.7.
1393. One submission sought that Policy 33.2.1.3 be retained¹¹⁸³. Three submissions sought minor wording amendments which were in the nature of clarifying the policy rather than re-orienting it¹¹⁸⁴. No evidence directed to this policy was presented by the submitters and the only amendment recommended by Mr Barr was to replace *removal* with *clearance*¹¹⁸⁵.
1394. Subject to consequential amendments arising from our recommendations below in relation to Policy 33.2.1.1, we recommend accepting Mr Barr's wording.

48.3 Rule 33.5.6 and Section 33.7

1395. As notified, the standard in Rule 33.5.6 read:

Is not clearance of a plant identified as a threatened species listed in section 33.7

1396. There were no submissions on this standard.
1397. As stated above, list in Section 33.7 contained 120 species. One submission¹¹⁸⁶ sought the inclusion of another 18 species in this list. Two submissions¹¹⁸⁷ sought the list be updated and extended, one submission¹¹⁸⁸ stated it was incorrect without specifying how that should be remedied, and one submission¹¹⁸⁹ sought it be deleted.
1398. Mr Barr, relying on Mr Davis' advice, recommended retaining the list with the addition of the species DoC sought to have included¹¹⁹⁰.
1399. Mr Page, in his submissions for Jeremy Bell Investments Ltd, noted that many of the scheduled species were tiny, cryptic, and invisible to all but expert eyes¹¹⁹¹. This was confirmed by Dr Espie. Mr Barr had alluded to this in his Section 42A Report where he identified the difficulties faced in South Island high country areas¹¹⁹². This was in large part a repeat of issues raised in the Section 32 Report¹¹⁹³. We also note that the PDP recognises that there may be difficulty in identifying these plants as it contains the following statement at the commencement of Section 33.7.1:

Assistance with the identification of threatened plants is available through the New Zealand Plant Conservation Networks' website: <http://www.nzpcn.org.nz/default.aspx>.

¹¹⁸³ Submission 600, supported by FS1209, opposed by FS1034

¹¹⁸⁴ Submissions 339, 373 (supported by FS1040, opposed by FS1015, FS1097, FS1254, FS1287, FS1313, FS1347) and 706 (opposed by FS1015, FS1162, FS1254, FS1287)

¹¹⁸⁵ C Barr, Reply Statement, Appendix 1

¹¹⁸⁶ Submission 373, supported by FS1040, opposed by FS1313, FS1347

¹¹⁸⁷ Submissions 339 and 706 (opposed by FS1162, FS1254)

¹¹⁸⁸ Submission 400

¹¹⁸⁹ Submission 784

¹¹⁹⁰ C Barr, Section 42A Report, paragraphs 13.1 to 13.5

¹¹⁹¹ Submissions of Counsel for Jeremy Bell Investments Limited, paragraph 23

¹¹⁹² C Barr, Section 42A Report, paragraphs 6.9 and 6.10

¹¹⁹³ at page 9

1400. Another practical difficulty identified by Mr Cubitt¹¹⁹⁴ is that the existence of a single plant of one of the species listed in Section 33.7 in an area to be, say irrigated or over-sown, would trigger the need for a resource consent. If that plant is difficult to identify, a landowner may unwittingly breach the standard. We do not consider a rule to be efficient if it requires expert advice to ensure the rule is not breached. We note that in questioning by the Panel, Mr Cubitt advised that in his experience it could cost between \$5000 and \$10,000 per farm to engage an ecologist to identify whether a threatened species was on site.
1401. We also wonder if a rule which triggers a discretionary activity consent if a single plant is found imposes an excessive burden. While we agree it is a laudable goal to limit the destruction of rare and threatened plants, the matter of national importance that the Council has to recognise and provide for is the protection of areas of significant vegetation and significant habitats of indigenous fauna. No evidence we heard suggested to us that a single plant fell into either category.
1402. We have carefully examined the Section 32 analysis for this Chapter. We could find no direct reference to Policy 33.2.1.2 or Rule 33.5.6, and no discussion of the economic implications likely to arise from their implementation. As we read the provisions, and taking into account Dr Espie's evidence and that of Mr Kane, any landowner that could potentially harm or disturb one of the 120 species in the Schedule would need to pay for a botanical study of the relevant area to prove they would not breach the rule. That private cost has not been considered in the purported section 32 evaluation.
1403. For those reasons, we recommend that Section 33.7 be deleted from the PDP. As a consequential amendment we also recommend that Policy 33.2.1.2 and Rules 33.5.6 and 33.3.3.5 be deleted. We note that while there were no submissions on rule 33.5.6, the deletion of the policy which it implements, and the Schedule which it relies upon, means that it becomes a rule with neither basis nor effect. Hence our recommendation that it be deleted.

48.4 Rules 33.3.3.1 to 33.3.3.4

1404. As notified, these read:

33.3.3.1 For the purposes of determining compliance with Rules 33.4.1 to 33.4.3, indigenous vegetation shall be measured cumulatively over the area(s) to be cleared.

33.3.3.2 Rules 33.5.1 to 33.5.4 shall apply where indigenous vegetation attains 'structural dominance' and, the indigenous vegetation exceeds 20% of the total area to be cleared or total number of species present of the total area to be cleared.

33.3.3.3 Rules 33.5.1 to 33.5.4 shall apply where indigenous vegetation does not attain structural dominance and exceeds 30% of the total area to be cleared, or total number of species present of the total area to be cleared.

33.3.3.4 Structural dominance means indigenous species that are in the tallest stratum.

1405. Two submissions¹¹⁹⁵ sought the rules specified vascular and non-vascular plants. These have been dealt with above in our recommendation to amend the definition of indigenous vegetation. The amendments sought by DoC were consequential on its submission seeking

¹¹⁹⁴ A Cubitt, EiC, at paragraph 15

¹¹⁹⁵ Submissions 339 and 706 (opposed by FS1162, FS1254, FS1287)

there be no clearance allowed in SNAs.¹¹⁹⁶ One submission¹¹⁹⁷ sought that Rule 33.3.3 be retained. Submission 784¹¹⁹⁸ sought reconsideration as to how structural dominance was assessed, and Submission 806 sought that the coverage percentages in 33.3.3.2 and 33.3.3.3 be revised, as they were too restrictive.

1406. Mr Barr did not directly address these provisions in his Section 42A Report. At our request, he prepared a series of examples of how these provisions would apply to various scenarios¹¹⁹⁹.
1407. Dr Espie, for Jeremy Bell Investments Ltd, suggested that to make the rules more easily understandable for a farmer, the focus should be on a plant community of say 67% or higher as it would be immediately ascertainable as to whether consent was required or not.
1408. Using Mr Barr's example of short tussock grassland, we consider that a situation of 20% structural dominance is not immediately obvious to the lay observer. The 20% structural dominance in his examples of short tussock grassland was not apparent to us. Mr Barr provided an example that exceeded 20% and an example that did not. We did not think the distinction was obvious.
1409. On the other hand, his example of kanuka and grey schrubland on a hill slope showed areas where each plant community was the dominant community and exceeded 50%.
1410. Having considered the competing evidence, we consider that to make these rules more readily usable by an average landowner, Rule 33.3.3.2 should be amended to apply when indigenous vegetation exceeds 50% of the vegetation in an area to be cleared, and Rule 33.3.3.3 amended to apply when the indigenous vegetation exceeds 67% of the area to be cleared.
1411. We will return to the rules these apply to after considering the relevant tables.

48.5 Rules 33.5.4 and 33.5.5

1412. As notified, these were Standards in Table 2 which read:

*Clearance is more than 20m from a water body.
Is for the clearance of indigenous trees that have been windthrown and/or are dead standing as a result of natural causes and have become dangerous to life or property.*

1413. The only amendments sought to these rules were wording amendments sought by the Council¹²⁰⁰. Two other submissions supported Rule 33.5.5¹²⁰¹.

1414. Rule 33.5.4 implements Policies 33.2.3.1 and 33.2.3.6, which as notified read:

Provide standards controlling the clearance of indigenous vegetation within 20 meters of water bodies, and ensure that proposals for clearance do not create erosion, or reduce natural character and indigenous biodiversity values.

¹¹⁹⁶ Submission 373, opposed by FS1091, FS1254, FS1313, FS1342, FS1347

¹¹⁹⁷ Submission 600, supported by FS1209, opposed by FS1034

¹¹⁹⁸ Supported by FS1097

¹¹⁹⁹ Memorandum of Counsel on Behalf of Queenstown Lakes District Council Providing Requested Further Information, dated 16 May 2016

¹²⁰⁰ Submission 809

¹²⁰¹ Submissions 339 and 706 (opposed by FS1162, FS1254)

Ensure indigenous vegetation removal does not adversely affect the natural character of the margins of water ways.

1415. One submission¹²⁰² sought that Policy 33.2.3.1 be modified and moved to under Objective 3.2.2, while three other submissions¹²⁰³ sought various amendments to the wording. We received no evidence from the submitters on this policy. Mr Barr did not discuss it, but recommended it be amended for clarity reasons to read:

The clearance of indigenous vegetation within the margins of water bodies does not create erosion, or reduce natural character and biodiversity values.

1416. The three submissions on Policy 33.2.3.6 sought its deletion as unnecessary¹²⁰⁴, or incorporation into Policy 33.2.3.1¹²⁰⁵.

1417. Mr Barr’s rewording of Policy 33.2.3.1 went some way to incorporating Policy 33.2.3.6. However, we consider emphasis should be given in the policy to the matters in Section 6(a) and 6(c) of the Act. We agree that the matters in the two policies can be incorporated in a single policy. Consequently, we recommend Policy 33.2.3.6 be deleted and Policy 33.2.3.1 be amended to read:

Ensure the clearance of indigenous vegetation within the margins of water bodies does not reduce natural character and biodiversity values, or create erosion.

1418. We note that there is no explicit policy relating to notified Rule 33.5.5. We see that rule as being a logical consequence of providing standards that are practical to apply (notified Policy 33.2.1.3).

1419. In our view, each rule is easier understood if it is specified as an activity contained in Table 1 with an activity status defined. This also involves an amendment to Table 1 to make it consistent with the other approach of other chapters in the PDP by listing activities and their activity status, rather than notified approach of making the table more akin to a standards table. To this end, we recommend that notified Rules 33.4.1, 33.4.2 and 33.4.3 be amended and incorporated into a revised Rule 33.4.1 in an amended Table 1 that reads:

Table 1	Any activity involving the clearance of indigenous vegetation, earthworks within SNA’s and the planting of exotic plant species shall be subject to the following rules:	Activity Status
33.4.1	Activities that comply with the Standards in Tables 2 to 4.	P

1420. Using this format Rule 33.5.5 can be incorporated into Table 1 as a permitted activity as follows:

¹²⁰² Submission 373, opposed by FS1254, FS1313, FS1347

¹²⁰³ Submissions 339 (opposed by FS1015, FS1097), 706, (opposed by FS1132, FS1162, FS1254, FS1287) and 806

¹²⁰⁴ Submission 373, opposed by FS1254, FS1313, FS1347

¹²⁰⁵ Submissions 339 (opposed by FS1132) and 706 (opposed by FS1132, FS1162, FS1254, FS1287)

33.4.6	Clearance of indigenous trees that have been wind thrown and/or are dead standing as a result of natural causes and have become dangerous to life or property.	P
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1421. We note that we consider Mr Barr wrongly located Rule 33.5.4 in his flow diagram. As notified this rule affected any clearance of indigenous vegetation within 20 m of a water body. We consider it should have been located prior to choosing the site size.

1422. We do agree with his recommendation that it be clarified so that the distance is set from the bed of the water body. On that basis, we recommend it be located in Table 1 as follows:

33.4.7	Any clearance of indigenous vegetation within 20m of the bed of a water body.	D
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48.6 Exemption Rules 33.3.4.1, 33.3.4.2 and 33.3.4.3

1423. As notified, these read:

33.3.4.1 Any area identified in the District Plan maps and scheduled as a Significant Natural Area that is, or becomes protected by a covenant under the Queen Elizabeth II National Trust Act, shall be removed from the schedule and be exempt from rules in Table 3.

33.3.4.2 Indigenous vegetation clearance for the operation and maintenance of existing and in service/operational roads, tracks, drains, utilities, structures and/or fence lines, but excludes their expansion.

33.3.4.3 Indigenous vegetation clearance for the construction of walkways or trails up to 1.5 metres in width provided that it does not involve the clearance of any threatened plants listed in section 33.7 or any tree greater than a height of 4 metres.

1424. Three submissions¹²⁰⁶ sought additional exemptions. We deal with those in a later section in this report. Two submissions¹²⁰⁷ sought the deletion of Rule 33.3.4.1. Three submissions¹²⁰⁸ sought the retention of Rule 33.3.4.3, while one submission¹²⁰⁹ sought it be amended so the exemption did not apply in Significant Natural Areas.

1425. Three submissions¹²¹⁰ sought the retention of Rule 33.3.4.2, while two sought deletion of the exemption for drains¹²¹¹. Two submissions sought this rule be amended to include an exemption for irrigated land¹²¹².

1426. Rule 33.3.4.1 as notified, implemented Policy 33.2.1.6, which read:

¹²⁰⁶ Submissions 701 (supported by FS1162), 784 and 806

¹²⁰⁷ Submissions 339 and 706 (supported by FS1097, opposed by FS1132, FS1162, FS1254, FS1287)

¹²⁰⁸ Submissions 290 (supported by FS1097), 339 and 706 (opposed by FS1162, FS1254)

¹²⁰⁹ Submission 373, supported by FS1040, opposed by FS1091, FS1097, FS1132, FS1254, FS1287, FS1313, FS1347

¹²¹⁰ Submissions 600 (supported by FS1209, opposed by FS1034), 635 and 805

¹²¹¹ Submissions 339 and 706 (opposed by FS1132, FS1162, FS1254, FS1287)

¹²¹² Submissions 701 (supported by FS1162) and 784

Encourage the long-term protection of indigenous vegetation and in particular Significant Natural Areas by encouraging land owners to consider non-regulatory methods such as open space covenants administered under the Queen Elizabeth II National Trust Act.

1427. Three submissions¹²¹³ ought this policy be retained, while two sought that it be amended by including reference to covenants under the Reserves and Conservation Acts¹²¹⁴.
1428. Mr Barr recommended no amendments to this policy, and we heard no evidence from submitters on it. We agree with Mr Barr that as the policy is expressed, it is not limited to QE II Trust covenants. We recommend it be renumbered and adopted as notified subject to the minor amendment of including the year of the legislation.
1429. In his Section 42A Report, Mr Barr opined that, in terms of Rule 33.3.4.1, QE II Trust covenants were generally seen as more protective than district plan rules, as they generally contemplated no or very little clearance. We also note that, while an application for resource consent can be made under the rules in Chapter 33, a QE II Trust covenant provides no ability for discretionary applications.
1430. We heard no evidence in support of the submissions seeking deletion of Rule 33.3.4.1. We generally agree with Mr Barr that a SNA protected by a QE II Trust covenant need not be controlled by the rules in Chapter 33, but we recommend two changes to the provision.. First, with minor rewording, we consider the proper location for this rule is in Table 1 as a permitted activity. Second, we consider the provision should not state “*shall be removed from the schedule*”. That statement implies an action that can only be undertaken by way of a change to the district plan. While the Council may have a policy to introduce such changes, it cannot, in our view, state categorically in a rule that the SNA shall be removed from the schedule.
1431. We heard no evidence from submitters in respect of the other changes sought to these provisions. We consider that each of Rules 33.3.4.2 and 33.3.4.3 can, with minor word changes, be incorporated into Table 1 as permitted activities. In our view, having the activities listed as permitted activities improves the clarity and usability of the chapter.
1432. Consequently, we recommend as minor, non-substantive changes that these three rules be amended and relocated into Rule 33.4 Table 1 to read:

33.4.2	Notwithstanding Table 3, activities in any area identified in the District Plan maps and scheduled as a Significant Natural Area that is, or becomes protected by a covenant under the Queen Elizabeth II National Trust Act 1977.	P
33.4.3	Indigenous vegetation clearance for the operation and maintenance of existing and in service/operational roads, tracks, drains, utilities, structures and/or fence lines, but excludes their expansion.	P

¹²¹³ Submissions 373 (opposed by FS1254, FS1287, FS1313, FS1347), 600 (supported by FS1209, opposed by FS1034) and 806

¹²¹⁴ Submissions 339 (supported by FS1097, opposed by FS1097) and 706 (opposed by FS1162, FS1254, FS1287)

33.4.4	Indigenous vegetation clearance for the construction of walkways or trails up to 1.5 metres in width provided that it does not involve the clearance of trees greater than a height of 4 metres.	P
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48.7 Rules 33.5.1, 3.5.2 and 33.5.3

1433. As notified, these rules were in Table 2 which set standards for clearance of indigenous vegetation that was not located within a Significant Natural Area or within an Alpine Environment. These rules read:

33.5.1	Clearance is less than 5000m ² in area of any site and, 500m ² in area of any site less than 10ha, in any continuous period of 5 years.
33.5.2	Where indigenous vegetation is greater than 2.0 metres in height, clearance is less than 500m ² in area of any site and, and 50m ² in area of any site less than 10ha, in any continuous period of 5 years,
33.5.3	Within a land environment (defined by the Land Environments of New Zealand at Level IV) that has 20 percent or less remaining in indigenous cover, clearance is less than 500m ² in area of any site and, 50m ² in area of any site less than 10ha, in any continuous period of 5 years (refer to section 33.9).

1434. The submissions on these rules sought:

- a. The 5,000m² allowed in 33.5.1 is too large, change to 500m²¹²¹⁵
- b. Change 33.5.1 to apply where indigenous vegetation is less than 2m in height¹²¹⁶
- c. The 50m² in Rule 33.5.2 is too small to be practicable¹²¹⁷
- d. Replace 33.5.3 with “*The site is not considered to be a Significant Natural Area when considered against the criteria in Section 33.10*”¹²¹⁸
- e. Delete Rule 33.5.3¹²¹⁹
- f. Support Rules 33.5.1 and 33.5.2.¹²²⁰

1435. Rule 33.5.3 implemented Policies 33.2.3.4 and 33.2.3.5. As notified these read:

33.2.3.4 *When considering the effects of proposals for the clearance of indigenous vegetation, have particular regard to whether threatened species are present, or the area to be cleared is within a land environment (defined by the Land Environments of New Zealand at Level IV) identified as having less than 20% indigenous vegetation remaining; and,*

33.2.3.5 *Where indigenous vegetation clearance is proposed within an environment identified as having less than 20% indigenous vegetation remaining (defined by the Land Environments of New Zealand at Level IV), have regard to the threatened environment status, the nature and scale of the clearance, potential for recovery or the merit of any indigenous biodiversity offsets.*

¹²¹⁵ Submissions 339 (opposed by FS1097) and 706 (opposed by FS1097, FS1162, FS1254, FS1287)

¹²¹⁶ Submission 809

¹²¹⁷ Submission 477

¹²¹⁸ Submission 373, supported by FS1040, opposed by FS1097, FS1254, FS1287, FS1313, FS1342, FS1347

¹²¹⁹ Submission 600, supported by FS1209, opposed by FS1034, FS1040

¹²²⁰ Submission 600, supported by FS1209, opposed by FS1034, FS1040

1436. One submission¹²²¹ sought that both of these policies be deleted. Two submissions opposed use of the LENZ maps in these policies as they would create uncertainty¹²²².
1437. Two submissions sought that Policy 33.2.3.4 only apply in urban zones¹²²³, while two submissions sought that policy be amended so as to avoid effects on threatened species and on land identified as having less than 20% indigenous vegetation remaining¹²²⁴.
1438. Two submissions sought that Policy 33.2.3.5 be deleted and replaced with assessment matters. One submission sought that it apply only in urban zones¹²²⁵, and two submissions sought that current and historical land uses should be taken account of in the policy¹²²⁶.
1439. For completeness, we note that four submissions¹²²⁷ sought that all maps in Section 33.9 be deleted, one sought that the rural areas be removed from the maps¹²²⁸, and one that Figure C2 (which covers the Upper Clutha) be deleted¹²²⁹.
1440. Mr Davis explained in his evidence¹²³⁰ how the combination of the Land Environments of New Zealand (LENZ) classification, the Landcover Database and areas under legal protection, to assign a threat (to biodiversity) level based on the percentage of indigenous vegetation cover remaining and the area under formal protection (the Threatened Environment Classification – TEC). The TEC categories include:
- a. Acutely threatened - <10% indigenous vegetation cover remaining
 - b. Chronically threatened – 10-20% indigenous vegetation cover remaining
 - c. At risk – 20-30% indigenous vegetation cover remaining
 - d. Critically underprotected - >30% indigenous vegetation cover remaining and less than 10% protected
 - e. Underprotected - >30% indigenous vegetation cover remaining and 10-20% protected and
 - f. No threat - >30% indigenous vegetation cover remaining and >20% protected.
1441. Mr Davis advised that National Priority 1 of the draft National Policy Statement on Indigenous Biodiversity is to protect areas that are acutely or chronically threatened¹²³¹. He noted that in this District those areas are predominantly located on valley floors and lower slopes of mountain ranges. These were the areas shown on the maps included in notified Section 33.9 of the PDP.
1442. Mr Davis conceded there were some inaccuracies arising from the scale of the mapping, the inability of the imagery to distinguish between some vegetation types, and due to the temporal nature of vegetation cover, but it was his opinion that, provided it was used cautiously, it was an effective tool to assist the identification and assessment of significant vegetation and fauna habitat¹²³².

¹²²¹ Submission 373, opposed by FS1254, FS1313, FS1347

¹²²² Submissions 791 and 794

¹²²³ Submissions 590 and 600 (supported by FS1209, opposed by FS1034, FS1040)

¹²²⁴ Submissions 339 and 706 (opposed by FS1162, FS1254, FS1287)

¹²²⁵ Submission 600, supported by FS1209, opposed by FS1034, FS1040

¹²²⁶ Submissions 701 and 784 (supported by FS1097)

¹²²⁷ Submissions 439, 784, 791 and 794

¹²²⁸ Submission 590

¹²²⁹ Submission 701, supported by FS1162

¹²³⁰ G Davis, EIC, at paragraphs 4.6 to 4.13

¹²³¹ *ibid*, paragraph 4.12

¹²³² *ibid*, paragraph 4.13

1443. We have put little weight on the draft National Policy Statement on Indigenous Biodiversity given it has been in draft since 2011.
1444. We took from Mr Barr’s Section 42A Report that he saw the classification of areas as acutely and chronically threatened as increasing the potential for any indigenous vegetation to be considered significant in terms of Section 6 of the Act¹²³³.
1445. Mr Kelly, appearing on behalf of Lake McKay Station Ltd¹²³⁴, told us that 420 ha of Lake McKay Station was included within SNAs identified in the PDP. He questioned the need for both Rule 33.5.2 and Rule 33.5.3 when, on Lake McKay Station, clearance of matagouri and kanuka outside of SNAs at altitudes below 600masl would be captured by both rules. It was his view that the rules in 33.4 and 33.5 were adequate to protect indigenous vegetation without the need for Rule 33.5.3 or Section 33.9¹²³⁵.
1446. This evidence raised in our minds the question of what the Council was attempting to protect through these rules.
1447. Mr Davis provided extensive and helpful evidence on how the Significant Natural Areas in the District were identified and classified¹²³⁶. This included the use of the TEC maps to determine whether representative vegetation might also meet the definition of rarity. Interestingly, the example which Mr Davis provided in his evidence of this technique being used included the area of Lake McKay Station¹²³⁷.
1448. Mr Davis told us that 220 SNA sites on 55 properties were field checked. As a result of that fieldwork, that number was refined to 147. The reduction, was he said, due to the following reasons:
- a. sites that had been transferred to DoC administration through tenure review
 - b. QE II Trust covenant sites
 - c. wetlands were excluded as the Council chose to rely on the Regional Water Plan to protect them
 - d. sites that did not meet the criteria.
1449. Mr Davis did not tell us how many fell into each category. He also did not tell us what areas of land in the District were set aside for protection by other means. We did get an indication of some of these areas from Figure 6 of Dr Espie’s evidence, but that only covered a small area of the Upper Clutha. We do note also the general acceptance that all land above 1070 masl requires consent for clearance.
1450. Mr Barr provided us with examples of “Whole of Farm” consents for clearance¹²³⁸. The most useful of these was the consent granted in 2015 for Alphaburn Station. From looking at the conditions applied on that consent, it was apparent the priority areas for protection were:
- a. Land above 800 masl (Condition 4(iii));
 - b. Land within 20 m of water bodies (including wetlands) (Condition 3);
 - c. Land within 20 m of protected land (covenanted or conservation land (Condition 3).

¹²³³ C Barr, Section 42A Report, at paragraph 11.80

¹²³⁴ Submission 439

¹²³⁵ M Kelly, EIC, at paragraph 17

¹²³⁶ Davis, EIC, Section 6

¹²³⁷ *ibid*, Figure 3

¹²³⁸ C Barr, Reply Statement, Appendix 4

1451. It also appears from Map 7 of the Planning Maps that some of the area that consent relates to has been included SNAs in the PDP. We also note from Figure C2 in Section 33.9 that some of the consented land is within the acute or chronically threatened environments.
1452. When we consider all that in the round, we are not satisfied that Rule 33.5.3 and Section 33.9 provide any regulatory purpose which is not achieved via other rules. We agree with those submitters who complained that the maps in Section 33.9 were at a scale which created uncertainty. While Mr Barr assured us that these were available on the Council webmap system for overlaying over individual properties, we were unable to find them and verify their accuracy or otherwise.
1453. We note Mr Barr recommended that notified Policies 33.2.3.4 and 33.3.3.5 be replaced with a policy that would read¹²³⁹:

Have regard to whether the area to be cleared is within a chronically or acutely threatened land environment (defined by the Land Environments of New Zealand at Level IV), and the degree to which the clearance would maintain indigenous biodiversity, using the criteria in Policy 33.2.1.10.

1454. As we understand notified Policy 33.2.1.10, the criteria will lead to assessment of those matters in any event. We also note that, according to Mr Davis' evidence¹²⁴⁰, the determination of whether an environment is acutely or chronically threatened is not defined by Land Environments of New Zealand at Level IV. That is a combined with other information to determine the level of threat.
1455. We agree with Mr Barr that Policies 33.2.3.4 and 33.2.3.5 be deleted, but we do not recommend that his recommended replacement policy be included.
1456. We agree with the QLDC submission that Rule 33.5.1 should specify that it relates to indigenous vegetation less than 2 m in height. That is the effect of the combination of that rule and Rule 33.5.2 in any event. Other than that, we do not recommend any changes to the effect of Rules 33.5.1 and 33.5.2. We heard no evidence as to why the permitted clearance areas under each rule should be reduced.. What we do recommend is rephrasing of the rules under Clause 16(2) to make them clearer and more readily understood.
1457. Consequently, for the reasons set out above, we recommend:
- a. Notified Rule 33.5.3 be deleted;
 - b. Notified Section 33.9 be deleted;
 - c. Notified Policies 33.2.3.4 and 33.2.3.5 be deleted;
 - d. Notified Rules 33.5.1 and 33.5.2 be amended to read:

¹²³⁹ C Barr, Section 42A Report, paragraph 11.81

¹²⁴⁰ G Davis, EiC, paragraph 4.11

33.5.1	Where indigenous vegetation is less than 2.0 metres in height: In any continuous period of 5 years the maximum area of indigenous vegetation that may be cleared is limited to: 33.5.1.1 500m ² on sites that have a total area of 10ha or less; and 33.5.1.2 5,000m ² on any other site.	D
33.5.2	Where indigenous vegetation is greater than 2.0 metres in height: In any continuous period of 5 years the maximum area of indigenous vegetation that may be cleared is limited to: 33.5.2.1 50m ² on sites that have a total area of 10ha or less; and 33.5.2.2 500m ² on any other site.	D

1458. We are satisfied that with the changes we have recommended in this section of our report, the regulatory regime in Chapter 33 will be clear and easy to use, and will be practical to apply.

49 SUBMISSIONS SEEKING DELETIONS OF SPECIFIC SIGNIFICANT NATURAL AREAS

1459. Eight submissions sought the deletion of one or more Significant Natural Areas from the schedule in Section 33.8¹²⁴¹. A submission by QLDC¹²⁴² sought removal of two SNAs from Hillend Station and modification of three others as a consent had been granted to clear those SNAs.

1460. Dealing with the last submission first, Mr Barr advised¹²⁴³ that neither he nor the ecological contractors involved in the SNA identification process were aware of the consent, which expires in 2029. He considered the consent likely to be implemented and therefore it would be neither fair nor reasonable to schedule the areas.

1461. We agree with Mr Barr and recommend SNAs F21C-1 and F21C-2, and F21A, F21B-1 and F21B-3 be reduced to the exclusion areas identified on the approved plan of RM090630.

1462. Turning to the other submissions, Mr Davis provided evidence supporting the retention of each SNA the submitters sought be removed¹²⁴⁴. Other than Mr Beale, who presented ecological evidence in support of Submission 806, Mr Davis' evidence was the only ecological evidence we received.

1463. Mr Beale's evidence¹²⁴⁵ did not support the removal of the SNAs on QPL's land. Rather, his evidence explained the value of the areas identified as SNAs, the threats to them, and the opportunities for restoration and enhancement.

1464. We were satisfied that Mr Davis (and Mr Beale) established the values of these SNAs sufficiently for them to warrant remaining identified in the Schedule and on the maps. We recommend the submissions be rejected.

¹²⁴¹ Submissions 163 (supported by FS1020), 198, 214, 315, 390, 531, 590 and 806

¹²⁴² Submission 383

¹²⁴³ C Barr, Section 42A Report, at paragraphs 13.11 to 13.13

¹²⁴⁴ G Davis, EIC, at paragraphs 8.3, 8.9-8.19

¹²⁴⁵ S Beale, EIC dated 21 April 2016

1465. We note that submissions by Lake McKay Station Limited¹²⁴⁶ and Mr J Frost and Mr A Smith¹²⁴⁷ sought amendments to SNA boundaries and were deferred to Hearing Streams 12 and 13 respectively. We also note that QPL¹²⁴⁸ sought that if the zoning that company sought for its land was rejected, the SNAs should be removed. That submission was deferred to Hearing Stream 13.

50 33.1 – PURPOSE

1466. Submissions on this section sought:

- a. Support, particularly the third paragraph¹²⁴⁹;
- b. Provide more for enhancement¹²⁵⁰;
- c. Amend to distinguish between indigenous vegetation generally and that determined to be significant, and enabling biodiversity offsetting in appropriate circumstances¹²⁵¹; and
- d. Expand to make more explicit, limiting the use of biodiversity offsetting¹²⁵².

1467. Mr Barr recommended minor changes in response to these submissions¹²⁵³. The most notable change was altering the sentence that read:

Where the removal of indigenous vegetation cannot be avoided or mitigated and would diminish the District's indigenous biodiversity values, opportunities for the enhancement of other areas are encouraged to offset the adverse effects of the loss of those indigenous biodiversity values.

to read:

Where the clearance of indigenous vegetation would have significant residual effects after avoiding, remedying or mitigating adverse effects, opportunities for biodiversity offsetting are encouraged.

1468. We accept Mr Barr's reasoning and with a minor amendment for grammatical purposes to the commencement of the third paragraph, we recommend Section 33.1 be adopted with those amendments as shown in Appendix 4.

51 33.2- OBJECTIVES AND POLICIES

51.1 General

1469. One submission¹²⁵⁴ supported the objectives and policies generally. We recommend that submission be accepted in part.

51.2 Objective 33.2.1 and Policies

1470. We have already discussed Objective 33.2.1 and Policies 33.2.1.2, 33.2.1.3 and 33.2.1.3 above. We will not repeat that discussion, but rather, focus on the remaining policies.

¹²⁴⁶ Submission 439

¹²⁴⁷ Submission 323

¹²⁴⁸ Submission 806

¹²⁴⁹ Submission 600, supported by FS1097, FS1209, opposed by FS1034

¹²⁵⁰ Submission 313

¹²⁵¹ Submission 373, supported by FS1040, opposed by FS1015, FS1097, FS1254, FS1287, FS1313, FS1347

¹²⁵² Submissions 339 (opposed by FS1015, FS1097) and 706 (opposed by FS1015, FS1162, FS1254, FS1287

¹²⁵³ C Barr, Section 42A Report, Section 10 and Appendix 1

¹²⁵⁴ Submission 798, opposed by FS1287

1471. As notified the remaining policies read:

Policies

33.2.1.1 *Identify the District's Significant Natural Areas and schedule them in the District Plan, including the ongoing identification of Significant Natural Areas through resource consent applications, using the criteria set out in Policy 33.2.1.9.*

33.2.1.4 *Recognise and take into account the values of tangata whenua and kaitiakitanga.*

33.2.1.5 *Recognise anticipated activities in rural areas such as farming and the efficient use of land and resources while having regard to the maintenance, protection or enhancement of indigenous biodiversity values.*

33.2.1.7 *Activities involving the clearance of indigenous vegetation are undertaken in a manner to ensure the District's indigenous biodiversity values are protected, maintained or enhanced.*

33.2.1.8 *Where the adverse effects of an activity on indigenous biodiversity cannot be avoided, remedied or mitigated, consideration will be given to whether there has been any compensation or biodiversity offset proposed and the extent to which any offset will result in a net indigenous biodiversity gain.*

33.2.1.9 *Assess the nature and scale of the adverse effects of indigenous vegetation clearance on the District's indigenous biodiversity values by applying the following criteria:*

a. **Representativeness**

Whether the area is an example of an indigenous vegetation type or habitat that is representative of that which formerly covered the Ecological District.

b. **Rarity**

Whether the area supports

- i. *indigenous vegetation and habitats within originally rare ecosystems*
- ii. *indigenous species that are threatened, at risk, uncommon, nationally or within the ecological district*
- iii. *indigenous vegetation or habitats of indigenous fauna that has been reduced to less than 20% of its former extent, regionally or within a relevant Land Environment or Ecological District.*

c. **Diversity**

Whether the area supports a highly diverse assemblage of indigenous vegetation and habitat types, and whether these have a high indigenous biodiversity value.

d. **Distinctiveness**

Whether the area supports or provides habitats for indigenous species:

- i. *at their distributional limit within Otago or nationally*
- ii. *are endemic to the Otago region*
- iii. *are distinctive, of restricted occurrence or have developed as a result of unique environmental factors.*

e. **Ecological Context**

The relationship of the area with its surroundings, including whether the area proposed to be cleared:

- a. *has important connectivity value allowing dispersal of indigenous fauna between different areas*
- b. *has an important buffering function to protect values of an adjacent area of feature*
- c. *is important for indigenous fauna during some part of their life cycle.*

1472. The submissions on Policy 33.2.1.1 sought:

- a. Retain the policy¹²⁵⁵
- b. Include references to protecting SNAs¹²⁵⁶
- c. Move to new policy under Objective 3.2.2¹²⁵⁷
- d. Delete the policy¹²⁵⁸.

1473. The only amendment Mr Barr recommended was for clarity by replacing “resource consent applications” with “development proposals”¹²⁵⁹.

1474. Mr Deavoll’s evidence for DoC agreed with the policy’s intent of enabling the identification of additional SNAs through the consenting process using the significance criteria in notified Policy 33.2.1.9¹²⁶⁰.

1475. Ms Maturin, on behalf of Forest & Bird, submitted that while the policy directed the identification of SNAs, it did not mention a regime to protect them¹²⁶¹. She also disagreed with Mr Barr’s recommended amendment, noting that it was the consent process that identified potential SNAs, not development proposals.

1476. Objective 33.2.2 and its policies provide the framework of a protection regime for SNAs. However, we agree with Ms Maturin that this policy would be more useful if it described the purpose of identifying and scheduling SNAs, similar to the approach taken in notified Policy 33.2.1.2. We also agree that it is the consenting process that enables further SNAs to be identified.

1477. For these reasons, we recommend Policy 33.2.1.1 be adopted with the following wording:

Identify the District’s Significant Natural Areas, including the ongoing identification of Significant Natural Areas through the resource consent process, using the criteria set out in Policy 33.2.1.8, and schedule them in the District Plan to assist with their management for protection.

1478. Two submissions¹²⁶² sought the retention of Policy 33.2.1.4, one¹²⁶³ sought its deletion, and DoC sought it be rephrased¹²⁶⁴.

¹²⁵⁵ Submission 600, supported by FS1209, opposed by FS1034

¹²⁵⁶ Submissions 339 (opposed by FS1097) and 706 (opposed by FS1015, FS1162, FS1254, FS1287)

¹²⁵⁷ Submission 373, opposed by FS1254, FS1287, FS1313, FS1342, FS1347

¹²⁵⁸ Submission 590

¹²⁵⁹ C Barr, Section 42A Report, Appendix 1

¹²⁶⁰ G Deavoll, EiC, paragraph 35

¹²⁶¹ Submissions on behalf of Royal Forest and Bird Protection Society, May 2016 at paragraphs 12 - 14

¹²⁶² Submissions 339 (opposed by FS1097) and 706 (opposed by FS1162, FS1254)

¹²⁶³ Submission 806

¹²⁶⁴ Submission 373, opposed by FS1254, FS1287, FS1313, FS1347

1479. Mr Barr recommended only a minor rewording to improve the grammar¹²⁶⁵.
1480. We agree with Mr Barr that it is appropriate to have a policy concerning Tangata whenua values in this Chapter. We consider this policy implements Objective 5.4.1 as well as Objective 33.2.1 and has a different purpose from Policy 5.4.3.1. We also note, as did Mr Barr, that neither Te Ao Marama Inc¹²⁶⁶ nor KTKO Ltd¹²⁶⁷ sought any change to this policy, although Te Ao Marama Inc had sought amendments to other policies in this chapter. DoC provided no evidence in support of the amendment it sought.
1481. We recommend the policy be renumbered and adopted as recommended by Mr Barr, so that it reads:
- Have regard to and take into account the values of Tangata whenua and kaitiakitanga.*
1482. As notified, Policy 33.2.1.5 appeared to be attempting to balance rural activities with the maintenance, protection or enhancement of indigenous biodiversity values. It was subject to seven submissions. These sought:
- a. Retain the policy¹²⁶⁸
 - b. Delete the policy¹²⁶⁹
 - c. Include reference to regionally significant infrastructure
 - d. Amend so rural activities are undertaken in a way protects indigenous flora and fauna and maintains and enhances indigenous biodiversity¹²⁷⁰ and
 - e. Add “*where possible*” to the end of the policy¹²⁷¹.
1483. Mr Barr suggested the policy was intended to assist decision-makers by acknowledging that land use activities were contemplated within areas where indigenous vegetation would be present, particularly on land in private ownership used for productive purposes¹²⁷². He then gave reasons for recommending rejection of the submissions by Mr Kane and Transpower, before recommending amendments that he considered had a better connection to section 31¹²⁷³.
1484. Although Mr Deavoll did not discuss this policy in his evidence, we consider the reasons given by DoC for deleting this policy have some merit. The submission notes that the rules in Chapter 33 apply on all zoned and unzoned land in the District and questions, why, therefore, a policy specific to rural land uses is required. We note that areas zoned Rural Lifestyle, Rural Residential or Large Lot Residential can equally have indigenous vegetation on sites subject to the rules in this chapter. We also question whether the reason given by Mr Barr for the policy is consistent with the outcome set by Objective 33.2.1.

¹²⁶⁵ C Barr, Section 42A Report, at paragraph 11.8 and Appendix 1

¹²⁶⁶ Submitter 817

¹²⁶⁷ Submitter 810

¹²⁶⁸ Submission 600, supported by FS1209, opposed by FS1034

¹²⁶⁹ Submission 373, opposed by FS1091, FS1097, FS1132, FS1254, FS1287, FS1313, FS1347

¹²⁷⁰ Submissions 339 (opposed by FS1015, FS1097) and 706 (opposed by FS1015, FS1019, FS1097, FS1162, FS1254, FS1287)

¹²⁷¹ Submission 701, supported by FS1162

¹²⁷² C Barr, Section 42A Report, paragraph 11.10

¹²⁷³ *ibid*, Appendix 4

1485. We consider this policy is potentially inconsistent with Objective 33.2.1, and we agree with Submission 373 that it is both unnecessary and is not implemented by the rules in the chapter. We recommend Policy 33.2.1.5 be deleted.
1486. Policy 33.2.1.7 (as notified) required that any clearance be undertaken in a way that ensured the District’s indigenous biodiversity values were protected, maintained or enhanced. Submissions on this policy sought:
- a. Retain the policy¹²⁷⁴
 - b. Limit the policy to only apply to vegetation that is not significant¹²⁷⁵
 - c. Amend the policy to protect, maintain or enhance biodiversity¹²⁷⁶
 - d. Provide clarification as to how the policy is to be achieved¹²⁷⁷.
1487. Mr Barr addressed the QPL submission, suggesting it was appropriately framed for decision-makers¹²⁷⁸. He equally saw no reason to delete ‘values’ from the policy as sought by Forest & Bird. He did not specifically comment on DoC’s submission seeking to distinguish between general indigenous biodiversity and SNAs.
1488. We consider Forest & Bird may have a point. Section 31 of the Act sets as a Council function, *the maintenance of indigenous biological diversity*. Biological diversity is defined in Section 2 of the Act. Biodiversity is short for biological diversity¹²⁷⁹. Including the word values when describing biodiversity in the PDP does create an ambiguity and uncertainty.
1489. We consider that with the amendment sought by Forest & Bird, the policy becomes a clear measure for decision-makers to use, thereby answering QPL’s query. We also see no reason to distinguish between applications for general clearance and applications for clearance in SNAs.
1490. We note that in his Reply Statement, Mr Barr discussed what he referred to as requests by two submitters to include reference to “ecosystem services” in the first paragraph of the Purpose Statement¹²⁸⁰. This was in response to questioning by the Panel as to whether the term should be included. Mr Barr did not recommend the inclusion of the term, but suggested that if we were minded to include reference, this policy would be the appropriate place, rather than in Section 33.1.
1491. We note that reference was made to “ecosystems services” in Section 33.1 as notified and that the two relevant submissions¹²⁸¹ were merely repeating the notified text in their respective submissions. We also note that reference remains in our recommended version of the text.
1492. We do not consider this policy an appropriate place to include reference to ecosystem services. In any event, we doubt that there is scope to include the term within the policies.
1493. For those reasons we recommend Policy 33.2.1.7 be renumbered and adopted with the following wording:

¹²⁷⁴ Submission 600, supported by FS1209, opposed by FS1034

¹²⁷⁵ Submission 373, opposed by FS1254, FS1287, FS1313,FS1342, FS1347

¹²⁷⁶ Submissions 339 and 706 (opposed by FS1162, FS1254, FS1287)

¹²⁷⁷ Submission 806

¹²⁷⁸ C Barr, Section 42A Report, paragraph 11.19

¹²⁷⁹ Ministry for the Environment at <http://www.mfe.govt.nz/more/biodiversity/about-biodiversity/biodiversity-new-zealand>

¹²⁸⁰ C Barr, Reply Statement at Section 9

¹²⁸¹ Submissions 339 and 706

Undertake activities involving the clearance of indigenous vegetation in a manner that ensures the District's indigenous biodiversity is protected, maintained or enhanced.

1494. As notified, Policy 33.2.1.8 contemplated the provision of either compensation or biodiversity offsets where the adverse effects of an activity could not be avoided, remedied or mitigated. Submissions on this policy sought:
- a. Retain the policy¹²⁸²;
 - b. Limit to biodiversity offsets with no net loss and preferably a net gain in indigenous biodiversity¹²⁸³;
 - c. Replace with stepped approach to avoiding, remedying and mitigating, with offsets as the final option¹²⁸⁴;
 - d. Delete the policy¹²⁸⁵.
1495. Mr Barr saw merit in the DoC and Forest & Bird submissions, and in his Section 42A Report recommended word changes to delete compensation as an option and to focus the outcome on no net loss, with preferably a net gain¹²⁸⁶.
1496. Dr Barea, Technical Advisor Ecology for Biodiversity Offsets in DoC's Science and Policy Group, provided extensive evidence on how biodiversity offsets are being implemented in New Zealand. We found this evidence to be very helpful in understanding how biodiversity offsets could be used in this District.
1497. Dr Barea recommended this policy be extensively revised to accord with the principles of biodiversity offsetting, and that definitions of *biodiversity offset*, *environmental compensation*, and *no net loss* be included in the PDP ¹²⁸⁷. Mr Deavoll supported Dr Barea's recommendations¹²⁸⁸. This approach was also supported by Ms Maturin for Forest & Bird¹²⁸⁹.
1498. Ms Craw, appearing for Transpower, agreed that the policy needed amending, but was more concerned to ensure the PDP did not mandate offsetting, but made it an option¹²⁹⁰. She also referred us to policies in the Proposed RPS which, she said, supported the distinction she considered needed to be made¹²⁹¹.
1499. At the time of Ms Craw's evidence decisions had not been made on submissions on the Proposed RPS. We note that the decisions version (1 October 2016) contains the following policies:

Policy 5.4.6 Offsetting for indigenous biological diversity
Consider the offsetting of indigenous biological diversity, when:

¹²⁸² Submissions 580, 600 (supported by FS1085, FS1209, opposed by FS1034) and 806
¹²⁸³ Submission 373, opposed by FS1015, FS1085, FS1097, FS1254, FS1287, FS1313, FS1342, FS1347
¹²⁸⁴ Submissions 339 (opposed by FS1015, FS1097) and 706 (opposed by FS1015, FS1085, FS1162, FS1254, FS1287)
¹²⁸⁵ Submission 805
¹²⁸⁶ C Barr, Section 42A Report, paragraph 11.21 to 11.29
¹²⁸⁷ Dr L Barea, EiC, paragraphs 46 to 51
¹²⁸⁸ G Deavoll, EiC, paragraphs 43 to 49
¹²⁸⁹ S Maturin, Submissions, paragraph 22
¹²⁹⁰ A Craw, Summary of Evidence dated 25 May 2016
¹²⁹¹ A Craw, EiC, paragraph 60

- a. *Adverse effects of activities cannot be avoided, remedied or mitigated*
- b. *The offset achieves no net loss and preferably a net gain in indigenous biological diversity*
- c. *The offset ensures there is no loss of rare or vulnerable species*
- d. *The offset is undertaken close to the location of development, where this will result in the best ecological outcome*
- e. *The offset is applied so that the ecological values being achieved are the same or similar to those being lost*
- f. *The positive ecological outcomes of the offset last at least as long as the impact of the activity.*

Policy 4.3.3 Adverse effects of nationally and regionally significant infrastructure

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

- a. *Giving preference to avoiding their location in all of the following:*
 - i. *Areas of significant indigenous vegetation and significant habitats of indigenous fauna*
 - ii. *Outstanding natural features, landscapes and seascapes*
 - iii. *Areas of outstanding natural character*
 - iv. *Outstanding water bodies or wetlands*
 - v. *Places or areas containing significant historic heritage*
- b. *Where it is not possible to avoid locating in the areas listed in a) above, avoiding significant adverse effects on those values that contribute to the significant or outstanding nature of those areas*
- c. *Avoiding, remedying or mitigating other adverse effects*
- d. *Considering offsetting for residual adverse effects on indigenous biological diversity.*

1500. Mr Barr sought Mr Davis' advice on the evidence from Dr Barea and Mr Deavoll. On the basis of that advice he largely agreed with the amendments sought by DoC¹²⁹².

1501. We agree with Mr Barr's reasoning and his recommended wording. We also agree that definitions of "Biodiversity offsets", "No net loss" and "Environmental compensation" be included in the PDP as recommended by Mr Barr in his Reply Statement.

1502. We do not agree with Ms Craw that offsetting should be some sort of option and we do not consider that is what the Proposed RPS requires either. If an activity is to have such significant adverse effects that avoidance, remediation or mitigation are not possible, it seems to us that

¹²⁹² C Barr, Reply Statement, Section 7

it would be inconsistent to then not require some action to ensure no net loss of biodiversity occurred.

1503. Consequently, we recommend that Policy 33.2.1.8 be renumbered and amended to read:

Manage the effects of activities on indigenous biodiversity by:

- a. avoiding adverse effects as far as practicable and, where total avoidance is not practicable, minimising adverse effects*
- b. requiring remediation where adverse effects cannot be avoided*
- c. requiring mitigation where adverse effects on the areas identified above cannot be avoided or remediated*
- d. requiring any residual adverse effects on significant indigenous vegetation or indigenous fauna to be offset through protection, restoration and enhancement actions that achieve no net loss and preferably a net gain in indigenous biodiversity values having particular regard to:

 - i. limits to biodiversity offsetting due the affected biodiversity being irreplaceable or vulnerable*
 - ii. the ability of a proposed offset to demonstrate it can achieve no net loss or preferably a net gain*
 - iii. Schedule 33.8 – Framework for the use of Biodiversity Offsets;**
- e. enabling any residual adverse effects on other indigenous vegetation or indigenous fauna to be offset through protection, restoration and enhancement actions that achieve no net loss and preferably a net gain in indigenous biodiversity values having particular regard to:

 - i. the ability of a proposed offset to demonstrate it can achieve no net loss or preferably a net gain;*
 - ii. Schedule 33. 8 – Framework for the use of Biodiversity Offsets.**

1504. We also recommend that a new Schedule 33.8 be included in Chapter 33 as shown in Appendix 1.

1505. We recommend to the Stream 10 Hearing Panel that the following definitions be included in Chapter 2:

Biodiversity Offsets	Means measurable conservation outcomes resulting from actions designed to compensate for residual adverse biodiversity impacts arising from project development after appropriate avoidance, minimisation, remediation and mitigation measures have been taken. The goal of biodiversity offsets is to achieve no net loss and preferably a net gain of biodiversity on the ground.
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No net loss	Means no overall reduction in biodiversity as measured by the type, amount and condition.
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Environmental Compensation	Means actions offered as a means to address residual adverse effects to the environment arising from project development that are not intended to result in no net loss or a net gain of biodiversity on the ground, includes residual adverse effects to other components of the environment including landscape, the habitat of trout and salmon, open space, recreational and heritage values.
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1506. As notified, Policy 33.2.1.9 set out the criteria for assessing effects on the District’s biodiversity. Submissions sought that:
- a. The policy be retained¹²⁹³;
 - b. Include a stronger link to Chapter 5¹²⁹⁴;
 - c. Amend criteria by:
 - i. Change wording of (a) Representative;
 - ii. Change title of (c) to *Diversity and Pattern*;
 - iii. Include “or” between each criterion¹²⁹⁵;
 - d. Add a new criterion in (e) – “has significance based on the indigenous vegetation coverage of the area”¹²⁹⁶; and
 - e. Delete and include as assessment criteria at end of Chapter¹²⁹⁷.
1507. Mr Davis provided useful background on the use of assessment criteria to determine the significant natural areas in the District¹²⁹⁸. The significance criteria in this policy appear to have been largely derived from this earlier work.
1508. Mr Barr relied on Mr Davis’ evidence in recommending minor changes to the policy in partial response to the Forest & Bird submission¹²⁹⁹. Ms Maturin supported the amendments proposed by Mr Barr¹³⁰⁰.
1509. Mr Deavoll’s evidence, for DoC, assessed Mr Barr’s explanation supporting the retention of the criteria in a policy rather than assessment criteria and made the important point that the criteria are appropriate to determine the significance of a subject area of indigenous vegetation, rather than the adverse effects of a proposed activity on such an area¹³⁰¹. He also made the point in his evidence that the criteria in this policy can be used to determine whether an area is a SNA.
1510. We agree with Mr Deavoll that the wording of the policy limits its usefulness as an assessment tool. We also note that it is derived from assessment criteria used to assess the significance of areas of indigenous vegetation in the District and that Mr Barr recommended amending notified Policy 33.2.2.1 to make it clear that the criteria in notified Policy 33.2.1.9 determined the significance of SNAs.

¹²⁹³ Submission 806

¹²⁹⁴ Submission 817

¹²⁹⁵ Submissions 339 and 706 (opposed by FS1091, FS1162, FS1254, FS1287)

¹²⁹⁶ Submissions 701 (supported by FS1162) and 784

¹²⁹⁷ Submission 373, opposed by FS1254, FS1287, FS1313, FS1347

¹²⁹⁸ G Davis, EIC, paragraph 6.3 and Appendix G

¹²⁹⁹ C Barr, Section 42A Report, paragraph 11.45

¹³⁰⁰ S Maturin, Submissions dated May 2016,m at paragraph 24

¹³⁰¹ G Deavoll, EIC, paragraph 72

1511. We heard no evidence in support of the additional criteria sought by submitters.

1512. We agree with Mr Davis' appraisal of the value of the criteria and consider that the minor amendments proposed by Mr Barr bring this policy more in line with the assessment criteria referred to by Mr Davis. We do, however, consider the introductory wording needs to be changed to make it clear, as Mr Deavoll pointed out, the criteria determine the significance of vegetation areas, not the effects of activities. Thus, we recommend Policy 33.2.19 be renumbered and read as follows:

Determine the significance of areas of indigenous vegetation and habitats of indigenous fauna by applying the following criteria:

a. Representativeness

Whether the area is an example of an indigenous vegetation type or habitat that is representative of that which formerly covered the Ecological District;

OR

b. Rarity

Whether the area supports:

- i. indigenous vegetation and habitats within originally rare ecosystems;*
- ii. indigenous species that are threatened, at risk, uncommon, nationally or within the ecological district;*
- iii. indigenous vegetation or habitats of indigenous fauna that has been reduced to less than 10% of its former extent, regionally or within a relevant Land Environment or Ecological District;*

OR

c. Diversity and Pattern

Whether the area supports a highly diverse assemblage of indigenous vegetation and habitat types, and whether these have a high indigenous biodiversity value, including:

- i. indigenous taxa;*
- ii. ecological changes over gradients;*

OR

d. Distinctiveness

Whether the area supports or provides habitats for indigenous species:

- i. at their distributional limit within Otago or nationally;*
- ii. are endemic to the Otago region;*
- iii. are distinctive, of restricted occurrence or have developed as a result of unique environmental factors;*

OR

e. Ecological Context

The relationship of the area with its surroundings, including whether the area proposed to be cleared:

- i. has important connectivity value allowing dispersal of indigenous fauna between different areas;*
- ii. has an important buffering function to protect values of an adjacent area or feature;*
- iii. is important for indigenous fauna during some part of their life cycle.*

51.3 New Policies Sought

1513. Four submissions sought the inclusion of new policies under Objective 33.2.1. One, Submission 373, has been deal with in Section 47.2 above.

1514. Submissions 339¹³⁰² and 706¹³⁰³ sought that the following be included as a policy:

Facilitate and support restoration of degraded natural ecosystems and indigenous habitats using indigenous species that naturally occur and/or previously occurred in the area.

1515. Mr Barr supported the intent of the policy, but considered it was unnecessary as for the most part it was provided for by (renumbered) Policy 33.2.1.6. Ms Maturin noted that there was no policy that encouraged the use of appropriate indigenous species when enhancing indigenous biodiversity¹³⁰⁴.

1516. We did not consider this was a matter that required an additional policy. We recommend those submissions be rejected.

1517. Submission 806 sought this inclusion of the following as a policy:

To recognise that activities that by necessity result in indigenous vegetation clearance can result in long term sustainable management benefits.

1518. No reasons for this were provided in the submission and no reference was made to it in the submissions or evidence presented on behalf of QPL.

1519. In the absence of any evidence supporting its inclusion, we recommend the submission be rejected.

51.4 Significant Natural Areas – Objective, Policies and Rules

Objective 33.2.2 and Policies

1520. As notified, these read:

Objective

Protect and enhance Significant Natural Areas.

Policies

33.2.2.1 *Avoid the clearance of indigenous vegetation within Significant Natural Areas that would reduce indigenous biodiversity values.*

33.2.2.2 *Allow the clearance of indigenous vegetation within Significant Natural Areas only in exceptional circumstances and in circumstances where these activities will have a low impact or offer compensation commensurate to the nature and scale of the clearance.*

33.2.2.3 *Recognise that the majority of Significant Natural Areas are located within land used for farming activity and provide for small scale, low impact indigenous vegetation removal, stock grazing, the construction of fences and small scale farm tracks, and the maintenance of existing fences and tracks.*

¹³⁰² opposed by FS1097

¹³⁰³ opposed by FS1254

¹³⁰⁴ S Maturin, Submissions dated May 2016, paragraph 25

1521. As this objective and its policies are directed at Significant Natural Areas, it is appropriate to consider them and the standards applying to Significant Natural Areas together. As notified, these standards read as follows:

Table 3	Activities within Significant Natural Areas identified in Schedule 33.8 and on the District Plan maps:
33.5.7	Earthworks shall: 33.5.7.1 be less than 50m ² in any one hectare in any continuous period of 5 years; 33.5.7.2 not be undertaken on slopes with an angle greater than 20°.
33.5.8	The clearance of indigenous vegetation shall not exceed 50m ² in area in any continuous period of 5 years.
33.5.9	Does not involve exotic tree or shrub planting.

1522. Submissions on the objective sought:

- a. Replace “Natural Areas” with “indigenous vegetation and habitats of indigenous fauna, including rare or threatened indigenous species”¹³⁰⁵
- b. Replace with “Areas of significant indigenous biodiversity are recognised and protected from development activities in the Queenstown Lakes District as a matter of national importance”¹³⁰⁶
- c. Replace “Protect” with “Maintain” and include “where appropriate” before “enhance”¹³⁰⁷
- d. Change to encourage protection and enhancement¹³⁰⁸.

1523. Mr Barr did not consider any of these amendments appropriate¹³⁰⁹. The only amendments he recommended were to make the objective more outcome focussed.

1524. Ms Maturin accepted that there was no need for the amendments sought by Forest & Bird¹³¹⁰. Mr Deavoll did not discuss the amendments sought by DoC.

1525. In his Reply Statement, Mr Barr recommended further revision of the wording of this objective such that it read:

Significant Natural Areas are protected maintained and enhanced.

1526. We agree with Mr Barr that it is not appropriate to weaken this objective by either replacing protect with maintain, or changing the emphasis to encourage. This objective applies to areas that fall within the ambit of Section 6(c) of the Act which requires the Council to recognise and provide for the protection of such areas. We also note that Policy 3.2.2 in the Proposed RPS is to “protect and enhance” such areas.

1527. We recommend that Mr Barr’s wording be adopted with a minor grammatical change so that the objective reads:

¹³⁰⁵ Submissions 339 (opposed by FS1015) and 706 (opposed by FS1015, FS1162, FS1254, FS1287)

¹³⁰⁶ Submission 373, opposed by FS1015, FS1097, FS1254, FS1287, FS1313, FS1342, FS1347

¹³⁰⁷ Submission 635

¹³⁰⁸ Submission 806

¹³⁰⁹ C Barr, Section 42A Report, paragraphs 11.48 to 11.53

¹³¹⁰ S Maturin, Submissions dated May 2016, at paragraph 27

Significant Natural Areas are protected, maintained and enhanced.

1528. Submissions on Policy 33.2.2.1 sought:
- Retain the policy¹³¹¹;
 - Include reference to the criteria in (notified) Policy 33.2.1.9¹³¹²;
 - Only avoid clearance where it would significantly reduce values¹³¹³;
 - Change so that test is an overall test¹³¹⁴;
 - Make avoidance “where practical”¹³¹⁵;
 - Allow option to remedy or mitigate where not practical to avoid¹³¹⁶.
1529. Mr Barr agreed with Forest & Bird that a reference to Policy 33.2.1.9 would be useful in this policy¹³¹⁷.
1530. Ms Craw, for Transpower, opined that the words “remedy or mitigate” should be included in the policy to make it consistent with the wording of the Act. We have discussed this issue in other reports. In our view, the purpose of including policies in district plans is to provide guidance as to the extent to which options should be available to address the adverse effects of activities in order to appropriately implement the objective. An unthinking repetition of Section 5(2)(c) will in very few instances provide decision-makers with any such guidance.
1531. In this instance, the purpose of the policy is to implement an objective of protecting, maintaining and enhancing areas whose protection, under section 6(c) of the Act, the council is obliged to provide for. Remedying or mitigating, presumably the adverse effects of, the clearance of vegetation in significant natural areas would not be fulfilling that obligation, notwithstanding the policies in the NPSET¹³¹⁸. We note that the NESETA 2009 requires consent as a restricted discretionary activity for any “trimming, felling or removing” of trees and vegetation in an area identified as a SNA. An avoid focussed policy is not, in our view, inconsistent with that requirement.
1532. We agree with Mr Barr that there is value in amending this policy to incorporate non-scheduled sites as requested by Forest & Bird. However, we consider the amendment recommended is ambiguous and could be taken to mean that some areas identified as SNAs do not meet the criteria in recommended Policy 33.2.1.8.
1533. For those reasons, we recommend Policy 33.2.2.1 be amended to read:
- Avoid the clearance of indigenous vegetation within scheduled Significant Natural Areas, and those other areas that meet the criteria in Policy 33.2.1.8, that would reduce indigenous biodiversity values.*
1534. Submissions on notified Policy 33.2.2.2 sought:

¹³¹¹ Submission 373, opposed by FS1254, FS1287, FS1313, FS1347

¹³¹² Submissions 339 (opposed by FS1097) and 706 (opposed by FS1162, FS1254, FS1287)

¹³¹³ Submission 806

¹³¹⁴ Submission 600, supported by FS1209, opposed by FS1034, FS1040

¹³¹⁵ Submission 635

¹³¹⁶ Submission 805

¹³¹⁷ C Barr, Section 42A Report, paragraph 11.55

¹³¹⁸ Refer *Day et al v Manawatu-Wangnui RC* [2012] NZEnvC 182 at 3-127 and the related discussion in Report 3 at Section 2.11.

- a. Retain the policy¹³¹⁹;
- b. Provide a choice between exceptional circumstances and provision of compensation¹³²⁰;
- c. Remove the exceptional circumstances proviso¹³²¹;
- d. Remove compensation option and limit adverse effects to no more than minor¹³²²;
- e. Replace with policy providing for stepped approach to avoiding, remedying, mitigating or offsetting adverse effects¹³²³.

1535. Mr Barr did not agree with the amendments proposed, but did consider that an amendment to ensure any clearance retained the values of the area would go some way to meet the concerns of DoC and Forest & Bird¹³²⁴.

1536. Ms Maturin agreed in part with Mr Barr, but considered the policy should also ensure that significant adverse effects were avoided. On the whole though, she remained of the view that the wording proposed in the Forest & Bird submission to be preferable¹³²⁵.

1537. In his Reply Statement, Mr Barr further clarified the policy so that his recommended version read:

Allow the clearance of indigenous vegetation within Significant Natural Areas only in exceptional circumstances and ensure that clearance is undertaken in a manner that retains the indigenous biodiversity values of the area.

1538. We are satisfied that this wording appropriately implements the objective. It only allows clearance within SNAs in exceptional circumstances, and when those circumstances exist, any clearance must retain the indigenous biodiversity values of the SNA. We consider that to avoid any ambiguity, the final word should be replaced by Significant Natural Area to ensure it is the biodiversity values of that area that is being retained, not some wider and less natural area.

1539. Therefore, we recommend that Policy 33.2.2.2 be amended to read:

Allow the clearance of indigenous vegetation within Significant Natural Areas only in exceptional circumstances and ensure that clearance is undertaken in a manner that retains the indigenous biodiversity values of the Significant Natural Area.

1540. The submissions on Policy 33.2.2.3 sought:

- a. Retain the policy¹³²⁶;
- b. Amend reference to farming use¹³²⁷;
- c. Amend to limit to existing uses¹³²⁸; and
- d. Delete¹³²⁹.

¹³¹⁹ Submission 635,

¹³²⁰ Submission 600, supported by FS1097, FS1209, FS1342, opposed by FS1034, FS1040

¹³²¹ Submission 806

¹³²² Submission 3737, opposed by FS1015, FS1097, FS1254, FS1287, FS1313, FS1342, FS1347

¹³²³ Submissions 339 (opposed by FS1015, FS1097, FS1121) and 706 (opposed by FS1015, FS1097, FS1162, FS1254, FS1287)

¹³²⁴ C Barr, Section 42A Report, paragraph 11.59

¹³²⁵ S Maturin, Submissions dated may 2016, paragraphs 31 to 34

¹³²⁶ Submissions 600 (supported by FS1209, opposed by FS1034), 791 and 794

¹³²⁷ Submission 806

¹³²⁸ Submissions 339 (opposed by FS1097) and 706 (opposed by FS1097, FS1162, FS1254, FS1287)

¹³²⁹ Submission 373, opposed by FS1132, FS1254, FS1287, FS1313, FS1342, FS1347

1541. Mr Barr explained that the intent of the policy was to acknowledge that many of the SNAs were located within working farms and covered extensive areas¹³³⁰. He therefore considered it reasonable to allow the continuation of established farming activities provided the values of the SNA were maintained. He stated that policy included activities that would be reasonably expected to occur within those areas. He did not see any benefit in limiting the activities allowed to existing uses as sought by Forest & Bird¹³³¹.
1542. Mr Brown, appearing for QPL, considered the policy should be amended to reflect that some properties may not be farms, and that small low impact clearance should not be limited to being for farming purposes¹³³².
1543. Ms Maturin maintained her view that the construction of new fences and tracks could have significant effects on biodiversity and not maintain the values of SNAs. She noted that those effects could arise not solely from the clearance of indigenous vegetation, but also by creating passage for pests and weeds.
1544. In his Reply Statement, Mr Barr agreed with Mr Brown that recognition of activities other than farming would be appropriate and recommended the inclusion of “or recreational areas” in the policy¹³³³.
1545. The final form of the policy recommended by Mr Barr was not drafted as a clear policy. In addition, we consider this policy cannot be inconsistent with the previous two policies. On the face of it, Mr Barr’s recommended version suggests that stock grazing, the construction of fences and small scale farm tracks, and the maintenance of existing fences and tracks is an exceptional circumstance (as stated in Policy 33.2.2.2). We consider that none of those are particularly exceptional circumstances in rural areas.. We do consider a case can be made for small amounts of clearance for maintenance of existing fences and tracks as sought by Forest & Bird. While they may not be exceptional, it is certainly reasonable to allow such maintenance.
1546. We agree with Mr Brown that not all rural land in the District is used for farming. We consider the appropriate way to recognise this is to refer to rural activities rather than try and specify the particular types of activities that may be involved.
1547. For those reasons, we recommend that Policy 33.2.2.3 be amended to read:
- Provide for small scale, low impact indigenous vegetation removal to enable the maintenance of existing fences and tracks in recognition that the majority of Significant Natural Areas are located within land used for rural activities.*
1548. Submitters sought the inclusion of six additional policies under this objective.
1549. Submissions 339¹³³⁴ and 706¹³³⁵ sought to include a policy intended to protect significant bird areas. Mr Barr did not consider it appropriate to locate the policy proposed under Objective

¹³³⁰ C Barr, Section 42A Report, paragraph 11.62

¹³³¹ *ibid*, paragraph 11.64

¹³³² J Brown, EIC, paragraph 5.9

¹³³³ C Barr, Reply Statement, paragraph 5.13

¹³³⁴ opposed by FS1015, FS1097, FS1132

¹³³⁵ opposed by FS1015, FS1162

33.2.2, but did consider there was value in including a policy aimed at protecting the habitats of indigenous fauna under Objective 33.2.1¹³³⁶. He recommended this policy read:

Protect the habitats of indigenous animals and in particular birds in wetlands, beds of rivers and lakes and their margins for breeding, roosting, feeding and migration.

1550. Ms Maturin supported the inclusion of this policy¹³³⁷.

1551. Mr Barr also recommended an amendment to Rule 3.5.8 which we discuss below.

1552. Having considered Mr Barr's section 32AA assessment for this policy, we agree that with minor amendment it is suitable for inclusion. We think it more appropriate for it to refer to indigenous fauna than indigenous animals.

1553. We recommend a new Policy 33.2.1.7 which reads:

Protect the habitats of indigenous fauna and, in particular, birds in wetlands, beds of rivers and lakes and their margins for breeding, roosting, feeding and migration.

1554. Submission 373¹³³⁸ sought the inclusion of a policy to identify SNAs and schedule them. This was part of the overall approach of DoC to restructure the Chapter. This was not discussed by either Mr Barr or Mr Deavoll. However, we consider Policy 33.2.1.1 covers the matters raised by the submission. Therefore we recommend this submission be rejected.

1555. Submission 373¹³³⁹ also sought a policy be located under Objective 33.2.2 to require the use of biodiversity offsetting. We consider this has been given effect to by our recommended Policy 33.2.1.6 so discuss it no further.

1556. Submission 788¹³⁴⁰ sought the inclusion of the following policy:

Avoid the clearance or alteration of tussock grassland where it will have adverse effect on water yield values in dry catchments.

1557. Mr Wilson, for Otago Fish and Game Council, referred us to relevant policies in the proposed RPS¹³⁴¹ and suggested that minimising the conversion of tall tussock grasslands to pasture needed attention.

1558. Mr Barr addressed this in his Reply Statement¹³⁴².

1559. We consider the proposed policy addresses a regional council function (Section 30(1)(c)(iii)) rather than a territorial function. We do note however that the objective, policies and rules relating to alpine areas do deal with the clearance of tussock grasslands in areas over 1070 masl.

1560. We recommend this submission be rejected.

¹³³⁶ C Barr, Section 42A Report, paragraphs 11.30 to 11.32

¹³³⁷ S Maturin, Submissions dated May 2016, at paragraph 23

¹³³⁸ supported by FS1040, opposed by FS1254, FS1287, FS1313, FS1347

¹³³⁹ opposed by FS1015, FS1097, FS1254, FS1287, FS1313, FS1342, FS1347

¹³⁴⁰ opposed by FS1097, FS1132, FS1254, FS1287

¹³⁴¹ Policy 3.1.9 in Decisions Version

¹³⁴² C Barr, Reply Statement, Section 10

1561. Submission 806 sought the addition of two policies under this objective:

Recognise the importance of providing public access to areas of significant indigenous vegetation and increasing the understanding of the values associated with these areas.

Assist landowners in the management of SNA, recognising the importance of pest management in the sustainable management of these areas.

1562. In his evidence in support of this submission, Mr Brown did not discuss these proposed policies. In the absence of evidence supporting them, we recommend the submissions be rejected.

51.5 Rule 33.5.7

1563. Two submissions¹³⁴³ on notified Rule 33.5.7 sought that the standard be replaced with a standard that did not allow any earthworks other than for the maintenance of existing roads, tracks, drains, utilities, structures and/or fencelines, but excluding their expansion. The only other submissions sought the rule be adopted¹³⁴⁴.

1564. Mr Barr considered the permitted parameters to be very conservative and that the earthworks allowed would not compromise the values of SNAs¹³⁴⁵. Ms Maturin did not specifically discuss this rule.

1565. Earthworks falls within the definition of clearance of vegetation due to the inclusion of “soil disturbance” in that definition. Thus, in considering this rule, we must consider it as a subset of the general clearance provisions and subject to the policies relating to clearance.

1566. The first point we note is that there is an inconsistency between this rule and notified Rule 33.5.8. Earthworks can amount to 50m² per hectare per 5 years, while other forms of clearance are restricted to 50m² in area, presumably per SNA, per 5 years. We were not advised what the size of the various SNAs were, but Mr Barr had commented (in relation to notified Policy 33.2.2.3) that some were extensive. Thus, we take from that the use of this rule could amount to multiple areas of 50m² per 5 year period in a SNA.

1567. We also note that quantities of earthworks are usually expressed in cubic metres. This rule appears to place no limit on the depth of any earthworks. It is unclear if this is intentional.

1568. When this rule is considered in the context of the policies it is to implement, particularly those under Objective 33.2.2, we do not see how this rule, as notified, implements Policy 33.2.2.2. There is no requirement in the rule for exceptional circumstances to exist, nor is there any method to ensure the indigenous biodiversity values of the SNA are retained.

1569. If the intention is that this rule enables the small-scale, low impact clearance envisaged by Policy 33.2.2.3, then we consider that should be reflected in the wording of the rule. If the rule is limited to enabling the maintenance of existing fences and tracks, then the areal limit of 50m² per hectare per 5 year period appears to be an effective and efficient means of achieving the objective of protecting, maintaining and enhancing Significant Natural Areas.

1570. Consequently, we recommend notified Rule 33.5.7 be renumbered and reworded to read:

¹³⁴³ Submission 339 (opposed by FS1097) and 706 (opposed by FS1097, FS1162, FS1254, FS1287)

¹³⁴⁴ Submission 600, supported by FS1209, opposed by FS1034

¹³⁴⁵ C Barr, Section 42A Report, paragraph 12.50

33.5.3	Earthworks must: 33.5.3.1 be to enable the maintenance of existing fences and tracks; and 33.5.3.2 be less than 50m ² in any one hectare in any continuous period of 5 years; and 33.5.3.3 not be undertaken on slopes with an angle greater than 20°.	D
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51.6 Rule 33.5.8

1571. Notified Rule 33.5.8 allowed for 50m² of indigenous vegetation clearance within SNAs over a 5 year period.
1572. Two submissions¹³⁴⁶ sought that it be replaced with a standard that did not allow any indigenous vegetation clearance other than for the maintenance of existing roads, tracks, drains, utilities, structures and/or fencelines, but excluding their expansion. Submission 373¹³⁴⁷ sought that the standard be amended to not allow any permitted indigenous vegetation clearance.. Submission 809 sought that the standard only apply to indigenous vegetation below 2m in height. Submission 600¹³⁴⁸ sought the rule be adopted.
1573. Mr Barr made the same comment on this rule as he made on Rule 33.5.7¹³⁴⁹. He also recommended, to implement the policy he recommended provide for protecting the habitats of indigenous fauna, the inclusion of the phrase *“with the exception of specified indigenous animal habitat within exotic vegetation”*.
1574. Mr Deavoll discussed the relief sought by DoC in terms of the non-compliance status being a non-complying activity rather than the detailed wording of the rule. We return to the non-compliance status below.
1575. We heard no evidence from QLDC in support of its submission. Given that the effect of allowing it would be to permit clearance of indigenous vegetation exceeding 2m in height in SNAs without limit, we consider it to be misdirected.
1576. We accept Mr Barr’s opinion that this rule contains very conservative parameters. We also agree with him, and accept his Section 32AA analysis, that a specific standard should apply to exotic vegetation that provides habitat for indigenous fauna. We just consider that Mr Barr’s amendment did not satisfactorily achieve the outcome sought. For those reasons, we recommend notified Rule 33.5.8 be renumbered and reformatted, but otherwise be unaltered, and that a new Rule 33.5.5 be included, with both rules reading as follows:

33.5.4	The clearance of indigenous vegetation must not exceed 50m ² in area in any continuous period of 5 years.	D
33.5.5	The clearance of exotic vegetation that is specified indigenous fauna habitat must not exceed 50m ² in area in any continuous period of 5 years	D

¹³⁴⁶ Submissions 339 (opposed by FS1097, FS1340) and 706 (opposed by FS1097, FS1162, FS1254, FS1287)

¹³⁴⁷ supported by FS1040, opposed by FS1097, FS1132, FS1254, FS1287, FS1313, FS1342, FS1347

¹³⁴⁸ supported by FS1209, opposed by FS1034

¹³⁴⁹ C Barr, Section 42A Report, paragraph 12.50

51.7 Rule 33.5.9

1577. As notified Rule 33.5.9 restricted the planting of exotic trees or shrubs in SNAs.
1578. Submissions on this rule sought:
- Also restrict the establishment of pasture or crop¹³⁵⁰
 - Specify a degree or scale of size of the planting¹³⁵¹.
1579. Mr Barr supported the amendment sought by Forest & Bird in part as he considered the deliberate establishment of pasture or crops in a SNA would not be consistent with the Council's role of recognising and providing for their protection under Section 6(c) of the Act¹³⁵². Mr Barr revised his recommended wording in his Reply Statement. Mr Barr did not support the submission by Federated Farmers.
1580. We agree with Mr Barr in a broad sense. We also note that the definition of clearance of vegetation we are recommending includes the purposeful over-sowing of pasture or crop species. This perhaps overcomes the potential lacuna Mr Barr identified if an area of pasture establishment were specified in the rule. We also consider that restricting planting of all exotic species is appropriate given the purpose identifying and managing SNAs is to protect the indigenous species and habitats they provide.
1581. For those reasons, we recommend notified Rule 33.5.9 be renumbered and reworded to read as follows:

33.5.6	There must be no planting of any exotic species.	D
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1582. DoC¹³⁵³ and Forest & Bird¹³⁵⁴ sought that the non-compliance status of the activities in Table 3 be changed from discretionary to non-complying.
1583. Mr Barr discussed these submissions in his Reply Statement¹³⁵⁵. Mr Deavoll opined that the relevant policies supported a non-complying activity status, and that it would be the most effective method available to the Council to carry out its functions under Section 31 of the Act¹³⁵⁶.
1584. We consider that little or no regulatory gain would be made from changing the non-compliance status from discretionary to non-complying. An application for a discretionary activity must still satisfy the objectives and policies of the PDP and show that any effects would be acceptable within that assessment framework. The addition of the test under Section 104D would not, in our view, lead to any different assessment outcomes.

51.8 Objective 33.2.3 and Policies

1585. We have already discussed Policies 33.2.3.1, 33.2.3.4, 33.2.3.5, 33.2.3.6. We will not repeat that discussion. As notified the objective and the remainder of the policies read:

¹³⁵⁰ Submissions 339 (supported by FS1132) and 706 (opposed by FS1162, FS1254, FS1287)

¹³⁵¹ Submission 600, supported by FS1209, opposed by FS1034

¹³⁵² C Barr, Section 42A Report, paragraphs 12.52 to 12.54

¹³⁵³ Submission 373

¹³⁵⁴ Submission 706

¹³⁵⁵ at Section 12

¹³⁵⁶ G Deavoll, EiC, paragraphs 58 - 76

Objective

Ensure the efficient use of land, including ski-field development, farming activities and infrastructure improvements, do not reduce the District's indigenous biodiversity values.

Policies

33.2.3.2 Where the permanent removal of indigenous vegetation is proposed, encourage the retention or establishment of the same indigenous vegetation community elsewhere on the site.

33.2.3.3 Encourage the retention of indigenous vegetation in locations that have potential for regeneration, or provide stability, particularly where productive values are low, or in riparian areas or gullies.

33.2.3.7 Have regard to any areas in the vicinity of the indigenous vegetation proposed to be cleared, that constitute the same habitat or species which are protected by covenants or other formal protection mechanisms.

1586. The submission on Objective 33.2.3 sought:

- a. Retain the objective¹³⁵⁷;
- b. Amend to refer to all forms of land development¹³⁵⁸;
- c. Amend to relate to land management practices¹³⁵⁹;
- d. Replace with objective encouraging protection and enhancement of biodiversity values¹³⁶⁰.

1587. Mr Barr assessed these submissions and agreed in part with those seeking to amend the objective¹³⁶¹. He recommended the objective be simplified to read:

Land use and development maintains indigenous biodiversity values.

1588. No evidence presented on behalf of the submitters disagreed with Mr Barr's appraisal and recommendation.

1589. We accept and adopt Mr Barr's reasoning and recommend Objective 33.2.3 be reworded as he recommended.

1590. Submissions on Policy 33.2.3.2 sought that it be:

- a. Retained¹³⁶²; or
- b. Deleted¹³⁶³.

1591. Those submissions which sought the policy be deleted considered a new planted habitat would not be replacement for loss of an existing mature community. They noted that the policy

¹³⁵⁷ Submission 378, opposed by FS1049, FS1095

¹³⁵⁸ Submissions 339 (opposed by FS1097) and 706 (opposed by FS1097, FS1132, FS1162, FS1254, FS1287)

¹³⁵⁹ Submission 806

¹³⁶⁰ Submission 373, supported by FS1040, opposed by FS1091, FS1097, FS1132, FS1254, FS1287, FS1313, FS1342, FS1347

¹³⁶¹ C Barr, Section 42A Report, paragraphs 11.66 to 11.70

¹³⁶² Submissions 378 (opposed by FS1049, FS1095) and 600 (supported by FS1209, opposed by FS1034)

¹³⁶³ Submissions 339, 373 (opposed by FS1254, FS1313, FS1347) and 706 (opposed by FS1162, FS1254, FS1287)

providing for offsets (recommended Policy 33.2.1.6) provided the outcome this policy appeared to be aimed at.

1592. Mr Barr's Section 42A Report was not helpful in this respect as he had misinterpreted the submissions as seeking the policy be made an assessment criterion.

1593. We received no direct evidence on this policy. Mr Barr did recommend it be reworded to read:

Encourage opportunities to remedy adverse effects through the retention, rehabilitation or protection of the same indigenous vegetation community elsewhere on the site.

1594. While it technically is the case that Policy 33.2.1.6 provides for the outcomes anticipated, we consider Mr Barr's recommended wording would provide useful guidance for decision-makers. We recommend Policy 33.2.3.2 be adopted with that wording.

1595. Submissions on notified Policy 33.2.3.3 sought:

- a. Retain the policy¹³⁶⁴;
- b. Amend the policy to widen the circumstances in which it could apply¹³⁶⁵.

1596. Mr Barr provided no particular discussion of this policy in his Section 42A Report, but did recommend that it be amended as sought by Submissions 339 and 706.

1597. We agree with the reasoning provided in the submissions that the amendments are necessary so as to not limit the scope of the policy to specific circumstances. Therefore, we recommend that Policy 33.2.3.3 be amended to read:

Encourage the retention and enhancement of indigenous vegetation including in locations that have potential for regeneration, or provide stability, and particularly where productive values are low, or in riparian areas or gullies.

1598. Submissions on notified Policy 33.2.3.7 sought:

- a. Retain the policy¹³⁶⁶;
- b. Delete as it is an assessment matter¹³⁶⁷;
- c. Delete as it is provided for by the criteria for determining biodiversity significance and provisions for biodiversity offsetting¹³⁶⁸.

1599. Mr Barr made the valid point that district plans are not required to contain assessment matters and that policies guide decision-making¹³⁶⁹. He recommended no change to this policy.

1600. Although not addressed directly in the context of this policy, evidence in support of submissions, including that of Dr Espie, considered that it was relevant to consider on an application for indigenous vegetation clearance, whether the same or similar vegetation communities existed and were protected in the near vicinity. While this may be a matter which can be determined

¹³⁶⁴ Submissions 373 (opposed by FS1254, FS1313, FS1347), 600 (supported by FS1209, opposed by FS1034), 791 and 794

¹³⁶⁵ Submissions 339 and 706 (opposed by FS1162, FS1254, FS1287)

¹³⁶⁶ Submissions 378 (opposed by FS1049, FS1095) and 600 (supported by FS1209, opposed by FS1034)

¹³⁶⁷ Submissions 339 and 706 (opposed by FS1162, FS1254, FS1287)

¹³⁶⁸ Submission 373, opposed by FS1254, FS1313, FS1347

¹³⁶⁹ C Barr, Section 42A Report, paragraph 11.72

in applying the significance criteria under recommended Policy 33.2.1.9, we consider this policy would provide helpful guidance to decision-makers.

1601. For those reasons, we recommend that this policy be renumbered as Policy 33.2.3.4 but otherwise be adopted as notified.
1602. DoC sought the inclusion of a new policy under this objective which would encourage the use of non-regulatory methods such as open space covenants to protect indigenous vegetation. In reality, this submission was only seeking to move notified Policy 33.2.1.6 to under Objective 33.2.3. We have discussed notified Policy 33.2.1.6 above and recommended its adoption as recommended Policy 33.2.1.5. We recommend this submission be rejected.

51.9 Objective 33.2.4 and Policies

1603. As notified, these read:

Objective

Protect the indigenous biodiversity and landscape values of alpine environments from the effects of vegetation clearance and exotic tree and shrub planting.

Policies

33.2.4.1 *Recognise that alpine environments contribute to the distinct indigenous biodiversity and landscape qualities of the District and are vulnerable to change from vegetation clearance or establishment of exotic plants.*

33.2.4.2 *Protect the alpine environment from degradation due to planting and spread of exotic species.*

1604. Three submissions on Objective 33.2.4 sought that it be retained¹³⁷⁰. QPL¹³⁷¹ sought that it be amended by appending a section recognising the importance of providing access to the Remarkables Alpine Recreation Area.
1605. Mr Barr recommended rejecting the QPL amendment¹³⁷². In his evidence in support of Submission 806, Mr Brown did not refer to the amendment sought. Rather, he suggested that “adverse” be included before effects¹³⁷³.
1606. Mr Young’s legal submissions on behalf of QPL confirmed that it was the amendments in Mr Brown’s evidence that the submitter was pursuing¹³⁷⁴.
1607. The only changes Mr Barr recommended be made to the objective were grammatical to ensure it was outcome focussed.
1608. We agree that Mr Barr’s wording is more outcome focussed than the notified version. We see no need to include adverse in the objective. We note that Mr Brown did not explain what positive effects on indigenous biodiversity and landscape values would arise from vegetation clearance in the alpine areas, and none are immediately apparent to us.

¹³⁷⁰ Submissions 339, 373 (opposed by FS1254, FS1313, FS1347) and 706 (opposed by FS1162, FS1254)

¹³⁷¹ Submission 806

¹³⁷² C Barr, Section 42A Report, paragraph 11.88

¹³⁷³ J Brown, EiC, paragraph 5.10

¹³⁷⁴ Submissions on Behalf of Queenstown Park Limited and Queenstown Wharves (GP) Limited, 27 May 2016 at Section 4

1609. For those reasons we recommend that Objective 33.2.4 be worded as follows:

Indigenous biodiversity and landscape values of alpine environments are protected from the effects of vegetation clearance and exotic tree and shrub planting.

1610. The submissions on notified Policy 33.2.4.1 sought:

- a. Retain the policy¹³⁷⁵;
- b. Amend to protect the alpine environments from change¹³⁷⁶.

1611. Mr Barr recommended the policy be amended so that it recognised the vulnerability of the alpine environment and that those environments required protection.

1612. We agree that the policy should include protection as the action to be taken, as sought by Submissions 339 and 706, but we consider Mr Barr's wording read more as a statement than a policy. Consequently we recommend that Policy 33.2.4.1 be worded as follows:

Protect the alpine environments from vegetation clearance as those environments contribute to the distinct indigenous biodiversity and landscape qualities of the District, and are vulnerable to change.

1613. All the submissions on Policy 33.2.4.2 sought its retention¹³⁷⁷.

1614. We recommend the policy be adopted as notified.

1615. QPL¹³⁷⁸ sought the inclusion of a new policy which read:

Recognise the importance of providing public access to the Remarkables Alpine Area, and the benefits associated with increasing use and understanding of the alpine environment.

1616. Mr Brown, in his evidence in support of this submission, did not mention this proposed policy. Instead he proposed a new policy which read¹³⁷⁹:

Encourage land use practices that enable rehabilitation through replanting and pest control.

1617. Scope for including such a policy could be partially founded in a policy sought under Objective 3.2.2 in Submission 806, which sought recognition of the importance of pest management.

1618. Mr Brown's evidence did include a useful summary of incentives used in other district plans to protect indigenous biodiversity and recommended additional policies emphasise the positive benefits to indigenous biodiversity that could arise from some activities¹³⁸⁰.

¹³⁷⁵ Submission 373, opposed by FS1254, FS1313, FS1347

¹³⁷⁶ Submissions 339 (opposed by FS1015, FS1097, FS1340) and 706 (opposed by FS1015, FS1097, FS1132, FS1162, FS1254, FS1287)

¹³⁷⁷ Submissions 339, 373 (opposed by FS1254, FS1313, FS1347), 706 (opposed by FS1162, FS1254), 791 and 794

¹³⁷⁸ Submission 806

¹³⁷⁹ J Brown, EIC, paragraph 5.10

¹³⁸⁰ *ibid*, paragraphs 5.4 to 5.6

1619. Mr Barr discussed Mr Brown's evidence and suggested policies in his Reply Statement¹³⁸¹ and recommended a hybrid policy which he considered should be located under Objective 33.2.1.
1620. We can see the value in district plans containing incentive provisions to ensure long term protection of indigenous biodiversity, and some members of the Panel have had professional experience in utilising such provisions. However, the difficulty we have with both Mr Brown's suggested policies and Mr Barr's recommendation, is that they are not founded in the submissions. Thus, we consider there is no scope for the Council to include those policies in the PDP. We do recommend, however, that the Council investigate the feasibility of including objectives, policies, rules and other methods in the PDP to provide incentives to ensure the long-term protection and maintenance of areas of indigenous biodiversity.

52 SUMMARY OF OBJECTIVES AND POLICIES

1621. We have set out in Appendix 4 the recommended objectives and policies. In summary, we regard the combination of objectives recommended as being the most appropriate to achieve the purpose of the Act in the context of this zone, while giving effect to, and taking into account, the relevant higher order documents, the Strategic directions chapters and the alternatives open to us. The recommended new or amended policies are, in our view, the most appropriate way to achieve those objectives.

53 33.3 – OTHER PROVISIONS AND RULES

53.1 33.3.1 – District Wide

1622. We recommend the changes to this section as described in Section 1.10 of Report 1. We show the recommended wording in Appendix 4.

53.2 33.3.2 – Clarification

1623. As notified this read:

33.3.2.1 Compliance with any of the following standards, in particular the permitted standards, does not absolve any commitment to the conditions of any relevant land use consent, consent notice or covenant registered on the site's computer freehold register.

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

33.3.2.3 The rules apply to all zones in the District, including formed and unformed roads, whether zoned or not.

33.3.2.4 Refer to part 33.7 for the schedule of threatened species.

33.3.2.5 Refer to the planning maps and part 33.8 for the schedule of Significant Natural Areas.

¹³⁸¹ C Barr, Reply Statement, paragraphs 5.11 to 5.12

33.3.2.6 Refer to Part 33.9 for the District’s land environment (defined by the Land Environments of New Zealand at Level IV) that has 20 percent or less remaining in indigenous cover.

33.3.2.7 Refer to the Landcare Research Threatened Environment Classification: http://www.landcareresearch.co.nz/__data/assets/pdf_file/0007/21688/TECUserGuideV1_1.pdf

33.3.2.8 The following abbreviations are used in the tables. Any activity that is not permitted (P) or prohibited (PR) requires resource consent.

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

1624. Submissions on this section sought:

- a. Retain the provisions¹³⁸²
- b. Delete 33.3.2.4, 33.3.2.5, 33.3.2.6 and 33.3.2.7¹³⁸³
- c. Consequently amend 33.3.2.6¹³⁸⁴
- d. Delete 33.3.2.3¹³⁸⁵
- e. Add a new point excluding ONLs and SNAs from ‘natural areas’ for the purposes of the NESETA 2009¹³⁸⁶.

1625. Our recommendations above in Section 47 means that we consequentially recommend that 33.3.2.4, 33.3.2.6 and 33.3.2.7 be deleted as the provisions they refer to will have been deleted.

1626. Consistent with our approach in other chapters, we recommend this section be renamed as “Interpreting and Applying the Rules”.

1627. DoC have sought that the reference to the schedule of SNAs be deleted as it is covered by the policies. We recommend it be moved and become an advice note following Section 33.3.3.

1628. QPL have suggested that 33.3.2.3 should be deleted as the rules cannot apply to unzoned roads. We do not agree with that proposition.. While roads may not have zoning rules applied to them, it is possible for other rules to apply to that land, so long as the PDP explicitly states that they apply. Rule 33.3.2.3 fulfils that role. We recommend it remain.

1629. The submission by Transpower, seeking to avoid the constraints in the NESETA 2009, was discussed by Mr Barr in the Section 42A Report¹³⁸⁷. He recommended rejecting the submission as ONLs and SNAs appeared to meet the meaning of ‘natural areas’ in the NESETA 2009.

1630. Ms Craw explained in her evidence¹³⁸⁸ for Transpower that the submission was an attempt to avoid an inconsistency in administration of the PDP. As notified, provision 33.3.4.2 provided an exemption from the indigenous vegetation clearance rules for the operation and maintenance

¹³⁸² Submissions 339 and 706 (opposed by FS1162, FS1254)

¹³⁸³ Submission 373, opposed by FS1254, FS1313, FS1347

¹³⁸⁴ Submission 784

¹³⁸⁵ Submission 806

¹³⁸⁶ Submission 805

¹³⁸⁷ C Barr, Section 42A Report

¹³⁸⁸ A Craw, EiC, paragraphs 74 to 77

of existing utilities, but under the NESETA 2009, Transpower would require a restricted discretionary activity consent if such work was within an ONL or a SNA.

1631. In her reply, Ms Scott noted that amending the PDP to provide for Transpower to undertake tree trimming/vegetation removal within a SNA as a permitted activity would be *ultra vires* as Section 43B(3) does not allow a rule more lenient than the NESETA.

1632. We accept that is the legal position and recommend the submission be rejected.

1633. Consequently, we recommend that Section 33.3.2 be adopted as shown in Appendix 1.

53.3 33.3.4 – Exemptions

1634. We have already dealt with the notified provisions in this section. There were also four submissions seeking additional exemptions be included.

1635. Two submissions¹³⁸⁹ sought an exemption from the clearance of indigenous vegetation rules for the purpose of irrigating new farm areas. We have discussed the issue of irrigation being a form of clearance in some detail above. In addition, we have made various recommendations to the rules around vegetation clearance. Having considered the evidence presented in the light of the various changes we have recommended, we can see no reason why one form of clearance should be given an exemption when other forms of clearance are regulated. We recommend these submissions be rejected.

1636. QPL¹³⁹⁰ sought an exemption from the indigenous vegetation clearance rules for clearance required for the purposes of constructing a gondola linking Remarkables Park, Queenstown Park and the Remarkables ski area. No evidence was provided to establish why such an exemption should be included. In addition, we note that the Stream 13 Hearing Panel is recommending other submissions seeking bespoke provisions for such a gondola be rejected. We note also that the matters of discretion for Passenger Lift Systems located outside of Ski Area Sub-Zones includes: “Ecological values and any proposed ecological mitigation works”. We recommend this submission be rejected.

1637. Two submissions¹³⁹¹ sought an exemption as follows:

Indigenous vegetation clearance undertaken on land managed under the Conservation Act in accordance with a Conservation Management Strategy or Concession; Under the Land Act, in accordance with a Recreation Permit; or the Reserve Act in accordance with a Reserve Management Strategy.

1638. Although not a submission on this provision, NZ Ski¹³⁹² sought that a rule be included in Table 4 allowing the clearance of indigenous vegetation in a Ski Area Sub-Zone located on Public Conservation land. The same submission also sought the inclusion of additional policies under Objectives 33.2.3 and 33.2.4 to support this rule.

1639. In his Section 42A Report, Mr Barr recommending rejecting these submissions as he considered such an exemption would not result in the Council fulfilling its functions under Section 31 of the

¹³⁸⁹ Submissions 701 (supported by FS1162) and 784

¹³⁹⁰ Submission 806

¹³⁹¹ Submissions 610 (supported by FS1229) and 613 (supported by FS1229)

¹³⁹² Submission 572, supported by FS1329, FS1330, opposed by FS1080

Act¹³⁹³. Following the partial withdrawal by DoC¹³⁹⁴ of its further submission in opposition to the NZ Ski submission, Mr Barr noted in his Summary of Evidence¹³⁹⁵ that he could support an exemption in relation to Ski Area Sub-Zones on land administered by DoC.

1640. Given Mr Barr's change in position, we asked that he prepare a draft rule which he considered would enable such an exemption. This was provided by Memorandum of Counsel on 16 May 2016¹³⁹⁶. Counsel advised that the drafted rule did not form part of the Council's position at that time¹³⁹⁷. The draft rule read as follows:

33.3.4.4 Indigenous vegetation clearance within the Ski Area Sub Zones on land administered under the Conservation Act 1987 is exempt from Rules 33.4.1 and 33.4.3 where the relevant approval has been obtained from the Department of Conservation, providing that:

- a. The indigenous vegetation clearance does not exceed the approval by the Department of Conservation*
- b. Prior to the clearance of indigenous vegetation, persons shall provide to the Council the relevant application and the approval from the Department of Conservation; and*
- c. The Council is satisfied that the additional information submitted to the Department of Conservation adequately identifies the indigenous vegetation to be cleared and the effects of clearance.*

1641. Mr Dent, appearing for NZ Ski Limited¹³⁹⁸, explained in his pre-lodged evidence¹³⁹⁹ the nature of Concessions required from the Department of Conservation for work which involved the clearance of indigenous vegetation at the Remarkables Ski Area Sub-Zone, and that the information requirements and conditions attached to resource consents required from the Council were virtually identical. In his view, there was no greater level of assessment undertaken by the Council and the process resulted in the Council imposing a subset of the Concession conditions. It was his view that, rather than the Council reneging on its statutory responsibilities under the Resource Management Act, the Council should consider, recognise and accept the assessments of biodiversity values undertaken by DoC in issuing concessions.

1642. In his Evidence Summary, Mr Dent raised concerns that the draft rule prepared by Mr Barr created no certainty by requiring material be lodged with the Council for some form of approval¹⁴⁰⁰. He considered the rule lodged in the submission to be more appropriate.

1643. In evidence presented on behalf of the Submitters 610 and 613, Mr Ferguson considered that the approvals required under the Conservation Act, the Land Act or the Reserves Act for vegetation clearance for ski areas subject to such legislation, were alternative means able to be

¹³⁹³ C Barr, Section 42A Report, paragraph 12.35

¹³⁹⁴ Confirmed in an email from Mr Deavoll to the Hearing Administrator dated 21 December 2017

¹³⁹⁵ C Barr, Summary of Evidence – Chapter 33, dated 2 May 2016, at paragraph 7

¹³⁹⁶ Memorandum of Counsel for Queenstown Lakes District Council Providing Requested Further Information, 16 May 2016

¹³⁹⁷ *ibid*, paragraph 3

¹³⁹⁸ Submission 572

¹³⁹⁹ S Dent, EiC, page 21

¹⁴⁰⁰ S Dent, Executive Summary of Evidence dated 25 May 2016, paragraphs 1.8 and 1.9

considered by the Council¹⁴⁰¹. Ms Baker-Galloway set out for us the permit regime under each piece of legislation¹⁴⁰².

1644. Mr Barr confirmed in his Reply Statement that he considered the rule filed on 16 May 2016 to be appropriate without modification¹⁴⁰³. He also commented on requests made in evidence presented on behalf of Cardrona Alpine Resort Limited¹⁴⁰⁴ for such an exemption to be provided on private land. We note that while the evidence did allude to incidental clearance of indigenous vegetation occurring due to artificial snow-making and other skiing-related activities, Submission 615 did not seek any changes to Chapter 33.
1645. We agree that there is little to be gained from duplicating the approval process under the Conservation Act with consent requirements under the Resource Management Act in the manner outlined by Mr Dent. No evidence was presented to give us confidence that any approvals required under the Land Act or the Reserves Act would amount to duplication of RMA processes.
1646. We do consider that if reliance to be placed on an approval granted by DoC, the application made and approval granted must be provided to the Council so it has full knowledge of the extent of works and the conditions to be met. We do not, however, consider there should be any requirement to approve such documentation in the manner proposed by Mr Barr. Clause (c) of Mr Barr’s draft rule appears to grant the Council a discretion which is not provided for in the Act.
1647. We also find Mr Dent’s proposed rule in Table 4 to be problematic. That does not require that any Concession approval be held, or that the Council be informed of the work to undertaken. We also consider the location of a rule permitting something does not fit well in a table setting standards for activities.
1648. Consequently, we recommend that a new permitted activity rule be included in Table 1 which reads:

33.4.5	Indigenous vegetation clearance within the Ski Area Sub Zones on land administered under the Conservation Act 1987 where the relevant approval has been obtained from the Department of Conservation, providing that: <ul style="list-style-type: none"> a. The indigenous vegetation clearance does not exceed the approval by the Department of Conservation; b. Prior to the clearance of indigenous vegetation, the Council is provided with the relevant application and approval from the Department of Conservation. 	P
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1649. For completeness, as the rule does not exempt the ski field operator from obtaining any approvals, we consider it implements Objective 332.4 and Policy 33.2.4.1. We do not consider the policies sought by NZ Ski Limited should be included as they are unnecessary and as drafted suggest that no approval is required.

¹⁴⁰¹ C Ferguson, EIC, page 36
¹⁴⁰² Supplementary Legal Submissions dated 25 May 2016
¹⁴⁰³ C Barr, Reply Statement, Section 3
¹⁴⁰⁴ Submission 615

53.4 33.4 Rules – Clearance of Vegetation

Table 1

1650. As notified, this table contained three rules which read:

Table 1	Any activity involving the clearance of indigenous vegetation shall be subject to the following rules:	Non-Compliance
33.4.1	The clearance of indigenous vegetation complying with all the standards in Table 2 shall be a permitted activity.	D
33.4.2	Activities located within Significant Natural Areas that comply with all the standards in Table 3 shall be a permitted activity.	D
33.4.3	Activities located within alpine environments (any land at an altitude higher than 1070m above sea level) that comply with Table 4 shall be a permitted activity.	D

1651. The submissions on this table sought:

- a. Delete this table and include non-compliance status in Tables 2, 3 and 4¹⁴⁰⁵;
- b. Make the non-compliance status for all three rules non-complying¹⁴⁰⁶;
- c. Retain Rule 33.4.1 as notified¹⁴⁰⁷;
- d. Retain Rules 33.4.2 and 33.4.3 as notified¹⁴⁰⁸;
- e. Change the non-compliance status of Rules 33.4.2 and 33.4.3 to non-complying¹⁴⁰⁹.

1652. In discussing the rules relating specifically to Significant Natural Areas we have also considered the submissions seeking that non-compliance with those rules require a non-complying activity consent¹⁴¹⁰. For the same reasons we consider the non-compliance status for the other standards should remain discretionary.

1653. Turning to the form of this table and those following, we recommend changing Table 1 to a list of activities. We have already recommended that several matters listed as exemptions under notified 33.3.4 be moved into this table as permitted activities. We also recommend that notified Rules 33.4.1, 33.4.2 and 33.4.3 be condensed into a single permitted activity which reads:

33.4.1	Activities that do not breach any of the Standards in Tables 2 to 4.	P
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1654. We also recommend a column showing the non-compliance of each standard be inserted into Tables 2, 3 and 4. Thus, we recommend Submission 806 be accepted in part.

53.5 33.5 Rules – standards for Permitted Activities

1655. We have dealt with Tables 2 and 3 in our earlier discussions.

¹⁴⁰⁵ Submission 806

¹⁴⁰⁶ Submission 373, opposed by FS1254, FS1313, FS1342, FS1347

¹⁴⁰⁷ Submissions 339, 600 (supported by FS1209, opposed by FS1034) and 706 (opposed by FS1162, FS1254)

¹⁴⁰⁸ Submission 600, supported by FS1209, opposed by FS1034

¹⁴⁰⁹ Submissions 339 (opposed by FS1097, FS1121, FS1340) and 706 (opposed by FS1097, FS1162, FS1254, FS1287, FS1340)

¹⁴¹⁰ See Section 52.7 above

53.6 Table 4 – Activities within Alpine Environments

1656. As notified, this Table read:

Table 4	Activities within Alpine Environments – land 1070 metres above sea level:
33.5.10	Does not involve the clearance of indigenous vegetation, the planting of shelterbelts, or any exotic tree or shrub planting.
	Clarification: For the purpose of the clearance of indigenous vegetation by way of burning, the altitude limit of 1070 metres shall mean the average maximum altitude of any land to be burnt, averaged over north and south facing slopes

1657. Submissions on this Table sought:

- a. Retain the rule¹⁴¹¹;
- b. Amend the altitude limit to 800m¹⁴¹²;
- c. Change “*exotic tree or shrub planting*” to “*planting of exotic species*”¹⁴¹³;
- d. Delete the rule¹⁴¹⁴.

1658. Mr Barr discussed these submission in his Section 42A Report¹⁴¹⁵. He recommended accepting Submissions 373 and 706, and rejecting Submissions 784 and 817. We heard no other specific evidence on this Table and agree with Mr Barr’s reasoning. We recommend some slight rewriting of the rule to make it more certain, and renumbering, such that it reads:

33.5.7	<p>The following rules apply to any land that is higher than 1070 meters above sea level:</p> <p>33.5.7.1 indigenous vegetation must not be cleared; 33.5.7.2 exotic species must not be planted.</p> <p>Except where indigenous vegetation clearance is permitted by Rule 33.4.5</p> <p>Clarification: For the purpose of the clearance of indigenous vegetation by way of burning, the altitude limit of 1070 metres means the average maximum altitude of any land to be burnt, averaged over north and south facing slopes</p>	D
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54 33.6 RULES – NON-NOTIFICATION OF APPLICATIONS

1659. As notified, this read:

The provisions of the RMA apply in determining whether an application needs to be processed on a notified basis. No activities or non-compliances with the standards in this chapter have been identified for processing on a non-notified basis.

¹⁴¹¹ Submission 373, opposed by FS1313, FS1347

¹⁴¹² Submission 817

¹⁴¹³ Submissions 339 and 706 (opposed by FS1091, FS1097, FS1162, FS1254, FS1287)

¹⁴¹⁴ Submission 784

¹⁴¹⁵ at paragraphs 12.56 to 12.61

1660. The only submissions on this section sought its retention¹⁴¹⁶. We recommend those submissions be accepted.

55 33.8 SCHEDULE OF SIGNIFICANT NATURAL AREAS

1661. We have already dealt with those submissions which sought the deletion of specific SNAs from this schedule. Additional submissions sought:

- a. Retain the schedule¹⁴¹⁷;
- b. Combine into a single schedule¹⁴¹⁸;
- c. List the Bullock Creek Spring as a SNA¹⁴¹⁹;
- d. Only include SNAs where the land owner agrees¹⁴²⁰.

1662. Other than Mr Barr's discussion of these points in his Section 42A Report¹⁴²¹, and Mr Davis' evidence on Submissions 115 and 260¹⁴²², we heard no evidence on these submissions. In the absence of evidence we are not prepared to recommend any substantive changes to the schedule.

1663. As will be evident from our discussion above of the objective, policies and rules applying to SNAs, we recommend Schedule 33.8 be retained, combined into a single schedule, and renumbered as 33.7.

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56 SUMMARY WITH RESPECT TO RULES

1664. We have set out in full in Appendix 4 the rules we recommend the Council adopt. For all the reasons set out above, we are satisfied that these rules are the most effective and efficient means of implementing the policies so as to achieve the objectives of Chapter 33, and those in the Strategic Directions chapters. Where we have recommended rules not be included, that is because, as our reasons above show, we do not consider them to be efficient or effective.

57 SUBMISSIONS ON DEFINITIONS NOT OTHERWISE DEALT WITH

1665. Submissions were made on the definitions of "Nature conservation values"¹⁴²³ and "Margin"¹⁴²⁴. No evidence was presented by the submitters in support of their submissions on these definitions. We note that the Stream 1B Hearing Panel has recommended an amendment to the definition of "Nature conservation values"¹⁴²⁵. We support the recommendation of that Hearing Panel to the Stream 10 Panel.

1666. We recommend to the Stream 10 Panel that the submissions on "Margin" be rejected.

¹⁴¹⁶ Submissions 339 and 706 (opposed by FS1162, FS1254)

¹⁴¹⁷ Submissions 339 (opposed by FS1097), 373 (opposed by FS1313, FS1347) and 706 (opposed by FS1097, FS1162, FS1254)

¹⁴¹⁸ Submission 383

¹⁴¹⁹ Submissions 115 and 260

¹⁴²⁰ Submissions 791 and 794

¹⁴²¹ C Barr, Section 42A Report, paragraphs 13.6 to 13.25

¹⁴²² G Davis, EIC, paragraphs 8.2 and 8.20

¹⁴²³ Submissions 243, 339 and 600, 706 and 836

¹⁴²⁴ Submissions 339 and 706

¹⁴²⁵ Recommendation Report 3, Section 2.3

PART F: CHAPTER 36 – WILDING EXOTIC TREES

58 GENERAL

1667. This chapter is brief and very specific. Rather than consider the submissions provision by provision, it is more sensible to consider the whole chapter as one.

1668. As notified, the Chapter contained one Objective, one Policy and one Rule, as follows:

34.2.1 Objective - Protect the District’s landscape, biodiversity and soil resource values from the spread of wilding exotic trees.

Policy

34.2.1.1 Avoid the further spread of identified wilding tree species by prohibiting the planting of identified species.

Rule	Table 1: Planting of wilding exotic trees	All zones
34.4.1	Planting of the following: <ol style="list-style-type: none"> a. Contorta or lodgepole pine (Pinus contorta) b. Radiata Pine (Pinus radiata) c. Scots pine (Pinus sylestris) d. Douglas Fir (Pseudotsuga menziesii) e. European larch (Larix decidua) f. Corsican pine (Pinus nigra) g. Bishops Pine (Pinus muricate) h. Ponderosa Pine (Pinus Ponderosa) i. Mountain Pine (Pinus mugo) j. Maritime Pine (Pinus pinaster) k. Sycamore l. Hawthorn m. Boxthorn 	Prohibited No application for resource consent can be accepted.

1669. The submissions on the Chapter can be broadly classified as follows:

- a. Support some or all provisions¹⁴²⁶;
- b. Allow some species by application¹⁴²⁷;
- c. Include additional species on prohibited list¹⁴²⁸;
- d. Refer to effect of wilding pines on water yield¹⁴²⁹;
- e. Encourage removal of existing trees¹⁴³⁰;
- f. Oppose the provisions¹⁴³¹.

¹⁴²⁶ Submissions 19, 21, 72 (supported by FS1352), 290, 373 (opposed by FS1347), 600(supported by FS1209, opposed by FS1034), 602, 740 and 817

¹⁴²⁷ Submissions 9, 117, 332 (supported by FS1255), 458 (supported by FS1347), 501 (supported by FS1270, opposed by FS1102, FS1289), 600 (supported by FS1209, opposed by FS1034, FS1040), 784 and 829

¹⁴²⁸ Submissions 281, 339, 373 (supported by FS1040, opposed by FS1347), 461 and 706 (opposed by FS1091, FS1162)

¹⁴²⁹ Submissions 339 (opposed by FS1132) and 706 (opposed by FS1162)

¹⁴³⁰ Submission 514

¹⁴³¹ Submissions 386 and 684 (supported by FS1255)

1670. Dr Read described to us the landscape effects of wilding trees¹⁴³². She considered the most striking effect was the change in character produced, from one radically modified by a thousand years of human intervention, to one which is indistinguishable, to many, from parts of North America or Europe.
1671. Dr Read considered silver birch should be included in the list of species it was prohibited to plant.
1672. Mr Davis detailed the detrimental impacts of wilding tree species on indigenous ecosystems for us¹⁴³³. He noted that not only can wilding pines, particular Douglas fir, invade and colonise grasslands and tussock land, they can also colonise mountain beech forest.
1673. Mr Barr provided a thorough analysis of the submissions on this chapter, taking into account the expert advice he received from Dr Read and Mr Davis¹⁴³⁴. Rather than repeat that analysis we confirm that it was helpful and that, subject to some minor adjustments we recommend, we adopt Mr Barr's reasoning.
1674. Of significance was Mr Barr's recommendation to make an exception for radiata pine (*Pinus radiata*) as it has a lower wilding vigour and, in his opinion, could be appropriately managed through the discretion applied through the resource consent process¹⁴³⁵. As a consequence, he recommended two additional policies to provide foundation for the rule and to guide decision-makers, and a new rule providing for the planting of radiata pine as a discretionary activity. Mr Barr also recommended an additional seven species be added to the prohibited list.
1675. Ms Maturin stated that Forest & Bird's¹⁴³⁶ preference was for radiata pine to remain on the prohibited list because they were concerned about adherence to conditions, particularly where seeds cross land ownership boundaries¹⁴³⁷. Ms Maturin also submitted that the chapter should contain references to the effect of wilding pines on water yield.
1676. Mr Deavoll, appearing for DoC¹⁴³⁸, considered the prohibited list appropriate and agreed with Mr Barr's recommendation that radiata pine be removed from the prohibited list, but considered it should be a non-complying activity, rather than a discretionary activity¹⁴³⁹.
1677. Mr Williamson, for the Wakatipu Wilding Conifer Control Group¹⁴⁴⁰, confirmed the group's position that all pinus species should be on the prohibited list. However, he considered that any application for radiata pine, as proposed by Mr Barr, should use a risk calculator¹⁴⁴¹.
1678. Ms Brown¹⁴⁴², in oral submissions, supported Mr Barr's recommendation that radiata pine should be allowed to be planted as a discretionary activity. She noted that pines had been planted in the Upper Clutha for functional purposes: windbreaks and firewood. She considered

1432 Dr M Read, EIC, Section 12

1433 G Davis, EIC, Section 11

1434 C Barr, Section 42A Report

1435 *ibid*, at paragraph 8.11-8.12

1436 Submission 706

1437 S Maturin, Submissions dated May 2016, at paragraphs 59 to 60

1438 Submission 373

1439 G Deavoll, EIC, at paragraphs 79-81

1440 Submission 740

1441 Oral answers to questions

1442 Submission 332

that planting could be managed in the Upper Clutha, and was not convinced there was a need to prohibit planting any of them.

1679. Finally, Ms Black, appearing for Real Journeys Limited¹⁴⁴³, stated that the company was opposed to Mr Barr's recommendation that radiata pine not be prohibited. While we note her evidence, we also note that there is no record of Real Journeys Ltd lodging a submission or further submission on this chapter.
1680. Mr Barr made no change to his recommendation in his Reply Statement.
1681. On balance, we agree with the recommendations of Mr Barr. However, we also recommend some minor non-substantive changes under Clause 16(2) to ensure consistency of this chapter with other chapters, and also to remove potential ambiguity. Those recommended amendments are:
- a. In Section 34.3.1, show chapters not in Stage 1 in italics;
 - b. Insert the following in a new Section 34.3.2 Interpreting and Applying the Rules:
The rules in Chapter 34 apply to all parts of the District, including formed and unformed roads, whether zoned or not.
 - c. Re-arrange Rule 34.4.1 so that the discretionary activity precedes the prohibited activities;
 - d. Amend the wording of Section 34.3.3 to read:
For avoidance of doubt, this rule does not require the felling or removal of any tree identified and scheduled in the District Plan as a protected tree.

59 SUBMISSION ON DEFINITION OF EXOTIC

1682. Two submissions¹⁴⁴⁴ sought amendment of the definition of "Exotic". We heard no evidence from the submitters in support of the amendments sought. We therefore do not recommend any change and recommend to the Stream 10 Panel that the submissions be rejected.

60 CONCLUSION

1683. We have set out in Appendix 5 the recommended objective and policies for Chapter 34. In summary, we regard the objective recommended as being the most appropriate to achieve the purpose of the Act in the context of the issue of wilding trees, while giving effect to, and taking into account, the relevant higher order documents, the Strategic directions chapters and the alternatives open to us. The recommended new or amended policies are, in our view, the most appropriate way to achieve those objectives.
1684. We have also set out in in full in Appendix 5 the rules we recommend the Council adopt. For all the reasons set out above, we are satisfied that these rules are the most effective and efficient means of implementing the policies so as to achieve the objectives of Chapter 34, and those in the Strategic Directions chapters.

¹⁴⁴³ Submission 621, FS1341

¹⁴⁴⁴ Submissions 339 and 706

PART G: OVERALL RECOMMENDATION

1685. For the reasons we have set out above, we recommend to the Council that:
- a. Chapter 21, in the form set out in Appendix 1, be adopted;
 - b. Chapter 22, in the form set out in Appendix 2, be adopted;
 - c. Chapter 23, in the form set out in Appendix 3, be adopted;
 - d. Chapter 33, in the form set out in Appendix 4, be adopted;
 - e. Chapter 34, in the form set out in Appendix 5, be adopted; and
 - f. The relevant submissions and further submissions be accepted, accepted in part or rejected as set out in Appendix 6.
1686. We also recommend to the Stream 10 Hearing Panel that the definitions listed in Appendix 7 be included in Chapter 2 for the reasons set out above.

For the Hearing Panel



Denis Nugent, Chair
Dated: 30 March 2018

Appendix 1: Chapter 21 – Rural Zone as Recommended

21 RURAL



21.1

Zone Purpose

There are four rural zones in the District. The Rural Zone is the most extensive of these. The Gibbston Valley is recognised as a special character area for viticulture production and the management of this area is provided for in Chapter 23: Gibbston Character Zone. Opportunities for rural living activities are provided for in the Rural-Residential and Rural Lifestyle Zones (Chapter 22).

The purpose of the Rural Zone is to enable farming activities and provide for appropriate other activities that rely on rural resources while protecting, maintaining and enhancing landscape values, ecosystem services, nature conservation values, the soil and water resource and rural amenity.

A wide range of productive activities occur in the Rural Zone and because the majority of the District's distinctive landscapes comprising open spaces, lakes and rivers with high visual quality and cultural value are located in the Rural Zone, there also exists a wide range of living, recreation, commercial and tourism activities and the desire for further opportunities for these activities.

Ski Area Sub-Zones are located within the Rural Zone. These Sub-Zones recognise the contribution tourism infrastructure makes to the economic and recreational values of the District. The purpose of the Ski Area Sub-Zones is to enable the continued development of Ski Areas as year round destinations for ski area, tourism and recreational activities within the identified Sub-Zones where the effects of the development are cumulatively minor.

In addition, the Rural Industrial Sub-Zone includes established industrial activities that are based on rural resources or support farming and rural productive activities.

A substantial proportion of the Outstanding Natural Landscapes of the district comprises private land managed in traditional pastoral farming systems. Rural land values tend to be driven by the high landscape and amenity values in the district. The long term sustainability of pastoral farming will depend upon farmers being able to achieve economic returns from utilising the natural and physical resources of their properties. For this reason, it is important to acknowledge the potential for a range of alternative uses of rural properties that utilise the qualities that make them so valuable.

The Rural Zone is divided into two areas. The first being the area for Outstanding Natural Landscapes and Outstanding Natural Features. The second area being the Rural Character Landscape. These areas give effect to Chapter 3 – Strategic Direction: Objectives 3.2.5.1 and 3.2.5.2, and the policies in Chapters 3 and 6 that implement those objectives.

21.2

Objectives and Policies

21.2.1 **Objective - A range of land uses, including farming and established activities, are enabled while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.**

Policies

21.2.1.1 Enable farming activities while protecting, maintaining and enhancing the values of indigenous biodiversity, ecosystem services, recreational values, the landscape and surface of lakes and rivers and their margins.

21.2.1.2 Allow Farm Buildings associated with landholdings of 100 hectares or more in area while managing effects of the location, scale and colour of the buildings on landscape values.

- 21.2.1.3** Require buildings to be set back a minimum distance from internal boundaries and road boundaries in order to mitigate potential adverse effects on landscape character, visual amenity, outlook from neighbouring properties and to avoid adverse effects on established and anticipated activities.
- 21.2.1.4** Minimise the dust, visual, noise and odour effects of activities by requiring them to locate a greater distance from formed roads, neighbouring properties, waterbodies and zones that are likely to contain residential and commercial activity.
- 21.2.1.5** Have regard to the location and direction of lights so they do not cause glare to other properties, roads, public places or views of the night sky.
- 21.2.1.6** Avoid adverse cumulative impacts on ecosystem services and nature conservation values.
- 21.2.1.7** Have regard to the spiritual beliefs, cultural traditions and practices of Tangata whenua.
- 21.2.1.8** Have regard to fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision and development in the Rural Zone.
- 21.2.1.9** Provide adequate firefighting water and fire service vehicle access to ensure an efficient and effective emergency response.
- 21.2.1.10** Commercial activities in the Rural Zone should have a genuine link with the rural land or water resource, farming, horticulture or viticulture activities, or recreation activities associated with resources located within the Rural Zone.
- 21.2.1.11** Provide for the establishment of commercial, retail and industrial activities only where these would protect, maintain or enhance rural character, amenity values and landscape values.
- 21.2.1.12** Encourage production forestry to be consistent with topography and vegetation patterns, to locate outside of the Outstanding Natural Features and Landscapes and outside of significant natural areas, and ensure production forestry does not degrade the landscape character or visual amenity values of the Rural Character Landscape.
- 21.2.1.13** Ensure forestry harvesting avoids adverse effects with regards to siltation and erosion and sites are rehabilitated to minimise runoff, erosion and effects on landscape values.
- 21.2.1.14** Limit exotic forestry to species that do not have potential to spread and naturalise.
- 21.2.1.15** Ensure traffic from new commercial activities does not diminish rural amenity or affect the safe and efficient operation of the roading and trail network, or access to public places.
- 21.2.1.16** Provide for a range of activities that support the vitality, use and enjoyment of the Queenstown Trail and Upper Clutha Tracks networks on the basis that landscape and rural amenity is protected, maintained or enhanced and established activities are not compromised.

21.2.2 Objective - The life supporting capacity of soils is sustained.

Policies

- 21.2.2.1** Allow for the establishment of a range of activities that utilise the soil resource in a sustainable manner.
- 21.2.2.2** Maintain the productive potential and soil resource of Rural Zoned land and encourage land management practices and activities that benefit soil and vegetation cover.
- 21.2.2.3** Protect the soil resource by controlling activities including earthworks, indigenous vegetation clearance and prohibit the planting and establishment of identified wilding exotic trees with the potential to spread and naturalise.

21.2.3 Objective - The life supporting capacity of water is safeguarded through the integrated management of the effects of activities.

21.2.3.1 In conjunction with the Otago Regional Council, regional plans and strategies:

- a. encourage activities that use water efficiently, thereby conserving water quality and quantity;
- b. discourage activities that adversely affect the potable quality and life supporting capacity of water and associated ecosystems.

21.2.4 Objective - Situations where sensitive activities conflict with existing and anticipated activities are managed to minimise conflict between incompatible land uses.

Policies

- 21.2.4.1** New activities must recognise that permitted and established activities in the Rural Zone may result in effects such as odour, noise, dust and traffic generation that are reasonably expected to occur and will be noticeable to residents and visitors in rural areas.
- 21.2.4.2** Control the location and type of non-farming activities in the Rural Zone, so as to minimise conflict between permitted and established activities and those that may not be compatible with such activities.

21.2.5 Objective - Mineral extraction opportunities are provided for on the basis the location, scale and effects would not degrade amenity, water, wetlands, landscape and indigenous biodiversity values.

Policies

- 21.2.5.1** Have regard to the importance and economic value of locally mined high-quality gravel, rock and other minerals including gold and tungsten.

- 21.2.5.2** Provide for prospecting and small scale mineral exploration and recreational gold mining as activities with limited environmental impact.
- 21.2.5.3** Ensure that during and following the conclusion of mineral extractive activities, sites are progressively rehabilitated in a planned and co-ordinated manner, to enable the establishment of a land use appropriate to the area.
- 21.2.5.4** Ensure potentially significant adverse effects of extractive activities (including mineral exploration) are avoided, or remedied particularly where those activities have potential to degrade landscape quality, character and visual amenity, indigenous biodiversity, lakes and rivers, potable water quality and the life supporting capacity of water.
- 21.2.5.5** Avoid or mitigate the potential for other land uses, including development of other resources above, or in close proximity to mineral deposits, to adversely affect the extraction of known mineral deposits.
- 21.2.5.6** Encourage use of environmental compensation as a means to address unavoidable residual adverse effects from mineral extraction.

21.2.6 Objective - The future growth, development and consolidation of Ski Areas Activities within identified Ski Area Sub-Zones, is provided for, while adverse effects on the environment are avoided, remedied or mitigated.

- Policies
- 21.2.6.1** Identify Ski Area Sub-Zones and encourage Ski Area Activities and complementary tourism activities to locate and consolidate within the Sub-Zones.
 - 21.2.6.2** Control the visual impact of roads, buildings and infrastructure associated with Ski Area Activities.
 - 21.2.6.3** Provide for the continuation of existing vehicle testing facilities within the Waioarau Snow Farm Ski Area Sub-Zone on the basis that the landscape and indigenous biodiversity values are not further degraded.
 - 21.2.6.4** Provide for appropriate alternative (non-road) means of transport to and within Ski Area Sub-Zones, by way of passenger lift systems and ancillary structures and facilities.
 - 21.2.6.5** Provide for Ski Area Sub-Zone Accommodation activities within Ski Area Sub-Zones, which are complementary to outdoor recreation activities within the Ski Area Sub-Zone, that can realise landscape and conservation benefits and that avoid, remedy or mitigate adverse effects on the environment.

21.2.7

Objective - An area that excludes activities which are sensitive to aircraft noise, is retained within an airport's Outer Control Boundary, to act as a buffer between airports and Activities Sensitive to Aircraft Noise.

Policies

- 21.2.7.1** Prohibit all new activities sensitive to aircraft noise on Rural Zoned land within the Outer Control Boundary at Queenstown Airport and Wanaka Airport to avoid adverse effects arising from aircraft operations on future activities sensitive to aircraft noise.
- 21.2.7.2** Identify and maintain areas containing activities that are not sensitive to aircraft noise, within an airport's outer control boundary, to act as a buffer between the airport and activities sensitive to aircraft noise.
- 21.2.7.3** Retain open space within the outer control boundary of airports in order to provide a buffer, particularly for safety and noise purposes, between the airport and other activities.
- 21.2.7.4** Require as necessary mechanical ventilation for any alterations or additions to Critical Listening Environment within any existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary and require sound insulation and mechanical ventilation for any alterations or additions to Critical Listening Environment within any existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary.

21.2.8

Objective - Subdivision, use and development in areas that are unsuitable due to identified constraints not addressed by other provisions of this Plan, is avoided, or the effects of those constraints are remedied or mitigated.

Policies

- 21.2.8.1** Prevent subdivision and development within the building restriction areas identified on the District Plan maps, in particular:
- in the Glenorchy area, protect the heritage value of the visually sensitive Bible Face landform from building and development and to maintain the rural backdrop that the Bible Face provides to the Glenorchy Township;
 - in Ferry Hill, within the building line restriction identified on the planning maps.

21.2.9 Objective - Provision for diversification of farming and other rural activities that protect landscape and natural resource values and maintains the character of rural landscapes.

- 21.2.9.1** Encourage revenue producing activities that can support the long-term sustainability of the rural areas of the district and that maintain or enhance landscape values and rural amenity.
- 21.2.9.2** Ensure that revenue producing activities utilise natural and physical resources (including existing buildings) in a way that maintains and enhances landscape quality, character, rural amenity, and natural resources
- 21.2.9.3** Provide for the establishment of activities such as tourism, commercial recreation or visitor accommodation located within farms where these enable landscape values and indigenous biodiversity to be sustained in the longer term.

21.2.10 Objective – Commercial Recreation in the Rural Zone is of a nature and scale that is commensurate to the amenity values of the location.

Policies

- 21.2.10.1** The group size of commercial recreation activities will be managed so as to be consistent with the level of amenity anticipated in the surrounding environment.
- 21.2.10.2** To manage the adverse effects of commercial recreation activities so as not to degrade rural quality or character or visual amenities and landscape values.
- 21.2.10.3** To avoid, remedy or mitigate any adverse effects commercial activities may have on the range of recreational activities available in the District and the quality of the experience of the people partaking of these opportunities.
- 21.2.10.4** To ensure the scale and location of buildings, noise and lighting associated with commercial recreation activities are consistent with the level of amenity existing and anticipated in the surrounding environment.

21.2.11 Objective - The location, scale and intensity of informal airports is managed to maintain amenity values while protecting informal airports from incompatible land uses.

Policies

- 21.2.11.1** Ensure informal airports are located, operated and managed so as to maintain the surrounding rural amenity.
- 21.2.11.2** Protect rural amenity values, and amenity of other zones from the adverse effects that can arise from informal airports.
- 21.2.11.3** Protect lawfully established and anticipated permitted informal airports from the establishment of incompatible activities in the immediate vicinity.

21.2.12 Objective - The natural character of lakes and rivers and their margins is protected, maintained or enhanced, while providing for appropriate activities on the surface of lakes and rivers, including recreation, commercial recreation and public transport.

Policies

- 21.2.12.1** Have regard to statutory obligations, wāhi Tūpuna and the spiritual beliefs, and cultural traditions of tangata whenua where activities are undertaken on the surface of lakes and rivers and their margins.
- 21.2.12.2** Enable people to have access to a wide range of recreational experiences on the lakes and rivers, based on the identified characteristics and environmental limits of the various parts of each lake and river.
- 21.2.12.3** Avoid or mitigate the adverse effects of frequent, large-scale or intrusive commercial activities such as those with high levels of noise, vibration, speed and wash, in particular motorised craft, in areas of high passive recreational use, significant nature conservation values and wildlife habitat.
- 21.2.12.4** Have regard to the whitewater values of the District's rivers and, in particular, the values of parts of the Kowarau, Nevis and Shotover Rivers as three of the few remaining major unmodified whitewater rivers in New Zealand, and to support measures to protect this characteristic of rivers.
- 21.2.12.5** Protect, maintain or enhance the natural character and nature conservation values of lakes, rivers and their margins from inappropriate activities with particular regard to nesting and spawning areas, the intrinsic value of ecosystem services and areas of indigenous fauna habitat and recreational values.
- 21.2.12.6** Recognise and provide for the maintenance and enhancement of public access to and enjoyment of the margins of the lakes and rivers.
- 21.2.12.7** Ensure that the location, design and use of structures and facilities are such that any adverse effects on visual qualities, safety and conflicts with recreational and other activities on the lakes and rivers are avoided, remedied or mitigated.
- 21.2.12.8** Encourage development and use of water based public ferry systems including necessary infrastructure and marinas, in a way that avoids adverse effects on the environment as far as possible, or where avoidance is not practicable, remedies and mitigates such adverse effects.
- 21.2.12.9** Take into account the potential adverse effects on nature conservation values from the boat wake of commercial boating activities, having specific regard to the intensity and nature of commercial jet boat activities and the potential for turbidity and erosion.
- 21.2.12.10** Ensure that the nature, scale and number of commercial boating operators and/or commercial boats on waterbodies do not exceed levels such that the safety of passengers and other users of the water body cannot be assured.

21.2.13 Objective - Rural industrial activities and infrastructure within the Rural Industrial Sub-Zones will support farming and rural productive activities, while protecting, maintaining and enhancing rural character, amenity and landscape values.

- Policies
- 21.2.13.1** Provide for rural industrial activities and buildings within established nodes of industrial development while protecting, maintaining and enhancing landscape and amenity values.
 - 21.2.13.2** Provide for limited retail and administrative activities within the Rural Industrial Sub-Zone on the basis it is directly associated with and ancillary to the Rural Industrial Activity on the site.

21.3 Other Provisions and Rules

21.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1	Introduction	2	Definitions	3	Strategic Direction
4	Urban Development	5	Tangata Whenua	6	Landscapes and Rural Character
25	<i>Earthworks</i>	26	Historic Heritage	27	Subdivision
28	Natural Hazards	29	<i>Transport</i>	30	Energy and Utilities
31	<i>Signs</i>	32	Protected Trees	33	Indigenous Vegetation
34	Wilding Exotic Trees	35	Temporary Activities and Relocated Buildings	36	Noise
37	Designations		Planning Maps		

21.3.2 Interpreting and Applying the Rules

- 21.3.2.1** A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules.
- 21.3.2.2** Where an activity does not comply with a Standard listed in the Standards tables, the activity status identified by the 'Non-Compliance Status' column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.
- 21.3.2.3** For controlled and restricted discretionary activities, the Council shall restrict the exercise of its control or discretion to the matters listed in the rule.

- 21.3.2.4** Development and building activities are undertaken in accordance with the conditions of resource subdivision consent and may be subject to monitoring by the Council.
- 21.3.3.5** The existence of a farm building either permitted or approved by resource consent under Rule 21.4.2 or Table 5 – Standards for Farm Buildings shall not be considered the permitted baseline for residential or other non-farming activity development within the Rural Zone.
- 21.3.3.6** The Ski Area and Rural Industrial Sub-Zones, being Sub-Zones of the Rural Zone, require that all rules applicable to the Rural Zone apply unless stated to the contrary.
- 21.3.2.7** Building platforms identified on a site’s computer freehold register shall have been registered as part of a resource consent approval by the Council.
- 21.3.2.8** The surface and bed of lakes and rivers are zoned Rural, unless otherwise stated.
- 21.3.2.9** Internal alterations to buildings including the replacement of joinery is permitted.
- 21.3.2.10** These abbreviations are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

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

21.3.3 Advice Notes

- 21.3.3.1** Compliance with any of the following standards, in particular the permitted standards, does not absolve any commitment to the conditions of any relevant resource consent, consent notice or covenant registered on the computer freehold register of any property.
- 21.3.3.2** In addition to any rules for mining, the Otago Regional Plan: Water, also has rules related to suction dredge mining.
- 21.3.3.3** Applications for building consent for permitted activities shall include information to demonstrate compliance with the following standards, and any conditions of the applicable resource consent conditions.

21.4

Rules - Activities

All activities, including any listed permitted activities shall be subject to the rules and standards contained in Tables 1 to 15.

Table 1 – Activities Generally

Table 2 – Standards Applying Generally in the Zone

Table 3 – Standards for Farm Activities (additional to those in Table 2)

Table 4 – Standards for Structures and Buildings (other than Farm Buildings) (additional to those in Table 2)

Table 5 – Standards for Farm Buildings (additional to those in Table 2)

Table 6 – Standards for Commercial Activities (additional to those in Table 2)

Table 7 – Standards for Informal Airports (additional to those in Table 2)

Table 8 – Standards for Mining and Extraction Activities (additional to those in Table 2)

Table 9 – Activities in the Ski Area Sub-Zone (additional to those listed in Table 1)

Table 10 - Activities in Rural Industrial Sub-Zone (additional to those listed in Table 1)

Table 11 – Standards for Rural Industrial Sub-Zone

Table 12– Activities on the Surface of Lakes and Rivers

Table 13 – Standards for Activities on the Surface of Lakes and Rivers

Table 14 – Closeburn Station Activities

Table 15 – Closeburn Station: Standards for Buildings and Structures

Table 1 - Activities - Rural Zone		Activity Status
Farming Activities		
21.4.1	Farming Activity that complies with the standards in Table 2 and Table 3.	P
21.4.2	Construction of or addition to farm buildings that comply with the standards in Table 5.	P
21.4.3	Factory Farming limited to factory farming of pigs or poultry that complies with the standards in Table 2 and Table 3.	P
21.4.4	Factory Farming animals other than pigs or poultry.	NC
Residential Activities		
21.4.5	One residential unit, which includes a single residential flat for each residential unit and any other accessory buildings, within any building platform approved by resource consent.	P
21.4.6	The construction and exterior alteration of buildings located within a building platform approved by resource consent, or registered on the applicable computer freehold register, subject to compliance with the standards in Table 2 and Table 4.	P
21.4.7	The exterior alteration of any lawfully established building where there is not an approved building platform on the site, subject to compliance with the standards in Table 2 and Table 4.	P

Table 1 - Activities - Rural Zone		Activity Status
21.4.8	Domestic Livestock.	P
21.4.9	The use of land or buildings for residential activity except as provided for in any other rule.	D
21.4.10	The identification of a building platform not less than 70m ² and not greater than 1000m ² .	D
21.4.11	The construction of any building including the physical activity associated with buildings including roading, access, lighting, landscaping and earthworks, not provided for by any other rule.	D
Commercial Activities		
21.4.12	Home Occupation that complies with the standards in Table 6.	P
21.4.13	Commercial recreational activities that comply with the standards in Table 6.	P
21.4.14	Roadside stalls that meet the standards in Table 6.	P
21.4.15		
21.4.16	Retail sales of farm and garden produce and wine grown, reared or produced on-site or handicrafts produced on the site and that comply with the standards in Table 6, not undertaken through a roadside stall under Rule 21.4.14. Control is reserved to: a. the location of the activity and buildings; b. vehicle crossing location, car parking; c. rural amenity and landscape character.	C
21.4.17	Commercial activities ancillary to and located on the same site as commercial recreational or recreational activities.	D
21.4.18	Cafes and restaurants located in a winery complex within a vineyard.	D
21.4.19	Visitor Accommodation outside of a Ski Area Sub-Zone.	D
21.4.20	Forestry Activities within the Rural Character Landscapes.	D
21.4.21	Retail Sales Retail sales where the access is onto a State Highway, with the exception of the activities provided for by Rule 21.4.14 or Rule 21.4.16.	NC
Other Activities		
21.4.22	Recreation and/or Recreational Activity.	P
21.4.23	Informal Airports that comply with Table 7.	P

Table 1 - Activities - Rural Zone		Activity Status
21.4.24	<p>Passenger Lift Systems not located within a Ski Area Sub-Zone</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the impact on landscape values from any alignment, earthworks, design and surface treatment, including measures to mitigate landscape effects including visual quality and amenity values; the route alignment and the whether any system or access breaks the line and form of skylines, ridges, hills and prominent slopes; earthworks associated with construction of the Passenger Lift System; the materials used, colours, lighting and light reflectance; geotechnical matters; ecological values and any proposed ecological mitigation works.; balancing environmental considerations with operational requirements of Ski Area Activities; the positive effects arising from providing alternative non-vehicular access and linking Ski Area Sub-Zones to the roading network. 	RD
21.4.25	<p>Ski Area Activities not located within a Ski Area Sub-Zone, with the exception of:</p> <ol style="list-style-type: none"> non-commercial skiing which is permitted as recreation activity under Rule 21.4.22; commercial heli skiing not located within a Ski Area Sub-Zone is a commercial recreation activity and Rule 21.4.13 applies; Passenger Lift Systems to which Rule 21.4.24 applies. 	NC
21.4.26	Any building within a Building Restriction Area identified on the Planning Maps.	NC
Activities within the Outer Control Boundary at Queenstown Airport and Wanaka Airport		
21.4.27	New Building Platforms and Activities Sensitive to Aircraft Noise within the Outer Control Boundary - Wanaka Airport	PR
	On any site located within the Outer Control Boundary, any new activity sensitive to aircraft noise or new building platform to be used for an activity sensitive to aircraft noise (except an activity sensitive to aircraft noise located on a building platform approved before 20 October 2010).	
21.4.28	Activities Sensitive to Aircraft Noise within the Outer Control Boundary - Queenstown Airport	PR
	On any site located within the Outer Control Boundary, which includes the Air Noise Boundary, as indicated on the District Plan Maps, any new Activity Sensitive to Aircraft Noise.	
Mining Activities		
21.4.29	<p>The following mining and extraction activities that comply with the standards in Table 8 are permitted:</p> <ol style="list-style-type: none"> mineral prospecting; mining by means of hand-held, non-motorised equipment and suction dredging, where the total motive power of any dredge does not exceed 10 horsepower (7.5 kilowatt); and the mining of aggregate for farming activities provided the total volume does not exceed 1000m³ in any one year. 	P

Table 1 - Activities - Rural Zone		Activity Status
21.4.30	<p>Mineral exploration that does not involve more than 20m³ in volume in any one hectare</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> a. the adverse effects on landscape, nature conservation values and water quality; b. ensuring rehabilitation of the site is completed that ensures: <ol style="list-style-type: none"> i. the long-term stability of the site; ii. that the landforms or vegetation on finished areas are visually integrated into the landscape; iii. water quality is maintained; iv. that the land is returned to its original productive capacity; c. that the land is rehabilitated to indigenous vegetation where the pre-existing land cover immediately prior to the exploration, comprised indigenous vegetation as determined utilising Section 33.3.3 of Chapter 33. 	C
21.4.31	Any mining activity or mineral prospecting other than provided for in Rules 21.4.29 and 21.4.30.	D
Industrial Activities outside the Rural Industrial Sub-Zone		
21.4.32	Industrial Activities directly associated with wineries and underground cellars within a vineyard.	D
21.4.33	Industrial Activities outside the Rural Industrial Sub-Zone other than those provided for by Rule 21.4.32.	NC
Default Activity Status When Not Listed		
21.4.34	Any activity not otherwise provided for in Tables 1, 9, 10, 12 or 14.	NC

21.5

Rules - General Standards

Table 2	Table 2 - Standards Applying Generally in the Zone. The following standards apply to any of the activities described in Tables 1, 9, 10, 12 and 14 in addition to the specific standards in Tables 3- 8, 11, 13 and 15 unless otherwise stated.	Non- compliance Status
21.5.1	Setback from Internal Boundaries The setback of any building from internal boundaries shall be 15m. Except this rule shall not apply within the Rural Industrial Sub-Zone. Refer to Table 11.	RD Discretion is restricted to: a. rural amenity and landscape character; b. privacy, outlook and amenity from adjoining properties.
21.5.2	Setback from Roads The setback of any building from a road boundary shall be 20m, except, the minimum setback of any building from State Highway 6 between Lake Hayes and the Shotover River shall be 50m. The minimum setback of any building for other sections of State Highway 6 where the speed limit is 70 km/hr or greater shall be 40m.	RD Discretion is restricted to: a. rural Amenity and landscape character; b. open space; c. the adverse effects on the proposed activity from noise, glare and vibration from the established road.
21.5.3	Setback from Neighbours of Buildings Housing Animals The setback from internal boundaries for any building housing animals shall be 30m.	RD Discretion is restricted to: a. odour; b. noise; c. dust; d. vehicle movements.
21.5.4	Setback of buildings from Water bodies The minimum setback of any building from the bed of a wetland, river or lake shall be 20m.	RD Discretion is restricted to: a. indigenous biodiversity values; b. visual amenity values; c. landscape and natural character; d. open space; e. whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the adverse effects of the location of the building.

Table 2	Table 2 - Standards Applying Generally in the Zone.	Non-compliance Status
<p>21.5.5</p>	<p>Airport Noise – Wanaka Airport</p> <p>Alterations or additions to existing buildings, or construction of a building on a building platform approved before 20 October 2010, that contain an Activity Sensitive to Aircraft Noise and are within the Outer Control Boundary, must be designed to achieve an internal design sound level of 40 dB Ldn, based on the 2036 noise contours, at the same time as meeting the ventilation requirements in Rule 36.6.2, Chapter 36. Compliance can either be demonstrated by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the internal design sound level, or by installation of mechanical ventilation to achieve the requirements in Rule 36.6.2, Chapter 36.</p>	<p>NC</p>
<p>21.5.6</p>	<p>Airport Noise – Alteration or Addition to Existing Buildings (excluding any alterations of additions to any non-critical listening environment) within the Queenstown Airport Noise Boundaries</p> <p>a. Within the Queenstown Airport Air Noise Boundary (ANB) - Alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise must be designed to achieve an Indoor Design Sound Level of 40 dB Ldn, within any Critical Listening Environment, based on the 2037 Noise Contours. Compliance must be demonstrated by either adhering to the sound insulation requirements in Rule 36.6.1 of Chapter 36 and installation of mechanical ventilation to achieve the requirements in Rule 36.6.2 of Chapter 36, or by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level with the windows open.</p> <p>b. Between the Queenstown Airport Outer Control Boundary and the ANB – Alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise must be designed to achieve an Indoor Design Sound Level of 40 dB Ldn within any Critical Listening Environment, based on the 2037 Noise Contours. Compliance must be demonstrated by either installation of mechanical ventilation to achieve the requirements in Rule 36.6.2 of Chapter 36 or by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level with the windows open.</p>	<p>NC</p>
<p>21.5.7</p>	<p>Lighting and Glare</p> <p>21.5.7.1 All fixed exterior lighting must be directed away from adjoining sites and roads; and</p> <p>21.5.7.2 No activity on any site will result in greater than a 3.0 lux spill (horizontal and vertical) of light onto any other site measured at any point inside the boundary of the other site, provided that this rule shall not apply where it can be demonstrated that the design of adjacent buildings adequately mitigates such effects.</p> <p>21.5.7.3 There must be no upward light spill.</p>	<p>NC</p>

21.6

Rule - Standards for Farm Activities

Table 3 – Standards for Farm Activities. The following standards apply to Farm Activities.		Non-Compliance Status
21.6.1	<p>Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing)</p> <p>All effluent holding tanks, effluent treatment and effluent storage ponds, must be located at least 300 metres from any formed road or adjoining property.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. odour; b. visual prominence; c. landscape character; d. effects on surrounding properties.
21.6.2	<p>Factory Farming (excluding the boarding of animals)</p> <p>Factory farming (excluding the boarding of animals) must be located at least 2 kilometres from a Residential, Rural Residential, Rural Lifestyle, Town Centre, Local Shopping Centre Zone, Millbrook Resort Zone, Waterfall Park Zone or Jacks Point Zone.</p>	D
21.6.3	<p>Factory Farming of Pigs</p> <p>21.6.3.1 The number of housed pigs must not exceed 50 sows or 500 pigs of mixed ages;</p> <p>21.6.3.2 Housed pigs must not be located closer than 500m from a property boundary;</p> <p>21.6.3.4 The number of outdoor pigs must not exceed 100 pigs and their progeny up to weaner stage;</p> <p>21.6.3.5 Outdoor sows must be ringed at all times; and/or</p> <p>21.6.3.6 The stocking rate of outdoor pigs must not exceed 15 pigs per hectare, excluding progeny up to weaner stage.</p>	NC
21.6.4	<p>Factory farming of poultry</p> <p>21.6.4.1 The number of birds must not exceed 10,000 birds.</p> <p>21.6.4.2 Birds must be housed at least 300m from a site boundary.</p>	NC

Table 4 – Standards for Structures and Buildings		Non-Compliance Status
<p>21.7.1</p> <p>Structures</p> <p>The following standards apply to structures and buildings, other than Farm Buildings.</p> <p>Any structure which is greater than 5 metres in length, and between 1 metre and 2 metres in height must be located a minimum distance of 10 metres from a road boundary, except for:</p> <p>21.7.1.1 Post and rail, post and wire and mesh fences, including deer fences;</p> <p>21.7.1.2 Any structure associated with farming activities as defined in this plan.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. effects on landscape character, views and amenity, particularly from public roads;</p> <p>b. the materials used, including their colour, reflectivity and permeability;</p> <p>c. whether the structure will be consistent with traditional rural elements.</p>	
<p>21.7.2</p> <p>Buildings</p> <p>Any building, including any structure larger than 5m², that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building, are subject to the following:</p> <p>All exterior surfaces* must be coloured in the range of browns, greens or greys, including:</p> <p>21.7.2.1 Pre-painted steel and all roofs must have a light reflectance value not greater than 20%; and</p> <p>21.7.2.2 All other surface ** finishes except for schist, must have a light reflectance value of not greater than 30%.</p> <p>21.7.2.3 In the case of alterations to an existing building not located within a building platform, it does not increase the ground floor area by more than 30% in any ten year period.</p> <p>Except this rule does not apply within the Ski Area Sub-Zones.</p> <p>* Excludes soffits, windows and skylights (but not glass balustrades).</p> <p>** Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed by the Council to be suitably recessive and have the same effect as achieving a light reflectance value of 30%.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. external appearance;</p> <p>b. visual prominence from both public places and private locations;</p> <p>c. landscape character;</p> <p>d. visual amenity.</p>	

Table 4 – Standards for Structures and Buildings The following standards apply to structures and buildings, other than Farm Buildings.		Non-Compliance Status
21.7.3	<p>Building size</p> <p>The ground floor area of any building must not exceed 500m². Except this rule does not apply to buildings specifically provided for within the Ski Area Sub-Zones.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. external appearance; b. visual prominence from both public places and private locations; c. landscape character; d. visual amenity; e. privacy, outlook and amenity from adjoining properties.
21.7.4	<p>Building Height</p> <p>The maximum height shall be 8m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. rural amenity and landscape character; b. privacy, outlook and amenity from adjoining properties; c. visual prominence from both public places and private locations.
21.7.5	<p>Fire Fighting water and access</p> <p>All new buildings, where there is no reticulated water supply or any reticulated water supply is not sufficient for fire-fighting water supply, must make the following provision for fire-fighting:</p> <ul style="list-style-type: none"> 21.7.5.1 A water supply of 45,000 litres and any necessary couplings. 21.7.5.2 A hardstand area adjacent to the firefighting water supply capable of supporting fire service vehicles. 21.7.5.3 Firefighting water connection point within 6m of the hardstand, and 90m of the dwelling. 21.7.5.4 Access from the property boundary to the firefighting water connection capable of accommodating and supporting fire service vehicles. 	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the extent to which SNZ PAS 4509: 2008 can be met including the adequacy of the water supply; b. the accessibility of the firefighting water connection point for fire service vehicles; c. whether and the extent to which the building is assessed as a low fire risk.

21.8 Rules - Standards for Farm Buildings

Table 5 - Standards for Farm Buildings The following standards apply to Farm Buildings.		Non-compliance Status	
21.8.1	Construction, Extension or Replacement of a Farm Building The construction, replacement or extension of a farm building is a permitted activity subject to the following standards:	RD Discretion is restricted to: a. the extent to which the scale and location of the Farm Building is appropriate in terms of: i. rural amenity values; ii. landscape character; iii. privacy, outlook and rural amenity from adjoining properties; iv. visibility, including lighting.	
	21.8.1.1 The landholding the farm building is located within must be greater than 100ha; and		
	21.8.1.2 The density of all buildings on the landholding, inclusive of the proposed building(s) must not exceed one farm building per 50 hectares; and		
	21.8.1.3 The farm building must not be located within or on an Outstanding Natural Feature (ONF); and		
	21.8.1.4 If located within the Outstanding Natural Landscape (ONL) the farm building must not exceed 4 metres in height and the ground floor area must not exceed 100m ² ; and		
	21.8.1.5 The farm building must not be located at an elevation exceeding 600 masl; and		
	21.8.1.6 If located within the Rural Character Landscape (RCL), the farm building must not exceed 5m in height and the ground floor area must not exceed 300m ² ; and		
	21.8.1.7 Farm buildings must not protrude onto a skyline or above a terrace edge when viewed from adjoining sites, or formed roads within 2km of the location of the proposed building.		
	21.8.2		RD Discretion is restricted to: a. external appearance; b. visual prominence from both public places and private locations; c. landscape character; d. visual amenity.
	Exterior colours of farm buildings		
21.8.2.1 All exterior surfaces, except for schist, must be coloured in the range of browns, greens or greys (except soffits).			
21.8.2.2 Pre-painted steel, and all roofs must have a reflectance value not greater than 20%.			
21.8.2.3 Surface finishes, except for schist, must have a reflectance value of not greater than 30%.			

Table 5 - Standards for Farm Buildings The following standards apply to Farm Buildings.		Non-compliance Status
21.8.3	Building Height The height of any farm building must not exceed 10m.	RD Discretion is restricted to: a. rural amenity values; b. landscape character; c. privacy, outlook and amenity from adjoining properties.
21.8.4	Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing) All milking sheds or buildings used to house, or feed milking stock must be located at least 300 metres from any adjoining property, lake, river or formed road.	D

21.9 Rules - Standards for Commercial Activities

Table 6 - Standards for Commercial Activities		Non-compliance Status
21.9.1	Commercial recreational activities must be undertaken on land, outdoors and must not involve more than 12 persons in any one group.	D
21.9.2	Home Occupation 21.9.2.1 The maximum net floor area of home occupation activities must not exceed 150m ² . 21.9.2.2 Goods materials or equipment must not be stored outside a building. 21.9.2.3 All manufacturing, altering, repairing, dismantling or processing of any goods or articles must be carried out within a building.	RD Discretion is restricted to: a. the nature, scale and intensity of the activity in the context of the surrounding rural area; b. visual amenity from neighbouring properties and public places; c. noise, odour and dust; d. the extent to which the activity requires a rural location because of its link to any rural resource in the Rural Zone; e. access safety and transportation effects.

Table 6 - Standards for Commercial Activities		Non-compliance Status
21.9.3	<p>Roadside Stalls</p> <p>21.9.3.1 The ground floor area of the roadside stall must not exceed 5m²;</p> <p>21.9.3.2 The height must not exceed 2m²;</p> <p>21.9.3.3 The minimum sight distance from the roadside stall access must be at least 200m;</p> <p>21.9.3.4 The roadside stall must not be located on legal road reserve.</p>	D
21.9.4	<p>Retail Sales</p> <p>Buildings that have a gross floor area that is greater than 25m² to be used for retail sales identified in Table 1 must be setback from road boundaries by at least 30m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. landscape character and visual amenity; b. access safety and transportation effects; c. on-site parking.

21.10 Rules - Standards for Informal Airports

Table 7 - Standards for Informal Airports		Non-compliance Status
21.10.1	<p>Informal Airports Located on Public Conservation and Crown Pastoral Land</p> <p>Informal airports that comply with the following standards shall be permitted activities:</p> <p>21.10.1.1 Informal airports located on Public Conservation Land where the operator of the aircraft is operating in accordance with a Concession issued pursuant to Section 17 of the Conservation Act 1987.</p> <p>21.10.1.2 Informal airports located on Crown Pastoral Land where the operator of the aircraft is operating in accordance with a Recreation Permit issued pursuant to Section 66A of the Land Act 1948.</p> <p>21.10.1.3 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities, or the Department of Conservation or its agents.</p> <p>21.10.1.4 In relation to Rules 21.10.1.1 and 21.10.1.2, the informal airport shall be located a minimum distance of 500 metres from any other zone or the notional boundary of any residential unit or approved building platform not located on the same site.</p>	D

21.10.2	Table 7 - Standards for Informal Airports Informal Airports Located on other Rural Zoned Land Informal Airports that comply with the following standards shall be permitted activities: 21.10.2.1 Informal airports on any site that do not exceed a frequency of use of 2 flights* per day; 21.10.2.2 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities; 21.10.2.3 In relation to point Rule 21.10.2.1, the informal airport shall be located a minimum distance of 500 metres from any other zone or the notional boundary of any residential unit of building platform not located on the same site. * note for the purposes of this Rule a flight includes two aircraft movements i.e. an arrival and departure.	Non-compliance Status
		D

21.11 Rules - Standards for Mining

21.11.1	Table 8 – Standards for Mining and Extraction Activities 21.11.1.1 The activity will not be undertaken on an Outstanding Natural Feature. 21.11.1.2 The activity will not be undertaken in the bed of a lake or river.	non-compliance Status
		NC

21.12 Rules - Ski Area and Sub-Zone

21.12.1	Table 9 - Activities in the Ski Area Sub-Zone Additional to those activities listed in Table 1. Ski Area Activities Construction, relocation, addition or alteration of a building Control is reserved to: a. location, external appearance and size, colour, visual dominance; b. associated earthworks, access and landscaping; c. provision of water supply, sewage treatment and disposal, electricity and communication services (where necessary); d. lighting.	Activity Status
		P
		C

Table 9 - Activities in the Ski Area Sub-Zone Additional to those activities listed in Table 1.		Activity Status
21.12.3	<p>Passenger Lift Systems</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> the extent to which the passenger lift system breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes; whether the materials and colour to be used are consistent with the rural landscape of which passenger lift system will form a part; the extent of any earthworks required to construct the passenger lift system, in terms of the limitations set out in Chapter 25 Earthworks; balancing environmental considerations with operational characteristics. 	C
21.12.4	<p>Night lighting</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> hours of operation; duration and intensity; impact on surrounding properties. 	C
21.12.5	<p>Vehicle Testing</p> <p>In the Waiorau Snow Farm Ski Area Activity Sub-Zone; the construction of access ways and tracks associated with the testing of vehicles, their parts and accessories.</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> gravel and silt run off; stormwater, erosion and siltation; the sprawl of tracks and the extent to which earthworks modify the landform; stability of over-steepened embankments. 	C
21.12.6	<p>Retail activities ancillary to Ski Area Activities</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> location; hours of operation with regard to consistency with ski-area activities; amenity effects, including loss of remoteness or isolation; traffic congestion, access and safety; waste disposal; cumulative effects. 	C

Table 9 - Activities in the Ski Area Sub-Zone Additional to those activities listed in Table 1.		Activity Status
21.12.7	<p>Ski Area Sub-Zone Accommodation</p> <p>Comprising a duration of stay of up to 6 months in any 12-month period and including worker accommodation.</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> scale and intensity and whether these would have adverse effects on amenity, including loss of remoteness or isolation; location, including whether that because of the scale and intensity the visitor accommodation should be located near the base building area (if any); parking; provision of water supply, sewage treatment and disposal; cumulative effects; natural hazards. 	RD
21.12.8	Earthworks, buildings and infrastructure within the No Building and Earthworks Line in the Remarkables Ski Area Sub-Zone	PR

21.13 Rules - Activities in Rural Industrial Sub-Zone

Table 10 - Activities in Rural Industrial Sub-Zone Additional to those activities listed in Table 1.		Activity Status
21.13.1	Retail activities within the Rural Industrial Sub-Zone that involve the sale of goods produced, processed or manufactured on site or ancillary to Rural Industrial activities that comply with Table 11.	P
21.13.2	Administrative offices ancillary to and located on the same site as Rural Industrial activities being undertaken within the Rural Industrial Sub-Zone that comply with Table 11.	P
21.13.3	Rural Industrial Activities within a Rural Industrial Sub-Zone that comply with Table 11.	P
21.13.4	Buildings for Rural Industrial Activities within the Rural Industrial Sub-Zone that comply with Table 11.	P

21.14 Rules - Standards for Activities within Rural Industrial Sub-Zone

Table 11 – Standards for activities within the Rural Industrial Sub Zone		Non-Compliance Status
These Standards apply to activities listed in Table 1 and Table 10.		
21.14.1	<p>Buildings</p> <p>Any building, including any structure larger than 5m², that is new, relocated, altered, re-clad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building are subject to the following:</p> <p>All exterior surface must be coloured in the range of browns, greens or greys (except soffits), including;</p> <p>21.15.1.1 Pre-painted steel and all roofs must have a reflectance value not greater than 20%; and,</p> <p>21.15.1.2 All other surface finishes must have a reflectance value of not greater than 30%.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> external appearance; visual prominence from both public places and private locations; landscape character.
21.14.2	<p>Building size</p> <p>The ground floor area of any building must not exceed 500m².</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> external appearance; visual prominence from both public places and private locations; visual amenity; privacy, outlook and amenity from adjoining properties.
21.14.3	<p>Building Height</p> <p>The height for of any industrial building must not exceed 10m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> rural amenity and landscape character; privacy, outlook and amenity from adjoining properties.

Table 11 – Standards for activities within the Rural Industrial Sub Zone These Standards apply to activities listed in Table 1 and Table 10.		Non-Compliance Status
21.14.4	Setback from Sub-Zone Boundaries The minimum setback of any building within the Rural Industrial Sub-Zone shall be 10m from the Sub-Zone boundaries.	RD Discretion is restricted to: a. the requirement for landscaping to act as a buffer between the Rural Industrial Sub-Zone and neighbouring properties and whether there is adequate room for landscaping within the reduced setback; b. rural amenity and landscape character; c. Privacy, outlook and amenity from adjoining properties.
21.14.5	Retail Activities Retail activities including the display of items for sale must be undertaken within a building and must not exceed 10% of the building's total floor area.	NC

21.15 Rules - Activities on the Surface of Lakes and Rivers

Table 12 - Activities on the Surface of Lakes and Rivers		Activity Status
21.15.1	Activities on the surface of lakes and river not otherwise controlled or restricted by rules in Table 14.	P
21.15.2	Motorised Recreational and Commercial Boating Activities The use of motorised craft for the purpose of emergency search and rescue, hydrological survey, public scientific research, resource management monitoring or water weed control, or for access to adjoining land for farming activities.	P

Table 12 - Activities on the Surface of Lakes and Rivers		Activity Status
21.15.3	Motorised Recreational Boating Activities	P
	<p>Hawea River, motorised recreational boating activities on no more than six (6) days in each year subject to the following conditions:</p> <ol style="list-style-type: none"> a. at least four (4) days of such activity are to be in the months January to April, November and December; b. the Jet Boat Association of New Zealand ("JBANZ") (JBANZ or one of the Otago and Southland Branches as its delegate) administers the activity on each day; c. the prior written approval of Central Otago Whitewater Inc is obtained if that organisation is satisfied that none of its member user groups are organising activities on the relevant days; and d. JBANZ gives two (2) calendar months written notice to the Council's Harbour-Master of both the proposed dates and the proposed operating schedule; e. the Council's Harbour-Master satisfies himself that none of the regular kayaking, rafting or other whitewater (non-motorised) river user groups or institutions (not members of Central Otago Whitewater Inc) were intending to use the Hawea River on that day, and issues an approved operating schedule; f. JBANZ carries out, as its expense, public notification on two occasions 14 and 7 days before the proposed jet boating; g. public notification for the purposes of (f) means a public notice with double-size font heading in both the Otago Daily Times and the Southland Times, and written notices posted at the regular entry points to the Hawea River. 	
21.15.4	Jetboat Race Events	C
	<p>Jetboat Race Events on the Clutha River, between the Lake Outlet boat ramp and the Albert Town road bridge not exceeding 6 race days in any calendar year.</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> a. the date, time, duration and scale of the jetboat race event, including its proximity to other such events, such as to avoid or mitigate adverse effects on residential and recreational activities in the vicinity; b. the adequacy of public notice of the event; c. public safety. 	
21.15.5		

Table 12 - Activities on the Surface of Lakes and Rivers		Activity Status
21.15.6	<p>Jetties and Moorings in the Frankton Arm</p> <p>Jetties and moorings in the Frankton Arm, identified as the area located to the east of the Outstanding Natural Landscape line as shown on the District Plan Maps.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. whether they are dominant or obtrusive elements in the shore scape or lake view, particularly when viewed from any public place, including whether they are situated in natural bays and not headlands; b. whether the structure causes an impediment to craft manoeuvring and using shore waters. c. the degree to which the structure will diminish the recreational experience of people using public areas around the shoreline; d. the effects associated with congestion and clutter around the shoreline. Including whether the structure contributes to an adverse cumulative effect; e. whether the structure will be used by a number and range of people and craft, including the general public; f. the degree to which the structure would be compatible with landscape and amenity values, including colour, materials, design. 	RD
21.15.7	<p>Structures and Moorings</p> <p>Subject to Rule 21.15.8 any structure or mooring that passes across or through the surface of any lake or river or is attached to the bank of any lake and river, other than where fences cross lakes and rivers.</p>	D
21.15.8	<p>Structures and Moorings</p> <p>Any structures or mooring that passes across or through the surface of any lake or river or attached to the bank or any lake or river in those locations on the District Plan Maps where such structures or moorings are shown as being non-complying.</p>	NC
21.15.9	<p>Motorised and non-motorised Commercial Boating Activities</p> <p>Except where otherwise limited by a rule in Table 12.</p> <p>Note: Any person wishing to commence commercial boating activities could require a concession under the QLDC Navigation Safety Bylaw. There is an exclusive concession currently granted to a commercial boating operator on the Shotover River between Edith Cavell Bridge and Tucker Beach until 1 April 2009 with four rights of renewal of five years each.</p>	D

Table 12 - Activities on the Surface of Lakes and Rivers		Activity Status
21.15.10	<p>Motorised Recreational and Commercial Boating Activities</p> <p>The use of motorised craft on the following lakes and rivers is prohibited except as provided for under Rules 21.15.2 or 21.15.3.</p> <p>21.15.10.1 Hawea River.</p> <p>21.15.10.2 Lake Hayes - Commercial boating activities only.</p> <p>21.15.10.3 Any tributary of the Dart and Rees rivers (except the Beansburn and Rockburn tributaries of the Dart River) or upstream of Muddy Creek on the Rees River.</p> <p>21.15.10.4 Young River or any tributary of the Young or Wilkin Rivers and any other tributaries of the Makarora River.</p> <p>21.15.10.5 Dingle Burn and Timaru Creek.</p> <p>21.15.10.6 The tributaries of the Hunter River.</p> <p>21.15.10.7 Hunter River during the months of May to October inclusive.</p> <p>21.15.10.8 Motatapu River.</p> <p>21.15.10.9 Any tributary of the Matukituki River.</p> <p>21.15.10.10 Clutha River - More than six jet boat race days per year as allowed by Rule 21.15.4.</p>	PR

21.16 Rules - Standards for Surface of Lakes and Rivers

Table 13 - Standards for Surface of Lakes and Rivers		Non-Compliance Status
21.16.1	<p>These Standards apply to the Activities listed in Table 12.</p> <p>Boating craft used for Accommodation</p> <p>Boating craft on the surface of the lakes and rivers may be used for accommodation, providing that:</p> <p>21.16.1.1 The craft must only be used for overnight recreational accommodation; and</p> <p>21.16.1.2 The craft must not be used as part of any commercial activity; and</p> <p>21.16.1.3 All effluent must be contained on board the craft and removed ensuring that no effluent is discharged into the lake or river.</p>	NC

	Table 13 - Standards for Surface of Lakes and Rivers These Standards apply to the Activities listed in Table 12.	Non-Compliance Status
21.16.2	<p>Jetties and Moorings in the Frankton Arm</p> <p>Jetties and moorings in the Frankton Arm, identified as the area located to the east of the Outstanding Natural Landscape line as shown on the District Plan Maps.</p> <p>No new jetty within the Frankton Arm identified as the area east of the Outstanding Natural Landscape Line shall:</p> <p>21.16.2.1 Be closer than 200 metres to any existing jetty;</p> <p>21.16.2.2 Exceed 20 metres in length;</p> <p>21.16.2.3 Exceed four berths per jetty, of which at least one berth is available to the public at all times;</p> <p>21.16.2.4 Be constructed further than 200 metres from a property in which at least one of the registered owners of the jetty resides.</p>	NC
21.16.3	<p>The following activities are subject to compliance with the following standards:</p> <p>21.16.3.1 Kawarau River, Lower Shotover River downstream of Tucker Beach and Lake Wakatipu within Frankton Arm - Commercial motorised craft; other than public transport ferry activities, may only operate between the hours of 0800 to 2000.</p> <p>21.16.3.2 Lake Wanaka, Lake Hawea and Lake Wakatipu - Commercial jetski operations must only be undertaken between the hours of 0800 to 2100 on Lakes Wanaka and Hawea and 0800 and 2000 on Lake Wakatipu.</p> <p>21.16.3.3 Dart and Rees Rivers - Commercial motorised craft must only operate between the hours of 0800 to 1800, except that above the confluence with the Beansburn on the Dart River commercial motorised craft must only operate between the hours of 1000 to 1700.</p> <p>21.16.3.4 Dart River – The total number of commercial motorised boating activities must not exceed 26 trips in any one day. No more than two commercial jet boat operators may operate upstream of the confluence of the Beansburn, other than for tramper and angler access only.</p>	NC

21.17 Rules - Closeburn Station Activities

Table 14 - Closeburn Station: Activities		Activity
21.17.1	<p>The construction of a single residential unit and any accessory building(s) within lots 1 to 6, 8 to 21 DP 26634 located at Closeburn Station.</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. external appearances and landscaping, with regard to conditions 2.2(a), (b), (e) and (f) of resource consent RM1950829; b. associated earthworks, lighting, access and landscaping; c. provision of water supply, sewage treatment and disposal, electricity and telecommunications services. 	C

21.18 Rules - Closeburn Station Standards

Table 15 - Closeburn Station: Standards for Buildings and Structures		Non-compliance Status
21.18.1	<p>Setback from Internal Boundaries</p> <p>21.18.1.1 The minimum setback from internal boundaries for buildings within lots 1 to 6 and 8 to 21 DP 26634 at Closeburn Station shall be 2 metres.</p> <p>21.18.1.2 There shall be no minimum setback from internal boundaries within lots 7 and 22 to 27 DP300573 at Closeburn Station.</p>	D
21.18.2	<p>Building Height</p> <p>21.18.2.1 The maximum height of any building, other than accessory buildings, within Lots 1 and 6 and 8 to 21 DP 26634 at Closeburn Station shall be 7m.</p> <p>21.18.2.2 The maximum height of any accessory building within Lots 1 to 6 and 8 to 21 DP 26634 at Closeburn Station shall be 5m.</p> <p>21.18.2.4 The maximum height of any building within Lot 23 DP 300573 at Closeburn Station shall be 5.5m.</p> <p>21.18.2.5 The maximum height of any building within Lot 24 DP 300573 at Closeburn Station shall be 5m.</p>	NC

Table 15 - Closeburn Station: Standards for Buildings and Structures		Non-compliance Status
21.18.3	Residential Density In the Rural Zone at Closeburn Station, there shall be no more than one residential unit per allotment (being lots 1-27 DP 26634); excluding the large rural lots (being lots 100 and 101 DP 26634) held in common ownership.	NC
21.18.4	Building Coverage In lots 1-27 at Closeburn Station, the maximum residential building coverage of all activities on any site shall be 35%.	NC

21.19

21.20 Rules Non-Notification of Applications

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

- 21.20.1** Controlled activity retail sales of farm and garden produce and handicrafts grown or produced on site (**Rule 21.4.16**), except where the access is onto a State highway.
- 21.20.2** Controlled activity mineral exploration (**Rule 21.4.30**).
- 21.20.3** Controlled activity buildings at Closeburn Station (**Rule 21.17.1**).

21.21.1 Outstanding Natural Features and Outstanding Natural Landscapes (ONF and ONL).

The assessment matters set out below are derived from Policies 3.3.30, 6.3.10 and 6.3.12 to 6.3.18 inclusive. Applications shall be considered with regard to the following assessment matters:

21.21.1.1 In applying the assessment matters, the Council will work from the presumption that in or on Outstanding Natural Features and Landscapes, the applicable activities are inappropriate in almost all locations and that successful applications will be exceptional cases where the landscape or feature can absorb the change and where the buildings and structures and associated roading and boundary changes are reasonably difficult to see from beyond the boundary of the site the subject of application.

21.21.1.2 Existing vegetation that:

- a. was either planted after, or, self-seeded and less than 1 metre in height at 28 September 2002; and,
- b. obstructs or substantially interferes with views of the proposed development from roads or other public places, shall not be considered:
 - i. as beneficial under any of the following assessment matters unless the Council considers the vegetation (or some of it) is appropriate for the location in the context of the proposed development; and
 - ii. as part of the permitted baseline.

21.21.1.3 Effects on landscape quality and character

In considering whether the proposed development will maintain or enhance the quality and character of Outstanding Natural Features and Landscapes, the Council shall be satisfied of the extent to which the proposed development will affect landscape quality and character, taking into account the following elements:

- a. physical attributes:
 - i. geological, topographical, geographic elements in the context of whether these formative processes have a profound influence on landscape character;
 - ii. vegetation (exotic and indigenous);
 - iii. the presence of waterbodies including lakes, rivers, streams, wetlands.

- b. visual attributes:
 - i. legibility or expressiveness – how obviously the feature or landscape demonstrates its formative processes;
 - ii. aesthetic values including memorability and naturalness;
 - iii. transient values including values at certain times of the day or year;
 - iv. human influence and management – settlements, land management patterns, buildings, roads.
- c. Appreciation and cultural attributes:
 - i. Whether the elements identified in (a) and (b) are shared and recognised;
 - ii. Cultural and spiritual values for tangata whenua;
 - iii. Historical and heritage associations.

The Council acknowledges that Tangata Whenua beliefs and values for a specific location may not be known without input from iwi.
- d. In the context of (a) to (c) above, the degree to which the proposed development will affect the existing landscape quality and character, including whether the proposed development accords with or degrades landscape quality and character, and to what degree.
- e. any proposed new boundaries will not give rise to artificial or unnatural lines (such as planting and fence lines) or otherwise degrade the landscape character.

21.21.1.4 Effects on visual amenity

- In considering whether the potential visibility of the proposed development will maintain and enhance visual amenity, values the Council shall be satisfied that:
- a. the extent to which the proposed development will not be visible or will be reasonably difficult to see when viewed from public roads and other public places. In the case of proposed development in the vicinity of unformed legal roads, the Council shall also consider present use and the practicalities and likelihood of potential use of unformed legal roads for vehicular and/or pedestrian, cycling, equestrian and other means of access;
 - b. the proposed development will not be visually prominent such that it detracts from public or private views of and within Outstanding Natural Features and Landscapes;
 - c. the proposal will be appropriately screened or hidden from view by elements that are in keeping with the character of the landscape;
 - d. the proposed development will not reduce the visual amenity values of the wider landscape (not just the immediate landscape);
 - e. structures will not be located where they will break the line and form of any ridges, hills and slopes;
 - f. any roads, access, lighting, earthworks and landscaping will not reduce the visual amenity of the landscape.

21.21.1.5 Design and density of Development

In considering the appropriateness of the design and density of the proposed development, whether and to what extent:

- a. opportunity has been taken to aggregate built development to utilise common access ways including roads, pedestrian linkages, services and open space (ie. open space held in one title whether jointly or otherwise);
- b. there is merit in clustering the proposed building(s) or building platform(s) within areas that are least sensitive to change;
- c. development, including access, is located within the parts of the site where it would be least visible from public and private locations;
- d. development, including access, is located in the parts of the site where it has the least impact on landscape character.

21.21.1.6 Cumulative effects of subdivision and development on the landscape

Taking into account whether and to what extent existing, consented or permitted development (including unimplemented but existing resource consent or zoning) may already have degraded:

- a. the landscape quality or character; or,
- b. the visual amenity values of the landscape.

The Council shall be satisfied the proposed development, in combination with these factors will not further adversely affect the landscape quality, character, or visual amenity values.

21.21.2 Rural Character Landscape (RCL)

The assessment matters below have been derived from Policies 3.3.32, 6.3.10 and 6.3.19 to 6.3.29 inclusive. Applications shall be considered with regard to the following assessment matters because in the Rural Character Landscapes the applicable activities are unsuitable in many locations.

21.21.2.1 Existing vegetation that:

- a. was either planted after, or, self seeded and less than 1 metre in height at 28 September 2002; and,
- b. obstructs or substantially interferes with views of the proposed development from roads or other public places, shall not be considered:
 - i. as beneficial under any of the following assessment matters unless the Council considers the vegetation (or some of it) is appropriate for the location in the context of the proposed development; and
 - ii. as part of the permitted baseline.

21.21.2.2 Effects on landscape quality and character:

The following shall be taken into account:

- a. where the site is adjacent to an Outstanding Natural Feature or Landscape, whether and the extent to which the proposed development will adversely affect the quality and character of the adjacent Outstanding Natural Feature or Landscape;
- b. whether and the extent to which the scale and nature of the proposed development will degrade the quality and character of the surrounding Rural Character Landscape;
- c. whether the design and any landscaping would be compatible with or would enhance the quality and character of the Rural Character Landscape.

21.21.2.3 Effects on visual amenity:

Whether the development will result in a loss of the visual amenity of the Rural Character Landscape, having regard to whether and the extent to which:

- a. the visual prominence of the proposed development from any public places will reduce the visual amenity of the Rural Character Landscape. In the case of proposed development which is visible from unformed legal roads, regard shall be had to the frequency and intensity of the present use and, the practicalities and likelihood of potential use of these unformed legal roads as access;
- b. the proposed development is likely to be visually prominent such that it detracts from private views;
- c. any screening or other mitigation by any proposed method such as earthworks and/or new planting will detract from or obstruct views of the Rural Character Landscape from both public and private locations;
- d. the proposed development is enclosed by any confining elements of topography and/or vegetation and the ability of these elements to reduce visibility from public and private locations;
- e. any proposed roads, boundaries and associated planting, lighting, earthworks and landscaping will reduce visual amenity, with particular regard to elements which are inconsistent with the existing natural topography and patterns;
- f. boundaries follow, wherever reasonably possible and practicable, the natural lines of the landscape or landscape units.

21.21.2.4 Design and density of development:

In considering the appropriateness of the design and density of the proposed development, whether and to what extent:

- a. opportunity has been taken to aggregate built development to utilise common access ways including roads, pedestrian linkages, services and open space (ie. open space held in one title whether jointly or otherwise);
- b. there is merit in clustering the proposed building(s) or building platform(s) having regard to the overall density and intensity of the proposed development and whether this would exceed the ability of the landscape to absorb change;

- c. development, including access, is located within the parts of the site where they will be least visible from public and private locations;
- d. development, including access, is located in the parts of the site where they will have the least impact on landscape character.

21.21.2.5 Tangata Whenua, biodiversity and geological values:

- a. whether and to what extent the proposed development will degrade Tangata Whenua values including Tōpuni or nohoanga, indigenous biodiversity, geological or geomorphological values or features and, the positive effects any proposed or existing protection or regeneration of these values or features will have.

The Council acknowledges that Tangata Whenua beliefs and values for a specific location may not be known without input from iwi.

21.21.2.6 Cumulative effects of development on the landscape:

Taking into account whether and to what extent any existing, consented or permitted development (including unimplemented but existing resource consent or zoning) has degraded landscape quality, character, and visual amenity values. The Council shall be satisfied;

- a. the proposed development will not further degrade landscape quality, character and visual amenity values, with particular regard to situations that would result in a loss of valued quality, character and openness due to the prevalence of residential or non-farming activity within the Rural Landscape.
- b. where in the case resource consent may be granted to the proposed development but it represents a threshold to which the landscape could absorb any further development, whether any further cumulative adverse effects would be avoided by way of imposing a covenant, consent notice or other legal instrument that maintains open space.

21.21.3 Other factors and positive effects, applicable in all the landscape categories (ONF, ONL and RCL)

21.21.3.1 In the case of a proposed residential activity or specific development, whether a specific building design, rather than nominating a building platform, helps demonstrate whether the proposed development is appropriate.

21.21.3.2 Other than where the proposed development is a subdivision and/or residential activity, whether the proposed development, including any buildings and the activity itself, are consistent with rural activities or the rural resource and would maintain or enhance the quality and character of the landscape.

21.21.3.3 In considering whether there are any positive effects in relation to the proposed development, or remedying or mitigating the continuing adverse effects of past subdivision or development, the Council shall take the following matters into account:

- a. whether the proposed subdivision or development provides an opportunity to protect the landscape from further development and may include open space covenants or esplanade reserves;
- b. whether the proposed subdivision or development would enhance the character of the landscape, or protects and enhances indigenous biodiversity values, in particular the habitat of any threatened species, or land environment identified as chronically or acutely threatened on the Land Environments New Zealand (LENZ) threatened environment status;
- c. any positive effects including environmental compensation, easements for public access such as walking, cycling or bridleways or access to lakes, rivers or conservation areas;
- d. any opportunities to retire marginal farming land and revert it to indigenous vegetation;
- e. where adverse effects cannot be avoided, mitigated or remedied, the merits of any compensation;
- f. whether the proposed development assists in retaining the land use in low intensity farming where that activity maintains the valued landscape character.

Appendix 2: Chapter 22 – Rural Residential and Rural Lifestyle Zones as Recommended

22 RURAL RESIDENTIAL & RURAL LIFESTYLE



22.1 Zone Purpose

There are four rural zones in the District. The Rural Zone is the most extensive of these. The Gibbston Valley is recognised as a special character area for viticulture production and the management of this area is provided for in Chapter 23: Gibbston Character Zone. Opportunities for rural living activities are provided for in the Rural-Residential and Rural Lifestyle Zones.

The Rural Residential and Rural Lifestyle zones provide residential living opportunities on the periphery of urban areas and within specific locations amidst the Rural Zone. In both zones a minimum allotment size is necessary to maintain the character and quality of the zones and the open space, rural and natural landscape values of the surrounding Rural Zone.

While development is anticipated in the Rural Residential and Rural Lifestyle zones, the district is subject to natural hazards and, where applicable, it is anticipated that development will recognise and manage the risks of natural hazards at the time of subdivision or the identification of building platforms.

Rural Residential Zone

The Rural Residential zone generally provides for development at a density of up to one residence every 4000m². Some Rural Residential areas are located within visually sensitive landscapes. Additional provisions apply to development in some areas to enhance landscape values, indigenous vegetation, the quality of living environments within the zone and to manage the visual effects of the anticipated development from outside the zone, particularly from surrounding rural areas, lakes and rivers. The potential adverse effects of buildings are controlled by bulk and location, colour and lighting standards and, where required, design and landscaping controls imposed at the time of subdivision.

Rural Lifestyle Zone

The Rural Lifestyle zone provides for rural living opportunities with an overall density of one residential unit per two hectares across a subdivision. Building platforms are identified at the time of subdivision to manage the sprawl of buildings, manage adverse effects on landscape values and to manage other identified constraints such as natural hazards and servicing. The potential adverse effects of buildings are controlled by height, colour and lighting standards.

Many of the Rural Lifestyle zones are located within sensitive parts of the district's distinctive landscapes. While residential development is anticipated within these zones, provisions are included to manage the visual prominence of buildings, control residential density and generally discourage commercial activities. Building location is controlled by the identification of building platforms, bulk and location standards and, where required, design and landscaping controls imposed at the time of subdivision.

The Deferred Rural Lifestyle (Buffer) zone east of Dalefield Road places limits on the expansion of rural lifestyle development at that location.

The 'Hawthorn Triangle' Rural Lifestyle Zone bordered by Speargrass Flat, Lower Shotover and Domain Roads defines an existing settlement of properties. The adjoining Rural Lifestyle zoned areas within the Wakatipu Basin identify the potential for further limited residential development, within the density limits set out in the provisions¹.

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

22.2.1 **Objective - The District's landscape quality, character and amenity values are maintained and enhanced while enabling rural living opportunities in areas that can absorb development.**

Policies

- 22.2.1.1** Ensure the visual prominence of buildings is avoided, remedied or mitigated particularly development and associated earthworks on prominent slopes, ridges and skylines.
- 22.2.1.2** Set density and building coverage standards in order to maintain rural living character and amenity values and the open space and rural qualities of the District's landscapes.
- 22.2.1.3** Allow for flexibility of the density provisions, where design-led and innovative patterns of subdivision and residential development, roading and planting would enhance the character and amenity values of the zone and the District's landscapes.
- 22.2.1.4** Manage anticipated activities that are located near Outstanding Natural Features and Outstanding Natural Landscapes so that they do not diminish the qualities of these landscapes and their importance as part of the District's landscapes.
- 22.2.1.5** Maintain and enhance landscape values and amenity values within the zones by controlling the colour, scale, location and height of permitted buildings and in certain locations or circumstances require landscaping and vegetation controls.
- 22.2.1.6** Lights be located and directed so as to avoid glare to other properties, roads, and other public places and to avoid degradation of views of the night sky.
- 22.2.1.7** Have regard to fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision, development and any landscaping.
- 22.2.1.8** Provide adequate firefighting water and fire service vehicle access to ensure an efficient and effective emergency response.

22.2.2 **Objective - The predominant land uses within the Rural Residential and Rural Lifestyle Zones are rural and residential activities.**

Policies

- 22.2.2.1** Enable residential and farming activities in both zones, and provide for community and visitor accommodation activities which, in terms of location, scale and type, community are compatible with and enhance the predominant activities of the relevant zone.

- 22.2.2.2** Any development, including subdivision located on the periphery of residential and township areas, shall avoid undermining the integrity of the urban rural edge and where applicable, the urban growth boundaries.
- 22.2.2.3** Discourage commercial, community and other non-residential activities, including restaurants, visitor accommodation and industrial activities, that would diminish amenity values and the quality and character of the rural living environment.
- 22.2.2.4** The bulk, scale and intensity of buildings used for visitor accommodation activities are to be commensurate with the anticipated development of the zone and surrounding residential activities.

22.2.3 Objective - New development does not exceed available capacities for servicing and infrastructure.

- Policies
- 22.2.3.1** Discourage new development that requires servicing and infrastructure at a cost to the community.
- 22.2.3.2** Ensure traffic generated by new development does not compromise road safety or efficiency.

22.2.4 Objective - Sensitive activities conflicting with existing and anticipated rural activities are managed.

- Policies
- 22.2.4.1** Recognise existing and permitted activities, including activities within the surrounding Rural Zone might result in effects such as odour, noise, dust and traffic generation that are established, or reasonably expected to occur and will be noticeable to residents and visitors in rural areas.

22.2.5 Objective - Bob's Cove Rural Residential Sub-Zone - Residential Development is comprehensively-planned with ample open space and a predominance of indigenous vegetation throughout the zone.

- 22.2.5.1** Ensure at least 75% of the zone is retained as undomesticated area and at least 50% of this area is established and maintained in indigenous species such that total indigenous vegetation cover is maintained over that area.
- 22.2.5.2** Ensure there is open space in front of buildings that remains generally free of vegetation to avoid disrupting the open pastoral character of the area and the lake and mountain views.

22.2.6 Objective - Bob's Cove Rural Residential Zone - The ecological and amenity values of the Bob's Cove Rural Residential zone are maintained and enhanced.

- 22.2.6.1** To ensure views of Lake Wakatipu and the surrounding landforms from the Glenorchy-Queenstown Road are retained through appropriate landscaping and the retention of view shafts.
- 22.2.6.2** To ensure the ecological and amenity values of Bob's Cove are retained and, where possible, enhanced through:
- appropriate landscaping using native plants;
 - restricting the use of exotic plants;
 - removing wilding species;
 - providing guidance on the design and colour of buildings;
 - maintaining view shafts from the Queenstown-Glenorchy Road.

22.3 Other Provisions and Rules

22.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1	Introduction	2	Definitions	3	Strategic Direction
4	Urban Development	5	Tangata Whenua	6	Landscapes and Rural Character
25	<i>Earthworks</i>	26	Historic Heritage	27	Subdivision
28	Natural Hazards	29	<i>Transport</i>	30	Energy and Utilities
31	<i>Signs</i>	32	Protected Trees	33	Indigenous Vegetation
34	Wilding Exotic Trees	35	Temporary Activities and Relocated Buildings	36	Noise
37	Designations		Planning Maps		

22.3.2 Interpreting and Applying the Rules

- 22.3.2.1** A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules.

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

22.3.2.3 Compliance with any of the following standards, in particular the permitted standards, does not absolve any commitment to the conditions of any relevant land use consent, consent notice or covenant registered on the site's computer freehold register.

22.3.2.4 Development and building activities are to be undertaken in accordance with the conditions of resource and subdivision consent and may be subject to monitoring by the Council.

22.3.2.5 Applications for building consent for permitted activities shall include information to demonstrate compliance with the following standards, and any conditions of the applicable resource consent or subdivision.

22.3.2.6 For controlled and restricted discretionary activities, the Council shall restrict the exercise of its control and discretion to the matters listed in the rule.

22.3.2.7 Building platforms identified on a site's computer freehold register must have been registered as part of a resource consent approval by the Council.

22.3.2.8 Sub-Zones, being a subset of the respective Rural Residential and Rural Lifestyle zones require that all rules applicable to the respective zone apply, unless specifically stated to the contrary.

22.3.2.9 In addition to Tables 1 and 2, the following standards apply to the areas specified:

- Table 3: Rural Residential Zone at Forest Hill.
- Table 4: Rural Residential Bob's Cove and Sub Zone.
- Table 5: Rural Residential Zone at Camp Hill.
- Table 6: Wyuna Station Rural Lifestyle Zone.

22.3.2.10 These abbreviations are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

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

22.3.3 Exemptions

22.3.3.1 The standards pertaining to the colours and materials of buildings in Table 2 do not apply to soffits or, doors that are less than 1.8m wide.

22.3.3.2 Internal alterations to buildings including the replacement of joinery is permitted.

22.4

Rules - Activities

Table 1: Activities - Rural Residential and Rural Lifestyle Zones		Activity Status
22.4.1	Rural Residential Zone The construction and exterior alteration of buildings.	P
22.4.2	Rural Lifestyle Zone 22.4.2.1 The construction and exterior alteration of buildings located within a building platform approved by resource consent, or registered on the applicable computer freehold register. 22.4.2.2 Where there is not an approved building platform on the site the exterior alteration of existing buildings located outside of a building platform not exceeding 30% of the ground floor area of the existing building in any ten year period. 22.4.2.3 Where there is not an approved building platform on the site the exterior alteration of existing buildings located outside of a building platform that do not comply with Rule 22.4.2.2. Discretion is restricted to: a. external appearance; b. visibility from public places; c. landscape character; d. visual amenity.	P P RD
22.4.2.4	22.4.2.4 The identification of a building platform not less than 70m ² and not greater than 1000m ² for the purposes of a residential unit except where identified by Rule 27.7.10.	D
Rural Residential and Rural Lifestyle Zones		
22.4.3	Residential Activity	P
22.4.4	Residential Flat (activity only, the specific rules for the construction of any buildings apply).	P
22.4.5	Farming Activity	P
22.4.6	Home Occupation that complies with the standards in Table 2.	P
22.4.7		
22.4.8	Informal Airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities.	P

Table 1: Activities - Rural Residential and Rural Lifestyle Zones		Activity Status
22.4.9	<p>Home Occupation activity involving retail sales limited to handicrafts or items grown or produced on the site.</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> privacy on neighbouring properties; scale and intensity of the activity; traffic generation, parking, access; noise; signs and Lighting. 	C
22.4.10	Visitor accommodation including the construction or use of buildings for visitor accommodation.	D
22.4.11	Informal airports in the Rural Lifestyle Zone, except as provided for by Rule 22.4.8.	D
22.4.12	Any building within a Building Restriction Area that is identified on the planning maps.	NC
22.4.13	Any other activity not listed in Table 1.	NC
22.4.14	Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building or any activity requiring an Offensive Trade Licence under the Health Act 1956 except where such activities are undertaken as part of a Farming Activity, Residential Activity or a permitted Home Occupation.	PR

22.5

Rules - Standards

Table 2: Standards - Rural Residential and Rural Lifestyle Zones		Non-compliance Status
22.5.1	<p>Building Materials and Colours</p> <p>All buildings, including any structure larger than 5m², new, relocated, altered, reclad or repainted, are subject to the following in order to ensure they are visually recessive within the surrounding landscape.</p> <p>All exterior surfaces* must be coloured in the range of browns, greens or greys including:</p> <p>25.5.1.1 Pre-painted steel and all roofs must have a light reflectance value not greater than 20%; and</p> <p>25.5.1.2 All other surface** finishes except for schist, must have a light reflectance value of not greater than 30%.</p> <p>* Excludes soffits, windows and skylights (but not glass balustrades).</p> <p>** Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed by the Council to be suitably recessive and have the same effect as achieving a light reflectance value of 30%.</p>	RD
		<p>Discretion is restricted to:</p> <ol style="list-style-type: none"> whether the building would be visually prominent, especially in the context of the wider landscape, rural environment and as viewed from neighbouring properties; whether the proposed colour is appropriate given the existence of established screening or in the case of alterations, if the proposed colour is already present on a long established building; the size and height of the building where the subject colours would be applied.

Table 2: Standards - Rural Residential and Rural Lifestyle Zones		Non-compliance Status
22.5.2	<p>Building Coverage (Rural Residential Zone only)</p> <p>The maximum ground floor area of any building must not exceed 15% of the net site area.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the effect on open space, character and amenity; b. effects on views and outlook from neighbouring properties; c. ability of stormwater and effluent to be disposed of on-site.
22.5.3	<p>Building Size</p> <p>The maximum ground floor area of any individual building must not exceed 500m².</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. visual dominance; b. the effect on open space, rural living character and amenity; c. effects on views and outlook from neighbouring properties; d. building design.
22.5.4	<p>Setback from internal boundaries</p> <p>The minimum setback of any building from internal boundaries shall be:</p> <ul style="list-style-type: none"> 22.5.4.1 Rural Residential zone: 6m 22.5.4.2 Rural Lifestyle zone: 10m 22.5.4.3 Rural Residential zone at the north of Lake Hayes - 15m² 	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. visual dominance; b. The effect on open space, rural living character and amenity; c. effects on privacy, views and outlook from neighbouring properties; d. reverse sensitivity effects on adjacent properties; e. landscaping.
22.5.5	<p>Setback from roads</p> <p>The minimum setback of any building from a road boundary shall be:</p> <ul style="list-style-type: none"> 22.5.5.1 Rural Lifestyle Zone: 20m 22.5.5.2 Rural Residential Zone: 10m 22.5.5.3 Rural Residential Zone where the road is a State Highway: 15m 	<p>NC</p>

² Greyed out text indicates the provision is subject to variation and is therefore not part of the Hearing Panel's recommendations.

Table 2: Standards - Rural Residential and Rural Lifestyle Zones		Non- compliance Status
22.5.6	<p>The minimum setback of any building from the bed of a river, lake or wetland shall be 20m.</p> <p>Setback of buildings from water bodies</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. any indigenous biodiversity values; b. visual amenity values; c. landscape character; d. open space; e. whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the location of the building.
22.5.7	<p>Home Occupation</p> <p>Home occupation activities must comply with the following:</p> <p>22.5.7.1 No more than one full time equivalent person from outside the household may be employed in the home occupation activity.</p> <p>22.5.7.2 The maximum number of vehicle trips* shall be:</p> <ul style="list-style-type: none"> a. heavy vehicles: 2 per week; b. other vehicles: 10 per day. <p>22.5.7.3 The net floor area must not exceed:</p> <ul style="list-style-type: none"> a. Rural Residential Zone: 60m²; b. Rural Lifestyle Zone: 150m². <p>22.5.7.4 Activities and the storage of materials must be indoors.</p> <p>*A vehicle trip is two movements, generally to and from a site.</p>	<p>D</p>
22.5.8	<p>Building Height</p> <p>The maximum height shall be 8 metres.</p>	<p>NC</p>
22.5.9	<p>Lighting and Glare</p> <p>22.5.9.1 All fixed exterior lighting must be directed away from adjacent roads and sites.</p> <p>22.5.9.2 Activities on any site must not result in more than a 3 lux spill (horizontal and vertical) of light to any other site, measured at any point within the boundary of the other site.</p> <p>22.5.9.3 There must be no upward light spill.</p>	<p>NC</p>
22.5.10	<p>Heavy Vehicle Storage</p> <p>No more than one heavy vehicle shall be stored or parked outside, overnight on any site for any activity.</p>	<p>NC</p>

Table 2: Standards - Rural Residential and Rural Lifestyle Zones		Non-compliance Status
22.5.11	Residential Density: Rural Residential Zone	NC
	22.5.11.1 Not more than one residential unit per 4000m ² net site area.	
22.5.12	Residential Density: Rural Lifestyle Zone	NC
	22.5.12.1 One residential unit located within each building platform.	
	22.5.12.2 On sites less than 2ha there must be only one residential unit.	
	22.5.12.3 On sites equal to or greater than 2 hectares there must be no more than one residential unit per two hectares on average with a minimum of 1 residential unit per one hectare. For the purpose of calculating any average, any allotment greater than 4 hectares, including the balance, is deemed to be 4 hectares.	
22.5.13	Fire Fighting water and access	RD
	New buildings where there is no reticulated water supply or it is not sufficient for fire-fighting water supply must provide the following provision for firefighting:	Discretion is restricted to all of the following:
	22.5.13.1 A water supply of 20,000 litres and any necessary couplings.	a. the extent to which SNZ PAS 4509: 2008 can be met including the adequacy of the water supply;
	22.5.13.2 A hardstand area adjacent to the firefighting water supply capable of supporting fire service vehicles.	b. the accessibility of the firefighting water connection point for fire service vehicles;
	22.5.13.3 Firefighting water connection point within 6m of the hardstand, and 90m of the dwelling.	c. whether and the extent to which the building is assessed as a low fire risk.
	22.5.13.4 Access from the property boundary to the firefighting.	

Table 3		Non-Compliance Status
22.5.14	Rural Lifestyle Deferred and Buffer zones	NC
	The erection of more than one non-residential building ³ .	
22.5.15	In each area of the Deferred Rural Lifestyle zones east of Dalefield Road up to two residential allotments may be created with a single residential building platform on each allotment ⁴ .	D
22.5.16	The land in the Deferred Rural Lifestyle (Buffer) zone shall be held in a single allotment containing no more than one residential building platform ⁵ .	D
22.5.17	In the Deferred Rural Lifestyle (Buffer) zone, apart from the curtilage area, the land shall be maintained substantially in pasture. Tree planting and natural revegetation shall be confined to gullies and watercourses, as specified in covenants and on landscape plans ⁶ .	D
22.5.18	In the Buffer zone, the maximum building height in the building platform shall be 6.5m ⁷ .	NC

3, 4, 5, 6, 7 Greyed out text indicates the provision is subject to variation and is therefore not part of the Hearing Panel's recommendations.

Table 3: Rural Residential Forest Hill		Non- Compliance Status
22.5.19	<p>Indigenous Vegetation The minimum area on any site to be retained or reinstated in indigenous vegetation shall be 70 percent of the net site area. For the purpose of this rule net area shall exclude access to the site, consideration of the risk of fire and the building restriction area.</p>	NC
22.5.20	<p>Building Restriction The building restriction area adjoining the Queenstown-Glenorchy Road, shall be retained and/or reinstated in indigenous vegetation.</p>	NC

Table 4: Rural Residential Bob's Cove and Sub-Zone		Non- compliance Status
22.5.21	<p>Building Height (Sub-Zone only) Maximum building height is 6m.</p>	RD The matters of discretion are listed in provision 22.5.32.
22.5.22	<p>Setback from roads Buildings shall be setback a minimum of 10m from roads, and 15m from Glenorchy – Queenstown Road.</p>	NC
22.5.23	<p>Open space (Sub-Zone only) Those areas that are set aside as “open space” shall not contain any vegetation of a height greater than 2 metres, such that the vegetation does not disrupt the open pastoral character or the views of the lake and mountains beyond.</p>	RD The matters of discretion are listed in provision 22.5.32.
22.5.24	<p>Residential Density The maximum average density of residential units shall be 1 residential unit per 4000m² calculated over the total area within the zone.</p>	D
22.5.25	<p>Boundary Planting Sub-Zone only 22.5.25.1 Where the 15 metre Building Restriction Area adjoins a development area, it shall be planted in indigenous tree and shrub species common to the area, at a density of one plant per square metre. 22.5.25.2 Where a building is proposed within 50 metres of the Glenorchy-Queenstown Road, such indigenous planting shall be established to a height of 2 metres and have survived for at least 18 months prior to any residential buildings being erected.</p>	RD The matters of discretion are listed in provision 22.5.32.
22.5.26	<p>Building setbacks Buildings shall be located a distance of 10m from internal boundaries.</p>	RD The matters of discretion are listed in provision 22.5.32.

Table 4: Rural Residential Bob's Cove and Sub-Zone		Non-compliance Status
22.5.27	<p>Building setbacks and landscaping</p> <p>Where a building is proposed within 50 metres of the Glenorchy-Queenstown Road, all landscaping to be undertaken within this distance on the subject property shall consist of native species in accordance with the assessment criteria in provision 22.5.32, subject to the requirement below:</p> <p>22.5.27.1 All landscaping within 15 metres of the Glenorchy-Queenstown Road shall be planted prior to the commencement of the construction of the proposed building.</p> <p>22.5.27.2 All landscaping from 15 metres to 50 metres from the Glenorchy-Queenstown Road shall be established within the first planting season after the completion of the building on the site.</p>	<p>RD</p> <p>The matters of discretion are listed in provision 22.5.32.</p>
22.5.28	<p>Building setbacks: Sub-Zone only</p> <p>No building shall be erected within an area that has been identified as Undomesticated Area.</p>	NC
22.5.29	<p>Landscaping: Sub-Zone only</p> <p>Where development areas and undomesticated areas have not been identified as part of a previous subdivision, at least 75% of the total area of the zone shall be set aside as "Undomesticated Area" and the remainder as "Development Area"; and at least 50% of the 'undomesticated area' shall be retained, established, and maintained in indigenous vegetation with a closed canopy such that this area has total indigenous litter cover.</p> <p>This rule shall be given effect to by consent notice registered against the title of the lot created, to the benefit of the lot holder and the Council.</p> <p>Such areas shall be identified and given effect to by way of covenant, as part of any land use consent application.</p>	NC
22.5.30	<p>Indigenous vegetation: Sub-Zone only</p> <p>At least 50% of the undomesticated area within the zone shall be retained, established, and maintained in indigenous vegetation with a closed canopy, such that complete indigenous litter cover is maintained over the area; and</p> <p>The landscaping and maintenance of the undomesticated area shall be detailed in a landscaping plan that is provided as part of any subdivision application. This landscaping plan shall identify the proposed species and shall provide details of the proposed maintenance programme to ensure a survival rate of at least 90% within the first 5 years.</p>	NC

Table 4: Rural Residential Bob's Cove and Sub-Zone		Non- compliance Status
<p>22.5.31</p>	<p>Definitions that apply within the Bob's Cove Rural-Residential Sub-Zone:</p> <p>Development Area Means all that land used for:</p> <ul style="list-style-type: none"> a. buildings; b. outdoor living areas; c. pathways and accessways, but excluding the main accessway leading from the Glenorchy Queenstown Road to the development areas; d. private garden; and e. mown grass surfaces, but excluding large areas of commonly-owned mown pasture or grazed areas that are to be used for recreational purposes. <p>Undomesticated Area Means all other land not included in the definition of "Development Area".</p>	
<p>22.5.32</p>	<p>Matters of discretion for restricted discretionary activities:</p> <p>22.5.32.1 The form and density of development (including buildings and associated accessways) are designed to:</p> <ul style="list-style-type: none"> a. compliment the landscape and the pattern of existing and proposed vegetation; and b. mitigate the visual impact of the development when viewed from Lake Wakatipu and the Glenorchy-Queenstown Road. <p>22.5.32.2 The vegetation is, or is likely to be, of sufficient maturity to effectively minimise the impact of the proposed building when viewed from Lake Wakatipu and the Glenorchy-Queenstown Road.</p> <p>22.5.32.3 The development provides for 75% of the zone to be established and maintained as undomesticated, such that there is a predominance of indigenous vegetation.</p> <p>22.5.32.4 The form of development mitigates the visual impact from Lake Wakatipu and the Glenorchy-Queenstown Road.</p> <p>22.5.32.5 Whether and the extent to which the proposed landscaping contains predominantly indigenous species (comprising a mix of trees, shrubs, and grasses) that are suited to the general area, such as red beech, native tussocks, hebes, pittosporum, coprosmas, cabbage trees, and lancewoods.</p>	

Table 5: Rural Residential Camp Hill		Non-compliance Status
22.5.33	Zone Boundary Setback The minimum setback of any building from the zone boundary, or the top of the escarpment where this is located within the zone boundary, shall be 20m.	NC
22.5.34	Building Height The maximum height of any building shall be 5.5m.	NC
22.5.35	Maximum Number of Residential Units There shall be no more than 36 residential units within the Rural Residential Zone Camp Hill.	NC

Table 6		Non-compliance Status
Ferry Hill Rural Residential Sub-Zone - Refer to Part 22.7.2 for the concept development plan		
22.5.33	Density There shall be no more than one residential unit per lot ⁹ .	NC
22.5.34	Building Height The maximum building height shall be 6.5m for lots 9-15 on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone. Chimney and ventilation structures may be 7.2m high in this sub-zone ¹⁰ .	D
22.5.35	Building Location The location of buildings shall be in accordance with the Concept Development Plan for the Ferry Hill Rural Residential sub-zone, in rule 22.7.2 ¹¹ .	D
22.5.36	Design Standards Within Lots 9-15 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone: 22.5.36.1 The roof pitch shall be between 20° and 30° and roof dormers and roof lights are to be incorporated in the roof pitch; 22.5.36.2 Roof finishes of buildings shall be within the following range: Slate shingle, cedar shingle, steel roofing (long run corrugated or tray) in the following colours, or similar, only: Coloursteel colours New Denim Blue, Grey Friars, Ironsand or Lignite; 22.5.36.3 Wall claddings of buildings shall be within the following range: cedar shingles, natural timber (clear stain), painted plaster in the following colours or equivalent: Resene 5YO18, 5B025, 5B030, 4GR18, 1B55, 5G013, 3YO65, 3YO20; stone cladding provided the stone shall be limited to Otago schist only and all pointing/mortar shall be recessed ¹² .	D

^{9, 10, 11, 12} Greyed out text indicates the provision is subject to variation and is therefore not part of the Hearing Panel's recommendations.

Table 6	Ferry Hill Rural Residential Sub Zone - Refer to Part 22.7.2 for the concept development plan	Non-compliance Status
<p>22.5.37</p> <p>Landscaping</p> <p>22.5.37.1 Any application for building consent shall be accompanied by a landscape plan that shows the species, number, and location of all plantings to be established, and shall include details of the proposed timeframes for all such plantings and a maintenance programme.</p> <p>22.5.37.2 The landscape plan shall ensure:</p> <ul style="list-style-type: none"> a. that the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone is planted with a predominance of indigenous species in a manner which enhances naturalness; and b. that residential development on sites adjoining Tucker Beach Road is subject to screening. <p>22.5.37.3 Plantings at the foot of, on, and above the escarpment within lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone shall include indigenous trees, shrubs, and tussock grasses.</p> <p>22.5.37.4 Plantings on Lots 1 – 17 may include, willow (except Crack Willow), larch, maple as well as indigenous species.</p> <p>22.5.37.5 The erection of solid or paling fences is not permitted¹³.</p>	<p>D</p>	

	Table 6: Wynuna Station Rural Lifestyle Zone	Non-compliance Status
<p>22.5.38</p>	<p>The identification of any building platforms or construction of dwellings prior to the granting of subdivision consent that has assessed policies 27.3.5.1, 27.3.6.1 and 27.3.6.2.</p>	<p>PR</p>

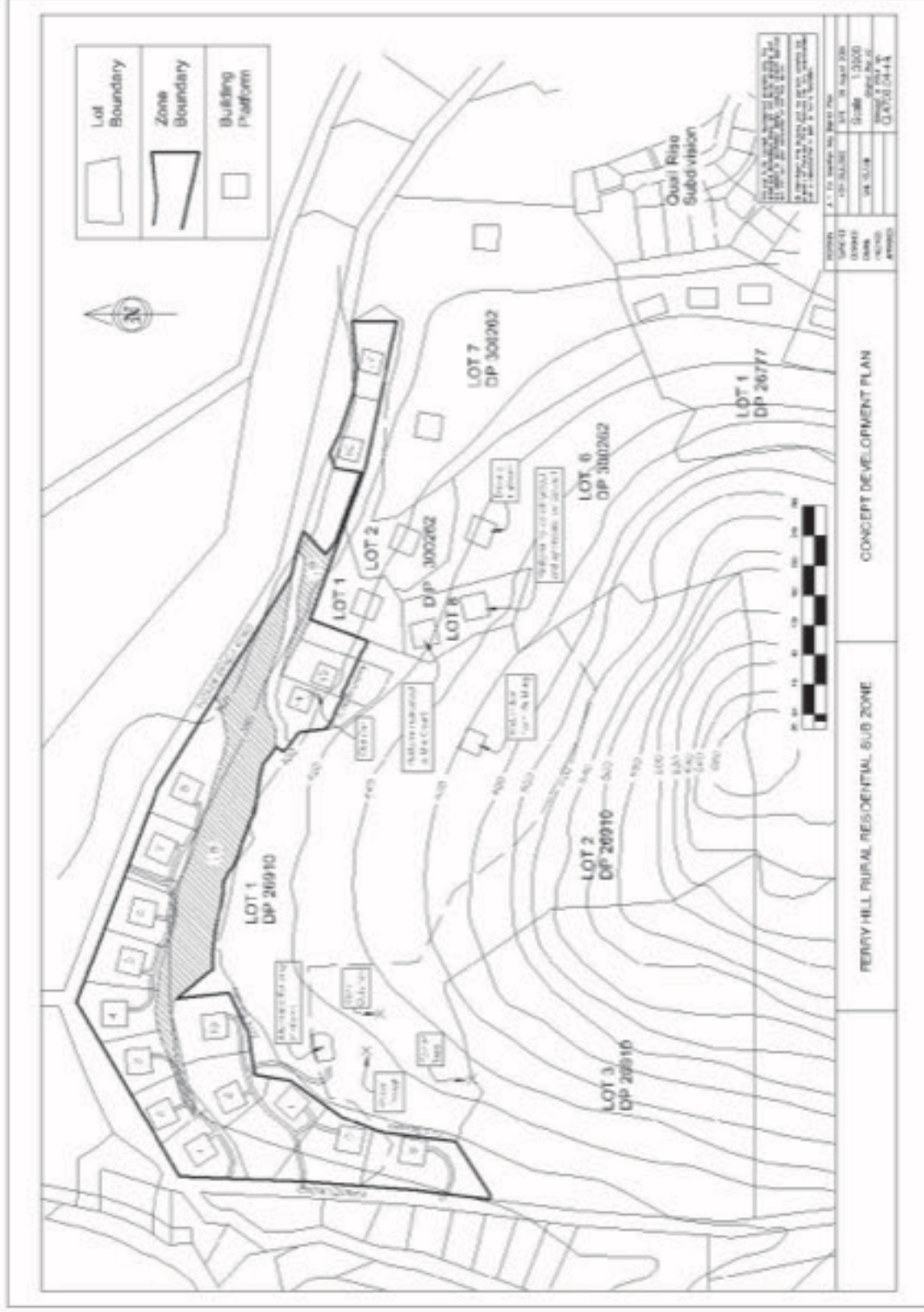
22.6 Rules - Non-Notification of Applications

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

- 22.6.1** Controlled activity Home occupation (**Rule 22.4.9**). Except where the access is onto a State Highway.
- 22.7.2** Rural Residential Ferry Hill Sub Zone Concept Development Plan¹⁴.

^{13, 14} Greyed out text indicates the provision is subject to variation and is therefore not part of the Hearing Panel's recommendations.

22.7.2 Rural Residential Ferry Hill Sub-Zone Concept Development Plan¹⁵.



¹⁵ Greyed out text indicates the provision is subject to variation and is therefore not part of the Hearing Panel's recommendations.

Appendix 3: Chapter 23 – Gibbston Character Zone as Recommended

23 GIBBSTON CHARACTER ZONE

23.1 Zone Purpose

The purpose of the Gibbston Character Zone is to provide primarily for viticulture and commercial activities with an affiliation to viticulture within the confined space of the Gibbston Valley.

The zone is recognised as having a distinctive character and sense of place. It incorporates terraced areas above the Kawarau River, lying between and including Chard Farm and Waitiri. Soils, the microclimate within this area and availability of water have enabled development for viticulture to the extent that this is an acclaimed wine producing area.

The zone has experienced residential subdivision and development. This creates the potential to degrade the distinctive character and create conflict with established and anticipated intensive viticultural activities.

23.2 Objectives and Policies

23.2.1 Objective - The economic viability, character and landscape values of the Gibbston Character Zone are protected by enabling viticulture and other appropriate activities that rely on the rural resource of the Gibbston Valley and managing the adverse effects resulting from other activities locating in the Zone.

Policies

- 23.2.1.1** Enable viticulture activities and provide for other appropriate activities that rely on the rural resource of the Gibbston Valley while protecting, maintaining or enhancing the values of indigenous biodiversity, ecosystems services, the landscape and surface of lakes and rivers and their margins.
- 23.2.1.2** Ensure land with potential value for rural productive activities is not compromised by the inappropriate location of other developments and buildings.
- 23.2.1.3** Ensure activities not based on the rural resources of the area occur only where the character and productivity of the Gibbston Character Zone and wider Gibbston Valley will not be adversely impacted.
- 23.2.1.4** Provide for a range of buildings allied to rural productive activity and worker accommodation.
- 23.2.1.5** Avoid or mitigate adverse effects of development on the landscape and economic values of the Gibbston Character Zone and wider Gibbston Valley.
- 23.2.1.6** Protect, maintain and enhance landscape values by ensuring all structures are located in areas with the potential to absorb change.
- 23.2.1.7** Avoid the location of structures, including water tanks, other than regionally significant infrastructure, on skylines, ridges, hills and prominent slopes.

- 23.2.1.8** Locate, design, operate and maintain regionally significant infrastructure so as to seek to avoid significant adverse effects on the character of the landscape, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases.
- 23.2.1.9** In cases where it is demonstrated that regionally significant infrastructure cannot avoid significant adverse effects on the character of the landscape, such adverse effects shall be minimised.
- 23.2.1.10** Provide for the establishment of activities such as commercial recreation, visitor accommodation and rural living that are complementary to the character and viability of the Gibbston Character Zone, providing they do not impinge on rural productive activities.
- 23.2.1.11** The location and direction of lights do not cause glare to other properties, roads, public places or degrade views of the night sky.
- 23.2.1.12** Avoid adverse cumulative impacts on ecosystem and nature conservation values.
- 23.2.1.13** Have regard to the risk of fire from vegetation and the potential risk to people and buildings, when assessing subdivision and development.

23.2.2 Objective - The life supporting capacity of soils is sustained.

- Policies
- 23.2.2.1** Avoid the adverse effects of subdivision and development on the life-supporting capacity of soil.
 - 23.2.2.2** Enable a range of activities to utilise the range of soil types and microclimates.
 - 23.2.2.3** Protect the soil resource by controlling activities including earthworks and indigenous vegetation clearance.
 - 23.2.2.4** Encourage land management practices and activities that benefit soil and vegetation cover.

23.2.3 Objective - The life supporting capacity of water is safeguarded through the integrated management of the effects of activities.

- Policy
- 23.2.3.1** In conjunction with the Otago Regional Council, regional plans and strategies:
 - a. encourage activities, that use water efficiently, thereby conserving water quality and quantity;
 - b. discourage activities that adversely affect the potable quality and life supporting capacity of water and associated ecosystems.

23.2.4 Objective - Land management practices that recognise and accord with the environmental sensitivity and amenity values of the Gibbston Character Zone are encouraged.

Policies

- 23.2.4.1** Encourage appropriate management of vegetation cover and development including earthworks to prevent siltation and sedimentation effects on water resources.
- 23.2.4.2** Noise levels should not be inconsistent with rural productive activities and the character and rural amenity of the Gibbston area.
- 23.2.4.3** Control access and egress to ensure safe and efficient movement of traffic on roads and for users of trails, walkways and cycleways.
- 23.2.4.4** Manage forestry and farm-forestry activities to avoid adverse effects on landscape, amenity and viticulture production.

23.3 Other Provisions and Rules

23.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1	Introduction	2	Definitions	3	Strategic Direction
4	Urban Development	5	Tangata Whenua	6	Landscapes and Rural Character
25	Earthworks	26	Historic Heritage	27	Subdivision
28	Natural Hazards	29	Transport	30	Energy and Utilities
31	Signs	32	Protected Trees	33	Indigenous Vegetation
34	Wilding Exotic Trees	35	Temporary Activities and Relocated Buildings	36	Noise
37	Designations		Planning Maps		

23.3.2 Interpreting and Applying the Rules

- 23.3.2.1** A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules.

23.3.3.2.2 Compliance with any of the following standards, in particular the permitted standards, does not absolve any commitment to the conditions of any relevant land use consent, consent notice or covenant registered on the site's computer freehold register.

23.3.3.2.3 Where an activity does not comply with a standard listed in the standards tables, the activity status identified by the 'Non-Compliance Status' column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.

23.3.3.2.4 The Council reserves the right to ensure development and building activities are undertaken in accordance with the conditions of resource and subdivision consent through monitoring.

23.3.3.2.5 Applications for building consent for permitted activities shall include information to demonstrate compliance with the following standards, and any conditions of the applicable resource consent subdivision conditions.

23.3.3.2.6 For controlled and restricted discretionary activities, the Council shall restrict the exercise of its discretion to the matters listed in the rule.

23.3.3.2.7 Building platforms identified on a site's computer freehold register shall have been registered as part of a resource consent approval by the Council.

23.3.3.2.8 Internal alterations to buildings including the replacement of joinery are permitted.

23.3.3.2.9 These abbreviations are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

23.4 Rules - Activities

All activities, including any listed permitted activities shall be subject to the rules and standards contained in Tables 1 to 3.

Table 1 – Activities

Table 2 – Buildings

Table 3 – Commercial activities

Table 1: Activities		Activity Status
Farming Activities		
23.4.1	Farming Activity (includes viticulture).	P
23.4.2	Domestic Livestock.	P
23.4.3	Factory Farming.	NC
Buildings, Residential Activity, Subdivision and Development		
23.4.4	The construction and exterior alteration of residential buildings located within a building platform approved by resource consent, or registered on the applicable computer freehold register, subject to compliance with Table 2.	P
23.4.5	The exterior alteration of any lawfully established building located outside of a building platform, subject to compliance with the standards in Table 2.	P
23.4.6	One residential unit within any building platform approved by resource consent.	P
23.4.7	Residential Flat (activity only, the specific rules for the construction of any buildings apply).	P
23.4.8	The use of land or buildings for Residential Activity except as provided for by any other rule.	D
23.4.9	The identification of a building platform not less than 70m ² and not greater than 1000m ² .	D
23.4.10	The construction of any building including the physical activity associated with buildings including roading, access, lighting, landscaping and earthworks, not provided for by any other rule.	D
Commercial Activities		
23.4.11	Home Occupation that complies with the standards in Table 3.	P
23.4.12	Industrial Activities limited to wineries and underground cellars, not exceeding 300m ² .	P
23.4.13	Commercial recreation activities that comply with the standards in Table 3.	P
23.4.14	Retail sales of farm and garden produce, handicrafts and wine that is grown, reared or produced on the site and that comply with the standards in Table 3. Control is reserved to: a. the location of the activity and buildings; b. access, vehicle crossing location, car parking; c. screening and location of storage areas for waste materials, outdoor display areas and parking; d. signage; e. lighting.	C

Table 1: Activities		Activity Status
23.4.15	<p>Winery and Farm Buildings</p> <p>The construction, addition or alteration of a farm building or winery with control reserved to:</p> <ul style="list-style-type: none"> a. location, scale, height and external appearance, as it effects the Gibbston Valley's landscape and amenity values; b. landscaping; c. parking and access, in respect of earthworks and the impact on the safety and efficiency of State Highway 6; d. the location, scale and functional need of car parking; e. associated earthworks; f. provision of water supply, sewage treatment and disposal; g. lighting, including car parking areas; h. screening and location of storage areas for waste materials, outdoor display and signage areas and parking. 	C
23.4.16	Visitor Accommodation.	D
	Other Activities	
23.4.17	Non-commercial recreation and recreational activity.	P
23.4.18	Informal Airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities.	P
23.4.19	Informal Airports, except as provided for in 23.4.18.	D
23.4.20	Any activity not listed in Tables 1.	NC
23.4.21		

23.5 Rules - Standards

Table 2: Standards for Buildings		Non- compliance Status
<p>23.5.1</p> <p>Buildings, Materials and Colours</p> <p>Any building, including any structure larger than 5m², that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building are subject to the following:</p> <p>All exterior surfaces shall be coloured in the range of browns, greens or greys (except soffits), including;</p> <p>23.5.1.1 Pre-painted steel, and all roofs must have a light reflectance value not greater than 20%.</p> <p>23.5.1.2 All other surface** finishes except for schist must have a light reflectance value of not greater than 30%.</p> <p>23.5.1.3 In the case of alterations to an existing building where there is not an approved building platform on the site, it does not increase the building coverage by more than 30% in a ten year period.</p> <p>Except these standards do not apply to the blades of frost fighting devices.</p> <p>* Excludes soffits, windows and skylights (but not glass balustrades).</p> <p>** Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed by the Council to be suitably recessive and have the same effect as achieving a light reflectance value of 30%.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> external appearance; visibility from public places and surrounding properties; lighting; landscape character; visual amenity. 	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> external appearance; visibility from public places; landscape character; visual amenity; privacy, outlook and amenity from adjoining properties.
<p>23.5.2</p> <p>Building size</p> <p>The ground floor area of any building must not exceed 500m².</p>		<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> external appearance; visibility from public places; landscape character; visual amenity; privacy, outlook and amenity from adjoining properties.
<p>23.5.3</p> <p>Building Height</p> <p>The maximum height of any residential building, residential accessory building or commercial building other than for a farming or winery building shall be 8m.</p>		<p>NC</p>

Table 2: Standards for Buildings		Non- compliance Status
23.5.4	Building Height The maximum height of any farming or winery building shall be 10m, other than frost fighting towers which must not exceed 12m in height.	NC
23.5.5	Setback from Internal Boundaries (any building) The minimum setback of buildings from internal boundaries shall be 6m.	RD Discretion is restricted to: a. rural Amenity; b. landscape character; c. privacy, outlook and amenity from adjoining properties.
23.5.6	Setback from Roads (any building) The minimum setback of buildings from road boundaries shall be 20m, except the minimum setback of any building for sections of State Highway 6 where the speed limit is 70 km/hr or greater shall be 40m.	NC
23.5.7	Setback of buildings from Water bodies The minimum setback of any building from the bed of a water body shall be 20m.	RD Discretion is restricted to: a. any indigenous biodiversity values; b. visual amenity values; c. landscape character; d. open space; e. whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the location of the building.
23.5.8	All fixed exterior lighting must be directed away from adjacent sites and roads.	NC

Table 3: Standards for Commercial Activities		Non- compliance Status
23.5.9	Commercial Recreation Activities Commercial recreation activity must be undertaken outdoors and must not involve more than 10 persons in any one group.	D
23.5.10	Retail Sales Buildings in excess of 25m ² gross floor area to be used for retail sales identified in Table 1 must be setback from road boundaries by a minimum distance of 30m.	RD Discretion is restricted to: a. landscape character and visual amenity; b. access; c. on-site parking.

	Table 3: Standards for Commercial Activities Home Occupation	Non- compliance Status
23.5.11	<p>23.5.11.1 The maximum net floor area of home occupation activities must not exceed 100m².</p> <p>23.5.11.2 Goods, materials or equipment must not be stored outside a building.</p> <p>23.5.11.3 All manufacturing, altering, repairing, dismantling or processing of any goods or articles must be carried out within a building.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the nature, scale and intensity of the activity in the context of the surrounding rural area; b. visual amenity from neighbouring properties and public places; c. noise, odour and dust; d. the extent to which the activity requires a rural location because of its affiliation to rural resources; e. screening and location of storage areas for waste materials, lighting, outdoor display areas and parking; f. access safety and transportation effects.
23.5.12		
23.5.13		

23.6

Rules - Non-Notification of Applications

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

- 23.6.1** Controlled activity retail sales of farm and garden produce and handicrafts grown or produced on site (Rule 23.4.14), except where the access is directly onto a State highway.
- 23.6.2** Controlled activity winery and farm buildings (Rule 23.4.15) except where the access is directly onto a State highway.

23.7

Rules - Assessment Matters (Landscape)

The following assessment matters apply to any discretionary or activity within the Gibbston Character Zone where landscape is relevant.

23.7.1 Effects on landscape character:

The following shall be taken into account:

- 23.7.1.1** Where the activity is adjacent to an Outstanding Natural Feature or Landscape, whether and the extent to which the proposed development will adversely affect the quality or character of the adjacent Outstanding Natural Landscape or Feature.
- 23.7.1.2** Whether and the extent to which the scale and nature of the proposed development will degrade the character of the surrounding landscape.
- 23.7.1.3** Whether the design and landscaping would be compatible with or would enhance the character of the landscape.

23.7.2 Effects on visual amenity

Whether the development will result in a loss of the visual amenity of the Gibbston Valley landscape, having regard to whether and the extent to which:

- 23.7.2.1** The visual prominence of the proposed development from any public places, in particular State Highway 6, cycleways and bridleways.
- 23.7.2.2** The proposed development is likely to be visually prominent such that it detracts from private views.
- 23.7.2.3** Any screening or other mitigation by any proposed method such as earthworks and/or new planting will detract from the landscape character or obstruct views of the landscape from both public and private locations.

23.7.2.4 The proposed development is enclosed by any confining elements of topography and/or vegetation and the ability of these elements to reduce visibility from public and private locations.

23.7.2.5 Any roads, access boundaries and associated planting, earthworks and landscaping will reduce visual amenity, with particular regard to elements that are inconsistent with the existing natural topography and patterns.

23.7.2.6 Boundaries follow, wherever reasonably possible and practicable, the natural lines of the landscape or landscape units.

23.7.3 Design and density of development

In considering the appropriateness of the design and density of proposed development, whether and to what extent:

23.7.3.1 Opportunity has been taken to aggregate built development to utilise common access ways including roads, pedestrian linkages, services and open space (ie. open space held in one title whether jointly or otherwise).

23.7.3.2 There is merit in clustering the proposed building(s) or building platform(s) having regard to the overall density of the proposed development and whether this would exceed the ability of the landscape to absorb change.

23.7.3.3 Development is located within the parts of the site where they will be least visible from public and private locations.

23.7.3.4 Development is located in the parts of the site where they will have the least impact on landscape character.

23.7.4 Tangata Whenua, biodiversity and geological values

23.7.4.1 Whether and to what extent the proposed development will degrade Tangata Whenua values including Tōpuni or nohoanga, indigenous biodiversity, geological or geomorphological values or features and, the positive effects any proposed or existing protection or regeneration of these values or features.

The Council acknowledges that Tangata Whenua beliefs and values for a specific location may not be known without input from iwi.

23.7.5 Cumulative effects of development on the landscape

Taking into account whether and to what extent any existing, consented or permitted development (including unimplemented but existing resource consent or zoning) has degraded landscape quality, character, and visual amenity values, the Council shall be satisfied:

- 23.7.5.1** The proposed development will not further degrade landscape quality and character and visual amenity values, with particular regard to situations that would result in a loss of rural character and openness due to the prevalence of residential activity within the Gibbston Valley landscape.
- 23.7.5.2** Where in the case resource consent may be granted to the proposed development but it represents a threshold to which the landscape could absorb any further development. Whether any further cumulative adverse effects would be avoided by way of imposing a covenant, consent notice or other legal instrument that maintains open space.

23.7.6 Other Factors and positive effects

In considering whether there are any positive effects in relation to the proposed development, or remedying or mitigating the continuing adverse effects of past subdivision or development, the Council shall take the following matters into account:

- 23.7.6.1** Whether the proposed subdivision or development provides an opportunity to protect the landscape from further development and may include open space covenants or esplanade reserves.
- 23.7.6.2** Whether the proposed subdivision or development would enhance the character of the landscape, or protect and enhances indigenous biodiversity values, in particular the habitat of any threatened species, or land environment identified as chronically or acutely threatened on the Land Environments New Zealand (LENZ) threatened environment status.
- 23.7.6.3** Any positive effects including environmental compensation, easements for public access to lakes, rivers or conservation areas.
- 23.7.6.4** Any opportunities to retire marginal farming land and revert it to indigenous vegetation.
- 23.7.6.5** Where adverse effects cannot be avoided, mitigated or remedied, the merits of any compensation.
- 23.7.6.6** In the case of a proposed residential activity or specific development, whether a specific building design, rather than nominating a building platform, helps demonstrate the proposed development would maintain or enhance the character of the Gibbston Valley landscape.

Appendix 4: Chapter 33 – Indigenous Vegetation and Biodiversity as Recommended

33 INDIGENOUS VEGETATION AND BIODIVERSITY

33.1 Purpose

The District contains a diverse range of habitats that support indigenous plants and animals. Many of these are endemic, comprising forests, shrubland, herbfields, tussock grasslands, wetlands, lake and river margins. Indigenous biodiversity is also an important component of ecosystem services and the District's landscapes.

The Council has a responsibility to maintain indigenous biodiversity and to recognise and provide for the protection of significant indigenous vegetation and significant habitats of indigenous fauna, which are collectively referred to as Significant Natural Areas (SNAs).

Such activities as ski-field development within identified Ski Area Sub Zones, farming, fence, road and track construction can be reasonably expected to be undertaken providing such activities maintain or enhance the District's indigenous biodiversity values. In addition, there are ski-field developments where vegetation clearance is already managed under separate legislation such as the Conservation Act or the Land Act.

The limited clearance of indigenous vegetation is permitted, with discretion applied through the resource consent process to ensure that indigenous vegetation clearance activities exceeding the permitted limits protect, maintain or enhance indigenous biodiversity values. Where the clearance of indigenous vegetation would have significant residual effects after avoiding, remedying or mitigating adverse effects, opportunities for biodiversity offsetting are encouraged.

Alpine environments are identified as areas above 1070m and are among the least modified environments in the District. Due to thin and infertile soils and severe climatic factors, establishment and growth rates in plant life are slow, and these areas are sensitive to modification. In addition, because these areas contribute to the District's distinctive landscapes, and are susceptible to exotic pest plants, changes to vegetation at these elevations may be conspicuous and have significant effects on landscape character and indigenous biodiversity.

The District's lowlands comprising the lower slopes of mountain ranges and valley floors have been modified by urban growth, farming activities and rural residential development. Much of the indigenous vegetation habitat has been removed and these areas are identified in the Land Environments of New Zealand Threatened Environment Classification as either acutely or chronically threatened environments, having less than 20% indigenous vegetation remaining.

33.2 Objectives and Policies

33.2.1 Objective - Indigenous biodiversity is protected, maintained and enhanced.

Policies

33.2.1.1 Identify the District's Significant Natural Areas, including the ongoing identification of Significant Natural Areas through the resource consent process, using the criteria set out in Policy 33.2.1.8, and schedule them in the District Plan to assist with their management for protection.

33.2.1.2 Provide standards in the District Plan for indigenous vegetation that is not identified as a Significant Natural Area, which are practical to apply and that permit the clearance of a limited area of indigenous vegetation.

- 33.2.1.3** Have regard to and take into account the values off tangata whenua and kaitiakitanga.
- 33.2.1.4** Encourage the long-term protection of indigenous vegetation and in particular Significant Natural Areas by encouraging land owners to consider non-regulatory methods such as open space covenants administered under the Queen Elizabeth II National Trust Act 1977.
- 33.2.1.5** Undertake activities involving the clearance of indigenous vegetation in a manner that ensures the District's indigenous biodiversity is protected, maintained or enhanced.
- 33.2.1.6** Manage the adverse effects of activities on indigenous biodiversity by:
- a. avoiding adverse effects as far as practicable and, where total avoidance is not practicable, minimising adverse effects;
 - b. requiring remediation where adverse effects cannot be avoided;
 - c. requiring mitigation where adverse effects on the areas identified above cannot be avoided or remediated;
 - d. requiring any residual adverse effects on significant indigenous vegetation or indigenous fauna to be offset through protection, restoration and enhancement actions that achieve no net loss and preferably a net gain in indigenous biodiversity values, having particular regard to:
 - i. limits to biodiversity offsetting due the affected biodiversity being irreplaceable or vulnerable;
 - ii. the ability of a proposed offset to demonstrate it can achieve no net loss or preferably a net gain;
 - iii. Schedule 33.8 – Framework for the use of Biodiversity Offsets;
 - e. enabling any residual adverse effects on other indigenous vegetation or indigenous fauna to be offset through protection, restoration and enhancement actions that achieve no net loss and preferably a net gain in indigenous biodiversity values having particular regard to:
 - i. the ability of a proposed offset to demonstrate it can achieve no net loss or preferably a net gain;
 - ii. Schedule 33.8 – Framework for the use of Biodiversity Offsets.
- 33.2.1.7** Protect the habitats of indigenous fauna, and in particular, birds in wetlands, beds of rivers and lakes and their margins for breeding, roosting, feeding and migration.
- 33.2.1.8** Determine the significance of areas of indigenous vegetation and habitats of indigenous fauna by applying the following criteria:
- a. **Representativeness**
Whether the area is an example of an indigenous vegetation type or habitat that is representative of that which formerly covered the Ecological District;

OR

b. **Rarity**

Whether the area supports;

- i. indigenous vegetation and habitats within originally rare ecosystems;
- ii. indigenous species that are threatened, at risk, uncommon, nationally or within the ecological district;
- iii. indigenous vegetation or habitats of indigenous fauna that has been reduced to less than 10% of its former extent, regionally or within a relevant Land Environment or Ecological District;

OR

c. **Diversity and Pattern**

Whether the area supports a highly diverse assemblage of indigenous vegetation and habitat types, and whether these have a high indigenous biodiversity value including:

- i. indigenous taxa;
- ii. ecological changes over gradients;

OR

d. **Distinctiveness**

Whether the area supports or provides habitats for indigenous species:

- i. at their distributional limit within Otago or nationally;
- ii. are endemic to the Otago region;
- iii. are distinctive, of restricted occurrence or have developed as a result of unique environmental factors;

OR

e. **Ecological Context**

The relationship of the area with its surroundings, including whether the area proposed to be cleared:

- i. has important connectivity value allowing dispersal of indigenous fauna between different areas;
- ii. has an important buffering function to protect values of an adjacent area or feature;
- iii. is important for indigenous fauna during some part of their life cycle.

33.2.2 Objective - Significant Natural Areas are protected, maintained and enhanced.

Policies

- 33.2.2.1** Avoid the clearance of indigenous vegetation within scheduled Significant Natural Areas, and those other areas that meet the criteria in Policy 33.2.1.8, that would reduce indigenous biodiversity values.
- 33.2.2.2** Allow the clearance of indigenous vegetation within Significant Natural Areas only in exceptional circumstances and ensure that clearance is undertaken in a manner that retains the indigenous biodiversity values of the Significant Natural Area.
- 33.2.2.3** Provide for small scale, low impact indigenous vegetation removal to enable the maintenance of existing fences and tracks in recognition that the majority of Significant Natural Areas are located within land used for rural activities.

33.2.3 Objective - Land use and development maintains indigenous biodiversity values.

Policies

- 33.2.3.1** Ensure the clearance of indigenous vegetation within the margins of water bodies does not reduce natural character and indigenous biodiversity values, or create erosion.
- 33.2.3.2** Encourage opportunities to remedy adverse effects through the retention, rehabilitation or protection of the same indigenous vegetation community elsewhere on the site.
- 33.2.3.3** Encourage the retention and enhancement of indigenous vegetation including in locations that have potential for regeneration, or provide stability, and particularly where productive values are low, or in riparian areas or gullies.
- 33.2.3.4** Have regard to any areas in the vicinity of the indigenous vegetation proposed to be cleared, that constitute the same habitat or species which are protected by covenants or other formal protection mechanisms.

33.2.4 Objective - Indigenous biodiversity and landscape values of alpine environments are protected from the effects of vegetation clearance and exotic tree and shrub planting.

Policies

- 33.2.4.1** Protect the alpine environments from vegetation clearance as those environments contribute to the distinct indigenous biodiversity and landscape qualities of the District and are vulnerable to change.
- 33.2.4.2** Protect the alpine environment from degradation due to planting and spread of exotic species.

33.3 Other Provisions and Rules

33.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1	Introduction	2	Definitions	3	Strategic Direction
4	Urban Development	5	Tangata Whenua	6	Landscapes and Rural Character
25	<i>Earthworks</i>	26	Historic Heritage	27	Subdivision
28	Natural Hazards	29	<i>Transport</i>	30	Energy and Utilities
31	<i>Signs</i>	32	Protected Trees	34	Wilding Exotic Trees
35	Temporary Activities and Relocated Buildings	36	Noise	37	Designations
	Planning Maps				

33.3.2 Interpreting and Applying the Rules

- 33.3.2.1** Compliance with any of the following Standards, in particular the permitted Standards, does not absolve any commitment to the conditions of any relevant land use consent, consent notice or covenant registered on the site's computer freehold register.
- 33.3.2.2** Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the 'Non-Compliance Status' column applies.
- 33.3.2.3** The rules in Chapter 33 apply to all parts of the District, including formed and unformed roads, whether zoned or not.
- 33.3.2.4** The following abbreviations are used in the tables. Any activity that is not permitted (P) or prohibited (PR) requires resource consent.

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

33.3.3 Rules: Application of the indigenous vegetation rules

- 33.3.3.1** For the purposes of determining compliance with the rules in Tables 1 - 4, indigenous vegetation must be measured cumulatively over the area(s) to be cleared.
- 33.3.3.2** Rules 33.5.1 and 33.5.2 shall apply where indigenous vegetation attains 'structural dominance' and the indigenous vegetation exceeds 50% of the total area to be cleared or total number of species present of the total area to be cleared.
- 33.3.3.3** Rules 33.5.1 and 33.5.2.4 shall apply where indigenous vegetation does not attain structural dominance and exceeds 67% of the total area to be cleared, or total number of species present of the total area to be cleared.
- 33.3.3.4** Structural dominance means indigenous species that are in the tallest stratum.
- 33.3.3.5** Rules 33.3.3.2 and 33.3.3.3 do not apply to Significant Natural Areas listed in Schedule 33.7. In a Significant Natural Area all clearance is subject to Rules 33.5.4 and 33.5.5.

Advice Notes

Refer to the Planning Maps and Part 33.7 for the Schedule of Significant Natural Areas.

33.4 Rules - Clearance of Indigenous Vegetation

Table 1	Any activity involving the clearance of indigenous vegetation, earthworks within SNAs and the planting of exotic plant species shall be subject to the following rules:	Activity Status
33.4.1	Activities that do not breach any of the Standards in Tables 2 to 4.	P
33.4.2	Notwithstanding Table 3, activities in any area identified in the District Plan maps and scheduled as a Significant Natural Area that is, or becomes protected by a covenant under the Queen Elizabeth II National Trust Act 1977.	P
33.4.3	Indigenous vegetation clearance for the operation and maintenance of existing and in service/operational roads, tracks, drains, utilities, structures and/or fence lines, but excludes their expansion.	P
33.4.4	Indigenous vegetation clearance for the construction of walkways or trails up to 1.5 metres in width provided that it does not involve the clearance of trees greater than a height of 4 metres.	P
33.4.5	Indigenous vegetation clearance within the Ski Area Sub Zones on land administered under the Conservation Act 1987 where the relevant approval has been obtained from the Department of Conservation, providing that: <ol style="list-style-type: none"> the indigenous vegetation clearance does not exceed the approval by the Department of Conservation; prior to the clearance of indigenous vegetation, the Council is provided with the relevant application and approval from the Department of Conservation. 	P

Table 1	Any activity involving the clearance of indigenous vegetation, earthworks within SNAs and the planting of exotic plant species shall be subject to the following rules:	Activity Status
33.4.6	Clearance of indigenous trees that have been wind thrown and/or are dead standing as a result of natural causes and have become dangerous to life or property.	P
33.4.7	Any clearance of indigenous vegetation within 20m of the bed of a water body.	D

33.5 Rules - Standards for Permitted Activities

Table 2	Clearance of indigenous vegetation not located within a Significant Natural Area or within Alpine Environments:	Non-Compliance
33.5.1	Where indigenous vegetation is less than 2.0 metres in height. In any continuous period of 5 years the maximum area of indigenous vegetation that may be cleared is limited to: 33.5.1.1 500m ² on sites that have a total area of 10ha or less; and 33.5.1.2 5,000m ² on any other site.	D
33.5.2	Where indigenous vegetation is greater than 2.0 metres in height: In any continuous period of 5 years the maximum area of indigenous vegetation that may be cleared is limited to: 33.5.2.1 50m ² on sites that have a total area of 10ha or less; and 33.5.2.2 500m ² on any other site.	D

Table 3	Activities within Significant Natural Areas identified in Schedule 33.7 and on the District Plan maps:	Non-Compliance
33.5.3	Earthworks must: 33.5.3.1 be to enable the maintenance of existing fences and tracks; and 33.5.3.2 be less than 50m ² in any one hectare in any continuous period of 5 years; and 33.5.3.3 not be undertaken on slopes with an angle greater than 20°.	D
33.5.4	The clearance of indigenous vegetation must not exceed 50m ² in area in any continuous period of 5 years.	D
33.5.5	The clearance of exotic vegetation that is specified indigenous fauna habitat must not exceed 50m ² in area in any continuous period of 5 years.	D
33.5.6	There must be no planting of any exotic species.	D

Table 4	Activities within Alpine Environments – land 1070 metres above sea level:	Non-Compliance
33.5.7	The following rules apply to any land that is higher than 1070 meters above sea level: 33.5.7.1 indigenous vegetation must not be cleared; 33.5.7.2 exotic species must not be planted. Except where indigenous vegetation clearance is permitted by Rule 33.4.5 Clarification: For the purpose of the clearance of indigenous vegetation by way of burning, the altitude limit of 1070 metres means the average maximum altitude of any land to be burnt, averaged over north and south facing slopes.	D

33.6 Rules - Non-Notification of Applications

The provisions of the RMA apply in determining whether an application needs to be processed on a notified basis. No activities or non-compliances with the standards in this chapter have been identified for processing on a non-notified basis.

33.7 Schedule of Significant Natural Areas

Identifier	Map Number	SNA Site Name	Property or location Reference	Description/Dominant Indigenous Vegetation
A10C	9	SNA C Mount Alfred Faces	Mt Earnslaw Station, Glenorchy	Mixed beech forest, montane and sub-alpine shrubland and sub-alpine short tussock land.
A8A	12	SNA A Fan Creek Shrublands	Mt Creighton Station	Grey shrubland. Old matagouri with Olearia odorata, Coprosma propinqua, Aristotelia fruticosa, Carmichaelia petriei and briar.
A8B	12	SNA B Lake Face Shrublands	Mt Creighton Station	Broadleaf indigenous hardwood community. Common species within this community include: Griselinia littoralis, Olearia spp., cabbage tree, Pseudopanax sp., marble leaf and Coprosma spp..
A8C	9, 10, 12, 13	SNA C Sites 1 to 9 Manuka Shrublands	Mt Creighton Station	Extensive shrublands of manuka.
A8D	12	SNA D Moke Creek Wetland	Mt Creighton Station	Wetland marsh.
A23A	12, 38	SNA A	Closeburn	Shrubland dominated by manuka and Coprosma propinqua.
B3A	8	SNA A	Mt Burke Station	Shrubland consisting of kanuka (Kunzea ericoides), manuka (Leptospermum scoparium), matagouri (Discaria toumatou), kowhai (Sophora sp.) and briar (Rosa rubiginosa).

Identifier	Map Number	SNA Site Name	Property or Location Reference	Description/Dominant Indigenous Vegetation
B3B	8, 18	SNA B	Mt Burke Station	Woodland dominated by kanuka, but also contains a stand of halls totara (<i>Podocarpus cunninghamii</i>) on rubbly slopes at the head of the catchment and kowhai (<i>Sophora</i> sp.) in the upper kanuka forest.
B3C	8	SNA C	Mt Burke Station	Woodland dominated by halls totara (<i>Podocarpus cunninghamii</i>) and mountain toatoa (<i>Phyllocladus alpinus</i>).
B11A	4	SNA A Sites 1 to 2 Estuary Burn	Minaret Station	Kanuka woodland with a minor component of matagouri and mingimingi.
B11C	4	SNA C Sites 1 to 6 Bay Burn	Minaret Station	Kanuka dominated woodland with a minor component of matagouri and mingimingi and regenerating broadleaved species.
B11D	4, 7	SNA D Minaret Burn	Minaret Station	Shrubland mosaic consisting of manuka/kanuka woodland and broadleaved indigenous hardwoods and beech forest.
B11F	4	SNA F Minaret Bay Riparian	Minaret Station	Indigenous broadleaved hardwoods.
B15A	4, 5	SNA A Sites 1 to 3 Mt Albert Burn & Craigie Burn Kanuka Woodlands	Mt Albert Station	Lakeshore fan communities - dense kanuka forest on flat river fans where the Craigie Burn and Albert Burn flow into the lake. The wet flats on the north side of the Albert Burn contain an excellent population of <i>Olearia lineata</i> growing along a small stream.
B15B	2, 5	SNA B Sites 1 to 5 Lake face shrublands and forest	Mt Albert Station	Beech forest remnants in several gullies and spreading onto some adjacent rolling country and generally surrounded by regenerating manuka shrubland.
B16A	8	SNA A Long Valley Creek	Glen Dene Station	Shrubland mosaic consisting of manuka woodland, broadleaved indigenous hardwoods and beech forest.
B16B	5	SNA B Sites 1 to 3 Lake Wanaka Shrublands	Glen Dene Station	Shrubland mosaic consisting of manuka woodland, broadleaved indigenous hardwoods and beech forest.
C14A	13, 13a	SNA A Sites 1 to 5 Remarkables Face SNA	Remarkables Station	Remnant broadleaf forest forming a buffer to Wye Creek and a good representation of sub-alpine shrubland occurring on several of the south faces of the steep spurs descending from the west faces of the Remarkables, as well as remnant totara logs.
C24A	13	SNA A Wye Creek SNA	Lake Wakatipu Station	Shrubland dominated by bracken fern and <i>Pittosporum tenuifolium</i> , but also including tutu, <i>Coprosma propinqua</i> , <i>Griselinia littoralis</i> , manuka, <i>Hebe salicifolia</i> , matagouri, mistletoe sp., <i>Carmichaelia</i> sp., and <i>Cordylone australis</i> .
D1A	13	SNA A	Loche Linnhe Station	Grey shrubland consisting of <i>Olearia odorata</i> , <i>Olearia fimbriata</i> , <i>Discaria toumatou</i> , <i>Coprosma propinqua</i> , <i>Coprosma rugosa</i> , <i>Melicytus alpinus</i> , <i>Muehlenbeckia complexa</i> , and <i>Rubus schmidelioides</i> .
D1B	13	SNA B Sites 1 to 3	Loche Linnhe Station	Forest and shrubland consisting of <i>Griselinia littoralis</i> , <i>Aristotelia serrata</i> , <i>Olearia arborescens</i> , <i>Metrosideros umbellata</i> , <i>Carpodetus serratus</i> , <i>Fuschia excorticata</i> , <i>Sophora microphylla</i> , <i>Pittosporum tenuifolium</i> , <i>Pseudopanax crassifolium</i> and <i>Coriaria arborea</i> .

Identifier	Map Number	SNA Site Name	Property or Location Reference	Description/Dominant Indigenous Vegetation
D1C	15	SNA C	Loche Linnhe Station	Beech forest dominated by mountain beech (<i>Nothofagus solandri. cliffortoides</i>) with occasional mature red beech (<i>Nothofagus fusca</i>), located above the highway.
D1D	15	SNA D	Loche Linnhe Station	Grey shrubland and pasture grassland. Species recorded include tree daisies (<i>Olearia odorata</i> , <i>Olearia fimbriata</i>), matagouri, <i>Coprosma propinqua</i> , briar and <i>Meliclytus alpinus</i> .
D1E	15	SNA E	Loche Linnhe Station	Beech forest dominated by mountain beech (<i>Nothofagus solandri. cliffortoides</i>), with occasional mature red beech (<i>Nothofagus fusca</i>).
D4A	15	SNA A Halfway Bay Lake Shore	Lake Wakatipu Station	Red and mountain beech forest in gullies, broadleaf lakeshore forest (including kowhai, broadleaf, occasional southern rata, <i>Olearia</i> species and <i>Coprosma</i> species) and regenerating broadleaf forest, shrubland, bracken fernland, occasional gorse and wild conifers.
D5A	13, 13b	SNA A Sites 1 to 7 Lakeshore Gullies	Cecil Peak Station	Beech forest, shrubland, bracken fernland and pasture grasses.
D6A	12, 13	SNA A McKinlays Creek	Walter Peak Station/Cecil Peak Station	Mountain beech forest with remnant and regenerating shrubland on steep, rocky slopes and exotic grassland that follows along a vehicle track.
D6B	14	SNA B Von – White Burn	Walter Peak Station	A series of extensive ponds and bogs with red tussock merging into dryland hard tussockland.
D7A	12, 14	SNA A Sites 1 to 2 North Von, Lower Wetlands	Mt Nicholas Station/Walter Peak Station	Lacustrine wetland, swamp, marshland and bog.
D7B	12, 14	SNA B North Von, Central Wetlands	Mt Nicholas Station	Palustrine wetlands and sub alpine bogs.
D7C	12	SNA C Sites 1 to 3 North Von, Upper Wetlands	Mt Nicholas Station	Cushion bog, sedgeland, rushland and turf communities containing plants typical of these communities.
D7D	14	SNA D North Von Lower Wetlands	Mt Nicholas Station	A kettle lake, kettle holes and adjacent wetlands and ephemeral wetlands.
E18B	8, 18	SNA B	Watkins Rd, Hawea Flat	Mosaic of short tussock grassland, cushionfields and herbfields.
E18C	8, 18	SNA C	Mt Iron	Kanuka woodland.
E18D	8, 18	SNA D Sites 1 to 2	Mt Iron	Kanuka woodland.
E18G	8	SNA G	Wanaka-Luggate Hwy, Upper Clutha River	Kanuka woodland with some small areas of short tussock grassland dominated by introduced grasses.
E18H	8, 18	SNA H	Mt Iron	Kanuka woodland.
E19A	8	SNA A	Glenfoyle Station	Kanuka woodland.
E19B	8, 11	SNA B	Glenfoyle Station	Kanuka woodland, dominated by kanuka but also including a more diverse plant assemblage in the gully bottoms including matagouri, <i>Coprosma propinqua</i> and tree daisys (<i>Olearia</i> sp.).

Identifier	Map Number	SNA Site Name	Property or Location Reference	Description/Dominant Indigenous Vegetation
E19C	8, 11	SNA C	Glenfoyle Station	Kanuka woodland.
E30A	8, 11, 11a	SNA A Dead Horse Creek	Lake McKay Station	Kanuka woodland dominated by kanuka, but also includes shrubland species such as matagouri, native broom, Coprosma propinqua and mature stands of Olearia lineata.
E30B	8, 11	SNA B Sites 1 to 4 Tin Hut Creek	Lake McKay Station	Kanuka woodland dominated by kanuka but also includes other shrubland species such as matagouri, native broom, and Coprosma propinqua.
E30C	11	SNA C Alice Burn Tributary	Lake McKay Station	Grey shrubland, which includes significant populations of Olearia lineata.
E30D	8, 11, 18a	SNA D Luggate Creek	Lake McKay Station	Kanuka woodland dominated by kanuka but also includes other shrubland species such as matagouri, native broom, and Coprosma propinqua.
E30E	8, 11	SNA E Sites 1 to 2 Lake McKay	Lake McKay Station	Kanuka woodland dominated by kanuka but also includes other shrubland species such as matagouri, native broom, and Coprosma propinqua.
E30F	8, 11	SNA F Alice Burn	Lake McKay Station	Kanuka woodland dominated by kanuka but also includes other shrubland species such as matagouri, native broom, and Coprosma propinqua.
E35A	8, 11	Sites 1 to 11 Sheepskin Creek	Luggate-Cromwell Road, Upper Clutha.	Diverse kanuka, and mixed kanuka/mingimingi-matagouri, scrub/shrubland communities in mid to lower reaches of the Sheepskin Creek catchment with intervening areas of pasture.
E37A	8, 11	SNA A	Kane Road – Hawea Back Road, Hawea Flat	Grey shrubland on rocky outcrop, including Coprosma intertexta, Coprosma propinqua, Coprosma tayloriae, Coprosma rigida, Coprosma crassifolius, Carmichaelia petriei, Melicytus alpinus, Discaria toumatou, Pteridium esculentum, Muehlenbeckia complexa and Cordyline australis.
E38A	8, 18a	SNA A Sites 1 to 5	Stevensons Road, Clutha River	Cushion fields (including Pimelea sericeovillosa subsp. pulvinaris) and kanuka stands.
E39A	8, 18, 24b	SNA A	Dublin Bay Road, Albert Town, Wanaka.	Short tussock grassland and cushion field.
E44A	8	SNA A Sites 1 to 2	Te Awa Road Hawea River	Hard tussock grassland with shrubland species, including kanuka, Ozothamnus leptophyllus and matagouri.
E45A	8	SNA A Sites 1 to 2	Te Awa Road Hawea River	Kanuka stands with other native species interspersed including Coprosma propinqua, Ozothamnus leptophyllus, matagouri and stands of bracken fern.
F2A	10	SNA A	Branch Creek, Cairdrona Valley	Shrubland including Dracophyllum longifolium, Dracophyllum uniflorum, Olearia avicennifolia, Olearia arborescens, Olearia nummularifolia, Olearia odorata, and Coprosma propinqua, with a small pocket of silver beech forest.

Identifier	Map Number	SNA Site Name	Property or Location Reference	Description/Dominant Indigenous Vegetation
F2B	10	SNA B Sites 1 to 3	Branch Creek, Cardrona Valley	Shrubland consisting of matagouri, <i>Olearia odorata</i> , <i>Olearia bullata</i> , <i>Aristotelia fruticososa</i> , <i>Coprosma propinqua</i> , <i>Coprosma tayloriae</i> , <i>Carmichaelia petriei</i> , sweet briar, elderberry, <i>Meliccytus alpinus</i> , <i>Rubus schmidlioides</i> and <i>Meuhlenbeckia australis</i> .
F2C	10	SNA C Sites 1 to 2	Branch Creek, Cardrona Valley	Shrubland consisting of matagouri, <i>Olearia odorata</i> , <i>Olearia bullata</i> , <i>Aristotelia fruticososa</i> , <i>Coprosma propinqua</i> , <i>Carmichaelia petriei</i> , sweet briar, elderberry, <i>Meliccytus alpinus</i> , <i>Rubus schmidlioides</i> and <i>Meuhlenbeckia australis</i> .
F2D	10	SNA D	Branch Creek, Cardrona Valley	Shrubland consisting of matagouri, <i>Olearia odorata</i> , <i>Olearia bullata</i> , <i>Aristotelia fruticososa</i> , <i>Coprosma propinqua</i> , <i>Coprosma tayloriae</i> , <i>Carmichaelia petriei</i> , sweet briar, elderberry, <i>Meliccytus alpinus</i> , <i>Rubus schmidlioides</i> and <i>Meuhlenbeckia australis</i> .
F21A	10	SNA A	Hillend Station, Wanaka	<i>Coprosma-matagouri</i> - <i>Olearia</i> shrubland with some elder and briar and a small pocket of silver beech forest.
F21B	10	SNA B Sites 1 to 3	Hillend Station, Wanaka	Shrubland including matagouri, <i>Coprosma propinqua</i> , kanuka – manuka, <i>Olearia odorata</i> , briar and elder.
F21C	10	SNA C Sites 1 to 2	Hillend Station, Wanaka	Beech forest fragments with extensive areas of regenerating shrubland.
F22A	10	SNA A Sites 1 to 2 Back Creek	Back Creek, Cardrona Valley.	Grey shrubland dominated by <i>Olearia odorata</i> , <i>Coprosma propinqua</i> and matagouri.
F26A	10	SNA A	Avalon Station, Cardrona Valley	Grey shrubland including <i>Coprosma propinqua</i> , matagouri, <i>Olearia odorata</i> and briar.
F26B	10	SNA B	Avalon Station, Cardrona Valley	Grey shrubland including <i>Olearia</i> spp., <i>Coprosma propinqua</i> , matagouri and <i>Corokia cotoneaster</i> .
F26C	10	SNA C Sites 1 to 3	Avalon Station, Cardrona Valley	Grey shrubland including <i>Olearia lineata</i> , <i>Coprosma propinqua</i> , matagouri, <i>Hebe salicifolia</i> and <i>Carmichaelia kirkii</i> .
F31A	13, 15a	SNA A Kawarau Faces	Waitiri Station, Kawarau Gorge.	Shrubland heavily dominated by matagouri and sweet briar but also includes <i>Coprosma propinqua</i> and to a lesser degree <i>Olearia odorata</i> .
F32A	13, 30	SNA A Sites 1 to 3 Owen Creek	Remarkables Range.	Grey shrubland dominated by <i>Olearia</i> species, <i>Coprosma propinqua</i> , <i>Discaria toumatou</i> , <i>Carmichaelia petriei</i> , <i>Meliccytus alpinus</i> , <i>Rubus schmidlioides</i> and <i>Meuhlenbeckia</i> species.
F32B	13, 30	SNA B Rastus Burn	Remarkables Range.	Grey shrubland dominated by <i>Olearia</i> species, <i>Coprosma propinqua</i> , <i>Discaria toumatou</i> , <i>Carmichaelia petriei</i> , <i>Meliccytus alpinus</i> , <i>Rubus schmidlioides</i> , and <i>Meuhlenbeckia</i> species.
F40A	13, 15a	SNA A	Gibbston Valley	Grey shrubland largely dominated by matagouri and <i>Coprosma propinqua</i> , but also includes populations of <i>Olearia</i> spp. and <i>Meuhlenbeckia</i> complexa.

Identifier	Map Number	SNA Site Name	Property or Location Reference	Description/Dominant Indigenous Vegetation
F40B	13, 15a	SNA B	Gibbston Valley	Grey shrubland including <i>Olearia odorata</i> , <i>Olearia lineata</i> , <i>Discaria toumatou</i> , <i>Coprosma propinqua</i> , <i>Melicytus alpinus</i> , <i>Muehlenbeckia complexa</i> , <i>Rubus schmidelioides</i> , <i>Carmichaelia petriei</i> , <i>Clematis quadribracteolata</i> and <i>Hebe salicifolia</i> .
F40C	13, 15a	SNA C	Gibbston Valley	Grey shrubland.
F40D	13, 15a	SNA D	Gibbston Valley	Grey shrubland dominated by <i>matagouri</i> and <i>kowhai</i> , but also includes <i>Coprosma propinqua</i> , <i>Melicytus alpinus</i> , <i>Coprosma crassifolia</i> and <i>Muehlenbeckia complexa</i> .
G28A	10, 26	SNA A Site 6	Coronet Peak (Bush Creek)	<i>Olearia odorata</i> – <i>matagouri</i> shrubland.
G28A	10, 26	SNA A Site 7	Coronet Peak (Bush Creek)	Mountain beech forest.
G33A	10	SNA A	Ben Lomond Station, Upper Shotover River	Mixed <i>mingimingi</i> – <i>matagouri</i> – <i>Olearia</i> spp. shrubland.
G33B	10	SNA B	Ben Lomond Station, Upper Shotover River	Mixed <i>mingimingi</i> – <i>matagouri</i> – <i>Olearia</i> spp. shrubland.
G33C	9	SNA C	Ben Lomond Station, Upper Shotover River	Extensive <i>manuka</i> scrub & shrubland community and mountain beech forest.
G34A	7	SNA A	Alpha Burn Station, West Wanaka	<i>Kanuka</i> , <i>mingimingi</i> – <i>matagouri</i> – <i>kohuhu</i> – <i>broadleaf</i> – <i>manuka</i> – <i>bracken</i> shrubland.
G34B	7	SNA B	Alpha Burn Station, West Wanaka	<i>Kohuhu</i> – <i>broadleaf</i> shrubland merging with <i>mingimingi</i> – <i>matagouri</i> – <i>bracken</i> shrubland.
G34C	7	SNA C	Alpha Burn Station, West Wanaka	Mixed <i>broadleaf</i> – <i>kohuhu</i> – <i>mingimingi</i> – <i>matagouri</i> – <i>bracken</i> shrubland.
G34D	7	SNA D	Alpha Burn Station, West Wanaka	Mixed beech forest, <i>manuka</i> forest, montane shrubland.
2A	5	Hunter River Delta	G38 270 557	WERI: A braided river used for fishing and recreational boating activities. An important site for bird breeding.
16A	10	Caspar Flat Bush	E40 669 936	SSWI: An area with mountain beech. Bird species present include yellow breasted tit, rifleman, grey warbler and silveryeye. Reasonable canopy but low plant diversity (natural for environment).
17A	10	Left Branch bush	E40 665 925	SSWI: An area of mountain beech, mountain toatoa, small leaf <i>Coprosma</i> and ferns. A very steep south facing habitat. Reasonable canopy but very little plant diversity (natural for environment). Bird species include yellow breasted tit, rifleman, silveryeye and grey warbler. Some large slips.
18A	10	Butchers Gully Bush	E40 665 906	SSWI: An area with mountain beech and mountain toatoa. Bird species include grey warbler, rifleman and yellow breasted tit. A steep south facing habitat. Reasonable canopy but little plant diversity. Some slipping.

Identifier	Map Number	SNA Site Name	Property or location Reference	Description/Dominant Indigenous Vegetation
35A	9, 10	Mount Aurum Remnants	S123 520 930	SSWI: An area with mountain beech, situated in gullies and on southern faces. Reasonable canopy, but low plant diversity. Yellow breasted tit, rifleman and grey warbler present.
38A	12	Moke Lake	S132 470 738	WERI, SSWI: A steep montane lake surrounded by tussock farmland. Brown trout fishery.
40A	12	Lake Isobel	S132 406 807	WERI: A lake with restiad bog and tussock land (Chionochloa species).
41A	12	Lake Kirkpatrick	S132 477 704	WERI, SSWI: A sub-alpine lake with Carex bog and surrounded by tussock farmland. Common native water-fowl present. More important as trout fishery.
42A	12, 38	Few Creek Bush (includes 127)	S132 440 675	SSWI: A moderate sized plain beech forest (red beech, mountain beech) with common forest birds, including brown creeper, fantail, bellbird, rifleman, grey warbler and yellow breasted tit.
43A	12, 38	Twelve Mile Bush	S132 420 655	SSWI: Reasonable sized bush with more diversity than usual, with red beech, mountain beech, broadleaf shrubbery, bracken and tussock surrounds. Good range of common forest birds, including brown creeper, fantail, bellbird, rifleman, grey warbler and yellow breasted tit. Very good lakeshore diversity.
57A	31	Lake Johnson	F41 735 695	WERI, SSWI: An eutrophied lowland lake, rush and sedge swamp (Carex species - Cyperaceae).
69A	13	Shadow Basin Tarn	F41 798 639	Montane lake and montane flush surrounded by steep slopes of snow tussock, cushion vegetation and herb fields.
71A	13	Lake Alta (adjoins 70)	F41 801 632	WERI: A montane lake surrounded by steep snow tussock slopes with extensive cushion vegetation and herb fields.
72A	13	Upper Wye Lakes	F41 812 612	WERI: Four montane lakes surrounded by scree and snow tussock. Cushion vegetation and herb fields.
91A	5	Dingle Lagoon	G39 220 347	WERI SSWI: A lagoon with a sloping edge with good plant communities and populations of paradise shelduck, mallard, grey duck and Canada geese.
114A	6, 9	Mt Earnslaw Forest and Bush Remnants	E40	SSWI: A healthy area of bush with red beech, totara, mountain beech, Grislinea, fuchsia, wineberry, Coprosma sp., hard fern. Good numbers of bush birds present, including yellow breasted tit, rifleman, bellbird, grey warbler and silvereve.
126A	32	Gorge Road Wetland	S132 555 720	Significant site of insects and plants (Carex socata).

33.8 Framework for the use of biodiversity offsets

The following sets out a framework for the use of biodiversity offsets. It should be read in conjunction with the NZ Government *Guidance on Good Practice Biodiversity Offsetting in New Zealand*, August 2014:

- a. restoration, enhancement and protection actions will only be considered a biodiversity offset where they are used to offset the anticipated residual effects of activities after appropriate avoidance, minimisation, remediation and mitigation actions have occurred as per Policy 33.2.1.6, i.e. not in situations where they are used to mitigate the adverse effects of activities;
- b. a proposed biodiversity offset should contain an explicit loss and gain calculation and should demonstrate the manner in which no net loss or preferably a net gain in biodiversity can be achieved on the ground;
- c. a biodiversity offset should recognise the limits to offsets due to irreplaceable and vulnerable biodiversity and its design and implementation should include provisions for addressing sources of uncertainty and risk of failure of the delivery of no net loss;
- d. restoration, enhancement and protection actions undertaken as a biodiversity offset are demonstrably additional to what otherwise would occur, including that they are additional to any remediation or mitigation undertaken in relation to the adverse effects of the activity;
- e. offset actions should be undertaken close to the location of development, where this will result in the best ecological outcome;
- f. the values to be lost through the activity to which the offset applies are counterbalanced by the proposed offsetting activity which is at least commensurate with the adverse effects on indigenous biodiversity, so that the overall result is no net loss, and preferably a net gain in ecological values;
- g. the offset is applied so that the ecological values being achieved through the offset are the same or similar to those being lost;
- h. as far as practicable, the positive ecological outcomes of the offset last at least as long as the impact of the activity, and preferably in perpetuity. Adaptive management responses should be incorporated into the design of the offset, as required to ensure that the positive ecological outcomes are maintained over time;
- i. the biodiversity offset should be designed and implemented in a landscape context – i.e. with an understanding of both the donor and recipient sites role, or potential role in the ecological context of the area;
- j. the development application identifies the intention to utilise an offset, and includes a biodiversity offset management plan that:
 - i. sets out baseline information on indigenous biodiversity that is potentially impacted by the proposal at both the donor and recipient sites;
 - ii. demonstrates how the requirements set out in this appendix will be addressed;
 - iii. identifies the monitoring approach that will be used to demonstrate how the matters set out in this appendix have been addressed, over an appropriate timeframe.

(While this appendix sets out a framework for the use of biodiversity offsets in the Queenstown Lakes District Council District Plan, many of the concepts are also applicable to other forms of effects management where an overall outcome of no net loss and preferably a net gain in biodiversity values are not intended, but restoration and protection actions will be undertaken).

Appendix 5: Chapter 34 – Wilding Exotic Trees as Recommended



34 WILDING EXOTIC TREES

34.1 Purpose

The purpose of these provisions is to prevent the spread of wilding exotic trees. Wilding is the term used for the natural regeneration or seedling spread of exotic trees, occurring in unintended locations and not managed for forestry production.

The District values and relies on its distinctive landscapes, open spaces and rural productive land for its social, cultural and economic wellbeing. Wilding trees are spreading across parts of the District and have visually degraded parts of the landscape, biodiversity values and can threaten the productive values of the soil resource. The spread of wilding trees has left other areas vulnerable to landscape and biodiversity degradation.

The Council manages existing wilding trees through the non-statutory document, 'The Wakatipu Wilding Conifer Strategy'. The District Plan also has a role in reducing the potential for wilding tree spread by controlling the planting of wilding potential species.

34.2 Objective and Policies

34.2.1 **Objective** - Protection of the District's landscape, biodiversity and soil resource values from the spread of wilding exotic trees.

Policy

34.2.1.1 Avoid the further spread of identified wilding tree species by prohibiting the planting of identified species.

34.2.1.2 Ensure that any planting and ongoing management of Radiata pine (*Pinus radiata*) is effective and can be practicably managed to avoid the adverse effects of the spread of wilding trees and degradation to the landscape.

34.2.1.3 That any proposal for the planting and ongoing management of Radiata pine (*Pinus radiata*) shall consider the following to ensure the spread of wilding trees can be contained:

- a. The location and potential for wilding take-off, having specific regard to the slope and exposure to wind;
- b. The surrounding land uses and whether these would reduce the potential for wilding spread;
- c. The ownership of the surrounding land and whether this would constrain the ability to manage wilding spread;
- d. Whether management plans are proposed for the avoidance or containment of wilding spread;
- e. Whether a risk assessment has been completed and the results are favourable to the proposal.

34.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1	Introduction	2	Definitions	3	Strategic Direction
4	Urban Development	5	Tangata Whenua	6	Landscapes and Rural Character
25	<i>Earthworks</i>	26	Historic Heritage	27	Subdivision
28	Natural Hazards	29	<i>Transport</i>	30	Energy and Utilities
31	<i>Signs</i>	32	Protected Trees	33	Indigenous Vegetation
35	Temporary Activities and Relocated Buildings	36	Noise	37	Designations
	Planning Maps				

34.3.2 Interpreting and Applying the Rules

- 34.3.2.1** The rules in Chapter 34 apply to all parts of the District, including formed and unformed roads, whether zoned or not.

34.4 Rule - Planting of Wilding Exotic Trees

Rule	Table 1	Activity Status
34.4.1	Planting of the following: a. Radiata pine (<i>Pinus radiata</i>)	Discretionary
34.4.2	Planting of the following: a. Contorta or lodgepole pine (<i>Pinus contorta</i>); b. Scots pine (<i>Pinus sylvestris sylvestris</i>); c. Douglas fir (<i>Pseudotsuga menziesii</i>); d. European larch (<i>Larix decidua</i>); e. Corsican pine (<i>Pinus nigra</i>); f. Bishops pine (<i>Pinus muricata</i>); g. Ponderosa pine (<i>Pinus Ponderosa</i>); h. Mountain pine (<i>Pinus mugo uncinata</i>); i. Dwarf Mountain pine (<i>Pinus mugo</i>); j. Maritime pine (<i>Pinus pinaster</i>); k. Sycamore (<i>Acer pseudoplatanus</i>); l. Hawthorn (<i>Crataegus monogyna</i>); m. Boxthorn (<i>Lycium ferocissimum</i>); n. Buddleia (<i>Buddleja davidii</i>); o. Grey willow (<i>Salix cinereal</i>); p. Crack willow (<i>Salix fragilis</i>); q. Cotoneaster (<i>Simonsii</i>); r. Rowan (<i>Sorbus aucuparia</i>); s. Spanish heath (<i>Erica lusitanica</i>).	Prohibited No application for resource consent can be accepted.

34.4.3 Exemption

34.4.3.1 For avoidance of doubt, this rule does not require the felling or removal of any tree identified and scheduled in the District Plan as a protected tree.

34.4

Rules - Non-Notification of Applications

The provisions of the RMA apply in determining whether an application needs to be processed on a notified basis. No activities in this chapter have been identified for processing on a non-notified basis.

Appendix 6: Recommendations on Submissions and Further Submissions

Part A: Submissions

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS002.10	Rogers, Jeff	Reject	Part B
OS009.6	Drayron, Terry	Accept in Part	58
OS009.7	Drayron, Terry	Accept in Part	5.23
OS009.8	Drayron, Terry	Reject	45
OS011.1	Newton, Jill	Accept	13.2
OS012.1	Landpro	Accept in part	42.2
OS019.10	Fround, Kain	Accept in part	Part C
OS019.11	Fround, Kain	Accept in part	Part D
OS019.16	Fround, Kain	Accept in Part	58
OS019.22	Fround, Kain	Accept in Part	Part B
OS019.23	Fround, Kain	Accept in Part	45
OS021.40	Walsh, Alison	Accept in part	Part C
OS021.42	Walsh, Alison	Accept in part	23.1
OS021.43	Walsh, Alison	Accept in part	25
OS021.44	Walsh, Alison	Accept	26.1
OS021.45	Walsh, Alison	Accept in part	28.1
OS021.46	Walsh, Alison	Accept in part	35
OS021.47	Walsh, Alison	Accept in part	37
OS021.48	Walsh, Alison	Accept in part	Part D
OS021.59	Walsh, Alison	Accept in Part	58
OS021.62	Walsh, Alison	Accept in Part	Part B
OS021.63	Walsh, Alison	Accept in Part	Part B
OS029.1	Shearer, Jane	Accept in part	28.2
OS029.2	Shearer, Jane	Accept in part	23.1
OS029.3	Shearer, Jane	Reject	28.2
OS056.1	Aviation New Zealand	Accept in Part	6.23
OS072.5	Kelvin Peninsula Community Association	Accept in Part	58
OS085.1	Flahive, Gillian	Reject	58
OS093.1	Evans, Mike	Accept in Part	6.23
OS095.1	Albert Town Community Assoc	Accept in Part	58
OS096.1	Peter Terence Hale	Accept	6.7
OS105.1	Chartres, Allan	Accept in Part	6.23
OS105.2	Chartres, Allan	Accept in Part	6.23
OS105.3	Chartres, Allan	Accept in Part	6.23
OS106.1	Trelawn Place	Accept in Part	6.23
OS109.1	Couper, Steve	Accept in Part	6.23
OS114.1	Tapper, Jules	Accept in Part	6.23
OS115.8	Micoud, Florence	Reject	55
OS117.12	Lawton, Maggie	Accept in Part	58
OS117.19	Lawton, Maggie	Reject	4.40
OS117.20	Lawton, Maggie	Accept in Part	7.7

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS117.21	Lawton, Maggie	Reject	4.6
OS117.22	Lawton, Maggie	Accept in Part	4.6
OS117.8	Lawton, Maggie	Accept	Part C
OS122.1	Skydive Queenstown Limited	Reject	2.3
OS122.2	Skydive Queenstown Limited	Accept in Part	4
OS122.3	Skydive Queenstown Limited	Reject	4.36
OS122.4	Skydive Queenstown Limited	Accept in Part	6.15
OS122.5	Skydive Queenstown Limited	Accept in Part	6.23
OS122.6	Skydive Queenstown Limited	Accept in Part	6.23
OS126.2	Hunter Leece / Anne Kobienia	Accept in part	27.12
OS126.3	Hunter Leece / Anne Kobienia	Reject	28.11
OS127.1	Chisholm, Simon	Accept in part	27.15
OS127.2	Chisholm, Simon	Reject	28.8
OS133.1	Woodfield, Kate	Accept in Part	46
OS134.1	Lemaire-Sicre, Keri	Reject	4.10
OS135.1	Baker, Joan	Accept in Part	6.23
OS1366.10	Moraine Creek Limited	Reject	6.15
OS1366.7	Moraine Creek Limited	Accept in Part	6.23
OS1366.8	Moraine Creek Limited	Accept in Part	6.23
OS137.1	Glenorchy Air	Accept in Part	6.23
OS138.1	Baker, Cliff	Accept in Part	6.23
OS143.1	Bowman, Richard	Accept in Part	6.23
OS145.10	Upper Clutha Environmental Society (Inc)	Reject	6.4
OS145.11	Upper Clutha Environmental Society (Inc)	Reject	9.1
OS145.13	Upper Clutha Environmental Society (Inc)	Reject	19
OS145.2	Upper Clutha Environmental Society (Inc)	Accept in Part	19.5
OS145.25	Upper Clutha Environmental Society (Inc)	Reject	6.8
OS145.3	Upper Clutha Environmental Society (Inc)	Reject	19.5
OS145.7	Upper Clutha Environmental Society (Inc)	Reject	6.7
OS145.8	Upper Clutha Environmental Society (Inc)	Reject	6.8
OS146.1	Bradley, Sue	Reject	28.2
OS146.2	Bradley, Sue	Reject	31
OS157.4	Wilson, Miles	Reject	27.10
OS162.1	Campbell, Carlton	Accept in Part	6.23
OS162.2	Campbell, Carlton	Accept in Part	6.23
OS162.3	Campbell, Carlton	Accept in Part	6.23
OS163.2	Woodfield, Vaughn	Reject	49
OS163.3	Woodfield, Vaughn	Reject	49
OS166.5	Aurum Survey Consultants	Reject	31
OS166.6	Aurum Survey Consultants	Reject	28.2

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS167.1	Queenstown Rafting Limited	Accept in Part	4.40
OS167.2	Queenstown Rafting Limited	Reject	14.2
OS167.3	Queenstown Rafting Limited	Reject	14.2
OS174.1	Stephani, Steven	Accept in Part	6.23
OS176.1	Davies, Jenny	Reject	Part B
OS179.10	Vodafone NZ	Reject	19.3
OS179.9	Vodafone NZ	Reject	19.1
OS186.1	Gilbertson, Shaun	Accept in Part	6.23
OS187.8	Kiddle, Nicholas	Accept in Part	58
OS191.8	Spark Trading NZ Limited	Reject	19
OS194.1	Ecroyd, John	Accept in Part	4.48
OS194.2	Ecroyd, John	Reject	4.46
OS194.3	Ecroyd, John	Reject	6.22
OS197.22	Hylton, Jeffrey	Accept in part	35
OS198.1	Woodfield, Kate	Reject	49
OS209.1	Green, Michael	Accept in Part	6.23
OS209.2	Green, Michael	Accept in Part	6.23
OS211.1	Aircraft Owners and Pilots Assn Nz (Inc)	Accept in Part	6.23
OS211.2	Aircraft Owners and Pilots Assn Nz (Inc)	Accept in Part	6.23
OS213.1	Manners Wood, Clive	Accept in Part	6.23
OS214.1	Woodfield, Kate	Reject	49
OS217.16	Berriman, Jay	N/A	24.3
OS217.17	Berriman, Jay	Accept	24.4
OS217.19	Berriman, Jay	Accept in Part	4.24
OS217.20	Berriman, Jay	Accept in Part	4.31
OS217.21	Berriman, Jay	Reject	4.35
OS217.22	Berriman, Jay	Accept in Part	4.51
OS217.23	Berriman, Jay	Accept in Part	6.23
OS219.1	Juie Q.T. Limited	Accept in part	Part C
OS219.2	Juie Q.T. Limited	Accept	27.3
OS219.3	Juie Q.T. Limited	Accept	27.5
OS219.4	Juie Q.T. Limited	Accept	27.6
OS219.5	Juie Q.T. Limited	Accept	28.5
OS219.6	Juie Q.T. Limited	Accept	28.12
OS220.2	Manners Wood, Clive	Reject	6.2
OS220.3	Manners Wood, Clive	Accept in Part	4.26
OS221.3	Cleaver, Susan	Reject	24.3
OS221.5	Cleaver, Susan	Accept in Part	6.23
OS224.1	Queenstown Milford User Group	Accept in Part	6.23
OS229.3	Felzar Properties Ltd	Accept	Part C
OS231.1	Antony Strain, Sarah Strain and Samuel Strain	Accept	Part C
OS236.1	Perkins, Claire & Nigel	Accept in part	Part C
OS236.2	Perkins, Claire & Nigel	Accept in part	27.11
OS236.3	Perkins, Claire & Nigel	Accept	27.14
OS236.4	Perkins, Claire & Nigel	Reject	27.10

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS236.5	Perkins, Claire & Nigel	Accept in part	24.3
OS238.109	NZIA Southern and Architecture + Women Southern	Accept	39
OS238.110	NZIA Southern and Architecture + Women Southern	Reject	42.4
OS238.111	NZIA Southern and Architecture + Women Southern	Reject	42.5
OS238.112	NZIA Southern and Architecture + Women Southern	Reject	43.1
OS238.120	NZIA Southern and Architecture + Women Southern	Accept	23
OS238.121	NZIA Southern and Architecture + Women Southern	Accept in part	24.2
OS238.122	NZIA Southern and Architecture + Women Southern	Reject	24.2
OS238.123	NZIA Southern and Architecture + Women Southern	Accept in part	24.3
OS238.124	NZIA Southern and Architecture + Women Southern	Reject	27.4
OS238.125	NZIA Southern and Architecture + Women Southern	Reject	27.8
OS238.126	NZIA Southern and Architecture + Women Southern	Reject	28.2
OS238.128	NZIA Southern and Architecture + Women Southern	Reject	3
OS238.129	NZIA Southern and Architecture + Women Southern	Reject	6.8
OS238.130	NZIA Southern and Architecture + Women Southern	Reject	6.13
OS238.131	NZIA Southern and Architecture + Women Southern	Reject	6.14
OS238.132	NZIA Southern and Architecture + Women Southern	Accept in Part	6.23
OS238.133	NZIA Southern and Architecture + Women Southern	Reject	13.1
OS243.10	Byrch, Christine	Accept in part	24.5
OS243.11	Byrch, Christine	Reject	24.6
OS243.12	Byrch, Christine	Accept in part	26
OS243.13	Byrch, Christine	Reject	27.1
OS243.14	Byrch, Christine	Accept	Report 4B
OS243.15	Byrch, Christine	Reject	28.1
OS243.16	Byrch, Christine	Reject	28.1
OS243.17	Byrch, Christine	Accept	28.6
OS243.18	Byrch, Christine	Reject	28.2
OS243.19	Byrch, Christine	Accept	Report 4B
OS243.21	Byrch, Christine	Accept in Part	4.17
OS243.22	Byrch, Christine	Accept	4.40
OS243.24	Byrch, Christine	Accept	24.4

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS243.25	Byrch, Christine	Accept	24.3
OS243.26	Byrch, Christine	Reject	Report 4B
OS243.27	Byrch, Christine	Accept in part	27.12
OS243.28	Byrch, Christine	Reject	27.13
OS243.30	Byrch, Christine	Accept in part	28.3
OS243.31	Byrch, Christine	Accept in part	28.4
OS243.32	Byrch, Christine	Accept	28.7
OS243.33	Byrch, Christine	Accept	Report 4B
OS243.7	Byrch, Christine	Reject	23
OS243.8	Byrch, Christine	Accept in part	24.2
OS243.9	Byrch, Christine	Accept in part	24.3
OS248.18	Shotover Trust	Accept in Part	4.25
OS248.19	Shotover Trust	Accept in Part	4.26
OS248.2	Shotover Trust	Reject	24.3
OS248.3	Shotover Trust	Reject	27.4
OS248.4	Shotover Trust	Reject	27.2
OS248.5	Shotover Trust	Reject	24
OS249.12	Willowridge Developments Limited	Accept	19.1
OS249.13	Willowridge Developments Limited	Accept in Part	19.1
OS251.10	PowerNet Limited	Reject	19.8
OS251.7	PowerNet Limited	Reject	19.1
OS251.8	PowerNet Limited	Reject	19.3
OS251.9	PowerNet Limited	Reject	19.6
OS257.1	Shackleton, Louise	Accept in Part	Part B
OS265.3	Bunn, Phillip	Reject	24.3
OS265.6	Bunn, Phillip	Accept in Part	6.23
OS271.16	Board of Airline Representatives of New Zealand (BARNZ)	Accept in Part	4.20
OS271.17	Board of Airline Representatives of New Zealand (BARNZ)	Accept	6.26
OS281.1	Wakatipu Reforestation Trust	Accept in Part	58
OS281.2	Wakatipu Reforestation Trust	Reject	46
OS285.14	MacColl, Debbie	Reject	24.3
OS285.17	MacColl, Debbie	Accept in Part	4.35
OS285.18	MacColl, Debbie	Reject	6.23
OS285.19	MacColl, Debbie	Accept in Part	4.37
OS286.1	Metzger, Urs & Rosalie	Accept in Part	58
OS286.2	Metzger, Urs & Rosalie	Reject	23
OS288.4	Limited, Barn Hill	Accept in Part	4.35
OS288.5	Limited, Barn Hill	Reject	6.23
OS288.6	Limited, Barn Hill	Accept in Part	4.37
OS288.7	Limited, Barn Hill	Accept in Part	4.35
OS289.14	Brown, A	Accept	4.5
OS289.15	Brown, A	Accept in Part	4.7
OS289.16	Brown, A	Reject	7.7
OS289.17	Brown, A	Accept in part	24.2
OS290.3	Ryan, Christine	Accept in Part	58
OS290.4	Ryan, Christine	Accept in Part	46

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS290.5	Ryan, Christine	Accept in Part	48.6
OS294.3	Bunn, Steven	Reject	24.3
OS294.5	Bunn, Steven	Reject	6.23
OS296.4	Royal New Zealand Aero Club Inc/Flying NZ	Accept in Part	6.23
OS296.5	Royal New Zealand Aero Club Inc/Flying NZ	Accept in Part	6.23
OS296.6	Royal New Zealand Aero Club Inc/Flying NZ	Accept in Part	6.23
OS296.7	Royal New Zealand Aero Club Inc/Flying NZ	Accept in Part	6.23
OS301.1	Austin, Tim	Reject	4.46
OS303.2	Maluschnig, Steve	Reject	5
OS307.2	Kawarau Jet Services Holdings Ltd	Reject	3
OS307.3	Kawarau Jet Services Holdings Ltd	Accept in Part	4.40
OS307.4	Kawarau Jet Services Holdings Ltd	Accept in Part	14
OS307.5	Kawarau Jet Services Holdings Ltd	Accept in Part	6.22
OS307.6	Kawarau Jet Services Holdings Ltd	Accept	14
OS310.6	Waterston, Jon - represented by Brown & Company Planning Group Ltd	Reject	6.23
OS310.9	Waterston, Jon - represented by Brown & Company Planning Group Ltd	Accept in Part	6.23
OS313.3	Langley, John	Accept in Part	58
OS313.4	Langley, John	Accept in Part	50
OS314.6	Wakatipu Holdings	Reject	13.1
OS315.11	The Alpine Group Limited	Reject	49
OS315.6	The Alpine Group Limited	Reject	6.15
OS315.7	The Alpine Group Limited	Accept in Part	6.23
OS315.8	The Alpine Group Limited	Accept in Part	6.23
OS315.9	The Alpine Group Limited	Accept	6.29
OS320.1	Burdon, Lesley & Jerry	Reject	6.19
OS323.1	Frost, Jed - represented by Attn: Nick Geddes Clark Fortune McDonald & Associates	Accept	15
OS323.2	Frost, Jed - represented by Attn: Nick Geddes Clark Fortune McDonald & Associates	Accept	15
OS323.3	Frost, Jed - represented by Attn: Nick Geddes Clark Fortune McDonald & Associates	Accept	15
OS323.4	Frost, Jed - represented by Attn: Nick Geddes Clark Fortune McDonald & Associates	Accept	15
OS323.5	Frost, Jed - represented by Attn: Nick Geddes Clark Fortune McDonald & Associates	Accept	15

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS325.16	Solobio Ltd - owner of Matukituki Station	Accept	4.2
OS325.17	Solobio Ltd - owner of Matukituki Station	Accept in Part	6.4
OS325.18	Solobio Ltd - owner of Matukituki Station	Accept	6.3
OS325.19	Solobio Ltd - owner of Matukituki Station	Accept in Part	9.1
OS325.20	Solobio Ltd - owner of Matukituki Station	Accept	9.2
OS325.21	Solobio Ltd - owner of Matukituki Station	Accept	9.3
OS325.3	Solobio Ltd - owner of Matukituki Station	Accept in Part	4.1 - 4.4
OS325.4	Solobio Ltd - owner of Matukituki Station	Accept	4.5 - 4.6
OS325.5	Solobio Ltd - owner of Matukituki Station	Accept in Part	4.31
OS325.6	Solobio Ltd - owner of Matukituki Station	Accept	6
OS330.1	The Station at Waitiri	Accept	38
OS330.2	The Station at Waitiri	Accept	38
OS330.3	The Station at Waitiri	Accept	42.6
OS330.4	The Station at Waitiri	Accept	38
OS330.5	The Station at Waitiri	Accept in part	Part D
OS331.3	The Station at Waitiri	Reject	6.7
OS332.2	Rachel Brown	Accept	Part C
OS332.3	Rachel Brown	Accept in Part	58
OS332.4	Rachel Brown	Reject	7.5
OS332.5	Rachel Brown	Accept in Part	4.1
OS335.23	Blennerhassett, Nic	Accept	4
OS335.25	Blennerhassett, Nic	Accept in Part	4.31
OS335.26	Blennerhassett, Nic	Accept in Part	7.5
OS335.27	Blennerhassett, Nic	Accept in Part	7.6
OS335.28	Blennerhassett, Nic	Reject	7.7
OS335.29	Blennerhassett, Nic	Accept in Part	7.8
OS339.100	Alty, Evan	Accept in Part	51.8
OS339.101	Alty, Evan	Reject	51.8
OS339.102	Alty, Evan	Accept	51.9
OS339.103	Alty, Evan	Accept in Part	51.9
OS339.104	Alty, Evan	Accept	51.9
OS339.105	Alty, Evan	Accept in Part	53.2
OS339.106	Alty, Evan	Accept	48.4
OS339.107	Alty, Evan	Accept in Part	48.4
OS339.108	Alty, Evan	Accept in Part	48.4
OS339.109	Alty, Evan	Reject	48.4
OS339.110	Alty, Evan	Accept	53.4
OS339.111	Alty, Evan	Reject	53.4

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS339.112	Alty, Evan	Reject	53.4
OS339.113	Alty, Evan	Reject	48.6
OS339.114	Alty, Evan	Reject	48.6
OS339.115	Alty, Evan	Accept	48.6
OS339.116	Alty, Evan	Reject	48.7
OS339.117	Alty, Evan	Accept in Part	48.5
OS339.118	Alty, Evan	Accept in Part	51.5
OS339.119	Alty, Evan	Reject	51.6
OS339.120	Alty, Evan	Accept in Part	51.7
OS339.121	Alty, Evan	Accept	53.6
OS339.122	Alty, Evan	Accept	54
OS339.123	Alty, Evan	Reject	48.3
OS339.124	Alty, Evan	Accept in Part	55
OS339.125	Alty, Evan	Reject	Part E
OS339.126	Alty, Evan	Reject	58
OS339.127	Alty, Evan	Reject	58
OS339.128	Alty, Evan	Accept	58
OS339.29	Alty, Evan	Reject	3
OS339.30	Alty, Evan	Accept in Part	4.1
OS339.31	Alty, Evan	Accept	4.2
OS339.32	Alty, Evan	Accept	4.4
OS339.33	Alty, Evan	Accept in Part	4.7
OS339.34	Alty, Evan	Accept	4.8
OS339.35	Alty, Evan	Reject	4.7
OS339.36	Alty, Evan	Accept	4.13
OS339.37	Alty, Evan	Accept in Part	4.14
OS339.38	Alty, Evan	Accept in Part	4.22
OS339.39	Alty, Evan	Reject	4.23
OS339.40	Alty, Evan	Reject	4.24
OS339.41	Alty, Evan	Reject	4.26
OS339.42	Alty, Evan	Accept in Part	4.27
OS339.43	Alty, Evan	Reject	4.33
OS339.44	Alty, Evan	Accept in Part	4.34
OS339.45	Alty, Evan	Reject	4.40
OS339.46	Alty, Evan	Accept in Part	4.44
OS339.47	Alty, Evan	Accept	4.45
OS339.48	Alty, Evan	Reject	6.20
OS339.49	Alty, Evan	Reject	6.27
OS339.5	Alty, Evan	Accept in Part	48.2
OS339.50	Alty, Evan	Accept in Part	6.27
OS339.51	Alty, Evan	Reject	7
OS339.52	Alty, Evan	Accept	7.4
OS339.53	Alty, Evan	Reject	7.7
OS339.54	Alty, Evan	Reject	8.1
OS339.55	Alty, Evan	Reject	8.2
OS339.56	Alty, Evan	Reject	8.3
OS339.57	Alty, Evan	Reject	8.4
OS339.58	Alty, Evan	Reject	23

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS339.59	Alty, Evan	Reject	24.2
OS339.6	Alty, Evan	Reject	48.2
OS339.60	Alty, Evan	Reject	27.4
OS339.64	Alty, Evan	Accept	28.7
OS339.7	Alty, Evan	Accept in Part	51.2
OS339.73	Alty, Evan	Accept in Part	50
OS339.74	Alty, Evan	Accept in Part	50
OS339.75	Alty, Evan	Reject	50
OS339.76	Alty, Evan	Reject	50
OS339.77	Alty, Evan	Accept in Part	48.2
OS339.78	Alty, Evan	Accept in Part	51.2
OS339.79	Alty, Evan	Reject	48.2
OS339.8	Alty, Evan	Reject	51.2
OS339.80	Alty, Evan	Reject	48.2
OS339.81	Alty, Evan	Accept in Part	51.2
OS339.82	Alty, Evan	Reject	51.2
OS339.83	Alty, Evan	Reject	51.2
OS339.84	Alty, Evan	Accept in Part	51.2
OS339.85	Alty, Evan	Accept in Part	51.2
OS339.86	Alty, Evan	Accept in Part	51.2
OS339.87	Alty, Evan	Reject	51.3
OS339.88	Alty, Evan	Accept in Part	51.4
OS339.89	Alty, Evan	Accept in Part	51.4
OS339.90	Alty, Evan	Accept in Part	51.4
OS339.91	Alty, Evan	Accept in Part	51.4
OS339.92	Alty, Evan	Accept in Part	51.4
OS339.93	Alty, Evan	Accept in Part	51.8
OS339.94	Alty, Evan	Reject	51.8
OS339.95	Alty, Evan	Accept in Part	51.8
OS339.96	Alty, Evan	Accept in Part	51.8
OS339.97	Alty, Evan	Accept	51.8
OS339.98	Alty, Evan	Reject	51.8
OS339.99	Alty, Evan	Accept in Part	51.8
OS343.4	ZJV (NZ) Limited	Accept in Part	2.2 and 3
OS343.5	ZJV (NZ) Limited	Accept in Part	4.1
OS343.6	ZJV (NZ) Limited	Reject	4.2
OS343.7	ZJV (NZ) Limited	Accept in Part	4.31
OS343.8	ZJV (NZ) Limited	Accept in Part	4.32
OS345.10	McQuilkin, (K)John - represented by Brown & Company Planning Group Ltd	Accept in Part	4.31
OS345.11	McQuilkin, (K)John - represented by Brown & Company Planning Group Ltd	Accept in Part	4.32
OS345.12	McQuilkin, (K)John - represented by Brown & Company Planning Group Ltd	Reject	19

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS345.7	McQuilkin, (K)John - represented by Brown & Company Planning Group Ltd	Accept in Part	2.2 and 3
OS345.8	McQuilkin, (K)John - represented by Brown & Company Planning Group Ltd	Accept in Part	4.1
OS345.9	McQuilkin, (K)John - represented by Brown & Company Planning Group Ltd	Reject	4.2
OS348.6	Greenslade, Mrs M K - represented by Attn: Nick Geddes Clark Fortune McDonald & Associates	Reject	6.7
OS350.2	Dalefield Trustee Ltd	Accept	27.4
OS350.3	Dalefield Trustee Ltd	Reject	27.4
OS350.4	Dalefield Trustee Ltd	Accept	27.6
OS350.5	Dalefield Trustee Ltd	Accept in part	28.6
OS350.6	Dalefield Trustee Ltd	Accept	28.7
OS355.13	Matukituki Trust	Accept	6.6
OS355.14	Matukituki Trust	Accept	6.7
OS355.15	Matukituki Trust	Accept in Part	19.1
OS355.16	Matukituki Trust	Accept	19.8
OS355.17	Matukituki Trust	Accept in Part	Part B
OS356.11	X-Ray Trust Limited	Reject	4.1
OS356.12	X-Ray Trust Limited	Reject	4.2
OS356.13	X-Ray Trust Limited	Reject	4.3
OS356.14	X-Ray Trust Limited	Reject	4.4
OS356.15	X-Ray Trust Limited	Accept in Part	4.4
OS356.16	X-Ray Trust Limited	Accept	4.4
OS356.17	X-Ray Trust Limited	Reject	4.4
OS356.18	X-Ray Trust Limited	Accept	4.5 - 4.6
OS356.19	X-Ray Trust Limited	Reject	4.6
OS356.20	X-Ray Trust Limited	Accept	4.7
OS356.21	X-Ray Trust Limited	Accept in Part	4.10
OS356.22	X-Ray Trust Limited	Reject	4.22
OS356.23	X-Ray Trust Limited	Accept in Part	4.31
OS356.24	X-Ray Trust Limited	Accept in Part	4.33
OS356.25	X-Ray Trust Limited	Accept in Part	4.40
OS360.1	Stuart Clark	Accept in part	Part C
OS367.2	Borrell, John	Accept in part	28.6
OS367.3	Borrell, John	Reject	28.4
OS367.4	Borrell, John	Reject	28.9
OS368.1	Anna-Marie Chin Architects and Phil Vautier	Accept in part	24.2
OS368.13	Anna-Marie Chin Architects and Phil Vautier	Reject	3
OS368.14	Anna-Marie Chin Architects and Phil Vautier	Reject	8.3

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS368.15	Anna-Marie Chin Architects and Phil Vautier	Reject	8.2
OS368.16	Anna-Marie Chin Architects and Phil Vautier	Accept in Part	8.2
OS368.2	Anna-Marie Chin Architects and Phil Vautier	Reject	24.2
OS368.3	Anna-Marie Chin Architects and Phil Vautier	Reject	28.4
OS368.4	Anna-Marie Chin Architects and Phil Vautier	Reject	28.2
OS373.13	Department of Conservation	Accept in Part	6.23
OS373.18	Department of Conservation	Accept in Part	48.1
OS373.19	Department of Conservation	Reject	50
OS373.20	Department of Conservation	Accept in Part	48.2
OS373.21	Department of Conservation	Accept in Part	51.2
OS373.22	Department of Conservation	Reject	48.2
OS373.23	Department of Conservation	Reject	48.2
OS373.24	Department of Conservation	Reject	51.2
OS373.25	Department of Conservation	Accept	51.2
OS373.26	Department of Conservation	Accept	51.2
OS373.27	Department of Conservation	Reject	51.2
OS373.28	Department of Conservation	Accept	51.2
OS373.29	Department of Conservation	Accept in Part	51.2
OS373.30	Department of Conservation	Reject	48.2
OS373.31	Department of Conservation	Accept in Part	51.4
OS373.32	Department of Conservation	Reject	51.4
OS373.33	Department of Conservation	Accept in Part	51.4
OS373.34	Department of Conservation	Accept in Part	51.4
OS373.35	Department of Conservation	Reject	51.4
OS373.36	Department of Conservation	Accept in Part	51.4
OS373.37	Department of Conservation	Accept in Part	51.8
OS373.38	Department of Conservation	Accept in Part	51.8
OS373.39	Department of Conservation	Accept in Part	51.8
OS373.40	Department of Conservation	Accept in Part	51.8
OS373.41	Department of Conservation	Reject	51.8
OS373.42	Department of Conservation	Accept	51.8
OS373.43	Department of Conservation	Accept	51.8
OS373.44	Department of Conservation	Accept in Part	51.8
OS373.45	Department of Conservation	Reject	51.8
OS373.46	Department of Conservation	Accept	51.9
OS373.47	Department of Conservation	Accept in Part	51.9
OS373.48	Department of Conservation	Accept	51.9
OS373.49	Department of Conservation	Accept in Part	53.2
OS373.50	Department of Conservation	Accept in Part	48.4
OS373.51	Department of Conservation	Reject	48.6
OS373.52	Department of Conservation	Reject	53.4
OS373.53	Department of Conservation	Accept in Part	48.7
OS373.54	Department of Conservation	Reject	51.6

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS373.55	Department of Conservation	Accept in Part	53.6
OS373.56	Department of Conservation	Reject	48.3
OS373.57	Department of Conservation	Accept in Part	55
OS373.58	Department of Conservation	Accept in Part	Part E
OS373.59	Department of Conservation	Accept in part	58
OS373.60	Department of Conservation	Accept	58
OS375.15	Carey-Smith, Jeremy - represented by Brown & Company Planning Group Ltd	Accept in Part	2.2 and 3
OS375.16	Carey-Smith, Jeremy - represented by Brown & Company Planning Group Ltd	Accept in Part	4.1
OS375.17	Carey-Smith, Jeremy - represented by Brown & Company Planning Group Ltd	Reject	4.2
OS375.18	Carey-Smith, Jeremy - represented by Brown & Company Planning Group Ltd	Accept in Part	4.31
OS375.19	Carey-Smith, Jeremy - represented by Brown & Company Planning Group Ltd	Accept in Part	4.32
OS376.2	Southern Hemisphere Proving Grounds Limited	Reject	4.17
OS377.1	MT ROSA WINES LTD	Accept in part	40.1
OS377.2	MT ROSA WINES LTD	Accept in part	40.2
OS377.3	MT ROSA WINES LTD	Accept in part	40.5
OS378.25	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in Part	19
OS378.26	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept	19.6
OS378.29	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in Part	48.2
OS378.30	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in Part	51.8
OS378.37	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Reject	Part E
OS380.41	Villa delLago	Accept in part	24.2
OS380.42	Villa delLago	Accept in part	24.3
OS380.43	Villa delLago	Accept	24.4

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS380.44	Villa delLago	Accept	24.6
OS380.52	Villa delLago	Reject	4.1
OS380.53	Villa delLago	Reject	4.10
OS380.54	Villa delLago	Accept in Part	4.17
OS380.55	Villa delLago	Accept in Part	4.22
OS380.58	Villa delLago	Reject	46
OS382.1	Helicopters Queenstown Limited	Accept	4
OS382.2	Helicopters Queenstown Limited	Accept in Part	6.23
OS382.3	Helicopters Queenstown Limited	Accept in Part	6.23
OS383.42	Queenstown Lakes District Council	Reject	23
OS383.43	Queenstown Lakes District Council	Reject	23
OS383.44	Queenstown Lakes District Council	Accept	28.1
OS383.80	Queenstown Lakes District Council	Accept in Part	13.6
OS383.81	Queenstown Lakes District Council	Accept in Part	14.8
OS383.82	Queenstown Lakes District Council	Accept	49
OS383.83	Queenstown Lakes District Council	Accept	55
OS384.10	Glen Dene Ltd	Accept	27.4
OS384.11	Glen Dene Ltd	Accept	6.8
OS384.12	Glen Dene Ltd	Accept	27.4
OS384.13	Glen Dene Ltd	Accept	7.4
OS384.14	Glen Dene Ltd	Accept in Part	7.5
OS384.15	Glen Dene Ltd	Accept in Part	7.6
OS384.16	Glen Dene Ltd	Reject	7.7
OS384.17	Glen Dene Ltd	Accept in Part	7.8
OS384.18	Glen Dene Ltd	Accept in Part	9.1
OS384.19	Glen Dene Ltd	Accept	9.1
OS384.20	Glen Dene Ltd	Reject	9.1
OS384.21	Glen Dene Ltd	Accept in Part	Part E
OS384.6	Glen Dene Ltd	Reject	Part B
OS384.7	Glen Dene Ltd	Accept	6.3
OS384.8	Glen Dene Ltd	Accept in Part	6.4
OS384.9	Glen Dene Ltd	Accept	6.7
OS385.1	Wright, Frank	Reject	4.21
OS385.2	Wright, Frank	Reject	4.36
OS385.3	Wright, Frank	Accept in Part	4.37
OS385.4	Wright, Frank	Accept in Part	6.23
OS385.5	Wright, Frank	Accept in Part	6.23
OS385.6	Wright, Frank	Accept in Part	6.23
OS385.7	Wright, Frank	Accept in Part	6.23
OS386.1	Johnston & Inwood, Lisa & Greg	Reject	58
OS386.2	Johnston & Inwood, Lisa & Greg	Accept in Part	58
OS386.3	Johnston & Inwood, Lisa & Greg	Accept in Part	58
OS390.1	Run 505 Limited	Reject	55
OS390.2	Run 505 Limited	Reject	Part B
OS400.3	James Cooper	Reject	7.5
OS400.6	James Cooper	Accept in Part	48.3
OS405.1	Trilane Industries Limited	Accept in Part	6.23
OS407.10	Mount Cardrona Station Limited	Reject	8.4

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS407.11	Mount Cardrona Station Limited	Accept in Part	12.1
OS407.12	Mount Cardrona Station Limited	Accept in Part	12.2
OS407.5	Mount Cardrona Station Limited	Accept in Part	2.2 and 3
OS407.6	Mount Cardrona Station Limited	Accept in Part	4.1
OS407.7	Mount Cardrona Station Limited	Accept in Part	4.17
OS407.8	Mount Cardrona Station Limited	Accept in Part	4.31
OS407.9	Mount Cardrona Station Limited	Accept in Part	6.17
OS411.1	NT McDonald Family Trust	Reject	6.7
OS411.3	NT McDonald Family Trust	Reject	8.2
OS411.4	NT McDonald Family Trust	Reject	28.2
OS414.6	Clark Fortune McDonald & Associates Ltd	Reject	6.7
OS421.8	Two Degrees Mobile Limited	Accept in Part	19
OS423.3	Bunn, Carol	Reject	24.3
OS423.6	Bunn, Carol	Accept in Part	6.23
OS430.16	Ayrburn Farm Estate Ltd	Accept in Part	4.31
OS430.17	Ayrburn Farm Estate Ltd	Accept in Part	4.32
OS430.18	Ayrburn Farm Estate Ltd	Accept in Part	4.33
OS430.19	Ayrburn Farm Estate Ltd	Accept in Part	4.34
OS430.8	Ayrburn Farm Estate Ltd	Accept in Part	2.2 and 3
OS430.9	Ayrburn Farm Estate Ltd	Accept in Part	4.1
OS431.5	Barbara Kipke	Accept in part	Part C
OS433.74	Queenstown Airport Corporation	Reject	3
OS433.75	Queenstown Airport Corporation	Accept in Part	4.10
OS433.76	Queenstown Airport Corporation	Accept in Part	4.11
OS433.77	Queenstown Airport Corporation	Accept in Part	4.20
OS433.78	Queenstown Airport Corporation	Accept	4.21
OS433.79	Queenstown Airport Corporation	Reject	4.21
OS433.80	Queenstown Airport Corporation	Accept	4.21
OS433.81	Queenstown Airport Corporation	Accept	4.21
OS433.82	Queenstown Airport Corporation	Accept	4.23
OS433.83	Queenstown Airport Corporation	Reject	4
OS433.84	Queenstown Airport Corporation	Reject	2.5
OS433.85	Queenstown Airport Corporation	Accept in Part	6.26
OS433.86	Queenstown Airport Corporation	Accept	6.26
OS433.88	Queenstown Airport Corporation	Reject	2.5
OS433.90	Queenstown Airport Corporation	Accept in Part	7.12
OS433.91	Queenstown Airport Corporation	Accept	7.13
OS433.93	Queenstown Airport Corporation	Reject	19.1
OS436.1	Cooper, Paul	Accept	14.5
OS436.2	Cooper, Paul	Accept in Part	6.23
OS437.36	Trojan Helmet Limited	Accept in Part	3
OS437.37	Trojan Helmet Limited	Accept in Part	4.1
OS437.38	Trojan Helmet Limited	Accept in Part	4.3
OS437.39	Trojan Helmet Limited	Accept in Part	4.4
OS437.40	Trojan Helmet Limited	Reject	4.4
OS437.41	Trojan Helmet Limited	Accept in Part	4.31
OS437.42	Trojan Helmet Limited	Accept in Part	4.32

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS438.32	New Zealand Fire Service	Accept in Part	16
OS438.33	New Zealand Fire Service	Accept	24.4
OS438.34	New Zealand Fire Service	Accept	38
OS439.2	Lake McKay Station Ltd	Reject	51.5
OS441.1	ASLA Ltd	Reject	7
OS442.8	Bunn, David and Margaret	Reject	6.23
OS443.3	Trojan Helmet Limited	Accept in part	28.2
OS443.4	Trojan Helmet Limited	Reject	28.4
OS444.1	Taylor, Mark and Jane	Accept in part	24.2
OS444.2	Taylor, Mark and Jane	Accept in part	24.3
OS444.3	Taylor, Mark and Jane	Reject	37
OS444.4	Taylor, Mark and Jane	Accept in part	28.2
OS444.5	Taylor, Mark and Jane	Reject	28.12
OS444.6	Taylor, Mark and Jane	Reject	35
OS444.8	Taylor, Mark and Jane	Accept in part	28.4
OS444.9	Taylor, Mark and Jane	Reject	24.2
OS45.6	Horlor, Maree	Accept in Part	6.4
OS45.7	Horlor, Maree	Accept in Part	14.2
OS45.8	Horlor, Maree	Accept	5
OS45.9	Horlor, Maree	Accept	5
OS452.3	Trojan Helmet Limited	Accept in part	28.2
OS452.4	Trojan Helmet Limited	Reject	28.4
OS456.24	Hogans Gully Farming Limited	Accept in Part	2.2 and 3
OS456.25	Hogans Gully Farming Limited	Accept in Part	4.1
OS456.26	Hogans Gully Farming Limited	Reject	4.2
OS456.27	Hogans Gully Farming Limited	Accept in Part	4.31
OS456.28	Hogans Gully Farming Limited	Accept in Part	4.32
OS456.29	Hogans Gully Farming Limited	Reject	19
OS457.1	Cranfield, Robert	Accept in Part	6.23
OS458.1	Beale, Simon	Accept	58
OS463.2	Millson, Zuzana	Reject	4.24
OS468.1	O'Connell, Phillipa	Reject	3
OS477.1	Clarke, Ian	Accept in Part	48.7
OS477.2	Clarke, Ian	Accept	48.7
OS481.5	Cabo Limited	Accept	28.1
OS486.3	Temple Peak Ltd	Accept in part	27.15
OS489.1	Bungy New Zealand and Paul Henry van Asch	Reject	6.15
OS489.2	Bungy New Zealand and Paul Henry van Asch	Reject	6.15
OS490.1	Gibbston Valley Wines Limited	Accept in part	42.6
OS497.1	Arcadian Triangle Limited	Reject	23
OS497.14	Arcadian Triangle Limited	Accept in part	27.10
OS497.15	Arcadian Triangle Limited	Accept in part	27.10
OS497.2	Arcadian Triangle Limited	Reject	23
OS497.3	Arcadian Triangle Limited	Accept in part	24.2
OS497.4	Arcadian Triangle Limited	Accept	24.2
OS497.5	Arcadian Triangle Limited	Accept in part	24.2

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS497.6	Arcadian Triangle Limited	Accept in part	24.3
OS497.7	Arcadian Triangle Limited	Reject	24.3
OS497.8	Arcadian Triangle Limited	Accept in part	28.2
OS497.9	Arcadian Triangle Limited	Reject	28.4
OS500.7	Mr David Broomfield	Accept in Part	6.23
OS501.14	Woodlot Properties Limited	Reject	8.3
OS501.7	Woodlot Properties Limited	Reject	58
OS508.1	Raymont, Paul	Accept in Part	6.23
OS513.24	Jenny Barb	Accept in Part	4.1
OS513.25	Jenny Barb	Accept in Part	4.1
OS513.26	Jenny Barb	Accept in Part	4.23
OS513.27	Jenny Barb	Reject	19.5
OS513.28	Jenny Barb	Reject	19.5
OS513.29	Jenny Barb	Reject	19.5
OS513.30	Jenny Barb	Reject	23
OS513.31	Jenny Barb	Reject	23
OS513.32	Jenny Barb	Accept in part	24.2
OS513.33	Jenny Barb	Accept	24.2
OS513.34	Jenny Barb	Accept in part	24.2
OS513.35	Jenny Barb	Accept in part	24.3
OS513.36	Jenny Barb	Reject	24.3
OS513.37	Jenny Barb	Reject	24.3
OS513.38	Jenny Barb	Reject	28.4
OS514.4	Duncan Fea	Accept in part	Part C
OS514.7	Duncan Fea	Accept in Part	58
OS514.8	Duncan Fea	Reject	58
OS515.20	Wakatipu Equities	Accept in Part	4.1
OS515.21	Wakatipu Equities	Reject	4.2
OS515.22	Wakatipu Equities	Accept in Part	4.23
OS515.23	Wakatipu Equities	Reject	19.5
OS515.24	Wakatipu Equities	Reject	19.5
OS515.25	Wakatipu Equities	Reject	19.5
OS515.26	Wakatipu Equities	Accept in part	24.2
OS515.27	Wakatipu Equities	Accept	24.2
OS515.28	Wakatipu Equities	Accept in part	24.2
OS515.29	Wakatipu Equities	Accept in part	24.3
OS515.30	Wakatipu Equities	Reject	24.3
OS515.31	Wakatipu Equities	Accept in part	28.2
OS515.32	Wakatipu Equities	Reject	28.4
OS519.33	New Zealand Tungsten Mining Limited	Reject	3
OS519.34	New Zealand Tungsten Mining Limited	Reject	4.11
OS519.35	New Zealand Tungsten Mining Limited	Reject	4.13
OS519.36	New Zealand Tungsten Mining Limited	Accept in Part	4.14

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS519.37	New Zealand Tungsten Mining Limited	Reject	4.15
OS519.38	New Zealand Tungsten Mining Limited	Reject	4.15
OS519.39	New Zealand Tungsten Mining Limited	Reject	4.15
OS519.40	New Zealand Tungsten Mining Limited	Reject	4.15
OS519.41	New Zealand Tungsten Mining Limited	Accept in Part	4.15
OS519.42	New Zealand Tungsten Mining Limited	Accept in Part	4.15
OS519.43	New Zealand Tungsten Mining Limited	Reject	4.15
OS519.44	New Zealand Tungsten Mining Limited	Accept in Part	4.14
OS519.45	New Zealand Tungsten Mining Limited	Accept in Part	4.14
OS519.46	New Zealand Tungsten Mining Limited	Accept	4.47
OS519.47	New Zealand Tungsten Mining Limited	Reject	5
OS519.48	New Zealand Tungsten Mining Limited	Reject	8.4
OS519.49	New Zealand Tungsten Mining Limited	Reject	9.1
OS519.50	New Zealand Tungsten Mining Limited	Reject	19.1
OS519.51	New Zealand Tungsten Mining Limited	Reject	19.3
OS519.52	New Zealand Tungsten Mining Limited	Accept in Part	6.27
OS522.24	Kristie Jean Brustad and Harry James Inch	Accept in Part	4.1
OS522.25	Kristie Jean Brustad and Harry James Inch	Reject	4.2
OS522.26	Kristie Jean Brustad and Harry James Inch	Accept in Part	4.23
OS522.27	Kristie Jean Brustad and Harry James Inch	Reject	19.5
OS522.28	Kristie Jean Brustad and Harry James Inch	Reject	19.5
OS522.29	Kristie Jean Brustad and Harry James Inch	Reject	19.5
OS522.30	Kristie Jean Brustad and Harry James Inch	Accept in part	24.2
OS522.31	Kristie Jean Brustad and Harry James Inch	Accept	24.2

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS522.32	Kristie Jean Brustad and Harry James Inch	Accept in part	24.2
OS522.33	Kristie Jean Brustad and Harry James Inch	Accept in part	24.3
OS522.34	Kristie Jean Brustad and Harry James Inch	Reject	24.3
OS522.35	Kristie Jean Brustad and Harry James Inch	Accept in part	28.2
OS522.36	Kristie Jean Brustad and Harry James Inch	Reject	28.4
OS523.1	Robert and Elvena Heywood	Reject	23
OS523.10	Robert and Elvena Heywood	Reject	28.4
OS523.2	Robert and Elvena Heywood	Reject	23
OS523.3	Robert and Elvena Heywood	Accept in part	24.2
OS523.4	Robert and Elvena Heywood	Accept	24.2
OS523.5	Robert and Elvena Heywood	Accept in part	24.2
OS523.6	Robert and Elvena Heywood	Accept in part	24.3
OS523.7	Robert and Elvena Heywood	Reject	24.3
OS523.8	Robert and Elvena Heywood	Reject	24.3
OS523.9	Robert and Elvena Heywood	Accept in part	28.2
OS524.35	Ministry of Education	Reject	4.55
OS524.36	Ministry of Education	Accept in part	24.3
OS524.37	Ministry of Education	Accept in part	24.3
OS530.1	Byron Ballan	Accept in part	24.2
OS530.2	Byron Ballan	Accept	24.2
OS530.3	Byron Ballan	Accept in part	24.2
OS530.4	Byron Ballan	Accept in part	24.3
OS530.5	Byron Ballan	Reject	24.3
OS530.6	Byron Ballan	Reject	22.3
OS530.7	Byron Ballan	Accept in part	28.2
OS530.8	Byron Ballan	Reject	28.4
OS531.20	Crosshill Farms Limited	Accept in Part	4.1
OS531.21	Crosshill Farms Limited	Reject	4.2
OS531.22	Crosshill Farms Limited	Accept in Part	4.23
OS531.23	Crosshill Farms Limited	Reject	19.5
OS531.24	Crosshill Farms Limited	Reject	19.5
OS531.25	Crosshill Farms Limited	Reject	19.5
OS531.32	Crosshill Farms Limited	Reject	55
OS532.17	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Reject	19.5
OS532.18	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Reject	19.5
OS532.19	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Reject	19.5

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS532.20	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Accept in part	24.2
OS532.21	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Accept in part	24.3
OS532.22	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Reject	24.3
OS532.23	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Accept in part	28.2
OS532.24	Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith)	Reject	28.4
OS534.17	Wayne Evans, G W Stalker Family Trust, Mike Henry	Reject	19.5
OS534.18	Wayne Evans, G W Stalker Family Trust, Mike Henry	Reject	19.5
OS534.19	Wayne Evans, G W Stalker Family Trust, Mike Henry	Reject	19.5
OS534.20	Wayne Evans, G W Stalker Family Trust, Mike Henry	Reject	23
OS534.21	Wayne Evans, G W Stalker Family Trust, Mike Henry	Reject	23
OS534.22	Wayne Evans, G W Stalker Family Trust, Mike Henry	Accept in part	24.2
OS534.23	Wayne Evans, G W Stalker Family Trust, Mike Henry	Accept in part	24.3
OS534.24	Wayne Evans, G W Stalker Family Trust, Mike Henry	Reject	24.3
OS534.25	Wayne Evans, G W Stalker Family Trust, Mike Henry	Reject	24.3
OS534.26	Wayne Evans, G W Stalker Family Trust, Mike Henry	Accept in part	28.2
OS534.27	Wayne Evans, G W Stalker Family Trust, Mike Henry	Reject	28.4
OS535.17	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Reject	19.5
OS535.18	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Reject	19.5
OS535.19	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Reject	19.5
OS535.20	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Reject	23

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS535.21	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Reject	23
OS535.22	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Accept in part	24.2
OS535.23	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Accept in part	24.3
OS535.24	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Reject	24.3
OS535.25	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Reject	24.3
OS535.26	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Accept in part	28.2
OS535.27	G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain	Reject	28.4
OS537.23	Slopehill Joint Venture	Accept in Part	4.1
OS537.24	Slopehill Joint Venture	Reject	4.2
OS537.25	Slopehill Joint Venture	Accept in Part	4.23
OS537.26	Slopehill Joint Venture	Reject	19.5
OS537.27	Slopehill Joint Venture	Reject	19.5
OS537.28	Slopehill Joint Venture	Accept in part	24.2
OS537.29	Slopehill Joint Venture	Accept	24.2
OS537.30	Slopehill Joint Venture	Accept in part	24.2
OS537.31	Slopehill Joint Venture	Accept in part	24.3
OS537.32	Slopehill Joint Venture	Reject	24.3
OS537.33	Slopehill Joint Venture	Accept in part	28.2
OS537.34	Slopehill Joint Venture	Reject	28.4
OS537.44	Slopehill Joint Venture	Reject	19.5
OS546.2	J L M Davies, A J Morcom & Veritas 2013 Limited	Accept in part	Part C
OS546.3	J L M Davies, A J Morcom & Veritas 2013 Limited	Reject	Part C
OS546.4	J L M Davies, A J Morcom & Veritas 2013 Limited	Reject	22.3
OS554.2	R H Ffiske	Accept in part	Part C
OS554.3	R H Ffiske	Reject	Part C
OS554.4	R H Ffiske	Reject	22.3
OS554.5	R H Ffiske	Reject	Part C
OS557.2	Speargrass Trust	Reject	Part C
OS557.3	Speargrass Trust	Reject	22.3
OS563.1	Hogan, Garth	Accept in Part	6.23
OS565.3	J M Martin	Reject	22.3

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS568.1	Grant Laurie Bissett	Accept in Part	4
OS568.2	Grant Laurie Bissett	Accept in Part	6.23
OS568.3	Grant Laurie Bissett	Accept in Part	6.23
OS568.4	Grant Laurie Bissett	Accept in Part	6.18
OS568.7	Grant Laurie Bissett	Reject	4.56
OS568.8	Grant Laurie Bissett	Accept in Part	6.7
OS570.4	Shotover Hamlet Investments Limited	Accept in Part	Part B
OS571.1	Totally Tourism Limited	Accept in Part	4.35
OS571.2	Totally Tourism Limited	Accept in Part	6.23
OS571.3	Totally Tourism Limited	Accept in Part	6.23
OS571.5	Totally Tourism Limited	Reject	6.15
OS572.4	NZSki Limited	Accept in Part	53.3
OS573.1	Phillip Middleton Rive	Accept in Part	6.23
OS577.1	Murray and Narelle Garrick	Accept in part	24.3
OS577.2	Murray and Narelle Garrick	Reject	27.14
OS580.14	Contact Energy Limited	Accept in Part	51.2
OS585.5	Pennycook, Heather	Reject	Part B
OS590.10	Kane, Sam	Accept	48.7
OS590.6	Kane, Sam	Reject	4.8
OS590.7	Kane, Sam	Reject	51.2
OS590.8	Kane, Sam	Reject	55
OS590.9	Kane, Sam	Accept in Part	51.8
OS594.2	Alexander Kenneth & Robert Barry Robins & Robins Farm Limited	Accept in part	Part C
OS594.3	Alexander Kenneth & Robert Barry Robins & Robins Farm Limited	Reject	Part C
OS594.4	Alexander Kenneth & Robert Barry Robins & Robins Farm Limited	Reject	22.3
OS595.1	Matakauri Lodge Limited	Reject	Report 4B
OS595.2	Matakauri Lodge Limited	Reject	Report 4B
OS598.26	Straterra	Accept	19.1
OS598.39	Straterra	Reject	4.11
OS598.40	Straterra	Reject	4.13
OS598.41	Straterra	Accept in Part	4.14
OS598.42	Straterra	Accept in Part	4.14
OS598.43	Straterra	Accept in Part	4.14
OS598.44	Straterra	Accept in Part	4.14
OS598.45	Straterra	Accept in Part	4.31
OS598.46	Straterra	Accept in Part	4.32
OS598.47	Straterra	Accept in Part	4.33
OS600.114	Federated Farmers of New Zealand	Accept in Part	50
OS600.115	Federated Farmers of New Zealand	Reject	48.2
OS600.116	Federated Farmers of New Zealand	Accept in Part	51.2
OS600.117	Federated Farmers of New Zealand	Reject	48.2
OS600.118	Federated Farmers of New Zealand	Accept in Part	48.2
OS600.119	Federated Farmers of New Zealand	Reject	51.2
OS600.120	Federated Farmers of New Zealand	Accept in Part	51.2

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS600.121	Federated Farmers of New Zealand	Accept in Part	51.2
OS600.122	Federated Farmers of New Zealand	Accept in Part	51.2
OS600.123	Federated Farmers of New Zealand	Reject	51.4
OS600.124	Federated Farmers of New Zealand	Reject	51.4
OS600.125	Federated Farmers of New Zealand	Accept in Part	51.4
OS600.126	Federated Farmers of New Zealand	Accept in Part	51.8
OS600.127	Federated Farmers of New Zealand	Accept in Part	51.8
OS600.128	Federated Farmers of New Zealand	Accept in Part	51.8
OS600.129	Federated Farmers of New Zealand	Accept in Part	51.8
OS600.130	Federated Farmers of New Zealand	Accept	51.8
OS600.131	Federated Farmers of New Zealand	Accept in Part	48.4
OS600.132	Federated Farmers of New Zealand	Accept	48.6
OS600.133	Federated Farmers of New Zealand	Accept	53.4
OS600.134	Federated Farmers of New Zealand	Accept	53.4
OS600.135	Federated Farmers of New Zealand	Accept	53.4
OS600.136	Federated Farmers of New Zealand	Accept	48.7
OS600.137	Federated Farmers of New Zealand	Reject	51.7
OS600.138	Federated Farmers of New Zealand	Accept in Part	48.7
OS600.139	Federated Farmers of New Zealand	Reject	58
OS600.140	Federated Farmers of New Zealand	Accept	58
OS600.141	Federated Farmers of New Zealand	Accept in Part	58
OS600.55	Federated Farmers of New Zealand	Accept	3
OS600.56	Federated Farmers of New Zealand	Accept in Part	4.1
OS600.57	Federated Farmers of New Zealand	Accept	4.2
OS600.58	Federated Farmers of New Zealand	Accept in Part	4.3
OS600.59	Federated Farmers of New Zealand	Accept	4.4
OS600.60	Federated Farmers of New Zealand	Accept in Part	4.4
OS600.61	Federated Farmers of New Zealand	Accept	4.4
OS600.62	Federated Farmers of New Zealand	Reject	4.4
OS600.63	Federated Farmers of New Zealand	Accept	4.6
OS600.64	Federated Farmers of New Zealand	Accept	4.6
OS600.65	Federated Farmers of New Zealand	Reject	4.6
OS600.66	Federated Farmers of New Zealand	Accept	4.7
OS600.67	Federated Farmers of New Zealand	Reject	4.8
OS600.68	Federated Farmers of New Zealand	Accept in Part	4.10
OS600.69	Federated Farmers of New Zealand	Accept in Part	4.11
OS600.70	Federated Farmers of New Zealand	Accept in Part	4.11
OS600.71	Federated Farmers of New Zealand	Accept in Part	4.24
OS600.72	Federated Farmers of New Zealand	Accept	4.29
OS600.73	Federated Farmers of New Zealand	Accept in Part	4.32
OS600.74	Federated Farmers of New Zealand	Accept in Part	4.31
OS600.75	Federated Farmers of New Zealand	Accept in Part	4.34
OS600.76	Federated Farmers of New Zealand	Accept in Part	4.36
OS600.77	Federated Farmers of New Zealand	Accept in Part	4.40
OS600.78	Federated Farmers of New Zealand	Accept	6.3
OS600.79	Federated Farmers of New Zealand	Accept	7.1
OS600.80	Federated Farmers of New Zealand	Accept in Part	7.2
OS600.81	Federated Farmers of New Zealand	Accept	7.4

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS600.82	Federated Farmers of New Zealand	Accept in Part	7.5
OS600.83	Federated Farmers of New Zealand	Accept in Part	7.6
OS600.84	Federated Farmers of New Zealand	Accept	7.7
OS600.85	Federated Farmers of New Zealand	Accept in Part	8.1
OS600.86	Federated Farmers of New Zealand	Accept in Part	8.2
OS600.87	Federated Farmers of New Zealand	Accept	8.3
OS600.88	Federated Farmers of New Zealand	Accept	8.4
OS600.89	Federated Farmers of New Zealand	Reject	9.1
OS600.90	Federated Farmers of New Zealand	Reject	9.2
OS600.91	Federated Farmers of New Zealand	Accept	9.3
OS600.92	Federated Farmers of New Zealand	Accept in Part	6.23
OS600.93	Federated Farmers of New Zealand	Accept in Part	6.23
OS600.94	Federated Farmers of New Zealand	Accept	17
OS600.95	Federated Farmers of New Zealand	Accept in part	24.3
OS600.96	Federated Farmers of New Zealand	Accept in part	24.3
OS600.97	Federated Farmers of New Zealand	Accept in part	24.5
OS600.98	Federated Farmers of New Zealand	Accept	24.5
OS607.27	Te Anau Developments Limited	Accept in Part	2.4
OS607.29	Te Anau Developments Limited	Accept in Part	4.40
OS607.30	Te Anau Developments Limited	Reject	4
OS607.31	Te Anau Developments Limited	Reject	4
OS607.33	Te Anau Developments Limited	Accept in Part	4.35
OS607.34	Te Anau Developments Limited	Reject	4.36
OS607.35	Te Anau Developments Limited	Accept in Part	4.37
OS607.36	Te Anau Developments Limited	Reject	6.26
OS607.37	Te Anau Developments Limited	Accept in Part	6.23
OS608.57	Darby Planning LP	Accept in Part	4.1
OS608.58	Darby Planning LP	Reject	4.2
OS608.59	Darby Planning LP	Reject	4.3
OS608.60	Darby Planning LP	Accept in Part	4.32
OS608.61	Darby Planning LP	Accept in Part	4.33
OS608.62	Darby Planning LP	Accept in Part	4.34
OS608.63	Darby Planning LP	Accept	6.3
OS608.64	Darby Planning LP	Accept in Part	6.4
OS608.65	Darby Planning LP	Accept in Part	6.7
OS608.66	Darby Planning LP	Accept	6.8
OS608.67	Darby Planning LP	Accept in Part	6.8
OS608.68	Darby Planning LP	Accept	6.12
OS608.69	Darby Planning LP	Accept in Part	6.23
OS608.70	Darby Planning LP	Accept in Part	8.2
OS608.71	Darby Planning LP	Accept in Part	9.2
OS608.72	Darby Planning LP	Reject	19.1
OS608.73	Darby Planning LP	Accept in Part	19.3
OS610.10	Soho Ski Area Limited and Blackmans Creek No. 1 LP	Accept in Part	4.17
OS610.11	Soho Ski Area Limited and Blackmans Creek No. 1 LP	Accept in Part	4.17

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS610.12	Soho Ski Area Limited and Blackmans Creek No. 1 LP	Accept in Part	6.17
OS610.13	Soho Ski Area Limited and Blackmans Creek No. 1 LP	Accept in Part	6.23
OS610.14	Soho Ski Area Limited and Blackmans Creek No. 1 LP	Accept in Part	12.6
OS610.15	Soho Ski Area Limited and Blackmans Creek No. 1 LP	Accept in Part	8.2
OS610.16	Soho Ski Area Limited and Blackmans Creek No. 1 LP	Accept in Part	8.3
OS610.19	Soho Ski Area Limited and Blackmans Creek No. 1 LP	Accept in Part	53.1
OS610.5	Soho Ski Area Limited and Blackmans Creek No. 1 LP	Accept in Part	2.2 and 3
OS610.6	Soho Ski Area Limited and Blackmans Creek No. 1 LP	Reject	5
OS610.7	Soho Ski Area Limited and Blackmans Creek No. 1 LP	Accept in Part	4.17
OS610.8	Soho Ski Area Limited and Blackmans Creek No. 1 LP	Accept in Part	4.18
OS610.9	Soho Ski Area Limited and Blackmans Creek No. 1 LP	Accept	4.18
OS613.10	Treble Cone Investments Limited.	Accept in Part	4.17
OS613.11	Treble Cone Investments Limited.	Accept in Part	4.17
OS613.12	Treble Cone Investments Limited.	Accept in Part	6.17
OS613.13	Treble Cone Investments Limited.	Accept in Part	6.23
OS613.14	Treble Cone Investments Limited.	Accept in Part	12.6
OS613.15	Treble Cone Investments Limited.	Accept in Part	8.2
OS613.16	Treble Cone Investments Limited.	Accept in Part	8.3
OS613.19	Treble Cone Investments Limited.	Accept in Part	53.4
OS613.5	Treble Cone Investments Limited.	Accept in Part	2.2 and 3
OS613.6	Treble Cone Investments Limited.	Reject	5
OS613.7	Treble Cone Investments Limited.	Accept in Part	4.17
OS613.8	Treble Cone Investments Limited.	Accept in Part	4.18
OS613.9	Treble Cone Investments Limited.	Accept	4.18
OS615.24	Cardrona Alpine Resort Limited	Accept in Part	2.2 and 3
OS615.26	Cardrona Alpine Resort Limited	Reject	4.17
OS615.27	Cardrona Alpine Resort Limited	Accept in Part	4.18
OS615.28	Cardrona Alpine Resort Limited	Accept	4.18
OS615.29	Cardrona Alpine Resort Limited	Reject	4.17
OS615.30	Cardrona Alpine Resort Limited	Reject	12.1
OS615.31	Cardrona Alpine Resort Limited	Reject	12.1
OS615.32	Cardrona Alpine Resort Limited	Reject	6.2
OS615.33	Cardrona Alpine Resort Limited	Reject	6.17
OS615.34	Cardrona Alpine Resort Limited	Accept in Part	6.18
OS615.35	Cardrona Alpine Resort Limited	Reject	6.18
OS621.58	Real Journeys Limited	Accept in Part	4.24
OS621.59	Real Journeys Limited	Accept in Part	4.40

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS621.60	Real Journeys Limited	Accept in Part	4.1
OS621.61	Real Journeys Limited	Reject	4.2
OS621.62	Real Journeys Limited	Reject	4.3
OS621.63	Real Journeys Limited	Accept in Part	4.11
OS621.64	Real Journeys Limited	Reject	4.18
OS621.65	Real Journeys Limited	Accept in Part	4.24
OS621.66	Real Journeys Limited	Reject	4.26
OS621.67	Real Journeys Limited	Accept in Part	4.30
OS621.68	Real Journeys Limited	Reject	4.33
OS621.69	Real Journeys Limited	Accept in Part	4.34
OS621.70	Real Journeys Limited	Accept in Part	4.40
OS621.71	Real Journeys Limited	Reject	4.42
OS621.72	Real Journeys Limited	Reject	4.43
OS621.73	Real Journeys Limited	Reject	4.45
OS621.74	Real Journeys Limited	Accept in Part	4.48
OS621.75	Real Journeys Limited	Reject	4.49
OS621.76	Real Journeys Limited	Reject	4.50
OS621.78	Real Journeys Limited	Accept in Part	2.4
OS621.83	Real Journeys Limited	Reject	6.26
OS621.84	Real Journeys Limited	Accept in Part	6.15
OS621.85	Real Journeys Limited	Accept in Part	14.2
OS621.86	Real Journeys Limited	Accept in Part	14
OS621.87	Real Journeys Limited	Reject	14.4
OS621.88	Real Journeys Limited	Accept in Part	14.2
OS621.90	Real Journeys Limited	Accept in Part	14
OS621.91	Real Journeys Limited	Reject	14.7
OS621.92	Real Journeys Limited	Accept	19.1
OS624.22	Columb, D & M - represented by John Edmonds + Associates Ltd	Accept in Part	4.24
OS624.23	Columb, D & M - represented by John Edmonds + Associates Ltd	Accept in Part	4.1
OS624.24	Columb, D & M - represented by John Edmonds + Associates Ltd	Reject	4.2
OS624.25	Columb, D & M - represented by John Edmonds + Associates Ltd	Reject	4.3
OS624.26	Columb, D & M - represented by John Edmonds + Associates Ltd	Accept in Part	4.11
OS624.27	Columb, D & M - represented by John Edmonds + Associates Ltd	Accept in Part	4.24
OS624.28	Columb, D & M - represented by John Edmonds + Associates Ltd	Reject	4.26
OS624.29	Columb, D & M - represented by John Edmonds + Associates Ltd	Accept in Part	4.30
OS624.30	Columb, D & M - represented by John Edmonds + Associates Ltd	Reject	4.33
OS624.31	Columb, D & M - represented by John Edmonds + Associates Ltd	Accept in Part	4.34

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS624.32	Columb, D & M - represented by John Edmonds + Associates Ltd	Accept	19.1
OS624.33	Columb, D & M - represented by John Edmonds + Associates Ltd	Reject	8.2
OS624.34	Columb, D & M - represented by John Edmonds + Associates Ltd	Reject	6.2
OS624.35	Columb, D & M - represented by John Edmonds + Associates Ltd	Reject	7.4
OS624.36	Columb, D & M - represented by John Edmonds + Associates Ltd	Reject	6.15
OS635.73	Aurora Energy Limited	Accept in Part	51.4
OS635.74	Aurora Energy Limited	Reject	51.4
OS635.75	Aurora Energy Limited	Accept in Part	51.4
OS635.76	Aurora Energy Limited	Accept	48.6
OS636.10	Crown Range Holdings Ltd	Accept in Part	Part B
OS636.5	Crown Range Holdings Ltd	Reject	24.3
OS636.6	Crown Range Holdings Ltd	Accept in Part	4.22
OS636.7	Crown Range Holdings Ltd	Accept in Part	4.31
OS636.8	Crown Range Holdings Ltd	Reject	6.2
OS636.9	Crown Range Holdings Ltd	Reject	6.10
OS643.10	Crown Range Enterprises	Reject	4.6
OS643.11	Crown Range Enterprises	Accept in Part	4.22
OS643.12	Crown Range Enterprises	Accept in Part	4.31
OS643.13	Crown Range Enterprises	Reject	6.2
OS643.14	Crown Range Enterprises	Reject	6.10
OS643.15	Crown Range Enterprises	Accept in Part	Part B
OS643.9	Crown Range Enterprises	Reject	4.6
OS649.14	Southern District Health Board	Accept in Part	4.20
OS649.15	Southern District Health Board	Accept	4.43
OS649.16	Southern District Health Board	Accept in Part	6.26
OS649.17	Southern District Health Board	Accept	6.26
OS649.18	Southern District Health Board	Accept	6.26
OS649.19	Southern District Health Board	Accept	6.26
OS649.3	Southern District Health Board	Accept in Part	4.1
OS658.1	Queenstown Water Taxis Ltd	Reject	6.26
OS659.1	Longview Environmental Trust	Accept in Part	4
OS659.2	Longview Environmental Trust	Accept in Part	7.5
OS659.3	Longview Environmental Trust	Reject	7.5
OS659.4	Longview Environmental Trust	Reject	7.6
OS660.2	Fairfax, Andrew - represented by John Edmonds + Associates Ltd	Accept in Part	4.31
OS660.3	Fairfax, Andrew - represented by John Edmonds + Associates Ltd	Reject	4
OS660.4	Fairfax, Andrew - represented by John Edmonds + Associates Ltd	Accept in Part	6.23
OS660.5	Fairfax, Andrew - represented by John Edmonds + Associates Ltd	Accept in Part	6.23

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS662.2	Macauley, I and P - represented by John Edmonds + Associates Ltd	Accept in Part	4.31
OS662.3	Macauley, I and P - represented by John Edmonds + Associates Ltd	Reject	4
OS662.4	Macauley, I and P - represented by John Edmonds + Associates Ltd	Accept in Part	6.23
OS662.5	Macauley, I and P - represented by John Edmonds + Associates Ltd	Accept in Part	6.23
OS669.10	Cook Adam Trustees Limited, C & M Burgess	Reject	23
OS669.11	Cook Adam Trustees Limited, C & M Burgess	Reject	24.2
OS669.12	Cook Adam Trustees Limited, C & M Burgess	Accept in part	24.2
OS669.13	Cook Adam Trustees Limited, C & M Burgess	Reject	24.2
OS669.14	Cook Adam Trustees Limited, C & M Burgess	Reject	24.2
OS669.15	Cook Adam Trustees Limited, C & M Burgess	Accept in part	24.3
OS669.16	Cook Adam Trustees Limited, C & M Burgess	Accept	22.3
OS669.17	Cook Adam Trustees Limited, C & M Burgess	Accept	22.3
OS669.18	Cook Adam Trustees Limited, C & M Burgess	Reject	27.2
OS669.19	Cook Adam Trustees Limited, C & M Burgess	Accept	27.3
OS669.20	Cook Adam Trustees Limited, C & M Burgess	Reject	28.11
OS671.4	Queenstown Trails Trust	Accept in Part	4.24
OS674.1	Hadley, J & R	Reject	23
OS674.10	Hadley, J & R	Accept in part	Report 4B
OS674.11	Hadley, J & R	Accept	27.11
OS674.12	Hadley, J & R	Accept in part	27.12
OS674.13	Hadley, J & R	Accept	27.14
OS674.14	Hadley, J & R	Reject	27.12
OS674.15	Hadley, J & R	Reject	23
OS674.2	Hadley, J & R	Accept in part	24.1
OS674.3	Hadley, J & R	Accept in part	27.1
OS674.6	Hadley, J & R	Accept in part	24.3
OS674.7	Hadley, J & R	Reject	27.10
OS674.8	Hadley, J & R	Accept	27.14
OS674.9	Hadley, J & R	Accept in part	24.3
OS675.1	Hadley, J - represented by Hadley Consultants Ltd	Accept in Part	Part B
OS684.1	Ramsay, Michael	Reject	58
OS684.2	Ramsay, Michael	Reject	58

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS684.4	Ramsay, Michael	Accept	14.2
OS688.29	Justin Crane and Kirsty Mactaggart	Accept in Part	14.5
OS688.5	Justin Crane and Kirsty Mactaggart	Accept in Part	4.22
OS688.6	Justin Crane and Kirsty Mactaggart	Reject	6.2
OS688.7	Justin Crane and Kirsty Mactaggart	Reject	6.10
OS688.8	Justin Crane and Kirsty Mactaggart	Reject	Part B
OS693.10	Private Property Limited	Accept in Part	4.22
OS693.11	Private Property Limited	Accept in Part	4.31
OS693.12	Private Property Limited	Reject	6.2
OS693.13	Private Property Limited	Reject	6.9
OS693.14	Private Property Limited	Reject	6.10
OS693.15	Private Property Limited	Accept in Part	19.1
OS693.7	Private Property Limited	Reject	4.6
OS693.8	Private Property Limited	Reject	4.6
OS693.9	Private Property Limited	Reject	4.11
OS694.22	Glentui Heights Ltd	Reject	27.2
OS694.23	Glentui Heights Ltd	Accept	27.3
OS694.24	Glentui Heights Ltd	Accept in part	Part C
OS701.10	Kane, Paul	Reject	8.1
OS701.11	Kane, Paul	Reject	8
OS701.12	Kane, Paul	Reject	8.2
OS701.13	Kane, Paul	Reject	17
OS701.14	Kane, Paul	Reject	51.2
OS701.15	Kane, Paul	Reject	51.2
OS701.16	Kane, Paul	Reject	51.8
OS701.17	Kane, Paul	Reject	48.6
OS701.18	Kane, Paul	Reject	53.3
OS701.19	Kane, Paul	Accept	48.7
OS701.6	Kane, Paul	Reject	4.2
OS701.7	Kane, Paul	Reject	7.5
OS701.8	Kane, Paul	Reject	7.6
OS701.9	Kane, Paul	Reject	8
OS702.10	Lake Wakatipu Stations Limited	Reject	6.9
OS702.11	Lake Wakatipu Stations Limited	Reject	6.10
OS702.12	Lake Wakatipu Stations Limited	Accept in Part	19.1
OS702.5	Lake Wakatipu Stations Limited	Reject	4.6
OS702.6	Lake Wakatipu Stations Limited	Reject	4.6
OS702.7	Lake Wakatipu Stations Limited	Reject	4.11
OS702.8	Lake Wakatipu Stations Limited	Accept in Part	4.22
OS702.9	Lake Wakatipu Stations Limited	Accept in Part	4.31
OS706.100	Forest and Bird NZ	Accept in Part	48.4
OS706.101	Forest and Bird NZ	Reject	48.4
OS706.102	Forest and Bird NZ	Accept	53.4
OS706.103	Forest and Bird NZ	Reject	53.4
OS706.104	Forest and Bird NZ	Reject	53.4
OS706.105	Forest and Bird NZ	Reject	48.6
OS706.106	Forest and Bird NZ	Reject	48.6
OS706.107	Forest and Bird NZ	Accept	48.6

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS706.108	Forest and Bird NZ	Reject	48.7
OS706.109	Forest and Bird NZ	Accept in Part	48.5
OS706.110	Forest and Bird NZ	Accept in Part	51.5
OS706.111	Forest and Bird NZ	Reject	51.6
OS706.112	Forest and Bird NZ	Accept in Part	51.7
OS706.113	Forest and Bird NZ	Accept	53.6
OS706.114	Forest and Bird NZ	Reject	54
OS706.115	Forest and Bird NZ	Reject	48.3
OS706.116	Forest and Bird NZ	Accept in Part	55
OS706.117	Forest and Bird NZ	Reject	Part E
OS706.118	Forest and Bird NZ	Reject	58
OS706.119	Forest and Bird NZ	Reject	58
OS706.120	Forest and Bird NZ	Accept	58
OS706.21	Forest and Bird NZ	Reject	3
OS706.22	Forest and Bird NZ	Accept in Part	4.1
OS706.23	Forest and Bird NZ	Accept	4.2
OS706.24	Forest and Bird NZ	Accept	4.4
OS706.25	Forest and Bird NZ	Reject	4.7
OS706.26	Forest and Bird NZ	Accept	4.8
OS706.27	Forest and Bird NZ	Reject	4.9
OS706.28	Forest and Bird NZ	Accept	4.13
OS706.29	Forest and Bird NZ	Accept in Part	4.14
OS706.30	Forest and Bird NZ	Accept in Part	4.22
OS706.31	Forest and Bird NZ	Reject	4.23
OS706.32	Forest and Bird NZ	Reject	4.24
OS706.33	Forest and Bird NZ	Reject	4.26
OS706.34	Forest and Bird NZ	Accept in Part	4.27
OS706.35	Forest and Bird NZ	Reject	4.33
OS706.36	Forest and Bird NZ	Accept in Part	4.34
OS706.37	Forest and Bird NZ	Reject	4.40
OS706.38	Forest and Bird NZ	Accept in Part	4.44
OS706.39	Forest and Bird NZ	Accept	4.45
OS706.40	Forest and Bird NZ	Reject	6.20
OS706.41	Forest and Bird NZ	Reject	6.27
OS706.42	Forest and Bird NZ	Accept in Part	6.27
OS706.43	Forest and Bird NZ	Reject	7
OS706.44	Forest and Bird NZ	Accept	7.4
OS706.45	Forest and Bird NZ	Reject	7.7
OS706.46	Forest and Bird NZ	Reject	8.1
OS706.47	Forest and Bird NZ	Reject	8.2
OS706.48	Forest and Bird NZ	Reject	8.3
OS706.49	Forest and Bird NZ	Reject	8.4
OS706.50	Forest and Bird NZ	Reject	23
OS706.51	Forest and Bird NZ	Reject	24.2
OS706.52	Forest and Bird NZ	Reject	27.4
OS706.56	Forest and Bird NZ	Accept	28.7
OS706.65	Forest and Bird NZ	Accept in Part	50
OS706.66	Forest and Bird NZ	Accept in Part	50

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS706.67	Forest and Bird NZ	Reject	50
OS706.68	Forest and Bird NZ	Reject	50
OS706.69	Forest and Bird NZ	Accept in Part	48.2
OS706.70	Forest and Bird NZ	Accept in Part	51.2
OS706.71	Forest and Bird NZ	Reject	48.2
OS706.72	Forest and Bird NZ	Reject	48.2
OS706.73	Forest and Bird NZ	Accept in Part	51.2
OS706.74	Forest and Bird NZ	Reject	51.2
OS706.75	Forest and Bird NZ	Reject	51.2
OS706.76	Forest and Bird NZ	Accept in Part	51.2
OS706.77	Forest and Bird NZ	Accept in Part	51.2
OS706.78	Forest and Bird NZ	Accept in Part	51.2
OS706.79	Forest and Bird NZ	Reject	51.3
OS706.80	Forest and Bird NZ	Accept in Part	51.4
OS706.81	Forest and Bird NZ	Accept in Part	51.4
OS706.82	Forest and Bird NZ	Accept in Part	51.4
OS706.83	Forest and Bird NZ	Accept in Part	51.4
OS706.84	Forest and Bird NZ	Accept in Part	51.4
OS706.85	Forest and Bird NZ	Accept in Part	51.8
OS706.86	Forest and Bird NZ	Reject	51.8
OS706.87	Forest and Bird NZ	Accept in Part	51.8
OS706.88	Forest and Bird NZ	Accept in Part	51.8
OS706.89	Forest and Bird NZ	Accept	51.8
OS706.90	Forest and Bird NZ	Reject	51.8
OS706.91	Forest and Bird NZ	Accept in Part	51.8
OS706.92	Forest and Bird NZ	Accept in Part	51.8
OS706.93	Forest and Bird NZ	Reject	51.8
OS706.94	Forest and Bird NZ	Accept	51.9
OS706.95	Forest and Bird NZ	Accept in Part	51.9
OS706.96	Forest and Bird NZ	Accept	51.9
OS706.97	Forest and Bird NZ	Accept in Part	53.2
OS706.98	Forest and Bird NZ	Accept	48.4
OS706.99	Forest and Bird NZ	Accept in Part	48.4
OS712.12	Bobs Cove Developments Limited	Reject	27.2
OS712.13	Bobs Cove Developments Limited	Accept	27.3
OS712.4	Bobs Cove Developments Limited	Reject	7
OS713.2	Heli Tours Limited	Accept in Part	6.23
OS716.17	Ngai Tahu Tourism Ltd	Accept in Part	14.5
OS716.18	Ngai Tahu Tourism Ltd	Accept	14.8
OS719.100	NZ Transport Agency	Reject	7.2
OS719.101	NZ Transport Agency	Accept	10.2
OS719.102	NZ Transport Agency	Accept in Part	10.4
OS719.103	NZ Transport Agency	Accept in Part	14.2
OS719.104	NZ Transport Agency	Accept	17
OS719.105	NZ Transport Agency	Accept	19.1
OS719.106	NZ Transport Agency	Accept	19.5
OS719.107	NZ Transport Agency	Accept	24.3
OS719.108	NZ Transport Agency	Accept in part	24.3

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS719.109	NZ Transport Agency	Accept	24.4
OS719.110	NZ Transport Agency	Accept	24.4
OS719.111	NZ Transport Agency	Accept	24.4
OS719.112	NZ Transport Agency	Accept in part	24.5
OS719.113	NZ Transport Agency	Accept	24.5
OS719.114	NZ Transport Agency	Accept	27.8
OS719.115	NZ Transport Agency	Reject	Report 4B
OS719.116	NZ Transport Agency	Reject	28.6
OS719.117	NZ Transport Agency	Accept	35
OS719.118	NZ Transport Agency	Reject	Report 4B
OS719.119	NZ Transport Agency	Accept	38
OS719.120	NZ Transport Agency	Accept	38
OS719.121	NZ Transport Agency	Accept	42.5
OS719.122	NZ Transport Agency	Accept	42.6
OS719.123	NZ Transport Agency	Reject	43.3
OS719.124	NZ Transport Agency	Accept	38
OS719.125	NZ Transport Agency	Accept	38
OS719.126	NZ Transport Agency	Accept	38
OS719.127	NZ Transport Agency	Accept	43.5
OS719.95	NZ Transport Agency	Accept	4.4
OS719.96	NZ Transport Agency	Accept	4.4
OS719.97	NZ Transport Agency	Accept in Part	4.10
OS719.98	NZ Transport Agency	Accept in Part	4.11
OS719.99	NZ Transport Agency	Accept in Part	4.30
OS723.10	Wakatipu Aero Club	Accept in Part	6.23
OS723.2	Wakatipu Aero Club	Accept in Part	4.10
OS723.3	Wakatipu Aero Club	Accept in Part	4.11
OS723.4	Wakatipu Aero Club	Accept in Part	4.35
OS723.5	Wakatipu Aero Club	Accept in Part	4.36
OS723.6	Wakatipu Aero Club	Accept in Part	4.37
OS723.7	Wakatipu Aero Club	Accept in Part	4.35
OS723.8	Wakatipu Aero Club	Accept in Part	6.23
OS723.9	Wakatipu Aero Club	Accept in Part	6.23
OS725.5	Ian Percy & Fiona Aitken Family Trust	Reject	7
OS728.1	Wanaka Residents Association	Accept in Part	Part B
OS730.10	Snow, Adrian - represented by Town Planning Group Limited	Accept in Part	6.23
OS730.2	Snow, Adrian - represented by Town Planning Group Limited	Accept in Part	4.10
OS730.3	Snow, Adrian - represented by Town Planning Group Limited	Accept in Part	4.11
OS730.4	Snow, Adrian - represented by Town Planning Group Limited	Accept in Part	4.35
OS730.5	Snow, Adrian - represented by Town Planning Group Limited	Accept in Part	4.36
OS730.6	Snow, Adrian - represented by Town Planning Group Limited	Accept in Part	4.37

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS730.7	Snow, Adrian - represented by Town Planning Group Limited	Accept in Part	4.35
OS730.8	Snow, Adrian - represented by Town Planning Group Limited	Accept in Part	6.23
OS730.9	Snow, Adrian - represented by Town Planning Group Limited	Accept in Part	6.23
OS732.10	Revell William Buckham	Accept in Part	6.23
OS732.2	Revell William Buckham	Accept in Part	4.10
OS732.3	Revell William Buckham	Accept in Part	4.11
OS732.4	Revell William Buckham	Accept in Part	4.35
OS732.5	Revell William Buckham	Accept in Part	4.36
OS732.6	Revell William Buckham	Accept in Part	4.37
OS732.7	Revell William Buckham	Accept in Part	4.35
OS732.8	Revell William Buckham	Accept in Part	6.23
OS732.9	Revell William Buckham	Accept in Part	6.23
OS734.10	Connor, Kerry - represented by Town Planning Group Limited	Accept in Part	6.23
OS734.2	Connor, Kerry - represented by Town Planning Group Limited	Accept in Part	4.10
OS734.3	Connor, Kerry - represented by Town Planning Group Limited	Accept in Part	4.11
OS734.4	Connor, Kerry - represented by Town Planning Group Limited	Accept in Part	4.35
OS734.5	Connor, Kerry - represented by Town Planning Group Limited	Accept in Part	4.36
OS734.6	Connor, Kerry - represented by Town Planning Group Limited	Accept in Part	4.37
OS734.7	Connor, Kerry - represented by Town Planning Group Limited	Accept in Part	4.35
OS734.8	Connor, Kerry - represented by Town Planning Group Limited	Accept in Part	6.23
OS734.9	Connor, Kerry - represented by Town Planning Group Limited	Accept in Part	6.23
OS736.10	Southern Lakes Learn to Fly Limited	Accept in Part	6.23
OS736.2	Southern Lakes Learn to Fly Limited	Accept in Part	4.10
OS736.3	Southern Lakes Learn to Fly Limited	Accept in Part	4.11
OS736.4	Southern Lakes Learn to Fly Limited	Accept in Part	4.35
OS736.5	Southern Lakes Learn to Fly Limited	Accept in Part	4.36
OS736.6	Southern Lakes Learn to Fly Limited	Accept in Part	4.37
OS736.7	Southern Lakes Learn to Fly Limited	Accept in Part	4.35
OS736.8	Southern Lakes Learn to Fly Limited	Accept in Part	6.23
OS736.9	Southern Lakes Learn to Fly Limited	Accept in Part	6.23
OS738.10	Sproull, Hank - represented by Town Planning Group Limited	Accept in Part	6.23
OS738.2	Sproull, Hank - represented by Town Planning Group Limited	Accept in Part	4.10
OS738.3	Sproull, Hank - represented by Town Planning Group Limited	Accept in Part	4.11

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS738.4	Sproull, Hank - represented by Town Planning Group Limited	Accept in Part	4.35
OS738.5	Sproull, Hank - represented by Town Planning Group Limited	Accept in Part	4.36
OS738.6	Sproull, Hank - represented by Town Planning Group Limited	Accept in Part	4.37
OS738.7	Sproull, Hank - represented by Town Planning Group Limited	Accept in Part	4.35
OS738.8	Sproull, Hank - represented by Town Planning Group Limited	Accept in Part	6.23
OS738.9	Sproull, Hank - represented by Town Planning Group Limited	Accept in Part	6.23
OS739.10	Southern Lakes Learn to Fly Limited	Accept in Part	6.23
OS739.2	Southern Lakes Learn to Fly Limited	Accept in Part	4.10
OS739.3	Southern Lakes Learn to Fly Limited	Accept in Part	4.11
OS739.4	Southern Lakes Learn to Fly Limited	Accept in Part	4.35
OS739.5	Southern Lakes Learn to Fly Limited	Accept in Part	4.36
OS739.6	Southern Lakes Learn to Fly Limited	Accept in Part	4.37
OS739.7	Southern Lakes Learn to Fly Limited	Accept in Part	4.35
OS739.8	Southern Lakes Learn to Fly Limited	Accept in Part	6.23
OS739.9	Southern Lakes Learn to Fly Limited	Accept in Part	6.23
OS740.1	Wakatipu Wilding Conifer Control Group	Accept in Part	58
OS740.2	Wakatipu Wilding Conifer Control Group	Accept in Part	58
OS740.3	Wakatipu Wilding Conifer Control Group	Reject	58
OS740.4	Wakatipu Wilding Conifer Control Group	Reject	58
OS751.9	Hansen Family Partnership	Reject	6
OS755.14	Guardians of Lake Wanaka	Reject	4.7
OS755.15	Guardians of Lake Wanaka	Reject	4.8
OS755.16	Guardians of Lake Wanaka	Accept in Part	7.7
OS755.17	Guardians of Lake Wanaka	Reject	4.40
OS755.18	Guardians of Lake Wanaka	Reject	46
OS755.19	Guardians of Lake Wanaka	Reject	50
OS755.20	Guardians of Lake Wanaka	Accept in Part	48.2
OS758.1	Jet Boating New Zealand	Accept in Part	4.40
OS758.10	Jet Boating New Zealand	Accept in Part	14.5
OS758.11	Jet Boating New Zealand	Reject	14.5
OS758.2	Jet Boating New Zealand	Reject	14.1
OS758.3	Jet Boating New Zealand	Reject	14.5
OS758.4	Jet Boating New Zealand	Accept in Part	14.5
OS758.5	Jet Boating New Zealand	Accept in Part	14.5
OS758.6	Jet Boating New Zealand	Accept in Part	14.5
OS758.7	Jet Boating New Zealand	Accept in Part	14.5
OS758.8	Jet Boating New Zealand	Accept in Part	14.5
OS758.9	Jet Boating New Zealand	Accept in Part	14.5

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS760.10	Southern Lakes Aviation Limited	Accept in Part	6.23
OS760.2	Southern Lakes Aviation Limited	Accept in Part	4.10
OS760.3	Southern Lakes Aviation Limited	Accept in Part	4.11
OS760.4	Southern Lakes Aviation Limited	Accept in Part	4.35
OS760.5	Southern Lakes Aviation Limited	Accept in Part	4.36
OS760.6	Southern Lakes Aviation Limited	Accept in Part	4.37
OS760.7	Southern Lakes Aviation Limited	Accept in Part	4.35
OS760.8	Southern Lakes Aviation Limited	Accept in Part	6.23
OS760.9	Southern Lakes Aviation Limited	Accept in Part	6.23
OS761.19	ORFEL Ltd	Accept in part	24.2
OS761.20	ORFEL Ltd	Accept in part	24.2
OS761.21	ORFEL Ltd	Reject	22.3
OS761.22	ORFEL Ltd	Accept in part	24.3
OS761.23	ORFEL Ltd	Reject	22.3
OS761.24	ORFEL Ltd	Accept	27.4
OS761.25	ORFEL Ltd	Accept in part	27.4
OS761.26	ORFEL Ltd	Accept in part	27.4
OS761.27	ORFEL Ltd	Accept	27.6
OS761.28	ORFEL Ltd	Accept in part	28.2
OS761.32	ORFEL Ltd	Accept in part	28.2
OS761.33	ORFEL Ltd	Accept in part	28.2
OS761.34	ORFEL Ltd	Accept in part	28.2
OS763.1	Lake Hayes Limited	Accept in part	24.2
OS763.10	Lake Hayes Limited	Accept in part	28.2
OS763.2	Lake Hayes Limited	Accept in part	24.2
OS763.3	Lake Hayes Limited	Accept in part	24.3
OS763.4	Lake Hayes Limited	Accept in part	24.3
OS763.5	Lake Hayes Limited	Reject	22.3
OS763.6	Lake Hayes Limited	Accept	22.3
OS763.7	Lake Hayes Limited	Accept in part	27.2
OS763.8	Lake Hayes Limited	Accept	27.3
OS763.9	Lake Hayes Limited	Accept	27.5
OS764.1	Mount Christina Limited	Accept in part	24.2
OS764.10	Mount Christina Limited	Accept	27.6
OS764.11	Mount Christina Limited	Reject	27.2
OS764.12	Mount Christina Limited	Accept in part	28.2
OS764.13	Mount Christina Limited	Accept in part	28.2
OS764.14	Mount Christina Limited	Accept in part	28.2
OS764.15	Mount Christina Limited	Accept in part	28.2
OS764.16	Mount Christina Limited	Accept in part	28.3
OS764.17	Mount Christina Limited	Reject	28.4
OS764.2	Mount Christina Limited	Accept in part	24.2
OS764.3	Mount Christina Limited	Reject	22.3
OS764.4	Mount Christina Limited	Accept in part	24.3
OS764.5	Mount Christina Limited	Accept in part	24.3
OS764.6	Mount Christina Limited	Reject	22.3
OS764.7	Mount Christina Limited	Accept	22.3
OS764.8	Mount Christina Limited	Accept	27.3

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS764.9	Mount Christina Limited	Accept	27.5
OS766.18	Queenstown Wharves GP Limited	Accept in Part	4.40
OS766.19	Queenstown Wharves GP Limited	Reject	4.41
OS766.20	Queenstown Wharves GP Limited	Accept in Part	4.42
OS766.21	Queenstown Wharves GP Limited	Reject	4.43
OS766.22	Queenstown Wharves GP Limited	Reject	4.44
OS766.23	Queenstown Wharves GP Limited	Reject	4.45
OS766.24	Queenstown Wharves GP Limited	Accept in Part	4.46
OS766.25	Queenstown Wharves GP Limited	Accept in Part	4.47
OS766.26	Queenstown Wharves GP Limited	Accept in Part	4.48
OS766.27	Queenstown Wharves GP Limited	Reject	14
OS766.28	Queenstown Wharves GP Limited	Reject	14.2
OS766.29	Queenstown Wharves GP Limited	Accept in Part	14.2
OS766.30	Queenstown Wharves GP Limited	Accept in Part	14.2
OS766.31	Queenstown Wharves GP Limited	Reject	14.7
OS767.1	Lake Hayes Cellar Limited	Accept in part	24.2
OS767.10	Lake Hayes Cellar Limited	Accept	27.5
OS767.11	Lake Hayes Cellar Limited	Accept	27.6
OS767.15	Lake Hayes Cellar Limited	Reject	28.4
OS767.2	Lake Hayes Cellar Limited	Accept in part	24.2
OS767.3	Lake Hayes Cellar Limited	Accept in part	24.3
OS767.5	Lake Hayes Cellar Limited	Reject	22.3
OS767.6	Lake Hayes Cellar Limited	Accept	22.3
OS767.9	Lake Hayes Cellar Limited	Accept	27.3
OS771.7	Hawea Community Association	Accept	Part C
OS771.8	Hawea Community Association	Accept	23
OS778.1	Over the Top Ltd	Accept in Part	6.23
OS781.8	Chorus New Zealand Limited	Accept in Part	19.1
OS781.9	Chorus New Zealand Limited	Reject	19.3
OS784.10	Jeremy Bell Investments Limited	Reject	9.1
OS784.11	Jeremy Bell Investments Limited	Accept in Part	6.23
OS784.12	Jeremy Bell Investments Limited	Reject	51.2
OS784.13	Jeremy Bell Investments Limited	Reject	51.2
OS784.14	Jeremy Bell Investments Limited	Accept in Part	51.8
OS784.15	Jeremy Bell Investments Limited	Accept	53.2
OS784.16	Jeremy Bell Investments Limited	Accept in Part	48.4
OS784.17	Jeremy Bell Investments Limited	Reject	48.6
OS784.18	Jeremy Bell Investments Limited	Reject	53.3
OS784.19	Jeremy Bell Investments Limited	Reject	53.6
OS784.20	Jeremy Bell Investments Limited	Accept	48.3
OS784.21	Jeremy Bell Investments Limited	Accept	53.2
OS784.22	Jeremy Bell Investments Limited	Accept	48.7
OS784.23	Jeremy Bell Investments Limited	Accept in Part	58
OS784.5	Jeremy Bell Investments Limited	Reject	4.2
OS784.6	Jeremy Bell Investments Limited	Accept in Part	4.6
OS784.7	Jeremy Bell Investments Limited	Reject	6
OS784.8	Jeremy Bell Investments Limited	Reject	7.5
OS784.9	Jeremy Bell Investments Limited	Reject	8.2

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS788.1	Otago Fish and Game Council	Reject	51.4
OS788.2	Otago Fish and Game Council	Reject	47.1
OS788.3	Otago Fish and Game Council	Accept in Part	48.5
OS791.10	Burdon, Tim	Accept in Part	4.1
OS791.11	Burdon, Tim	Accept in Part	4.3
OS791.12	Burdon, Tim	Reject	4.8
OS791.13	Burdon, Tim	Accept in Part	4.31
OS791.14	Burdon, Tim	Accept in Part	51.4
OS791.15	Burdon, Tim	Accept in Part	51.8
OS791.16	Burdon, Tim	Accept in Part	51.8
OS791.17	Burdon, Tim	Accept in Part	51.8
OS791.18	Burdon, Tim	Accept	51.9
OS791.19	Burdon, Tim	Reject	55
OS791.20	Burdon, Tim	Accept	48.7
OS794.10	Lakes Land Care	Accept in Part	4.1
OS794.11	Lakes Land Care	Accept in Part	4.3
OS794.12	Lakes Land Care	Reject	4.8
OS794.13	Lakes Land Care	Accept in Part	4.31
OS794.14	Lakes Land Care	Accept in Part	51.4
OS794.15	Lakes Land Care	Accept in Part	51.8
OS794.16	Lakes Land Care	Accept in Part	51.8
OS794.17	Lakes Land Care	Accept in Part	51.8
OS794.18	Lakes Land Care	Accept	51.9
OS794.19	Lakes Land Care	Reject	55
OS794.20	Lakes Land Care	Accept	48.7
OS798.2	Otago Regional Council	Accept	19.3
OS798.3	Otago Regional Council	Accept	6
OS798.35	Otago Regional Council	Accept in Part	4.4
OS798.4	Otago Regional Council	Accept in Part	51.1
OS798.5	Otago Regional Council	Accept	4
OS798.6	Otago Regional Council	Accept	4
OS798.7	Otago Regional Council	Accept in Part	7.7
OS798.8	Otago Regional Council	Accept in Part	4.13
OS798.9	Otago Regional Council	Reject	6.27
OS805.100	Transpower New Zealand Limited	Accept	48.6
OS805.53	Transpower New Zealand Limited	Reject	3
OS805.54	Transpower New Zealand Limited	Reject	4.1
OS805.55	Transpower New Zealand Limited	Reject	4.51
OS805.56	Transpower New Zealand Limited	Reject	4.10
OS805.57	Transpower New Zealand Limited	Reject	5
OS805.58	Transpower New Zealand Limited	Reject	39
OS805.59	Transpower New Zealand Limited	Reject	40.1
OS805.60	Transpower New Zealand Limited	Accept in part	40.4
OS805.61	Transpower New Zealand Limited	Reject	42.1
OS805.96	Transpower New Zealand Limited	Reject	51.2
OS805.97	Transpower New Zealand Limited	Reject	51.2
OS805.98	Transpower New Zealand Limited	Reject	51.4
OS805.99	Transpower New Zealand Limited	Reject	53.2

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS806.100	Queenstown Park Limited	Reject	4.3
OS806.101	Queenstown Park Limited	Reject	4.4
OS806.102	Queenstown Park Limited	Reject	4.4
OS806.103	Queenstown Park Limited	Reject	4.4
OS806.104	Queenstown Park Limited	Reject	4.4
OS806.105	Queenstown Park Limited	Accept	4.6
OS806.106	Queenstown Park Limited	Reject	4.6
OS806.107	Queenstown Park Limited	Reject	4.6
OS806.108	Queenstown Park Limited	Reject	4.11
OS806.109	Queenstown Park Limited	Reject	4.11
OS806.110	Queenstown Park Limited	Reject	4.13
OS806.113	Queenstown Park Limited	Reject	4.21
OS806.114	Queenstown Park Limited	Reject	4.22
OS806.115	Queenstown Park Limited	Accept in Part	4.24
OS806.116	Queenstown Park Limited	Accept in Part	4.25
OS806.117	Queenstown Park Limited	Accept in Part	4.26
OS806.118	Queenstown Park Limited	Reject	4.29
OS806.119	Queenstown Park Limited	Accept in Part	4.30
OS806.120	Queenstown Park Limited	Accept in Part	4.31
OS806.121	Queenstown Park Limited	Accept in Part	4.40
OS806.122	Queenstown Park Limited	Reject	4.40
OS806.123	Queenstown Park Limited	Reject	4.42
OS806.124	Queenstown Park Limited	Reject	4.43
OS806.125	Queenstown Park Limited	Reject	4.44
OS806.126	Queenstown Park Limited	Reject	4.45
OS806.127	Queenstown Park Limited	Accept in Part	4.46
OS806.128	Queenstown Park Limited	Accept in Part	4.47
OS806.129	Queenstown Park Limited	Accept in Part	4.48
OS806.130	Queenstown Park Limited	Reject	4.49
OS806.131	Queenstown Park Limited	Reject	4.50
OS806.132	Queenstown Park Limited	Accept in Part	4.51
OS806.133	Queenstown Park Limited	Reject	5
OS806.134	Queenstown Park Limited	Reject	5
OS806.136	Queenstown Park Limited	Accept in Part	5
OS806.137	Queenstown Park Limited	Reject	5
OS806.138	Queenstown Park Limited	Reject	6.6
OS806.139	Queenstown Park Limited	Reject	6.9
OS806.140	Queenstown Park Limited	Accept in Part	6.7
OS806.141	Queenstown Park Limited	Accept in part	6.12
OS806.142	Queenstown Park Limited	Reject	6.12
OS806.143	Queenstown Park Limited	Reject	6.13
OS806.144	Queenstown Park Limited	Accept in Part	6.14
OS806.145	Queenstown Park Limited	Accept	6.15
OS806.146	Queenstown Park Limited	Reject	6.18
OS806.148	Queenstown Park Limited	Reject	6.19
OS806.149	Queenstown Park Limited	Reject	14
OS806.151	Queenstown Park Limited	Accept	6.24
OS806.152	Queenstown Park Limited	Accept in Part	6.26

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS806.153	Queenstown Park Limited	Reject	6.27
OS806.154	Queenstown Park Limited	Reject	6.27
OS806.155	Queenstown Park Limited	Reject	10.2
OS806.156	Queenstown Park Limited	Accept in Part	14.2
OS806.157	Queenstown Park Limited	Reject	14.7
OS806.158	Queenstown Park Limited	Accept in Part	14.8
OS806.159	Queenstown Park Limited	Reject	7.4
OS806.160	Queenstown Park Limited	Reject	19.1
OS806.161	Queenstown Park Limited	Reject	19.3
OS806.162	Queenstown Park Limited	Accept	19.8
OS806.206	Queenstown Park Limited	Reject	49
OS806.207	Queenstown Park Limited	Reject	48.2
OS806.208	Queenstown Park Limited	Reject	51.2
OS806.209	Queenstown Park Limited	Reject	51.2
OS806.210	Queenstown Park Limited	Accept	51.2
OS806.211	Queenstown Park Limited	Accept in Part	51.2
OS806.212	Queenstown Park Limited	Accept in Part	51.2
OS806.213	Queenstown Park Limited	Reject	48.2
OS806.214	Queenstown Park Limited	Reject	51.4
OS806.215	Queenstown Park Limited	Accept in Part	51.8
OS806.216	Queenstown Park Limited	Reject	51.8
OS806.217	Queenstown Park Limited	Reject	51.9
OS806.218	Queenstown Park Limited	Reject	51.9
OS806.219	Queenstown Park Limited	Reject	53.2
OS806.220	Queenstown Park Limited	Accept in Part	48.4
OS806.221	Queenstown Park Limited	Reject	53.3
OS806.222	Queenstown Park Limited	Accept in Part	53.4
OS806.223	Queenstown Park Limited	Accept in Part	48.7
OS806.224	Queenstown Park Limited	Reject	49
OS806.227	Queenstown Park Limited	Accept in Part	51.2
OS806.4	Queenstown Park Limited	Reject	55
OS806.96	Queenstown Park Limited	Reject	2.2 and 3
OS806.97	Queenstown Park Limited	Reject	3
OS806.98	Queenstown Park Limited	Accept in Part	4.1
OS806.99	Queenstown Park Limited	Reject	4.2
OS809.16	Queenstown Lakes District Council	Accept in Part	48.7
OS809.17	Queenstown Lakes District Council	Accept in Part	48.5
OS809.18	Queenstown Lakes District Council	Reject	48.5
OS809.19	Queenstown Lakes District Council	Reject	51.6
OS810.36	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua	Reject	3
OS810.37	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua	Reject	4.4

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS810.38	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua	Reject	4.23
OS810.39	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua	Reject	4.24
OS810.40	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua	Reject	4.33
OS810.41	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua	Accept in Part	4.41
OS810.42	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua	Reject	9.1
OS811.1	Scaife, Marc	Accept in part	Part C
OS811.10	Scaife, Marc	Reject	28.12
OS811.11	Scaife, Marc	Reject	6.7 and 21.3
OS811.12	Scaife, Marc	Accept	Report 4B
OS811.13	Scaife, Marc	Reject	30
OS811.2	Scaife, Marc	Accept in part	27.4
OS811.3	Scaife, Marc	Accept in part	27.4
OS811.4	Scaife, Marc	Accept in part	24.5
OS811.5	Scaife, Marc	Accept in part	27.12
OS811.6	Scaife, Marc	Reject	28.1
OS811.7	Scaife, Marc	Reject	28.3
OS811.8	Scaife, Marc	Accept in part	28.4
OS811.9	Scaife, Marc	Reject	28.5
OS817.5	Te Ao Marama Inc	Accept in Part	58
OS817.7	Te Ao Marama Inc	Reject	51.2
OS820.12	Jeremy Bell Investments	Reject	28.4
OS820.7	Jeremy Bell Investments	Reject	27.4
OS820.8	Jeremy Bell Investments	Reject	28.4
OS829.1	Anderson Branch Creek Ltd	Reject	8.2
OS829.10	Anderson Branch Creek Ltd	Accept in Part	58
OS829.2	Anderson Branch Creek Ltd	Reject	8.2
OS829.3	Anderson Branch Creek Ltd	Reject	9.1
OS829.6	Anderson Branch Creek Ltd	Accept in Part	Part E
OS829.7	Anderson Branch Creek Ltd	Reject	Part E
OS829.8	Anderson Branch Creek Ltd	Reject	Part E
OS829.9	Anderson Branch Creek Ltd	Reject	Part E
OS833.1	Barnett & Buckley, Rosemary & Thomas Anthony	Accept in Part	6.23

Submission Number	Submitter	Commissioners' Recommendation	Reference in Report
OS834.5	McPhail, Helen	Accept in Part	Part B
OS836.25	Arcadian Triangle Limited	Accept in Part	19.3
OS843.1	Shai Lanuel - represented by Skytrek Tandems Ltd	Accept in Part	4.10
OS843.2	Shai Lanuel - represented by Skytrek Tandems Ltd	Accept in Part	4.11
OS843.3	Shai Lanuel - represented by Skytrek Tandems Ltd	Accept in Part	4.35
OS843.4	Shai Lanuel - represented by Skytrek Tandems Ltd	Accept in Part	4.36
OS843.5	Shai Lanuel - represented by Skytrek Tandems Ltd	Accept in Part	4.37
OS843.6	Shai Lanuel - represented by Skytrek Tandems Ltd	Accept in Part	4.37
OS843.7	Shai Lanuel - represented by Skytrek Tandems Ltd	Accept in Part	6.23
OS843.8	Shai Lanuel - represented by Skytrek Tandems Ltd	Accept in Part	6.23
OS843.9	Shai Lanuel - represented by Skytrek Tandems Ltd	Accept in Part	6.23
OS844.1	Queenstown Congregation of Jehovah's Witnesses	Reject	23
OS844.10	Queenstown Congregation of Jehovah's Witnesses	Reject	35
OS844.2	Queenstown Congregation of Jehovah's Witnesses	Accept in part	24.3
OS844.3	Queenstown Congregation of Jehovah's Witnesses	Accept in part	24.3
OS844.4	Queenstown Congregation of Jehovah's Witnesses	Reject	24.3
OS844.5	Queenstown Congregation of Jehovah's Witnesses	Reject	24.3
OS844.6	Queenstown Congregation of Jehovah's Witnesses	Reject	24.3
OS844.7	Queenstown Congregation of Jehovah's Witnesses	Accept	27.3
OS844.8	Queenstown Congregation of Jehovah's Witnesses	Reject	27.11
OS844.9	Queenstown Congregation of Jehovah's Witnesses	Reject	28.2

Appendix 6 for Report 4A
Part B: Further Submissions

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1012.36	145.10	Willowridge Developments Limited	Accept in Part	6.4
FS1012.37	145.11	Willowridge Developments Limited	Accept	9.1
FS1013.8	725.5	Orchard Road Holdings Limited	Accept	7
FS1015.1	313.4	Straterra	Reject	50
FS1015.10	339.50	Straterra	Accept in Part	6.27
FS1015.109	706.27	Straterra	Accept	4.9
FS1015.11	339.75	Straterra	Reject	50
FS1015.110	706.28	Straterra	Reject	4.13
FS1015.111	706.29	Straterra	Accept in Part	4.14
FS1015.112	706.33	Straterra	Accept	4.26
FS1015.113	706.37	Straterra	Accept	4.40
FS1015.114	706.52	Straterra	Accept	27.4
FS1015.115	706.67	Straterra	Reject	50
FS1015.116	706.70	Straterra	Reject	51.2
FS1015.117	706.72	Straterra	Accept in Part	48.2
FS1015.118	706.74	Straterra	Accept in Part	51.2
FS1015.119	706.77	Straterra	Reject	51.2
FS1015.12	339.82	Straterra	Accept in Part	51.2
FS1015.120	706.80	Straterra	Accept in Part	51.4
FS1015.121	706.82	Straterra	Reject	51.4
FS1015.122	706.84	Straterra	Accept in Part	51.4
FS1015.123	706.95	Straterra	Accept in Part	51.9
FS1015.124	758.1	Straterra	Accept in Part	4.40
FS1015.13	339.85	Straterra	Reject	51.2
FS1015.132	764.5	Straterra	Reject	24.3
FS1015.133	767.4	Straterra	reject	24.3
FS1015.136	788.1	Straterra	Accept in Part	51.4
FS1015.137	798.8	Straterra	Reject	4.13
FS1015.14	339.88	Straterra	Accept in Part	51.4
FS1015.15	339.89	Straterra	Reject	51.4
FS1015.16	339.90	Straterra	Reject	51.4
FS1015.17	339.92	Straterra	Accept in Part	51.4
FS1015.18	339.95	Straterra	Reject	51.8
FS1015.19	339.103	Straterra	Accept in Part	51.9
FS1015.20	356.17	Straterra	Reject	4.4
FS1015.24	373.19	Straterra	Reject	50
FS1015.25	373.23	Straterra	Accept in Part	48.2
FS1015.26	373.28	Straterra	Reject	51.2
FS1015.27	373.31	Straterra	Accept in Part	51.4
FS1015.28	373.34	Straterra	Reject	51.4
FS1015.29	373.36	Straterra	Accept in Part	51.4
FS1015.4	339.35	Straterra	Accept	4.7
FS1015.5	339.36	Straterra	Reject	4.13
FS1015.6	339.37	Straterra	Accept in Part	4.14
FS1015.69	519.33	Straterra	Reject	3

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1015.7	339.41	Straterra	Accept	4.26
FS1015.70	519.34	Straterra	Reject	4.11
FS1015.71	519.35	Straterra	Reject	4.13
FS1015.72	519.36	Straterra	Accept in Part	4.14
FS1015.73	519.37	Straterra	Reject	4.15
FS1015.74	519.38	Straterra	Reject	4.15
FS1015.75	519.39	Straterra	Reject	4.15
FS1015.76	519.40	Straterra	Reject	4.15
FS1015.77	519.41	Straterra	Accept in Part	4.15
FS1015.78	519.42	Straterra	Accept in Part	4.15
FS1015.79	519.43	Straterra	Reject	4.15
FS1015.8	339.45	Straterra	Accept	4.40
FS1015.80	519.44	Straterra	Accept in Part	4.14
FS1015.81	519.45	Straterra	Accept in Part	4.14
FS1015.82	519.46	Straterra	Accept	4.47
FS1015.83	519.47	Straterra	Reject	5
FS1015.84	519.48	Straterra	Reject	8.4
FS1015.85	519.49	Straterra	Reject	9.1
FS1015.86	519.50	Straterra	Reject	19.1
FS1015.87	519.51	Straterra	Reject	19.3
FS1015.88	519.52	Straterra	Accept in Part	6.27
FS1015.9	339.49	Straterra	Accept	6.27
FS1020.2	163.2	Woodfield, Vaughn	Reject	49
FS1021.1	133.1	Woodfield, Kate	Accept in Part	46
FS1030.10	433.90	Jeremy Bell Investments Limited	Reject	7.12
FS1030.15	649.14	Jeremy Bell Investments Limited	Accept in Part	4.20
FS1030.16	649.16	Jeremy Bell Investments Limited	Accept in Part	6.26
FS1030.17	649.17	Jeremy Bell Investments Limited	Reject	6.26
FS1030.18	649.18	Jeremy Bell Investments Limited	Reject	6.26
FS1030.3	433.83	Jeremy Bell Investments Limited	Reject	2.5
FS1030.5	433.78	Jeremy Bell Investments Limited	Reject	4.21
FS1030.6	433.79	Jeremy Bell Investments Limited	Accept	4.21
FS1030.7	433.80	Jeremy Bell Investments Limited	Reject	4.21
FS1030.8	433.83	Jeremy Bell Investments Limited	Accept in Part	2.5
FS1030.9	433.85	Jeremy Bell Investments Limited	Accept in Part	6.26
FS1034.114	600.114	Upper Clutha Environmental Society (Inc.)	Reject	50
FS1034.115	600.115	Upper Clutha Environmental Society (Inc.)	Accept in Part	48.2
FS1034.116	600.116	Upper Clutha Environmental Society (Inc.)	Reject	51.2
FS1034.117	600.117	Upper Clutha Environmental Society (Inc.)	Accept	48.2
FS1034.118	600.118	Upper Clutha Environmental Society (Inc.)	Reject	48.2
FS1034.119	600.119	Upper Clutha Environmental Society (Inc.)	Accept in Part	51.2

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1034.120	600.120	Upper Clutha Environmental Society (Inc.)	Reject	51.2
FS1034.121	600.121	Upper Clutha Environmental Society (Inc.)	Reject	51.2
FS1034.122	600.122	Upper Clutha Environmental Society (Inc.)	Reject	51.2
FS1034.123	600.123	Upper Clutha Environmental Society (Inc.)	Accept	51.4
FS1034.124	600.124	Upper Clutha Environmental Society (Inc.)	Accept	51.4
FS1034.125	600.125	Upper Clutha Environmental Society (Inc.)	Reject	51.4
FS1034.126	600.126	Upper Clutha Environmental Society (Inc.)	Accept in Part	51.8
FS1034.127	600.127	Upper Clutha Environmental Society (Inc.)	Accept in Part	51.8
FS1034.128	600.128	Upper Clutha Environmental Society (Inc.)	Reject	51.8
FS1034.129	600.129	Upper Clutha Environmental Society (Inc.)	Reject	51.8
FS1034.130	600.130	Upper Clutha Environmental Society (Inc.)	Reject	51.8
FS1034.131	600.131	Upper Clutha Environmental Society (Inc.)	Accept in Part	48.4
FS1034.132	600.132	Upper Clutha Environmental Society (Inc.)	Reject	48.6
FS1034.133	600.133	Upper Clutha Environmental Society (Inc.)	Reject	53.4
FS1034.134	600.134	Upper Clutha Environmental Society (Inc.)	Reject	53.4
FS1034.135	600.135	Upper Clutha Environmental Society (Inc.)	Reject	53.4
FS1034.136	600.136	Upper Clutha Environmental Society (Inc.)	Reject	48.7
FS1034.137	600.137	Upper Clutha Environmental Society (Inc.)	Accept	51.7
FS1034.138	600.138	Upper Clutha Environmental Society (Inc.)	Reject	48.7
FS1034.139	600.139	Upper Clutha Environmental Society (Inc.)	Accept in Part	58
FS1034.140	600.140	Upper Clutha Environmental Society (Inc.)	Reject	58
FS1034.141	600.141	Upper Clutha Environmental Society (Inc.)	Reject	58
FS1034.151	820.7	Upper Clutha Environmental Society (Inc.)	Accept	27.4
FS1034.152	820.8	Upper Clutha Environmental Society (Inc.)	Accept	28.4

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1034.156	820.12	Upper Clutha Environmental Society (Inc.)	Accept	28.4
FS1034.215	608.57	Upper Clutha Environmental Society (Inc.)	Accept in Part	4.1
FS1034.216	608.58	Upper Clutha Environmental Society (Inc.)	Accept	4.2
FS1034.217	608.59	Upper Clutha Environmental Society (Inc.)	Accept	4.3
FS1034.218	608.60	Upper Clutha Environmental Society (Inc.)	Accept in Part	4.32
FS1034.219	608.61	Upper Clutha Environmental Society (Inc.)	Accept in Part	4.33
FS1034.220	608.62	Upper Clutha Environmental Society (Inc.)	Accept in Part	4.34
FS1034.221	608.63	Upper Clutha Environmental Society (Inc.)	Reject	6.3
FS1034.222	608.64	Upper Clutha Environmental Society (Inc.)	Accept in Part	6.4
FS1034.223	608.65	Upper Clutha Environmental Society (Inc.)	Accept in Part	6.7
FS1034.224	608.66	Upper Clutha Environmental Society (Inc.)	Reject	6.8
FS1034.225	608.67	Upper Clutha Environmental Society (Inc.)	Accept in Part	6.8
FS1034.226	608.68	Upper Clutha Environmental Society (Inc.)	Reject	6.12
FS1034.227	608.69	Upper Clutha Environmental Society (Inc.)	Accept in Part	6.23
FS1034.228	608.70	Upper Clutha Environmental Society (Inc.)	Accept in Part	8.2
FS1034.229	608.71	Upper Clutha Environmental Society (Inc.)	Reject	9.2
FS1034.230	608.72	Upper Clutha Environmental Society (Inc.)	Reject	19.1
FS1034.231	608.73	Upper Clutha Environmental Society (Inc.)	Accept in Part	19.3
FS1034.55	600.55	Upper Clutha Environmental Society (Inc.)	Reject	3
FS1034.56	600.56	Upper Clutha Environmental Society (Inc.)	Reject	4.1
FS1034.57	600.57	Upper Clutha Environmental Society (Inc.)	Reject	4.2
FS1034.58	600.58	Upper Clutha Environmental Society (Inc.)	Reject	4.3
FS1034.59	600.59	Upper Clutha Environmental Society (Inc.)	Reject	4.4
FS1034.60	600.60	Upper Clutha Environmental Society (Inc.)	Accept in Part	4.4

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1034.61	600.61	Upper Clutha Environmental Society (Inc.)	Accept	4.4
FS1034.62	600.62	Upper Clutha Environmental Society (Inc.)	Accept	4.4
FS1034.63	600.63	Upper Clutha Environmental Society (Inc.)	Reject	4.6
FS1034.64	600.64	Upper Clutha Environmental Society (Inc.)	Reject	4.6
FS1034.65	600.65	Upper Clutha Environmental Society (Inc.)	Accept	4.6
FS1034.66	600.66	Upper Clutha Environmental Society (Inc.)	Reject	4.7
FS1034.67	600.67	Upper Clutha Environmental Society (Inc.)	Accept	4.8
FS1034.68	600.68	Upper Clutha Environmental Society (Inc.)	Accept in Part	4.10
FS1034.69	600.69	Upper Clutha Environmental Society (Inc.)	Accept in Part	4.11
FS1034.70	600.70	Upper Clutha Environmental Society (Inc.)	Accept in Part	4.11
FS1034.71	600.71	Upper Clutha Environmental Society (Inc.)	Accept in Part	4.24
FS1034.72	600.72	Upper Clutha Environmental Society (Inc.)	Reject	4.29
FS1034.73	600.73	Upper Clutha Environmental Society (Inc.)	Accept in Part	4.32
FS1034.74	600.74	Upper Clutha Environmental Society (Inc.)	Accept in Part	4.31
FS1034.75	600.75	Upper Clutha Environmental Society (Inc.)	Accept in Part	4.34
FS1034.76	600.76	Upper Clutha Environmental Society (Inc.)	Accept in Part	4.36
FS1034.77	600.77	Upper Clutha Environmental Society (Inc.)	Accept in Part	4.40
FS1034.78	600.78	Upper Clutha Environmental Society (Inc.)	Reject	6.3
FS1034.79	600.79	Upper Clutha Environmental Society (Inc.)	Reject	7.1
FS1034.80	600.80	Upper Clutha Environmental Society (Inc.)	Accept in Part	7.2
FS1034.81	600.81	Upper Clutha Environmental Society (Inc.)	Reject	7.4
FS1034.82	600.82	Upper Clutha Environmental Society (Inc.)	Accept in Part	7.5
FS1034.83	600.83	Upper Clutha Environmental Society (Inc.)	Accept in Part	7.6
FS1034.84	600.84	Upper Clutha Environmental Society (Inc.)	Reject	7.7

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1034.85	600.85	Upper Clutha Environmental Society (Inc.)	Accept in Part	8.1
FS1034.86	600.86	Upper Clutha Environmental Society (Inc.)	Accept in Part	8.2
FS1034.87	600.87	Upper Clutha Environmental Society (Inc.)	Reject	8.3
FS1034.88	600.88	Upper Clutha Environmental Society (Inc.)	Reject	8.4
FS1034.89	600.89	Upper Clutha Environmental Society (Inc.)	Accept in Part	9.1
FS1034.90	600.90	Upper Clutha Environmental Society (Inc.)	Accept	9.2
FS1034.91	600.91	Upper Clutha Environmental Society (Inc.)	Reject	9.3
FS1034.92	600.92	Upper Clutha Environmental Society (Inc.)	Accept in Part	6.23
FS1034.93	600.93	Upper Clutha Environmental Society (Inc.)	Accept in Part	6.23
FS1034.94	600.94	Upper Clutha Environmental Society (Inc.)	Reject	17
FS1034.95	600.95	Upper Clutha Environmental Society (Inc.)	Reject	24.3
FS1034.96	600.96	Upper Clutha Environmental Society (Inc.)	Reject	24.3
FS1034.97	600.97	Upper Clutha Environmental Society (Inc.)	Reject	24.5
FS1034.98	600.98	Upper Clutha Environmental Society (Inc.)	Reject	24.5
FS1040.1	145.7	Forest and Bird	Reject	6.7
FS1040.10	373.23	Forest and Bird	Reject	48.2
FS1040.11	373.32	Forest and Bird	Accept in Part	51.4
FS1040.12	373.37	Forest and Bird	Accept in Part	51.8
FS1040.13	373.51	Forest and Bird	Reject	48.6
FS1040.14	373.53	Forest and Bird	Accept in Part	48.7
FS1040.15	373.54	Forest and Bird	Reject	51.6
FS1040.16	373.56	Forest and Bird	Reject	48.3
FS1040.17	373.58	Forest and Bird	Accept in Part	Part E
FS1040.18	373.60	Forest and Bird	Accept	58
FS1040.19	458.1	Forest and Bird	Reject	58
FS1040.20	514.7	Forest and Bird	Accept in part	58
FS1040.21	514.8	Forest and Bird	Reject	58
FS1040.24	519.41	Forest and Bird	Accept in Part	4.15
FS1040.25	519.43	Forest and Bird	Reject	4.15
FS1040.26	519.45	Forest and Bird	Accept in Part	4.14
FS1040.27	519.52	Forest and Bird	Accept in Part	6.27
FS1040.36	598.40	Forest and Bird	Accept	4.13
FS1040.37	598.42	Forest and Bird	Reject	4.14

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1040.50	600.62	Forest and Bird	Accept	4.4
FS1040.51	600.65	Forest and Bird	Accept	4.6
FS1040.52	600.67	Forest and Bird	Reject	4.8
FS1040.53	600.84	Forest and Bird	Reject	7.7
FS1040.54	600.115	Forest and Bird	Accept in Part	48.2
FS1040.55	600.123	Forest and Bird	Reject	51.4
FS1040.56	600.124	Forest and Bird	Accept	51.4
FS1040.57	600.128	Forest and Bird	Reject	51.8
FS1040.58	600.129	Forest and Bird	Reject	51.8
FS1040.59	600.136	Forest and Bird	Reject	48.7
FS1040.60	600.137	Forest and Bird	Accept	51.7
FS1040.61	600.138	Forest and Bird	Reject	48.7
FS1040.62	600.139	Forest and Bird	Accept in Part	58
FS1040.63	600.141	Forest and Bird	Reject	58
FS1040.9	373.19	Forest and Bird	Reject	50
FS1049.25	378.25	LAC Property Trustees Limited	Accept in Part	19
FS1049.26	378.26	LAC Property Trustees Limited	Reject	19.6
FS1049.29	378.29	LAC Property Trustees Limited	Accept in Part	48.2
FS1049.30	378.30	LAC Property Trustees Limited	Accept in Part	51.8
FS1049.37	378.37	LAC Property Trustees Limited	Accept	Part E
FS1050.10	674.9	Jan Andersson	Accept in part	24.3
FS1050.11	674.10	Jan Andersson	Accept in part	Report 4B
FS1050.12	674.11	Jan Andersson	Accept	27.11
FS1050.13	674.12	Jan Andersson	Accept in part	27.12
FS1050.14	674.13	Jan Andersson	Accept	27.14
FS1050.15	674.14	Jan Andersson	Reject	27.12
FS1050.16	674.15	Jan Andersson	Reject	23
FS1050.17	675.1	Jan Andersson	Accept in Part	Part B
FS1050.2	674.1	Jan Andersson	Reject	23
FS1050.28	430.8	Jan Andersson	Accept in Part	3
FS1050.29	430.9	Jan Andersson	Reject	4.1
FS1050.3	674.2	Jan Andersson	Accept in part	24.1
FS1050.4	674.3	Jan Andersson	Accept in part	27.1
FS1050.7	674.6	Jan Andersson	Accept in part	24.3
FS1050.8	674.7	Jan Andersson	Reject	27.10
FS1050.9	674.8	Jan Andersson	Accept	27.14
FS1061.24	751.9	Otago Foundation Trust Board	Reject	6
FS1065.6	546.4	Ohapi Trust	Reject	22.3
FS1066.10	730.10	Aircraft Owners and Pilots Associates (NZ) Inc	Accept in Part	6.23
FS1066.2	730.2	Aircraft Owners and Pilots Associates (NZ) Inc	Accept in Part	4.10
FS1066.3	730.3	Aircraft Owners and Pilots Associates (NZ) Inc	Accept in Part	4.11
FS1066.4	730.4	Aircraft Owners and Pilots Associates (NZ) Inc	Accept in Part	4.35

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FS1066.5	730.5	Aircraft Owners and Pilots Associates (NZ) Inc	Accept in Part	4.36
FS1066.6	730.6	Aircraft Owners and Pilots Associates (NZ) Inc	Accept in Part	4.37
FS1066.7	730.7	Aircraft Owners and Pilots Associates (NZ) Inc	Accept in Part	4.35
FS1066.8	730.8	Aircraft Owners and Pilots Associates (NZ) Inc	Accept in Part	6.23
FS1066.9	730.9	Aircraft Owners and Pilots Associates (NZ) Inc	Accept in Part	6.23
FS1068.20	535.20	Lemaire-Sicre, Keri & Roland	Accept	23
FS1068.21	535.21	Lemaire-Sicre, Keri & Roland	Accept	23
FS1071.109	414.6	Lake Hayes Estate Community Association	Accept	6.7
FS1071.33	535.20	Lake Hayes Estate Community Association	Accept	23
FS1071.34	535.21	Lake Hayes Estate Community Association	Accept	23
FS1071.78	532.20	Lake Hayes Estate Community Association	Reject	24.2
FS1071.82	532.24	Lake Hayes Estate Community Association	Accept	28.4
FS1077.48	433.74	Board of Airline Representatives of New Zealand (BARNZ)	Reject	3
FS1080.14	572.4	Director General of Conservation	Withdrawn	53.3
FS1080.2	600.62	Director General of Conservation	Accept	4.4
FS1080.3	600.65	Director General of Conservation	Accept	4.6
FS1080.4	600.84	Director General of Conservation	Reject	7.7
FS1080.5	519.41	Director General of Conservation	Reject	4.15
FS1080.6	519.43	Director General of Conservation	Accept in Part	4.15
FS1080.7	519.45	Director General of Conservation	Accept in Part	4.14
FS1082.1	674.1	Hadley, J and R	Reject	23
FS1082.10	674.10	Hadley, J and R	Accept in part	Report 4B
FS1082.11	674.11	Hadley, J and R	Accept	27.11
FS1082.12	674.12	Hadley, J and R	Accept in part	27.12
FS1082.13	674.13	Hadley, J and R	Accept	27.14
FS1082.14	674.14	Hadley, J and R	Reject	27.12
FS1082.15	674.15	Hadley, J and R	Reject	23
FS1082.16	444.3	Hadley, J and R	Reject	37
FS1082.17	444.5	Hadley, J and R	Reject	28.12
FS1082.2	674.2	Hadley, J and R	Accept in part	24.1
FS1082.25	430.8	Hadley, J and R	Accept in Part	3
FS1082.26	430.9	Hadley, J and R	Accept in Part	4.1
FS1082.3	674.3	Hadley, J and R	Accept in part	27.1
FS1082.6	674.6	Hadley, J and R	Accept in part	24.3
FS1082.7	674.7	Hadley, J and R	Reject	27.10
FS1082.8	674.8	Hadley, J and R	Accept	27.14

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1082.9	674.9	Hadley, J and R	Accept in part	24.3
FS1084.10	430.9	Clarke, Wendy	Reject	4.1
FS1084.9	430.8	Clarke, Wendy	Accept in Part	3
FS1085.17	706.77	Contact Energy Limited	Reject	51.2
FS1085.18	373.28	Contact Energy Limited	Reject	51.2
FS1085.19	600.122	Contact Energy Limited	Accept in Part	51.2
FS1086.1	675.1	Hadley, J	Accept in Part	Part B
FS1086.11	430.8	Hadley, J	Accept in Part	3
FS1086.12	430.9	Hadley, J	Reject	4.1
FS1087.10	430.9	Hart, Robyn	Reject	4.1
FS1087.9	430.8	Hart, Robyn	Accept in Part	3
FS1088.6	600.85	Ross and Judith Young Family Trust	Accept in Part	8.1
FS1088.7	600.86	Ross and Judith Young Family Trust	Accept in Part	8.2
FS1088.8	600.87	Ross and Judith Young Family Trust	Reject	8.3
FS1088.9	600.88	Ross and Judith Young Family Trust	Reject	8.4
FS1089.10	674.9	McGuinness, Mark	Accept in part	24.3
FS1089.11	674.10	McGuinness, Mark	Accept in part	Report 4B
FS1089.12	674.11	McGuinness, Mark	Accept	27.11
FS1089.13	674.12	McGuinness, Mark	Accept in part	27.12
FS1089.14	674.13	McGuinness, Mark	Accept	27.14
FS1089.15	674.14	McGuinness, Mark	Reject	27.12
FS1089.16	674.15	McGuinness, Mark	Reject	23
FS1089.2	674.1	McGuinness, Mark	Reject	23
FS1089.27	430.8	McGuinness, Mark	Accept in Part	3
FS1089.28	430.9	McGuinness, Mark	Reject	4.1
FS1089.3	674.2	McGuinness, Mark	Accept in part	24.1
FS1089.35	444.1	McGuinness, Mark	Accept in part	24.2
FS1089.36	444.2	McGuinness, Mark	Accept in part	24.3
FS1089.37	444.5	McGuinness, Mark	Reject	28.12
FS1089.4	674.3	McGuinness, Mark	Accept in part	27.1
FS1089.7	674.6	McGuinness, Mark	Accept in part	24.3
FS1089.8	674.7	McGuinness, Mark	Reject	27.10
FS1089.9	674.8	McGuinness, Mark	Accept	27.14
FS1091.19	600.65	Jeremy Bell Investments Limited	Reject	4.6
FS1091.20	600.82	Jeremy Bell Investments Limited	Reject	7.5
FS1091.21	600.83	Jeremy Bell Investments Limited	Accept in Part	7.6
FS1091.22	693.9	Jeremy Bell Investments Limited	Accept	4.11
FS1091.25	706.74	Jeremy Bell Investments Limited	Accept in Part	51.2
FS1091.26	706.78	Jeremy Bell Investments Limited	Reject	51.2
FS1091.27	706.113	Jeremy Bell Investments Limited	Reject	53.6
FS1091.28	706.120	Jeremy Bell Investments Limited	Accept in Part	58
FS1091.32	806.98	Jeremy Bell Investments Limited	Accept in Part	4.1
FS1091.33	806.109	Jeremy Bell Investments Limited	Accept	4.11

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1091.4	373.25	Jeremy Bell Investments Limited	Reject	51.2
FS1091.5	373.37	Jeremy Bell Investments Limited	Accept in Part	51.8
FS1091.6	373.50	Jeremy Bell Investments Limited	Accept in Part	48.4
FS1091.7	373.51	Jeremy Bell Investments Limited	Accept in Part	48.6
FS1091.8	384.21	Jeremy Bell Investments Limited	Accept in Part	Part E
FS1093.1	9.7	T R Currie	Accept in Part	6.23
FS1093.10	105.2	T R Currie	Accept in Part	6.23
FS1093.11	105.3	T R Currie	Accept in Part	6.23
FS1093.12	211.1	T R Currie	Accept in Part	6.23
FS1093.13	211.2	T R Currie	Accept in Part	6.23
FS1093.2	143.1	T R Currie	Accept in Part	6.23
FS1093.4	568.2	T R Currie	Accept in Part	6.23
FS1093.5	568.3	T R Currie	Accept in Part	6.23
FS1093.6	568.4	T R Currie	Accept in Part	6.23
FS1093.7	833.1	T R Currie	Accept in Part	6.23
FS1093.8	56.1	T R Currie	Accept in Part	6.23
FS1093.9	105.1	T R Currie	Accept in Part	6.23
FS1095.26	378.26	Nick Brasington	Reject	19.6
FS1095.29	378.29	Nick Brasington	Accept in Part	48.2
FS1095.30	378.30	Nick Brasington	Accept in Part	51.8
FS1095.37	378.37	Nick Brasington	Accept	Part E
FS1097.1	9.8	Queenstown Park Limited	Accept	46
FS1097.119	271.16	Queenstown Park Limited	Accept in Part	4.20
FS1097.120	271.17	Queenstown Park Limited	Reject	6.26
FS1097.129	285.14	Queenstown Park Limited	Reject	24.3
FS1097.13	45.6	Queenstown Park Limited	Accept in Part	6.4
FS1097.134	290.5	Queenstown Park Limited	Accept in Part	48.6
FS1097.14	45.7	Queenstown Park Limited	Accept in Part	14.2
FS1097.140	307.3	Queenstown Park Limited	Accept in Part	4.40
FS1097.141	313.4	Queenstown Park Limited	Accept in Part	50
FS1097.144	315.6	Queenstown Park Limited	Accept in Part	6.15
FS1097.147	325.3	Queenstown Park Limited	Accept in Part	4.1 - 4.4
FS1097.148	325.5	Queenstown Park Limited	Accept in Part	4.31
FS1097.149	325.6	Queenstown Park Limited	Reject	6
FS1097.152	339.8	Queenstown Park Limited	Accept in Part	51.2
FS1097.158	339.29	Queenstown Park Limited	Accept	3
FS1097.159	339.37	Queenstown Park Limited	Accept in Part	4.14
FS1097.160	339.40	Queenstown Park Limited	Accept	4.24
FS1097.161	339.41	Queenstown Park Limited	Accept in Part	4.26
FS1097.162	339.43	Queenstown Park Limited	Accept	4.33
FS1097.163	339.44	Queenstown Park Limited	Accept in Part	4.34
FS1097.164	339.49	Queenstown Park Limited	Accept	6.27
FS1097.165	339.50	Queenstown Park Limited	Accept in Part	6.27
FS1097.166	339.59	Queenstown Park Limited	Accept	24.2
FS1097.167	339.75	Queenstown Park Limited	Accept	50
FS1097.168	339.78	Queenstown Park Limited	Reject	51.2
FS1097.169	339.80	Queenstown Park Limited	Accept in Part	48.2

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1097.170	339.82	Queenstown Park Limited	Accept in Part	51.2
FS1097.171	339.83	Queenstown Park Limited	Reject	51.2
FS1097.172	339.85	Queenstown Park Limited	Reject	51.2
FS1097.173	339.87	Queenstown Park Limited	Accept in Part	51.3
FS1097.174	339.89	Queenstown Park Limited	Reject	51.4
FS1097.175	339.90	Queenstown Park Limited	Reject	51.4
FS1097.176	339.91	Queenstown Park Limited	Accept in Part	51.4
FS1097.177	339.92	Queenstown Park Limited	Accept in Part	51.4
FS1097.178	339.93	Queenstown Park Limited	Accept in Part	51.8
FS1097.179	339.95	Queenstown Park Limited	Reject	51.8
FS1097.180	339.103	Queenstown Park Limited	Accept in Part	51.9
FS1097.181	339.111	Queenstown Park Limited	Accept	53.4
FS1097.182	339.112	Queenstown Park Limited	Accept	53.4
FS1097.183	339.116	Queenstown Park Limited	Accept in Part	48.7
FS1097.184	339.118	Queenstown Park Limited	Reject	51.5
FS1097.185	339.119	Queenstown Park Limited	Accept	51.6
FS1097.186	339.124	Queenstown Park Limited	Reject	55
FS1097.189	343.4	Queenstown Park Limited	Accept in Part	3
FS1097.190	343.5	Queenstown Park Limited	Accept in Part	4.1
FS1097.191	343.7	Queenstown Park Limited	Accept in Part	4.31
FS1097.192	343.8	Queenstown Park Limited	Accept in Part	4.32
FS1097.198	345.7	Queenstown Park Limited	Accept in Part	3
FS1097.199	345.8	Queenstown Park Limited	Accept in Part	4.1
FS1097.200	345.9	Queenstown Park Limited	Reject	4.2
FS1097.201	345.11	Queenstown Park Limited	Accept in Part	4.32
FS1097.207	355.15	Queenstown Park Limited	Reject	19.1
FS1097.211	356.15	Queenstown Park Limited	Accept in Part	4.4
FS1097.212	356.17	Queenstown Park Limited	Reject	4.4
FS1097.213	356.24	Queenstown Park Limited	Accept in Part	4.33
FS1097.214	368.13	Queenstown Park Limited	Reject	3
FS1097.219	373.19	Queenstown Park Limited	Accept	50
FS1097.22	122.1	Queenstown Park Limited	Reject	3
FS1097.220	373.23	Queenstown Park Limited	Accept	48.2
FS1097.221	373.24	Queenstown Park Limited	Reject	51.2
FS1097.222	373.25	Queenstown Park Limited	Reject	51.2
FS1097.223	373.28	Queenstown Park Limited	Reject	51.2
FS1097.224	373.31	Queenstown Park Limited	Reject	51.4
FS1097.225	373.34	Queenstown Park Limited	Reject	51.4
FS1097.226	373.36	Queenstown Park Limited	Accept in Part	51.4
FS1097.227	373.37	Queenstown Park Limited	Accept in Part	51.8
FS1097.228	373.51	Queenstown Park Limited	Accept in Part	48.6
FS1097.229	373.53	Queenstown Park Limited	Accept in Part	48.7
FS1097.23	122.2	Queenstown Park Limited	Reject	4
FS1097.230	373.54	Queenstown Park Limited	Accept	51.6
FS1097.236	375.16	Queenstown Park Limited	Accept in Part	4.1
FS1097.237	375.18	Queenstown Park Limited	Accept in Part	4.31
FS1097.238	375.19	Queenstown Park Limited	Accept in Part	4.32

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1097.24	122.4	Queenstown Park Limited	Accept in Part	6.15
FS1097.25	145.2	Queenstown Park Limited	Accept in Part	19.5
FS1097.253	378.25	Queenstown Park Limited	Reject	19
FS1097.254	380.58	Queenstown Park Limited	Accept	46
FS1097.255	384.21	Queenstown Park Limited	Accept in Part	Part E
FS1097.26	145.3	Queenstown Park Limited	Accept	19.5
FS1097.266	407.5	Queenstown Park Limited	Accept in Part	3
FS1097.267	407.6	Queenstown Park Limited	Accept in Part	4.1
FS1097.268	407.7	Queenstown Park Limited	Accept in Part	4.17
FS1097.269	407.8	Queenstown Park Limited	Accept in Part	4.31
FS1097.270	407.9	Queenstown Park Limited	Accept in Part	6.17
FS1097.271	407.10	Queenstown Park Limited	Reject	8.4
FS1097.272	407.12	Queenstown Park Limited	Accept in Part	12.2
FS1097.285	430.8	Queenstown Park Limited	Accept in Part	3
FS1097.30	145.10	Queenstown Park Limited	Accept	6.4
FS1097.31	145.11	Queenstown Park Limited	Accept	9.1
FS1097.360	433.74	Queenstown Park Limited	Accept	3
FS1097.361	433.75	Queenstown Park Limited	Accept in Part	4.10
FS1097.362	433.76	Queenstown Park Limited	Accept in Part	4.11
FS1097.363	433.77	Queenstown Park Limited	Accept in Part	4.20
FS1097.364	433.78	Queenstown Park Limited	Reject	4.21
FS1097.365	433.79	Queenstown Park Limited	Accept	4.21
FS1097.366	433.80	Queenstown Park Limited	Reject	4.21
FS1097.367	433.81	Queenstown Park Limited	Reject	4.21
FS1097.368	433.82	Queenstown Park Limited	Reject	4.23
FS1097.369	433.83	Queenstown Park Limited	Accept in Part	2.5
FS1097.370	433.84	Queenstown Park Limited	Accept in Part	2.5
FS1097.371	433.85	Queenstown Park Limited	Accept in Part	6.26
FS1097.372	433.86	Queenstown Park Limited	Accept in Part	6.26
FS1097.374	433.88	Queenstown Park Limited	Accept in Part	2.5
FS1097.376	433.90	Queenstown Park Limited	Reject	7.12
FS1097.377	433.91	Queenstown Park Limited	Reject	7.13
FS1097.379	433.93	Queenstown Park Limited	Reject	19.1
FS1097.40	145.25	Queenstown Park Limited	Accept	6.8
FS1097.421	439.2	Queenstown Park Limited	Accept in Part	51.5
FS1097.436	463.2	Queenstown Park Limited	Accept	4.24
FS1097.468	515.20	Queenstown Park Limited	Accept in Part	4.1
FS1097.469	515.21	Queenstown Park Limited	Reject	4.2
FS1097.470	515.23	Queenstown Park Limited	Reject	19.5
FS1097.471	515.24	Queenstown Park Limited	Reject	19.5
FS1097.472	515.25	Queenstown Park Limited	Reject	19.5
FS1097.49	167.3	Queenstown Park Limited	Accept	14.2
FS1097.523	572.4	Queenstown Park Limited	Accept in Part	53.3
FS1097.533	598.26	Queenstown Park Limited	Accept	19.1
FS1097.538	600.62	Queenstown Park Limited	Reject	4.4
FS1097.539	600.114	Queenstown Park Limited	Accept in Part	50
FS1097.540	600.124	Queenstown Park Limited	Reject	51.4

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FS1097.543	600.123	Queenstown Park Limited	Reject	51.4
FS1097.556	607.29	Queenstown Park Limited	Accept in Part	4.40
FS1097.557	607.30	Queenstown Park Limited	Reject	4
FS1097.559	607.36	Queenstown Park Limited	Reject	6.26
FS1097.560	607.37	Queenstown Park Limited	Accept in Part	6.23
FS1097.570	608.57	Queenstown Park Limited	Accept in Part	4.1
FS1097.571	608.58	Queenstown Park Limited	Reject	4.2
FS1097.572	608.59	Queenstown Park Limited	Reject	4.3
FS1097.573	608.60	Queenstown Park Limited	Accept in Part	4.32
FS1097.574	608.61	Queenstown Park Limited	Accept in Part	4.33
FS1097.575	608.62	Queenstown Park Limited	Accept in Part	4.34
FS1097.576	608.72	Queenstown Park Limited	Reject	19.1
FS1097.577	608.73	Queenstown Park Limited	Accept in Part	19.3
FS1097.582	610.5	Queenstown Park Limited	Accept in Part	3
FS1097.583	610.6	Queenstown Park Limited	Reject	5
FS1097.584	610.10	Queenstown Park Limited	Accept in Part	4.17
FS1097.585	610.11	Queenstown Park Limited	Accept in Part	4.17
FS1097.590	613.5	Queenstown Park Limited	Accept in Part	3
FS1097.591	613.10	Queenstown Park Limited	Accept in Part	4.17
FS1097.592	613.11	Queenstown Park Limited	Accept in Part	4.17
FS1097.594	613.6	Queenstown Park Limited	Reject	5
FS1097.603	615.32	Queenstown Park Limited	Reject	6.2
FS1097.608	621.60	Queenstown Park Limited	Accept in Part	4.1
FS1097.609	621.63	Queenstown Park Limited	Accept in Part	4.11
FS1097.613	621.70	Queenstown Park Limited	Accept in Part	4.40
FS1097.614	621.86	Queenstown Park Limited	Accept in Part	14
FS1097.617	621.71	Queenstown Park Limited	Reject	4.42
FS1097.618	621.72	Queenstown Park Limited	Reject	4.43
FS1097.620	621.91	Queenstown Park Limited	Reject	14.7
FS1097.622	624.24	Queenstown Park Limited	Reject	4.2
FS1097.646	636.7	Queenstown Park Limited	Accept in Part	4.31
FS1097.647	636.8	Queenstown Park Limited	Reject	6.2
FS1097.650	671.4	Queenstown Park Limited	Accept in Part	4.24
FS1097.658	636.8	Queenstown Park Limited	Reject	6.2
FS1097.660	693.11	Queenstown Park Limited	Accept in Part	4.31
FS1097.663	701.10	Queenstown Park Limited	Reject	8.1
FS1097.664	701.12	Queenstown Park Limited	Accept	8.2
FS1097.665	701.13	Queenstown Park Limited	Reject	17
FS1097.67	217.20	Queenstown Park Limited	Accept in Part	4.31
FS1097.670	706.27	Queenstown Park Limited	Accept	4.9
FS1097.671	706.36	Queenstown Park Limited	Accept in Part	4.34
FS1097.672	706.41	Queenstown Park Limited	Accept	6.27
FS1097.673	706.74	Queenstown Park Limited	Accept in Part	51.2
FS1097.674	706.82	Queenstown Park Limited	Reject	51.4
FS1097.675	706.83	Queenstown Park Limited	Accept in Part	51.4
FS1097.676	706.85	Queenstown Park Limited	Accept in Part	51.8
FS1097.677	706.95	Queenstown Park Limited	Accept in Part	51.9

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FS1097.678	706.103	Queenstown Park Limited	Accept	53.4
FS1097.679	706.104	Queenstown Park Limited	Accept	53.4
FS1097.680	706.105	Queenstown Park Limited	Accept in Part	48.6
FS1097.681	706.108	Queenstown Park Limited	Accept in Part	48.7
FS1097.682	706.110	Queenstown Park Limited	Reject	51.5
FS1097.683	706.113	Queenstown Park Limited	Reject	53.6
FS1097.684	706.116	Queenstown Park Limited	Reject	55
FS1097.709	784.14	Queenstown Park Limited	Accept in Part	51.8
FS1097.710	784.16	Queenstown Park Limited	Accept in Part	48.4
FS1097.714	788.1	Queenstown Park Limited	Accept	51.4
FS1097.715	798.3	Queenstown Park Limited	Accept	6
FS1097.721	809.19	Queenstown Park Limited	Accept	51.6
FS1097.729	430.16	Queenstown Park Limited	Accept in Part	4.31
FS1097.730	430.17	Queenstown Park Limited	Accept in Part	4.32
FS1097.731	430.18	Queenstown Park Limited	Accept in Part	4.33
FS1097.732	430.19	Queenstown Park Limited	Accept in Part	4.34
FS1097.765	437.36	Queenstown Park Limited	Accept in Part	3
FS1097.766	437.37	Queenstown Park Limited	Accept in Part	4.1
FS1097.767	437.38	Queenstown Park Limited	Accept in Part	4.3
FS1097.768	437.39	Queenstown Park Limited	Accept in Part	4.4
FS1097.769	437.40	Queenstown Park Limited	Reject	4.4
FS1097.77	238.128	Queenstown Park Limited	Accept	3
FS1097.770	437.41	Queenstown Park Limited	Accept in Part	4.31
FS1097.771	437.42	Queenstown Park Limited	Accept in Part	4.32
FS1097.78	238.129	Queenstown Park Limited	Accept	6.8
FS1097.8	19.22	Queenstown Park Limited	Accept in Part	Part B
FS1097.81	243.21	Queenstown Park Limited	Accept in Part	4.17
FS1097.85	248.18	Queenstown Park Limited	Accept in Part	4.25
FS1097.86	248.19	Queenstown Park Limited	Accept in Part	4.26
FS1097.94	251.7	Queenstown Park Limited	Reject	19.1
FS1097.95	251.8	Queenstown Park Limited	Reject	19.3
FS1097.96	251.9	Queenstown Park Limited	Reject	19.6
FS1097.97	251.10	Queenstown Park Limited	Reject	19.8
FS1099.8	430.8	Thomas, Brendon and Katrina	Accept in Part	3
FS1099.9	430.9	Thomas, Brendon and Katrina	Reject	4.1
FS1102.14	501.14	Cranfield, Bob and Justine	Accept	8.3
FS1105.24	615.24	Cardrona Valley Residents and Ratepayers Society Inc	Accept in Part	3
FS1105.26	615.26	Cardrona Valley Residents and Ratepayers Society Inc	Reject	4.17
FS1105.27	615.27	Cardrona Valley Residents and Ratepayers Society Inc	Accept in Part	4.18
FS1105.28	615.28	Cardrona Valley Residents and Ratepayers Society Inc	Accept	4.18
FS1105.29	615.29	Cardrona Valley Residents and Ratepayers Society Inc	Reject	4.17

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FS1105.30	615.30	Cardrona Valley Residents and Ratepayers Society Inc	Reject	12.1
FS1105.31	615.31	Cardrona Valley Residents and Ratepayers Society Inc	Reject	12.1
FS1105.32	615.32	Cardrona Valley Residents and Ratepayers Society Inc	Reject	6.2
FS1105.33	615.33	Cardrona Valley Residents and Ratepayers Society Inc	Reject	6.17
FS1105.34	615.34	Cardrona Valley Residents and Ratepayers Society Inc	Accept in Part	6.18
FS1105.35	615.35	Cardrona Valley Residents and Ratepayers Society Inc	Reject	6.18
FS1107.114	238.109	Man Street Properties Ltd	Reject	39
FS1107.115	238.110	Man Street Properties Ltd	Accept in part	42.4
FS1107.116	238.111	Man Street Properties Ltd	Accept in part	42.5
FS1107.117	238.112	Man Street Properties Ltd	Accept in part	43.1
FS1107.125	238.120	Man Street Properties Ltd	Reject	23
FS1107.126	238.121	Man Street Properties Ltd	Accept in part	24.2
FS1107.127	238.122	Man Street Properties Ltd	Accept	24.2
FS1107.128	238.123	Man Street Properties Ltd	Reject	24.3
FS1107.129	238.124	Man Street Properties Ltd	Accept	27.4
FS1107.130	238.125	Man Street Properties Ltd	Accept	27.8
FS1107.131	238.126	Man Street Properties Ltd	Accept	28.2
FS1107.133	238.128	Man Street Properties Ltd	Accept	3
FS1107.134	238.129	Man Street Properties Ltd	Accept	6.8
FS1107.135	238.130	Man Street Properties Ltd	Accept	6.13
FS1107.136	238.131	Man Street Properties Ltd	Accept in Part	6.14
FS1107.137	238.132	Man Street Properties Ltd	Accept in Part	6.23
FS1107.138	238.133	Man Street Properties Ltd	Accept	13.1
FS1109.1	38.2	Bunn, Phillip	Chapter 27	7.1
FS1115.6	621.70	Queenstown Wharves Limited	Accept in Part	4.40
FS1115.7	621.86	Queenstown Wharves Limited	Accept in Part	14
FS1115.8	621.87	Queenstown Wharves Limited	Reject	14.2
FS1115.9	621.91	Queenstown Wharves Limited	Reject	14.7
FS1117.123	433.74	Remarkables Park Limited	Accept	3
FS1117.124	433.75	Remarkables Park Limited	Accept in Part	4.10
FS1117.125	433.76	Remarkables Park Limited	Accept in Part	4.11
FS1117.126	433.77	Remarkables Park Limited	Accept in Part	4.20
FS1117.127	433.78	Remarkables Park Limited	Reject	4.21
FS1117.128	433.79	Remarkables Park Limited	Accept	4.21
FS1117.129	433.80	Remarkables Park Limited	Reject	4.21
FS1117.130	433.81	Remarkables Park Limited	Reject	4.21
FS1117.131	433.82	Remarkables Park Limited	Reject	4.23
FS1117.132	433.83	Remarkables Park Limited	Accept in Part	2.5
FS1117.133	433.84	Remarkables Park Limited	Accept in Part	2.5
FS1117.134	433.85	Remarkables Park Limited	Accept in Part	6.26
FS1117.135	433.86	Remarkables Park Limited	Reject	6.26

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1117.137	433.88	Remarkables Park Limited	Accept in Part	2.5
FS1117.139	433.90	Remarkables Park Limited	Reject	7.12
FS1117.14	243.21	Remarkables Park Limited	Accept in Part	4.17
FS1117.140	433.91	Remarkables Park Limited	Reject	7.13
FS1117.186	433.93	Remarkables Park Limited	Reject	19.1
FS1117.233	598.26	Remarkables Park Limited	Accept	19.1
FS1117.261	621.86	Remarkables Park Limited	Accept in Part	14
FS1117.262	621.87	Remarkables Park Limited	Reject	14.2
FS1117.36	271.16	Remarkables Park Limited	Accept in Part	4.20
FS1117.37	271.17	Remarkables Park Limited	Reject	6.26
FS1121.12	251.9	Aurora Energy Limited	Reject	19.6
FS1121.46	339.90	Aurora Energy Limited	Reject	51.4
FS1121.47	339.111	Aurora Energy Limited	Accept	53.4
FS1125.17	763.3	New Zealand Fire Service	Accept in part	24.3
FS1125.6	524.35	New Zealand Fire Service	Reject	4.55
FS1129.9	430.9	Hill, Graeme - represented by Graeme Todd GTOOD LAW	Reject	4.1
FS1132.13	238.128	Federated Farmers of New Zealand	Reject	3
FS1132.18	339.92	Federated Farmers of New Zealand	Accept in Part	51.4
FS1132.19	339.100	Federated Farmers of New Zealand	Reject	51.8
FS1132.20	339.120	Federated Farmers of New Zealand	Accept in Part	51.7
FS1132.21	339.126	Federated Farmers of New Zealand	Accept in Part	58
FS1132.24	373.25	Federated Farmers of New Zealand	Reject	51.2
FS1132.25	373.35	Federated Farmers of New Zealand	Accept	51.4
FS1132.26	373.37	Federated Farmers of New Zealand	Accept in Part	51.8
FS1132.27	373.51	Federated Farmers of New Zealand	Accept in Part	48.6
FS1132.28	373.54	Federated Farmers of New Zealand	Accept	51.6
FS1132.33	607.35	Federated Farmers of New Zealand	Accept in Part	4.37
FS1132.49	701.6	Federated Farmers of New Zealand	Reject	4.2
FS1132.53	706.21	Federated Farmers of New Zealand	Accept	3
FS1132.54	706.43	Federated Farmers of New Zealand	Accept in Part	7
FS1132.55	706.85	Federated Farmers of New Zealand	Accept in Part	51.8

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1132.56	706.87	Federated Farmers of New Zealand	Reject	51.8
FS1132.57	706.92	Federated Farmers of New Zealand	Accept in Part	51.8
FS1132.58	706.95	Federated Farmers of New Zealand	Accept in Part	51.9
FS1132.59	706.105	Federated Farmers of New Zealand	Accept	48.6
FS1132.60	706.106	Federated Farmers of New Zealand	Accept	48.6
FS1132.61	788.1	Federated Farmers of New Zealand	Accept	51.4
FS1132.62	798.7	Federated Farmers of New Zealand	Accept in Part	7.7
FS1132.63	805.53	Federated Farmers of New Zealand	Accept	3
FS1132.64	805.56	Federated Farmers of New Zealand	Accept	4.10
FS1133.10	430.9	Blair, John - represented by Graeme Todd GTOODD LAW	Reject	4.1
FS1133.9	430.8	Blair, John - represented by Graeme Todd GTOODD LAW	Accept in Part	3
FS1137.25	615.24	Curtis, Kay	Accept in Part	3
FS1137.27	615.26	Curtis, Kay	Reject	4.17
FS1137.28	615.27	Curtis, Kay	Accept in Part	4.18
FS1137.29	615.28	Curtis, Kay	Accept	4.18
FS1137.30	615.29	Curtis, Kay	Reject	4.17
FS1137.31	615.30	Curtis, Kay	Reject	12.1
FS1137.32	615.31	Curtis, Kay	Reject	12.1
FS1137.33	615.32	Curtis, Kay	Reject	6.2
FS1137.34	615.33	Curtis, Kay	Reject	6.17
FS1137.35	615.34	Curtis, Kay	Accept in Part	6.18
FS1137.36	615.35	Curtis, Kay	Reject	6.18
FS1146.1	674.1	Nicolson, Lee	Reject	23
FS1146.10	674.10	Nicolson, Lee	Accept in part	Report 4B
FS1146.11	674.11	Nicolson, Lee	Accept	27.11
FS1146.12	674.12	Nicolson, Lee	Accept in part	27.12
FS1146.13	674.13	Nicolson, Lee	Accept	27.14
FS1146.14	674.14	Nicolson, Lee	Reject	27.12
FS1146.15	674.15	Nicolson, Lee	Reject	23
FS1146.16	675.1	Nicolson, Lee	Accept in Part	Part B
FS1146.2	674.2	Nicolson, Lee	Accept in part	24.1
FS1146.26	430.8	Nicolson, Lee	Accept in Part	3
FS1146.27	430.9	Nicolson, Lee	Reject	4.1
FS1146.3	674.3	Nicolson, Lee	Accept in part	27.1
FS1146.6	674.6	Nicolson, Lee	Accept in part	24.3
FS1146.7	674.7	Nicolson, Lee	Reject	27.10

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1146.8	674.8	Nicolson, Lee	Accept	27.14
FS1146.9	674.9	Nicolson, Lee	Accept in part	24.3
FS1150.10	350.5	ORFEL Limited	Reject	28.6
FS1150.11	367.2	ORFEL Limited	Accept in part	28.6
FS1150.12	367.4	ORFEL Limited	Accept	28.9
FS1150.14	368.2	ORFEL Limited	Accept	24.2
FS1150.2	238.122	ORFEL Limited	Accept	24.2
FS1150.3	238.124	ORFEL Limited	Accept	27.4
FS1150.5	811.5	ORFEL Limited	Accept in part	27.12
FS1150.6	811.7	ORFEL Limited	Accept	28.3
FS1150.7	811.9	ORFEL Limited	Accept	28.5
FS1150.8	243.8	ORFEL Limited	Reject	24.2
FS1150.9	706.51	ORFEL Limited	Accept	24.2
FS1152.11	758.1	Kawarau Jet Services Holdings Ltd	Accept in Part	4.40
FS1152.12	766.18	Kawarau Jet Services Holdings Ltd	Reject	4.40
FS1152.13	766.30	Kawarau Jet Services Holdings Ltd	Accept in Part	14.2
FS1152.14	806.130	Kawarau Jet Services Holdings Ltd	Reject	4.48
FS1152.15	806.131	Kawarau Jet Services Holdings Ltd	Reject	4.50
FS1152.7	621.58	Kawarau Jet Services Holdings Ltd	Accept in Part	4.24
FS1152.8	621.69	Kawarau Jet Services Holdings Ltd	Accept in Part	4.34
FS1152.9	621.75	Kawarau Jet Services Holdings Ltd	Reject	4.49
FS1153.1	610.11	Mount Cardrona Station Ltd	Accept in Part	4.17
FS1153.3	610.14	Mount Cardrona Station Ltd	Accept in Part	12.6
FS1154.10	608.61	Hogans Gully Farm Ltd	Accept in Part	4.33
FS1154.5	122.1	Hogans Gully Farm Ltd	Reject	3
FS1154.6	122.2	Hogans Gully Farm Ltd	Accept in Part	4
FS1154.9	608.60	Hogans Gully Farm Ltd	Accept in Part	4.32
FS1155.2	238.110	Mt Rosa Wines Ltd	Accept in part	42.4
FS1155.3	490.1	Mt Rosa Wines Ltd	Accept in part	42.6
FS1157.28	238.128	Trojan Helmet Ltd	Accept	3
FS1157.29	238.129	Trojan Helmet Ltd	Accept	6.8
FS1157.30	238.130	Trojan Helmet Ltd	Accept	6.13
FS1157.31	238.131	Trojan Helmet Ltd	Accept in Part	6.14
FS1157.32	238.132	Trojan Helmet Ltd	Accept in Part	6.23
FS1157.33	238.133	Trojan Helmet Ltd	Accept	13.1
FS1157.35	238.120	Trojan Helmet Ltd	Reject	23
FS1157.36	238.121	Trojan Helmet Ltd	Accept in part	24.2
FS1157.37	238.122	Trojan Helmet Ltd	Accept	24.2
FS1157.38	238.123	Trojan Helmet Ltd	Reject	24.3
FS1157.39	238.124	Trojan Helmet Ltd	Accept	27.4
FS1157.40	238.125	Trojan Helmet Ltd	Accept	27.8
FS1157.41	238.126	Trojan Helmet Ltd	Accept	28.2
FS1157.52	146.1	Trojan Helmet Ltd	Accept in part	28.2
FS1157.56	444.4	Trojan Helmet Ltd	Accept in part	28.2
FS1157.57	534.26	Trojan Helmet Ltd	Accept in part	28.2
FS1157.58	534.27	Trojan Helmet Ltd	Reject	28.4
FS1157.60	29.1	Trojan Helmet Ltd	Accept in part	28.2

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1157.61	368.3	Trojan Helmet Ltd	Reject	28.4
FS1157.62	368.4	Trojan Helmet Ltd	Accept in part	28.2
FS1158.1	122.1	ZJV (NZ) Ltd	Reject	3
FS1158.2	122.2	ZJV (NZ) Ltd	Accept in Part	4
FS1158.5	608.60	ZJV (NZ) Ltd	Accept in Part	4.32
FS1158.6	608.61	ZJV (NZ) Ltd	Accept in Part	4.33
FS1160.21	437.36	Otago Regional Council	Accept in Part	3
FS1160.22	437.37	Otago Regional Council	Reject	4.1
FS1160.23	437.40	Otago Regional Council	Reject	4.4
FS1162.10	145.10	Cooper, James Wilson - represented by GTODD Law	Accept	6.4
FS1162.100	706.46	Cooper, James Wilson - represented by GTODD Law	Accept in Part	8.1
FS1162.101	706.47	Cooper, James Wilson - represented by GTODD Law	Accept	8.2
FS1162.102	706.48	Cooper, James Wilson - represented by GTODD Law	Accept	8.3
FS1162.103	706.49	Cooper, James Wilson - represented by GTODD Law	Accept	8.4
FS1162.104	706.50	Cooper, James Wilson - represented by GTODD Law	Accept	23
FS1162.105	706.51	Cooper, James Wilson - represented by GTODD Law	Accept	24.2
FS1162.106	706.52	Cooper, James Wilson - represented by GTODD Law	Accept	27.4
FS1162.11	145.11	Cooper, James Wilson - represented by GTODD Law	Accept	9.1
FS1162.110	706.56	Cooper, James Wilson - represented by GTODD Law	Reject	28.7
FS1162.119	706.65	Cooper, James Wilson - represented by GTODD Law	Accept in Part	50
FS1162.120	706.66	Cooper, James Wilson - represented by GTODD Law	Accept in Part	50
FS1162.121	706.67	Cooper, James Wilson - represented by GTODD Law	Accept in Part	50
FS1162.122	706.68	Cooper, James Wilson - represented by GTODD Law	Accept in Part	50
FS1162.123	706.69	Cooper, James Wilson - represented by GTODD Law	Reject	48.2
FS1162.124	706.70	Cooper, James Wilson - represented by GTODD Law	Reject	51.2
FS1162.125	706.71	Cooper, James Wilson - represented by GTODD Law	Accept	48.2
FS1162.126	706.72	Cooper, James Wilson - represented by GTODD Law	Accept	48.2
FS1162.127	706.73	Cooper, James Wilson - represented by GTODD Law	Reject	51.2

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1162.128	706.74	Cooper, James Wilson - represented by GTODD Law	Accept in Part	51.2
FS1162.129	706.75	Cooper, James Wilson - represented by GTODD Law	Accept	51.2
FS1162.13	145.13	Cooper, James Wilson - represented by GTODD Law	Accept	19
FS1162.130	706.76	Cooper, James Wilson - represented by GTODD Law	Reject	51.2
FS1162.131	706.77	Cooper, James Wilson - represented by GTODD Law	Reject	51.2
FS1162.132	706.78	Cooper, James Wilson - represented by GTODD Law	Reject	51.2
FS1162.133	706.79	Cooper, James Wilson - represented by GTODD Law	Accept in Part	48.2
FS1162.134	706.80	Cooper, James Wilson - represented by GTODD Law	Accept in Part	51.4
FS1162.135	706.81	Cooper, James Wilson - represented by GTODD Law	Reject	51.4
FS1162.136	706.82	Cooper, James Wilson - represented by GTODD Law	Reject	51.4
FS1162.137	706.83	Cooper, James Wilson - represented by GTODD Law	Reject	51.4
FS1162.138	706.84	Cooper, James Wilson - represented by GTODD Law	Accept in Part	51.4
FS1162.139	706.85	Cooper, James Wilson - represented by GTODD Law	Accept in Part	51.8
FS1162.140	706.86	Cooper, James Wilson - represented by GTODD Law	Accept	51.8
FS1162.141	706.87	Cooper, James Wilson - represented by GTODD Law	Reject	51.8
FS1162.142	706.88	Cooper, James Wilson - represented by GTODD Law	Accept in Part	51.8
FS1162.143	706.89	Cooper, James Wilson - represented by GTODD Law	Reject	51.8
FS1162.144	706.90	Cooper, James Wilson - represented by GTODD Law	Accept in Part	51.8
FS1162.145	706.91	Cooper, James Wilson - represented by GTODD Law	Accept in Part	51.8
FS1162.146	706.92	Cooper, James Wilson - represented by GTODD Law	Reject	51.8
FS1162.147	706.93	Cooper, James Wilson - represented by GTODD Law	Accept	51.8
FS1162.148	706.94	Cooper, James Wilson - represented by GTODD Law	Reject	51.9
FS1162.149	706.95	Cooper, James Wilson - represented by GTODD Law	Accept in Part	51.9
FS1162.150	706.96	Cooper, James Wilson - represented by GTODD Law	Reject	51.9

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1162.151	706.97	Cooper, James Wilson - represented by GTODD Law	Accept in Part	53.2
FS1162.152	706.98	Cooper, James Wilson - represented by GTODD Law	Reject	48.4
FS1162.153	706.99	Cooper, James Wilson - represented by GTODD Law	Reject	48.4
FS1162.154	706.100	Cooper, James Wilson - represented by GTODD Law	Reject	48.4
FS1162.155	706.101	Cooper, James Wilson - represented by GTODD Law	Accept	48.4
FS1162.156	706.102	Cooper, James Wilson - represented by GTODD Law	Reject	53.4
FS1162.157	706.103	Cooper, James Wilson - represented by GTODD Law	Accept	53.4
FS1162.158	706.104	Cooper, James Wilson - represented by GTODD Law	Accept in Part	53.4
FS1162.159	706.105	Cooper, James Wilson - represented by GTODD Law	Accept in Part	48.6
FS1162.160	706.106	Cooper, James Wilson - represented by GTODD Law	Accept	48.6
FS1162.161	706.107	Cooper, James Wilson - represented by GTODD Law	Reject	48.6
FS1162.162	706.108	Cooper, James Wilson - represented by GTODD Law	Accept in Part	48.7
FS1162.163	706.109	Cooper, James Wilson - represented by GTODD Law	Reject	48.5
FS1162.164	706.110	Cooper, James Wilson - represented by GTODD Law	Reject	51.5
FS1162.165	706.111	Cooper, James Wilson - represented by GTODD Law	Accept	51.6
FS1162.166	706.112	Cooper, James Wilson - represented by GTODD Law	Reject	51.7
FS1162.167	706.113	Cooper, James Wilson - represented by GTODD Law	Reject	53.6
FS1162.168	706.114	Cooper, James Wilson - represented by GTODD Law	Reject	54
FS1162.169	706.115	Cooper, James Wilson - represented by GTODD Law	Accept	48.3
FS1162.170	706.116	Cooper, James Wilson - represented by GTODD Law	Reject	55
FS1162.171	706.117	Cooper, James Wilson - represented by GTODD Law	Accept in Part	Part E
FS1162.172	706.118	Cooper, James Wilson - represented by GTODD Law	Accept in Part	58
FS1162.173	706.119	Cooper, James Wilson - represented by GTODD Law	Accept	58
FS1162.174	706.120	Cooper, James Wilson - represented by GTODD Law	Reject	58

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1162.2	145.2	Cooper, James Wilson - represented by GTODD Law	Accept in Part	19.5
FS1162.25	145.25	Cooper, James Wilson - represented by GTODD Law	Accept	6.8
FS1162.3	145.3	Cooper, James Wilson - represented by GTODD Law	Reject	19.5
FS1162.41	701.6	Cooper, James Wilson - represented by GTODD Law	Reject	4.2
FS1162.42	701.7	Cooper, James Wilson - represented by GTODD Law	Reject	7.5
FS1162.43	701.8	Cooper, James Wilson - represented by GTODD Law	Reject	7.6
FS1162.44	701.9	Cooper, James Wilson - represented by GTODD Law	Reject	8
FS1162.45	701.10	Cooper, James Wilson - represented by GTODD Law	Reject	8.1
FS1162.46	701.11	Cooper, James Wilson - represented by GTODD Law	Reject	8
FS1162.47	701.12	Cooper, James Wilson - represented by GTODD Law	Reject	8.2
FS1162.48	701.13	Cooper, James Wilson - represented by GTODD Law	Reject	17
FS1162.49	701.14	Cooper, James Wilson - represented by GTODD Law	Reject	51.2
FS1162.50	701.15	Cooper, James Wilson - represented by GTODD Law	Reject	51.2
FS1162.51	701.16	Cooper, James Wilson - represented by GTODD Law	Accept in Part	51.8
FS1162.52	701.17	Cooper, James Wilson - represented by GTODD Law	Reject	48.6
FS1162.53	701.18	Cooper, James Wilson - represented by GTODD Law	Reject	53.3
FS1162.54	701.19	Cooper, James Wilson - represented by GTODD Law	Accept	48.7
FS1162.7	145.7	Cooper, James Wilson - represented by GTODD Law	Accept	6.7
FS1162.75	706.21	Cooper, James Wilson - represented by GTODD Law	Accept	3
FS1162.76	706.22	Cooper, James Wilson - represented by GTODD Law	Reject	4.1
FS1162.77	706.23	Cooper, James Wilson - represented by GTODD Law	Reject	4.2
FS1162.78	706.24	Cooper, James Wilson - represented by GTODD Law	Accept	4.4
FS1162.79	706.25	Cooper, James Wilson - represented by GTODD Law	Accept	4.9
FS1162.8	145.8	Cooper, James Wilson - represented by GTODD Law	Accept	6.8

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1162.80	706.26	Cooper, James Wilson - represented by GTODD Law	Reject	4.8
FS1162.81	706.27	Cooper, James Wilson - represented by GTODD Law	Accept	4.9
FS1162.82	706.28	Cooper, James Wilson - represented by GTODD Law	Reject	4.13
FS1162.83	706.29	Cooper, James Wilson - represented by GTODD Law	Accept in Part	4.14
FS1162.84	706.30	Cooper, James Wilson - represented by GTODD Law	Accept in Part	4.22
FS1162.85	706.31	Cooper, James Wilson - represented by GTODD Law	Accept	4.23
FS1162.86	706.32	Cooper, James Wilson - represented by GTODD Law	Accept	4.24
FS1162.87	706.33	Cooper, James Wilson - represented by GTODD Law	Accept	4.26
FS1162.88	706.34	Cooper, James Wilson - represented by GTODD Law	Accept in Part	4.27
FS1162.89	706.35	Cooper, James Wilson - represented by GTODD Law	Accept in Part	4.33
FS1162.90	706.36	Cooper, James Wilson - represented by GTODD Law	Accept in Part	4.34
FS1162.91	706.37	Cooper, James Wilson - represented by GTODD Law	Accept	4.40
FS1162.92	706.38	Cooper, James Wilson - represented by GTODD Law	Reject	4.44
FS1162.93	706.39	Cooper, James Wilson - represented by GTODD Law	Reject	4.45
FS1162.94	706.40	Cooper, James Wilson - represented by GTODD Law	Accept	6.20
FS1162.95	706.41	Cooper, James Wilson - represented by GTODD Law	Accept	6.27
FS1162.96	706.42	Cooper, James Wilson - represented by GTODD Law	Accept in Part	6.27
FS1162.97	706.43	Cooper, James Wilson - represented by GTODD Law	Accept in Part	7
FS1162.98	706.44	Cooper, James Wilson - represented by GTODD Law	Reject	7.4
FS1162.99	706.45	Cooper, James Wilson - represented by GTODD Law	Accept	7.7
FS1203.1	236.1	Queenstown Congregation of Jehovah's Witnesses	Reject	Part C
FS1203.2	236.2	Queenstown Congregation of Jehovah's Witnesses	Reject	27.11
FS1203.3	236.3	Queenstown Congregation of Jehovah's Witnesses	Reject	27.14
FS1203.4	236.4	Queenstown Congregation of Jehovah's Witnesses	Accept in part	27.10

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1203.5	236.5	Queenstown Congregation of Jehovah's Witnesses	Accept in part	24.3
FS1206.5	360.1	Williamson, Skipp - represented by Vivian Espie	Accept in part	Part C
FS1209.114	600.114	Burdon, Richard	Accept in Part	50
FS1209.115	600.115	Burdon, Richard	Reject	48.2
FS1209.116	600.116	Burdon, Richard	Accept in Part	51.2
FS1209.117	600.117	Burdon, Richard	Reject	48.2
FS1209.118	600.118	Burdon, Richard	Accept in Part	48.2
FS1209.119	600.119	Burdon, Richard	Reject	51.2
FS1209.120	600.120	Burdon, Richard	Accept	51.2
FS1209.121	600.121	Burdon, Richard	Accept in Part	51.2
FS1209.122	600.122	Burdon, Richard	Accept in Part	51.2
FS1209.123	600.123	Burdon, Richard	Reject	51.4
FS1209.124	600.124	Burdon, Richard	Reject	51.4
FS1209.125	600.125	Burdon, Richard	Accept in Part	51.4
FS1209.126	600.126	Burdon, Richard	Accept in Part	51.8
FS1209.127	600.127	Burdon, Richard	Accept in Part	51.8
FS1209.128	600.128	Burdon, Richard	Accept in Part	51.8
FS1209.129	600.129	Burdon, Richard	Accept in Part	51.8
FS1209.130	600.130	Burdon, Richard	Accept	51.8
FS1209.131	600.131	Burdon, Richard	Accept in Part	48.4
FS1209.132	600.132	Burdon, Richard	Accept	48.6
FS1209.133	600.133	Burdon, Richard	Accept	53.4
FS1209.134	600.134	Burdon, Richard	Accept	53.4
FS1209.135	600.135	Burdon, Richard	Accept	53.4
FS1209.136	600.136	Burdon, Richard	Accept	48.7
FS1209.137	600.137	Burdon, Richard	Reject	51.7
FS1209.138	600.138	Burdon, Richard	Accept in Part	48.7
FS1209.139	600.139	Burdon, Richard	Reject	58
FS1209.140	600.140	Burdon, Richard	Accept	58
FS1209.141	600.141	Burdon, Richard	Accept in Part	58
FS1209.55	600.55	Burdon, Richard	Accept	3
FS1209.56	600.56	Burdon, Richard	Accept in Part	4.1
FS1209.57	600.57	Burdon, Richard	Accept	4.2
FS1209.58	600.58	Burdon, Richard	Accept in Part	4.3
FS1209.59	600.59	Burdon, Richard	Accept	4.4
FS1209.60	600.60	Burdon, Richard	Accept in Part	4.4
FS1209.61	600.61	Burdon, Richard	Accept	4.4
FS1209.62	600.62	Burdon, Richard	Reject	4.4
FS1209.63	600.63	Burdon, Richard	Accept	4.6
FS1209.64	600.64	Burdon, Richard	Accept	4.6
FS1209.65	600.65	Burdon, Richard	Reject	4.6
FS1209.66	600.66	Burdon, Richard	Accept in Part	4.7
FS1209.67	600.67	Burdon, Richard	Reject	4.8
FS1209.68	600.68	Burdon, Richard	Accept in Part	4.10
FS1209.69	600.69	Burdon, Richard	Accept in Part	4.11

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1209.70	600.70	Burdon, Richard	Accept in Part	4.11
FS1209.71	600.71	Burdon, Richard	Accept in Part	4.24
FS1209.72	600.72	Burdon, Richard	Accept	4.29
FS1209.73	600.73	Burdon, Richard	Accept in Part	4.32
FS1209.74	600.74	Burdon, Richard	Accept in Part	4.31
FS1209.75	600.75	Burdon, Richard	Accept in Part	4.34
FS1209.76	600.76	Burdon, Richard	Accept in Part	4.36
FS1209.77	600.77	Burdon, Richard	Accept in Part	4.40
FS1209.78	600.78	Burdon, Richard	Accept	6.3
FS1209.79	600.79	Burdon, Richard	Accept	7.1
FS1209.80	600.80	Burdon, Richard	Accept in Part	7.2
FS1209.81	600.81	Burdon, Richard	Accept	7.4
FS1209.82	600.82	Burdon, Richard	Accept in Part	7.5
FS1209.83	600.83	Burdon, Richard	Accept in Part	7.6
FS1209.84	600.84	Burdon, Richard	Accept	7.7
FS1209.85	600.85	Burdon, Richard	Accept in Part	8.1
FS1209.86	600.86	Burdon, Richard	Accept in Part	8.2
FS1209.87	600.87	Burdon, Richard	Accept	8.3
FS1209.88	600.88	Burdon, Richard	Accept	8.4
FS1209.89	600.89	Burdon, Richard	Reject	9.1
FS1209.90	600.90	Burdon, Richard	Reject	9.2
FS1209.91	600.91	Burdon, Richard	Accept	9.3
FS1209.92	600.92	Burdon, Richard	Accept in Part	6.23
FS1209.93	600.93	Burdon, Richard	Accept in Part	6.23
FS1209.94	600.94	Burdon, Richard	Accept	17
FS1209.95	600.95	Burdon, Richard	Accept in part	24.3
FS1209.96	600.96	Burdon, Richard	Accept in part	24.3
FS1209.97	600.97	Burdon, Richard	Accept in part	24.5
FS1209.98	600.98	Burdon, Richard	Accept	24.5
FS1211.29	805.56	New Zealand Defence Force	Accept in Part	4.10
FS1224.10	243.10	Matakauri Lodge Limited	Reject	24.5
FS1224.11	243.11	Matakauri Lodge Limited	N/A	24.6
FS1224.12	243.12	Matakauri Lodge Limited	N/A	26
FS1224.13	243.13	Matakauri Lodge Limited	Reject	Report 4B
FS1224.14	243.14	Matakauri Lodge Limited	Reject	Report 4B
FS1224.15	243.15	Matakauri Lodge Limited	Accept	28.1
FS1224.16	243.16	Matakauri Lodge Limited	Accept	28.1
FS1224.17	243.17	Matakauri Lodge Limited	Reject	28.7
FS1224.18	243.18	Matakauri Lodge Limited	Accept	28.2
FS1224.19	243.19	Matakauri Lodge Limited	Reject	Report 4B
FS1224.21	243.21	Matakauri Lodge Limited	Reject	4.17
FS1224.22	243.22	Matakauri Lodge Limited	Reject	4.40
FS1224.24	243.24	Matakauri Lodge Limited	Reject	24.4
FS1224.25	243.25	Matakauri Lodge Limited	Reject	24.3
FS1224.26	243.26	Matakauri Lodge Limited	Accept in part	Report 4B
FS1224.27	243.27	Matakauri Lodge Limited	Accept in part	27.12
FS1224.28	243.28	Matakauri Lodge Limited	Reject	27.13

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1224.30	243.30	Matakauri Lodge Limited	Accept in part	28.3
FS1224.31	243.31	Matakauri Lodge Limited	Accept in part	28.4
FS1224.32	243.32	Matakauri Lodge Limited	Reject	28.7
FS1224.33	243.33	Matakauri Lodge Limited	Reject	Report 4B
FS1224.48	811.1	Matakauri Lodge Limited	Accept in part	Part C
FS1224.49	811.2	Matakauri Lodge Limited	Reject	27.4
FS1224.50	811.3	Matakauri Lodge Limited	Reject	27.4
FS1224.51	811.4	Matakauri Lodge Limited	Reject	24.5
FS1224.52	811.5	Matakauri Lodge Limited	Accept in part	27.12
FS1224.53	811.6	Matakauri Lodge Limited	Accept	28.1
FS1224.54	811.7	Matakauri Lodge Limited	Accept	28.3
FS1224.55	811.8	Matakauri Lodge Limited	Accept in part	28.4
FS1224.56	811.9	Matakauri Lodge Limited	Accept	28.5
FS1224.57	811.10	Matakauri Lodge Limited	Accept	28.12
FS1224.58	811.11	Matakauri Lodge Limited	Accept	6.7 and 21.3
FS1224.59	811.12	Matakauri Lodge Limited	Reject	Report 4B
FS1224.60	811.13	Matakauri Lodge Limited	Accept	30
FS1224.7	243.7	Matakauri Lodge Limited	Reject	23
FS1226.114	238.109	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	39
FS1226.115	238.110	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	42.4
FS1226.116	238.111	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	42.5
FS1226.117	238.112	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	43.1
FS1226.125	238.120	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	23
FS1226.126	238.121	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	24.2
FS1226.127	238.122	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	24.2
FS1226.128	238.123	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	24.3
FS1226.129	238.124	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	27.4
FS1226.130	238.125	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	27.8
FS1226.131	238.126	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	28.2
FS1226.133	238.128	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	3
FS1226.134	238.129	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	6.8
FS1226.135	238.130	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	6.13

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1226.136	238.131	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.14
FS1226.137	238.132	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.23
FS1226.138	238.133	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	13.1
FS1229.10	610.5	NXski Limited	Accept in Part	3
FS1229.11	613.5	NXski Limited	Accept in Part	3
FS1229.12	610.10	NXski Limited	Accept in Part	4.17
FS1229.13	613.10	NXski Limited	Accept in Part	4.17
FS1229.14	610.11	NXski Limited	Accept in Part	4.17
FS1229.15	613.11	NXski Limited	Accept in Part	4.17
FS1229.16	610.14	NXski Limited	Accept in Part	12.6
FS1229.17	613.14	NXski Limited	Accept in Part	12.6
FS1229.18	610.15	NXski Limited	Accept in Part	8.2
FS1229.19	613.15	NXski Limited	Accept in Part	8.2
FS1229.20	610.16	NXski Limited	Accept in Part	8.3
FS1229.21	613.16	NXski Limited	Accept in Part	8.3
FS1229.22	610.19	NXski Limited	Accept in Part	53.1
FS1229.23	613.19	NXski Limited	Accept in Part	53.4
FS1229.27	615.24	NXski Limited	Accept in Part	3
FS1234.114	238.109	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	39
FS1234.115	238.110	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	42.4
FS1234.116	238.111	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	42.5
FS1234.117	238.112	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	43.1
FS1234.125	238.120	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	23
FS1234.126	238.121	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	24.2
FS1234.127	238.122	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	24.2
FS1234.128	238.123	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	24.3

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1234.129	238.124	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	27.4
FS1234.130	238.125	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	27.8
FS1234.131	238.126	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	28.2
FS1234.133	238.128	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	3
FS1234.134	238.129	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	6.8
FS1234.135	238.130	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	6.13
FS1234.136	238.131	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.14
FS1234.137	238.132	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.23
FS1234.138	238.133	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	13.1
FS1235.1	806.121	Jet Boating New Zealand	Accept in Part	4.40
FS1235.10	806.130	Jet Boating New Zealand	Accept	4.49
FS1235.11	806.131	Jet Boating New Zealand	Accept	4.50
FS1235.12	716.17	Jet Boating New Zealand	Accept in Part	14.5
FS1235.13	307.5	Jet Boating New Zealand	Accept in Part	14
FS1235.14	307.4	Jet Boating New Zealand	Accept in Part	14
FS1235.16	621.70	Jet Boating New Zealand	Accept in Part	4.40
FS1235.17	621.72	Jet Boating New Zealand	Accept in Part	4.43
FS1235.18	621.88	Jet Boating New Zealand	Accept in Part	14.2
FS1235.2	806.122	Jet Boating New Zealand	Accept in Part	4.40
FS1235.20	621.90	Jet Boating New Zealand	Accept in Part	14
FS1235.3	806.123	Jet Boating New Zealand	Accept in Part	4.42
FS1235.4	806.124	Jet Boating New Zealand	Accept in Part	4.43
FS1235.5	806.125	Jet Boating New Zealand	Accept	4.44
FS1235.6	806.126	Jet Boating New Zealand	Accept in Part	4.45
FS1235.7	806.127	Jet Boating New Zealand	Accept in Part	4.46
FS1235.8	806.128	Jet Boating New Zealand	Accept in Part	4.47
FS1235.9	806.129	Jet Boating New Zealand	Accept in Part	4.48
FS1239.114	238.109	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	39

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1239.115	238.110	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	42.4
FS1239.116	238.111	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	42.5
FS1239.117	238.112	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	43.1
FS1239.125	238.120	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	23
FS1239.126	238.121	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	24.2
FS1239.127	238.122	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	24.2
FS1239.128	238.123	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	24.3
FS1239.129	238.124	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	27.4
FS1239.130	238.125	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	27.8
FS1239.131	238.126	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	28.2
FS1239.133	238.128	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	3
FS1239.134	238.129	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	6.8
FS1239.135	238.130	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	6.13
FS1239.136	238.131	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.14
FS1239.137	238.132	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	6.23
FS1239.138	238.133	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	13.1
FS1241.114	238.109	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	39
FS1241.115	238.110	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	42.4
FS1241.116	238.111	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	42.5
FS1241.117	238.112	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	43.1
FS1241.125	238.120	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	23

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1241.126	238.121	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	24.2
FS1241.127	238.122	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	24.2
FS1241.128	238.123	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	24.3
FS1241.129	238.124	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	27.4
FS1241.130	238.125	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	27.8
FS1241.131	238.126	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	28.2
FS1241.133	238.128	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	3
FS1241.134	238.129	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	6.8
FS1241.135	238.130	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	6.13
FS1241.136	238.131	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.14
FS1241.137	238.132	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	6.23
FS1241.138	238.133	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	13.1
FS1242.137	238.109	Stokes, Antony & Ruth	Reject	39
FS1242.138	238.110	Stokes, Antony & Ruth	Accept in part	42.4
FS1242.139	238.111	Stokes, Antony & Ruth	Accept in part	42.5
FS1242.140	238.112	Stokes, Antony & Ruth	Accept in part	43.1
FS1242.148	238.120	Stokes, Antony & Ruth	Reject	23
FS1242.149	238.121	Stokes, Antony & Ruth	Accept in part	24.2
FS1242.150	238.122	Stokes, Antony & Ruth	Accept	24.2
FS1242.151	238.123	Stokes, Antony & Ruth	Reject	24.3
FS1242.154	238.126	Stokes, Antony & Ruth	Accept	28.2
FS1242.156	238.128	Stokes, Antony & Ruth	Accept	3
FS1242.157	238.129	Stokes, Antony & Ruth	Accept	6.8
FS1242.158	238.130	Stokes, Antony & Ruth	Accept	6.13

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1242.159	238.131	Stokes, Antony & Ruth	Accept in Part	6.14
FS1242.160	238.132	Stokes, Antony & Ruth	Accept in Part	6.23
FS1242.161	238.133	Stokes, Antony & Ruth	Accept	13.1
FS1245.1	209.1	Totally Tourism Limited	Accept in Part	6.23
FS1245.10	294.5	Totally Tourism Limited	Accept in Part	6.23
FS1245.11	442.8	Totally Tourism Limited	Accept in Part	6.23
FS1245.12	457.1	Totally Tourism Limited	Accept in Part	6.23
FS1245.13	122.5	Totally Tourism Limited	Accept in Part	6.23
FS1245.17	310.6	Totally Tourism Limited	Accept in Part	6.23
FS1245.19	9.7	Totally Tourism Limited	Accept in Part	6.23
FS1245.2	209.2	Totally Tourism Limited	Accept in Part	6.23
FS1245.20	833.1	Totally Tourism Limited	Accept in Part	6.23
FS1245.21	93.1	Totally Tourism Limited	Accept in Part	6.23
FS1245.22	137.1	Totally Tourism Limited	Accept in Part	6.23
FS1245.23	186.1	Totally Tourism Limited	Accept in Part	6.23
FS1245.24	315.8	Totally Tourism Limited	Accept in Part	6.23
FS1245.25	382.2	Totally Tourism Limited	Accept in Part	6.23
FS1245.26	382.3	Totally Tourism Limited	Accept in Part	6.23
FS1245.27	723.9	Totally Tourism Limited	Accept in Part	6.23
FS1245.28	723.10	Totally Tourism Limited	Accept in Part	6.23
FS1245.29	489.1	Totally Tourism Limited	Accept	6.15
FS1245.3	213.1	Totally Tourism Limited	Accept in Part	6.23
FS1245.30	489.2	Totally Tourism Limited	Accept	6.15
FS1245.31	500.7	Totally Tourism Limited	Accept in Part	6.23
FS1245.32	607.35	Totally Tourism Limited	Accept in Part	4.37
FS1245.33	723.7	Totally Tourism Limited	Accept in Part	4.35
FS1245.4	162.1	Totally Tourism Limited	Accept in Part	6.23
FS1245.5	162.2	Totally Tourism Limited	Accept in Part	6.23
FS1245.6	162.3	Totally Tourism Limited	Accept in Part	6.23
FS1245.7	265.6	Totally Tourism Limited	Accept in Part	6.23
FS1245.8	285.18	Totally Tourism Limited	Accept in Part	6.23
FS1245.9	288.5	Totally Tourism Limited	Accept in Part	6.23
FS1248.114	238.109	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	39
FS1248.115	238.110	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	42.4
FS1248.116	238.111	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	42.5
FS1248.117	238.112	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	43.1
FS1248.125	238.120	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	23
FS1248.126	238.121	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	24.2
FS1248.127	238.122	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	24.2

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1248.128	238.123	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	24.3
FS1248.129	238.124	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	27.4
FS1248.130	238.125	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	27.8
FS1248.131	238.126	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	28.2
FS1248.133	238.128	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	3
FS1248.134	238.129	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	6.8
FS1248.135	238.130	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	6.13
FS1248.136	238.131	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.14
FS1248.137	238.132	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.23
FS1248.138	238.133	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	13.1
FS1249.114	238.109	Tweed Development Limited	Reject	39
FS1249.115	238.110	Tweed Development Limited	Accept in part	42.4
FS1249.116	238.111	Tweed Development Limited	Accept in part	42.5
FS1249.117	238.112	Tweed Development Limited	Accept in part	43.1
FS1249.125	238.120	Tweed Development Limited	Reject	23
FS1249.126	238.121	Tweed Development Limited	Accept in part	24.2
FS1249.127	238.122	Tweed Development Limited	Accept	24.2
FS1249.128	238.123	Tweed Development Limited	Reject	24.3
FS1249.129	238.124	Tweed Development Limited	Accept	27.4
FS1249.130	238.125	Tweed Development Limited	Accept	27.8
FS1249.131	238.126	Tweed Development Limited	Accept	28.2
FS1249.133	238.128	Tweed Development Limited	Accept	3
FS1249.134	238.129	Tweed Development Limited	Accept	6.8
FS1249.135	238.130	Tweed Development Limited	Accept	6.13
FS1249.136	238.131	Tweed Development Limited	Accept in Part	6.14
FS1249.137	238.132	Tweed Development Limited	Accept in Part	6.23
FS1249.138	238.133	Tweed Development Limited	Accept	13.1
FS1254.10	373.25	Allenby Farms Limited	Reject	51.2
FS1254.100	706.112	Allenby Farms Limited	Reject	51.7
FS1254.101	706.113	Allenby Farms Limited	Reject	53.6
FS1254.102	706.114	Allenby Farms Limited	Reject	54
FS1254.103	706.115	Allenby Farms Limited	Accept	48.3
FS1254.104	706.116	Allenby Farms Limited	Reject	55
FS1254.105	706.117	Allenby Farms Limited	Accept in Part	Part E
FS1254.106	145.2	Allenby Farms Limited	Reject	19.5
FS1254.107	145.3	Allenby Farms Limited	Accept in Part	19.5
FS1254.109	145.7	Allenby Farms Limited	Accept	6.7

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1254.11	373.26	Allenby Farms Limited	Reject	51.2
FS1254.110	145.8	Allenby Farms Limited	Accept	6.8
FS1254.112	145.10	Allenby Farms Limited	Accept	6.4
FS1254.113	145.11	Allenby Farms Limited	Accept	9.1
FS1254.115	145.13	Allenby Farms Limited	Accept	19
FS1254.12	373.27	Allenby Farms Limited	Accept in Part	51.2
FS1254.122	145.25	Allenby Farms Limited	Accept	6.8
FS1254.13	373.28	Allenby Farms Limited	Reject	51.2
FS1254.14	373.29	Allenby Farms Limited	Reject	51.2
FS1254.15	373.30	Allenby Farms Limited	Accept in Part	51.3
FS1254.16	373.31	Allenby Farms Limited	Accept in Part	51.4
FS1254.17	373.32	Allenby Farms Limited	Accept in Part	51.4
FS1254.18	373.33	Allenby Farms Limited	Reject	51.4
FS1254.19	373.34	Allenby Farms Limited	Reject	51.4
FS1254.20	373.35	Allenby Farms Limited	Accept	51.4
FS1254.21	373.36	Allenby Farms Limited	Accept in Part	51.4
FS1254.22	373.37	Allenby Farms Limited	Accept in Part	51.8
FS1254.23	373.38	Allenby Farms Limited	Accept in Part	51.8
FS1254.24	373.39	Allenby Farms Limited	Accept in Part	51.8
FS1254.25	373.40	Allenby Farms Limited	Accept in Part	51.8
FS1254.26	373.41	Allenby Farms Limited	Accept	51.8
FS1254.27	373.42	Allenby Farms Limited	Accept in Part	51.8
FS1254.28	373.43	Allenby Farms Limited	Accept in Part	51.8
FS1254.29	373.44	Allenby Farms Limited	Accept in Part	51.8
FS1254.3	373.18	Allenby Farms Limited	Accept in Part	48.1
FS1254.30	373.45	Allenby Farms Limited	Accept	51.8
FS1254.31	373.46	Allenby Farms Limited	Reject	51.9
FS1254.32	373.47	Allenby Farms Limited	Accept in Part	51.9
FS1254.33	373.48	Allenby Farms Limited	Reject	51.9
FS1254.34	373.49	Allenby Farms Limited	Accept in Part	53.2
FS1254.35	373.50	Allenby Farms Limited	Accept in Part	48.4
FS1254.36	373.51	Allenby Farms Limited	Accept in Part	48.6
FS1254.37	373.53	Allenby Farms Limited	Accept in Part	48.7
FS1254.38	373.54	Allenby Farms Limited	Accept	51.6
FS1254.39	373.52	Allenby Farms Limited	Accept in Part	53.4
FS1254.4	373.19	Allenby Farms Limited	Accept in Part	50
FS1254.40	373.58	Allenby Farms Limited	Reject	Part E
FS1254.5	373.20	Allenby Farms Limited	Accept in Part	48.2
FS1254.53	706.65	Allenby Farms Limited	Accept in Part	50
FS1254.54	706.66	Allenby Farms Limited	Accept in Part	50
FS1254.55	706.67	Allenby Farms Limited	Accept in Part	50
FS1254.56	706.68	Allenby Farms Limited	Accept in Part	50
FS1254.57	706.69	Allenby Farms Limited	Accept in Part	48.2
FS1254.58	706.70	Allenby Farms Limited	Reject	51.2
FS1254.59	706.71	Allenby Farms Limited	Accept in Part	48.2
FS1254.6	373.21	Allenby Farms Limited	Reject	51.2
FS1254.60	706.72	Allenby Farms Limited	Accept in Part	48.2

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1254.61	706.73	Allenby Farms Limited	Reject	51.2
FS1254.62	706.74	Allenby Farms Limited	Accept in Part	51.2
FS1254.63	706.75	Allenby Farms Limited	Accept in Part	51.2
FS1254.64	706.76	Allenby Farms Limited	Reject	51.2
FS1254.65	706.77	Allenby Farms Limited	Reject	51.2
FS1254.66	706.78	Allenby Farms Limited	Reject	51.2
FS1254.67	706.79	Allenby Farms Limited	Accept in Part	48.2
FS1254.68	706.80	Allenby Farms Limited	Accept in Part	51.4
FS1254.69	706.81	Allenby Farms Limited	Reject	51.4
FS1254.7	373.22	Allenby Farms Limited	Accept in Part	48.2
FS1254.70	706.82	Allenby Farms Limited	Reject	51.4
FS1254.71	706.83	Allenby Farms Limited	Reject	51.4
FS1254.72	706.84	Allenby Farms Limited	Accept in Part	51.4
FS1254.73	706.85	Allenby Farms Limited	Accept in Part	51.8
FS1254.74	706.86	Allenby Farms Limited	Accept	51.8
FS1254.75	706.87	Allenby Farms Limited	Accept in Part	51.8
FS1254.76	706.88	Allenby Farms Limited	Accept in Part	51.8
FS1254.77	706.89	Allenby Farms Limited	Reject	51.8
FS1254.78	706.90	Allenby Farms Limited	Accept in Part	51.8
FS1254.79	706.91	Allenby Farms Limited	Accept in Part	51.8
FS1254.8	373.23	Allenby Farms Limited	Accept in Part	48.2
FS1254.80	706.92	Allenby Farms Limited	Accept in Part	51.8
FS1254.81	706.93	Allenby Farms Limited	Accept	51.8
FS1254.82	706.94	Allenby Farms Limited	Reject	51.9
FS1254.83	706.95	Allenby Farms Limited	Accept in Part	51.9
FS1254.84	706.96	Allenby Farms Limited	Reject	51.9
FS1254.85	706.97	Allenby Farms Limited	Accept in Part	53.2
FS1254.86	706.98	Allenby Farms Limited	Reject	48.4
FS1254.87	706.99	Allenby Farms Limited	Reject	48.4
FS1254.88	706.100	Allenby Farms Limited	Reject	48.4
FS1254.89	706.101	Allenby Farms Limited	Accept	48.4
FS1254.9	373.24	Allenby Farms Limited	Reject	51.2
FS1254.90	706.102	Allenby Farms Limited	Accept	53.4
FS1254.91	706.103	Allenby Farms Limited	Accept in Part	53.4
FS1254.92	706.104	Allenby Farms Limited	Accept in Part	53.4
FS1254.93	706.105	Allenby Farms Limited	Accept in Part	48.6
FS1254.94	706.106	Allenby Farms Limited	Accept in Part	48.6
FS1254.95	706.107	Allenby Farms Limited	Reject	48.6
FS1254.96	706.108	Allenby Farms Limited	Accept in Part	48.7
FS1254.97	706.109	Allenby Farms Limited	Accept in Part	48.5
FS1254.98	706.110	Allenby Farms Limited	Reject	51.5
FS1254.99	706.111	Allenby Farms Limited	Accept	51.6
FS1255.1	674.1	Arcadian Triangle Limited	Reject	23
FS1255.15	414.6	Arcadian Triangle Limited	Reject	6.7
FS1255.19	332.3	Arcadian Triangle Limited	Reject	58
FS1255.2	674.7	Arcadian Triangle Limited	Accept in part	27.10
FS1255.20	286.1	Arcadian Triangle Limited	Reject	58

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1255.21	684.1	Arcadian Triangle Limited	Reject	58
FS1255.22	684.2	Arcadian Triangle Limited	Reject	58
FS1255.24	238.128	Arcadian Triangle Limited	Accept	3
FS1255.28	238.120	Arcadian Triangle Limited	Accept	23
FS1255.29	238.124	Arcadian Triangle Limited	Accept	27.4
FS1255.3	674.9	Arcadian Triangle Limited	Accept in part	24.3
FS1255.30	238.122	Arcadian Triangle Limited	Accept	24.2
FS1255.4	674.10	Arcadian Triangle Limited	Reject	Report 4B
FS1255.5	674.2	Arcadian Triangle Limited	Reject	24.1
FS1255.6	674.3	Arcadian Triangle Limited	Reject	27.1
FS1255.9	674.6	Arcadian Triangle Limited	Accept in part	24.3
FS1256.1	523.1	Ashford Trust	Reject	23
FS1256.10	523.10	Ashford Trust	Reject	28.4
FS1256.2	523.2	Ashford Trust	Reject	23
FS1256.3	523.3	Ashford Trust	Accept in part	24.2
FS1256.4	523.4	Ashford Trust	Accept	24.2
FS1256.41	537.23	Ashford Trust	Accept in Part	4.1
FS1256.42	537.24	Ashford Trust	Reject	4.2
FS1256.43	537.25	Ashford Trust	Accept in Part	4.23
FS1256.44	537.26	Ashford Trust	Reject	19.5
FS1256.45	537.27	Ashford Trust	Reject	19.5
FS1256.46	537.28	Ashford Trust	Accept in part	24.2
FS1256.47	537.29	Ashford Trust	Accept	24.2
FS1256.49	537.31	Ashford Trust	Accept in part	24.3
FS1256.5	523.5	Ashford Trust	Accept in part	24.2
FS1256.50	537.32	Ashford Trust	Reject	24.3
FS1256.51	537.33	Ashford Trust	Accept in part	28.2
FS1256.6	523.6	Ashford Trust	Accept in part	24.3
FS1256.62	537.44	Ashford Trust	Reject	19.5
FS1256.63	238.122	Ashford Trust	Accept	24.2
FS1256.64	238.124	Ashford Trust	Accept	27.4
FS1256.7	523.7	Ashford Trust	Reject	24.3
FS1256.8	523.8	Ashford Trust	Reject	24.3
FS1256.9	523.9	Ashford Trust	Accept in part	28.2
FS1258.1	238.122	Ayrburn Farm Estate Limited	Accept	24.2
FS1258.2	238.124	Ayrburn Farm Estate Limited	Accept	27.4
FS1258.4	675.1	Ayrburn Farm Estate Limited	Accept in Part	Part B
FS1259.1	535.17	Bill and Jan Walker Family Trust	Reject	19.5
FS1259.2	535.18	Bill and Jan Walker Family Trust	Reject	19.5
FS1259.3	535.19	Bill and Jan Walker Family Trust	Reject	19.5
FS1259.4	535.20	Bill and Jan Walker Family Trust	Reject	23
FS1259.5	535.21	Bill and Jan Walker Family Trust	Reject	23
FS1259.6	535.22	Bill and Jan Walker Family Trust	Accept in part	24.2
FS1259.7	535.23	Bill and Jan Walker Family Trust	Accept in part	24.3
FS1259.8	535.24	Bill and Jan Walker Family Trust	Reject	24.3
FS1259.9	535.25	Bill and Jan Walker Family Trust	Reject	24.3

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1267.1	535.17	DV Bill and Jan Walker Family Trust	Reject	19.5
FS1267.2	535.18	DV Bill and Jan Walker Family Trust	Reject	19.5
FS1267.3	535.19	DV Bill and Jan Walker Family Trust	Reject	19.5
FS1267.4	535.20	DV Bill and Jan Walker Family Trust	Reject	23
FS1267.5	535.21	DV Bill and Jan Walker Family Trust	Reject	23
FS1267.6	535.22	DV Bill and Jan Walker Family Trust	Accept in part	24.2
FS1267.7	535.23	DV Bill and Jan Walker Family Trust	Accept in part	24.3
FS1267.8	535.24	DV Bill and Jan Walker Family Trust	Reject	24.3
FS1267.9	535.25	DV Bill and Jan Walker Family Trust	Reject	24.3
FS1270.87	501.7	Hansen Family Partnership	Reject	58
FS1270.94	501.14	Hansen Family Partnership	Reject	8.3
FS1273.1	238.122	Heywood, Robert and Elvena - represented by Warwick Goldsmith, Anderson Lloyd	Accept	24.2
FS1273.2	238.124	Heywood, Robert and Elvena - represented by Warwick Goldsmith, Anderson Lloyd	Accept	27.4
FS1282.103	621.92	Longview Environmental Trust	Reject	19.1
FS1282.41	378.25	Longview Environmental Trust	Accept in Part	19
FS1282.42	378.26	Longview Environmental Trust	Accept	19.6
FS1282.62	519.50	Longview Environmental Trust	Accept	19.1
FS1282.76	598.26	Longview Environmental Trust	Reject	19.1
FS1286.2	238.128	Henry, Mr M and Mrs J - represented by Vanessa Robb, Anderson Lloyd	Accept	3
FS1286.32	537.23	Henry, Mr M and Mrs J - represented by Vanessa Robb, Anderson Lloyd	Accept in Part	4.1
FS1286.33	537.24	Henry, Mr M and Mrs J - represented by Vanessa Robb, Anderson Lloyd	Reject	4.2
FS1286.35	537.26	Henry, Mr M and Mrs J - represented by Vanessa Robb, Anderson Lloyd	Reject	19.5
FS1286.36	537.27	Henry, Mr M and Mrs J - represented by Vanessa Robb, Anderson Lloyd	Reject	19.5

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1286.37	537.28	Henry, Mr M and Mrs J - represented by Vanessa Robb, Anderson Lloyd	Accept in part	24.2
FS1286.38	537.29	Henry, Mr M and Mrs J - represented by Vanessa Robb, Anderson Lloyd	Accept	24.2
FS1286.41	537.32	Henry, Mr M and Mrs J - represented by Vanessa Robb, Anderson Lloyd	Reject	24.3
FS1286.53	537.44	Henry, Mr M and Mrs J - represented by Vanessa Robb, Anderson Lloyd	Reject	19.5
FS1286.8	348.6	Henry, Mr M and Mrs J - represented by Vanessa Robb, Anderson Lloyd	Reject	6.7
FS1287.10	373.23	New Zealand Tungsten Mining Limited	Accept in Part	48.2
FS1287.100	706.77	New Zealand Tungsten Mining Limited	Reject	51.2
FS1287.101	706.78	New Zealand Tungsten Mining Limited	Reject	51.2
FS1287.102	706.79	New Zealand Tungsten Mining Limited	Accept in Part	48.2
FS1287.103	706.80	New Zealand Tungsten Mining Limited	Accept in Part	51.4
FS1287.104	706.81	New Zealand Tungsten Mining Limited	Reject	51.4
FS1287.105	706.82	New Zealand Tungsten Mining Limited	Reject	51.4
FS1287.106	706.83	New Zealand Tungsten Mining Limited	Reject	51.4
FS1287.107	706.84	New Zealand Tungsten Mining Limited	Accept in Part	51.4
FS1287.108	706.85	New Zealand Tungsten Mining Limited	Accept in Part	51.8
FS1287.109	706.86	New Zealand Tungsten Mining Limited	Accept	51.8
FS1287.11	373.24	New Zealand Tungsten Mining Limited	Reject	51.2
FS1287.110	706.87	New Zealand Tungsten Mining Limited	Accept in Part	51.8
FS1287.111	706.88	New Zealand Tungsten Mining Limited	Accept in Part	51.8
FS1287.112	706.89	New Zealand Tungsten Mining Limited	Reject	51.8
FS1287.113	706.90	New Zealand Tungsten Mining Limited	Accept in Part	51.8

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1287.114	706.91	New Zealand Tungsten Mining Limited	Accept in Part	51.8
FS1287.115	706.92	New Zealand Tungsten Mining Limited	Reject	51.8
FS1287.116	706.93	New Zealand Tungsten Mining Limited	Accept	51.8
FS1287.117	706.94	New Zealand Tungsten Mining Limited	Reject	51.9
FS1287.118	706.95	New Zealand Tungsten Mining Limited	Accept in Part	51.9
FS1287.119	706.99	New Zealand Tungsten Mining Limited	Reject	48.4
FS1287.12	373.25	New Zealand Tungsten Mining Limited	Reject	51.2
FS1287.120	706.100	New Zealand Tungsten Mining Limited	Reject	48.4
FS1287.121	706.101	New Zealand Tungsten Mining Limited	Accept	48.4
FS1287.122	706.103	New Zealand Tungsten Mining Limited	Accept in Part	53.4
FS1287.123	706.104	New Zealand Tungsten Mining Limited	Accept in Part	53.4
FS1287.124	706.105	New Zealand Tungsten Mining Limited	Accept in Part	48.6
FS1287.125	706.106	New Zealand Tungsten Mining Limited	Accept in Part	48.6
FS1287.126	706.108	New Zealand Tungsten Mining Limited	Accept in Part	48.7
FS1287.127	706.110	New Zealand Tungsten Mining Limited	Reject	51.5
FS1287.128	706.111	New Zealand Tungsten Mining Limited	Accept	51.6
FS1287.129	706.112	New Zealand Tungsten Mining Limited	Reject	51.7
FS1287.13	373.26	New Zealand Tungsten Mining Limited	Reject	51.2
FS1287.130	706.113	New Zealand Tungsten Mining Limited	Reject	53.6
FS1287.131	706.117	New Zealand Tungsten Mining Limited	Accept in Part	Part E
FS1287.132	706.28	New Zealand Tungsten Mining Limited	Reject	4.13
FS1287.133	706.29	New Zealand Tungsten Mining Limited	Accept in Part	4.14
FS1287.134	706.27	New Zealand Tungsten Mining Limited	Accept	4.9
FS1287.135	706.41	New Zealand Tungsten Mining Limited	Accept	6.27

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1287.14	373.27	New Zealand Tungsten Mining Limited	Accept in Part	51.2
FS1287.143	798.4	New Zealand Tungsten Mining Limited	Reject	51.1
FS1287.144	798.8	New Zealand Tungsten Mining Limited	Accept in Part	4.13
FS1287.145	798.9	New Zealand Tungsten Mining Limited	Accept in Part	6.27
FS1287.15	373.28	New Zealand Tungsten Mining Limited	Reject	51.2
FS1287.16	373.29	New Zealand Tungsten Mining Limited	Reject	51.2
FS1287.17	373.30	New Zealand Tungsten Mining Limited	Accept in Part	48.2
FS1287.18	373.31	New Zealand Tungsten Mining Limited	Accept in Part	51.4
FS1287.19	373.32	New Zealand Tungsten Mining Limited	Accept in Part	51.4
FS1287.20	373.33	New Zealand Tungsten Mining Limited	Reject	51.4
FS1287.21	373.34	New Zealand Tungsten Mining Limited	Reject	51.4
FS1287.22	373.35	New Zealand Tungsten Mining Limited	Accept	51.4
FS1287.23	373.36	New Zealand Tungsten Mining Limited	Accept in Part	51.4
FS1287.24	373.37	New Zealand Tungsten Mining Limited	Accept in Part	51.8
FS1287.25	373.51	New Zealand Tungsten Mining Limited	Accept in Part	48.6
FS1287.26	373.53	New Zealand Tungsten Mining Limited	Accept in Part	48.7
FS1287.27	373.54	New Zealand Tungsten Mining Limited	Accept	51.6
FS1287.28	373.41	New Zealand Tungsten Mining Limited	Accept	51.8
FS1287.5	373.18	New Zealand Tungsten Mining Limited	Accept in Part	48.1
FS1287.54	598.26	New Zealand Tungsten Mining Limited	Accept	19.1
FS1287.6	373.19	New Zealand Tungsten Mining Limited	Accept in Part	50
FS1287.67	598.39	New Zealand Tungsten Mining Limited	Reject	4.11
FS1287.68	598.40	New Zealand Tungsten Mining Limited	Reject	4.13
FS1287.69	598.41	New Zealand Tungsten Mining Limited	Accept in Part	4.14

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1287.7	373.20	New Zealand Tungsten Mining Limited	Accept in Part	48.2
FS1287.70	598.42	New Zealand Tungsten Mining Limited	Accept in Part	4.14
FS1287.71	598.43	New Zealand Tungsten Mining Limited	Accept in Part	4.14
FS1287.72	598.44	New Zealand Tungsten Mining Limited	Accept in Part	4.14
FS1287.73	598.45	New Zealand Tungsten Mining Limited	Accept in Part	4.31
FS1287.74	598.46	New Zealand Tungsten Mining Limited	Accept in Part	4.32
FS1287.75	598.47	New Zealand Tungsten Mining Limited	Accept in Part	4.33
FS1287.8	373.21	New Zealand Tungsten Mining Limited	Reject	51.2
FS1287.9	373.22	New Zealand Tungsten Mining Limited	Accept in Part	48.2
FS1287.92	706.66	New Zealand Tungsten Mining Limited	Accept in Part	50
FS1287.93	706.67	New Zealand Tungsten Mining Limited	Accept in Part	50
FS1287.94	706.68	New Zealand Tungsten Mining Limited	Accept in Part	50
FS1287.95	706.70	New Zealand Tungsten Mining Limited	Reject	51.2
FS1287.96	706.72	New Zealand Tungsten Mining Limited	Accept in Part	48.2
FS1287.97	706.74	New Zealand Tungsten Mining Limited	Accept in Part	51.2
FS1287.98	706.75	New Zealand Tungsten Mining Limited	Accept in Part	51.2
FS1287.99	706.76	New Zealand Tungsten Mining Limited	Reject	51.2
FS1289.14	501.14	Oasis In The Basin Association	Accept	8.3
FS1289.7	501.7	Oasis In The Basin Association	Reject	58
FS1292.27	537.23	Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd	Accept in Part	4.1
FS1292.28	537.24	Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd	Reject	4.2
FS1292.29	537.25	Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd	Accept in Part	4.23
FS1292.30	537.26	Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd	Reject	19.5

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1292.31	537.27	Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd	Reject	19.5
FS1292.32	537.28	Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd	Accept in part	24.2
FS1292.33	537.29	Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd	Accept	24.2
FS1292.35	537.31	Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd	Accept in part	24.3
FS1292.36	537.32	Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd	Reject	24.3
FS1292.37	537.33	Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd	Accept in part	28.2
FS1292.48	537.44	Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd	Reject	19.5
FS1292.73	522.24	Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd	Accept in Part	4.1
FS1292.74	522.25	Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd	Reject	4.2
FS1292.75	522.26	Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd	Accept in Part	4.23
FS1292.76	522.27	Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd	Reject	19.5
FS1292.77	522.28	Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd	Reject	19.5
FS1292.78	522.29	Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd	Reject	19.5
FS1292.79	522.30	Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd	Accept in part	24.2
FS1292.80	522.31	Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd	Accept	24.2
FS1292.81	522.32	Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd	Accept in part	24.2

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1292.82	522.33	Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd	Accept in part	24.3
FS1292.83	522.34	Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd	Reject	24.3
FS1292.84	522.35	Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd	Accept in part	28.2
FS1292.85	522.36	Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd	Reject	28.4
FS1297.4	570.4	Stewart, Robert - represented by Vanessa Robb, Anderson Lloyd	Accept in Part	Part B
FS1309.6	314.6	The Alpine Group	Accept	13.1
FS1313.10	373.24	Darby Planning LP	Reject	51.2
FS1313.11	373.25	Darby Planning LP	Reject	51.2
FS1313.12	373.26	Darby Planning LP	Reject	51.2
FS1313.13	373.27	Darby Planning LP	Accept in Part	51.2
FS1313.14	373.28	Darby Planning LP	Reject	51.2
FS1313.15	373.29	Darby Planning LP	Reject	51.2
FS1313.16	373.30	Darby Planning LP	Accept in Part	48.2
FS1313.17	373.31	Darby Planning LP	Accept in Part	51.4
FS1313.18	373.32	Darby Planning LP	Accept in Part	51.4
FS1313.19	373.33	Darby Planning LP	Reject	51.4
FS1313.20	373.34	Darby Planning LP	Reject	51.4
FS1313.21	373.35	Darby Planning LP	Accept	51.4
FS1313.22	373.36	Darby Planning LP	Accept in Part	51.4
FS1313.23	373.37	Darby Planning LP	Accept in Part	51.8
FS1313.24	373.38	Darby Planning LP	Accept in Part	51.8
FS1313.25	373.39	Darby Planning LP	Accept in Part	51.8
FS1313.26	373.40	Darby Planning LP	Accept in Part	51.8
FS1313.27	373.41	Darby Planning LP	Accept	51.8
FS1313.28	373.42	Darby Planning LP	Accept in Part	51.8
FS1313.29	373.43	Darby Planning LP	Accept in Part	51.8
FS1313.30	373.44	Darby Planning LP	Accept in Part	51.8
FS1313.31	373.45	Darby Planning LP	Accept	51.8
FS1313.32	373.46	Darby Planning LP	Reject	51.9
FS1313.33	373.47	Darby Planning LP	Accept in Part	51.9
FS1313.34	373.48	Darby Planning LP	Reject	51.9
FS1313.35	373.49	Darby Planning LP	Accept in Part	53.2
FS1313.36	373.50	Darby Planning LP	Accept in Part	48.4
FS1313.37	373.51	Darby Planning LP	Accept in Part	48.6
FS1313.38	373.52	Darby Planning LP	Accept in Part	53.4
FS1313.39	373.53	Darby Planning LP	Accept in Part	48.7
FS1313.4	373.19	Darby Planning LP	Accept in Part	50
FS1313.40	373.54	Darby Planning LP	Accept	51.6

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1313.41	373.55	Darby Planning LP	Reject	53.6
FS1313.42	373.56	Darby Planning LP	Accept	48.3
FS1313.43	373.57	Darby Planning LP	Reject	55
FS1313.44	373.58	Darby Planning LP	Accept in Part	Part E
FS1313.5	373.18	Darby Planning LP	Accept in Part	48.1
FS1313.53	806.115	Darby Planning LP	Accept in Part	4.24
FS1313.54	806.116	Darby Planning LP	Accept in Part	4.25
FS1313.55	806.117	Darby Planning LP	Accept in Part	4.26
FS1313.56	806.119	Darby Planning LP	Accept in Part	4.30
FS1313.6	373.20	Darby Planning LP	Accept in Part	48.2
FS1313.63	145.2	Darby Planning LP	Accept in Part	19.5
FS1313.64	145.3	Darby Planning LP	Reject	19.5
FS1313.66	145.7	Darby Planning LP	Accept	6.7
FS1313.67	145.8	Darby Planning LP	Accept	6.8
FS1313.68	145.10	Darby Planning LP	Accept	6.4
FS1313.69	145.11	Darby Planning LP	Accept	9.1
FS1313.7	373.21	Darby Planning LP	Reject	51.2
FS1313.70	145.13	Darby Planning LP	Accept in Part	19
FS1313.8	373.22	Darby Planning LP	Accept in Part	48.2
FS1313.9	373.23	Darby Planning LP	Accept in Part	48.2
FS1320.13	355.13	Just One Life Limited	Reject	6.6
FS1320.14	355.14	Just One Life Limited	Reject	6.7
FS1320.15	355.15	Just One Life Limited	Accept	19.1
FS1320.16	355.16	Just One Life Limited	Reject	19.8
FS1320.17	355.17	Just One Life Limited	Accept in Part	Part B
FS1322.100	535.23	Juie Q.T. Limited	Accept in part	24.3
FS1322.104	535.27	Juie Q.T. Limited	Reject	28.4
FS1322.117	594.3	Juie Q.T. Limited	Reject	22.3
FS1322.118	594.4	Juie Q.T. Limited	Reject	22.3
FS1322.21	532.17	Juie Q.T. Limited	Reject	19.5
FS1322.22	532.18	Juie Q.T. Limited	Reject	19.5
FS1322.23	532.19	Juie Q.T. Limited	Reject	19.5
FS1322.24	532.20	Juie Q.T. Limited	Accept in part	24.2
FS1322.25	532.21	Juie Q.T. Limited	Accept in part	24.3
FS1322.27	532.23	Juie Q.T. Limited	Accept in part	28.2
FS1322.28	532.24	Juie Q.T. Limited	Reject	28.4
FS1322.4	444.4	Juie Q.T. Limited	Accept in part	28.2
FS1322.57	534.17	Juie Q.T. Limited	Reject	19.5
FS1322.58	534.18	Juie Q.T. Limited	Reject	19.5
FS1322.59	534.19	Juie Q.T. Limited	Reject	19.5
FS1322.60	534.20	Juie Q.T. Limited	Reject	23
FS1322.61	534.21	Juie Q.T. Limited	Reject	23
FS1322.63	534.23	Juie Q.T. Limited	Accept in part	24.3
FS1322.66	534.26	Juie Q.T. Limited	Accept in part	28.2
FS1322.67	534.27	Juie Q.T. Limited	Reject	28.4
FS1322.94	535.17	Juie Q.T. Limited	Reject	19.5
FS1322.95	535.18	Juie Q.T. Limited	Reject	19.5

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1322.96	535.19	Juie Q.T. Limited	Reject	19.5
FS1322.97	535.20	Juie Q.T. Limited	Reject	23
FS1322.98	535.21	Juie Q.T. Limited	Reject	23
FS1325.1	719.116	Lake Hayes Cellars Limited, Lake Hayes Limited and Mount Christina Limited	Reject	28.6
FS1325.10	350.5	Lake Hayes Cellars Limited, Lake Hayes Limited and Mount Christina Limited	Reject	28.6
FS1325.11	367.2	Lake Hayes Cellars Limited, Lake Hayes Limited and Mount Christina Limited	Reject	28.6
FS1325.12	367.4	Lake Hayes Cellars Limited, Lake Hayes Limited and Mount Christina Limited	Accept	28.9
FS1325.14	368.2	Lake Hayes Cellars Limited, Lake Hayes Limited and Mount Christina Limited	Accept	24.2
FS1325.15	238.122	Lake Hayes Cellars Limited, Lake Hayes Limited and Mount Christina Limited	Accept	24.2
FS1325.16	238.124	Lake Hayes Cellars Limited, Lake Hayes Limited and Mount Christina Limited	Accept	27.4
FS1325.2	811.5	Lake Hayes Cellars Limited, Lake Hayes Limited and Mount Christina Limited	Accept in part	27.12
FS1325.3	811.7	Lake Hayes Cellars Limited, Lake Hayes Limited and Mount Christina Limited	Accept	28.3
FS1325.4	811.9	Lake Hayes Cellars Limited, Lake Hayes Limited and Mount Christina Limited	Accept	28.5
FS1325.5	243.8	Lake Hayes Cellars Limited, Lake Hayes Limited and Mount Christina Limited	Accept in part	24.2
FS1329.10	407.7	Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP	Accept in Part	4.17
FS1329.11	407.11	Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP	Accept in Part	12.1
FS1329.12	407.12	Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP	Accept in Part	12.2
FS1329.16	572.4	Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP	Accept in Part	53.3
FS1329.17	572.4	Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP	Accept in Part	53.3
FS1329.20	806.146	Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP	Accept in Part	6.18

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1329.21	243.21	Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP	Accept in Part	4.17
FS1329.22	243.21	Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP	Accept in Part	4.17
FS1329.5	615.31	Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP	Reject	12.1
FS1329.6	615.32	Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP	Accept	6.2
FS1329.7	615.33	Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP	Accept	6.17
FS1329.9	407.7	Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP	Accept in Part	4.17
FS1330.10	572.4	Treble Cone Investments Limited	Accept in Part	53.3
FS1330.13	806.146	Treble Cone Investments Limited	Accept in Part	6.18
FS1330.14	243.21	Treble Cone Investments Limited	Accept in Part	4.17
FS1330.3	615.32	Treble Cone Investments Limited	Accept	6.2
FS1330.5	407.7	Treble Cone Investments Limited	Accept in Part	4.17
FS1330.6	407.11	Treble Cone Investments Limited	Accept in Part	12.1
FS1330.7	407.12	Treble Cone Investments Limited	Accept in Part	12.2
FS1330.9	572.4	Treble Cone Investments Limited	Accept in Part	53.3
FS1333.1	45.7	Queenstown Rafting Limited	Reject	14.2
FS1333.2	766.30	Queenstown Rafting Limited	Accept in Part	14.2
FS1333.3	621.85	Queenstown Rafting Limited	Reject	14.2
FS1333.4	621.86	Queenstown Rafting Limited	Accept in Part	14.2
FS1333.6	621.75	Queenstown Rafting Limited	Reject	4.49
FS1333.8	719.103	Queenstown Rafting Limited	Reject	14.2
FS1338.1	145.7	Hale, Peter Terence - represented by Jayne Macdonald Mactodd	Accept	6.7
FS1338.2	331.3	Hale, Peter Terence - represented by Jayne Macdonald Mactodd	Reject	6.7
FS1338.3	348.6	Hale, Peter Terence - represented by Jayne Macdonald Mactodd	Reject	6.7
FS1338.4	355.14	Hale, Peter Terence - represented by Jayne Macdonald Mactodd	Accept	6.7
FS1338.5	384.9	Hale, Peter Terence - represented by Jayne Macdonald Mactodd	Accept	6.7
FS1338.6	411.1	Hale, Peter Terence - represented by Jayne Macdonald Mactodd	Reject	6.7
FS1338.7	414.6	Hale, Peter Terence - represented by Jayne Macdonald Mactodd	Reject	6.7
FS1338.8	608.65	Hale, Peter Terence - represented by Jayne Macdonald Mactodd	Accept in Part	6.7
FS1338.9	806.140	Hale, Peter Terence - represented by Jayne Macdonald Mactodd	Accept in Part	6.7
FS1340.34	249.12	Queenstown Airport Corporation	Accept	19.1
FS1340.35	385.1	Queenstown Airport Corporation	Accept	4.21
FS1340.36	607.36	Queenstown Airport Corporation	Accept	6.26

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1340.42	339.103	Queenstown Airport Corporation	Accept in Part	51.9
FS1340.43	339.112	Queenstown Airport Corporation	Accept in Part	53.4
FS1340.44	339.119	Queenstown Airport Corporation	Accept	51.6
FS1340.45	706.104	Queenstown Airport Corporation	Accept in Part	53.4
FS1341.12	766.18	Real Journeys Limited	Accept in Part	4.40
FS1341.13	766.19	Real Journeys Limited	Accept in Part	4.41
FS1341.14	766.26	Real Journeys Limited	Accept in Part	4.48
FS1341.23	798.7	Real Journeys Limited	Accept in Part	7.7
FS1341.32	836.25	Real Journeys Limited	Accept in Part	19.3
FS1342.12	373.41	Te Anau Developments Limited	Accept	51.8
FS1342.14	798.7	Te Anau Developments Limited	Accept in Part	7.7
FS1342.22	836.25	Te Anau Developments Limited	Accept in Part	19.3
FS1342.27	373.19	Te Anau Developments Limited	Accept in Part	50
FS1342.28	373.20	Te Anau Developments Limited	Accept in Part	48.2
FS1342.29	373.21	Te Anau Developments Limited	Reject	51.2
FS1342.30	373.22	Te Anau Developments Limited	Accept in Part	48.2
FS1342.31	373.23	Te Anau Developments Limited	Accept in Part	48.2
FS1342.32	373.27	Te Anau Developments Limited	Accept in Part	51.2
FS1342.33	373.28	Te Anau Developments Limited	Reject	51.2
FS1342.34	373.31	Te Anau Developments Limited	Accept in Part	51.4
FS1342.35	373.30	Te Anau Developments Limited	Accept in Part	48.2
FS1342.36	373.34	Te Anau Developments Limited	Reject	51.4
FS1342.37	373.35	Te Anau Developments Limited	Accept	51.4
FS1342.38	373.36	Te Anau Developments Limited	Accept in Part	51.4
FS1342.39	373.37	Te Anau Developments Limited	Accept in Part	51.8
FS1342.4	600.124	Te Anau Developments Limited	Reject	51.4
FS1342.40	373.50	Te Anau Developments Limited	Accept in Part	48.4
FS1342.41	373.52	Te Anau Developments Limited	Accept in Part	53.4
FS1342.42	373.53	Te Anau Developments Limited	Accept in Part	48.7
FS1342.43	373.54	Te Anau Developments Limited	Accept	51.6
FS1345.1	571.3	Skydive Queenstown Limited	Accept in Part	6.23
FS1345.2	568.2	Skydive Queenstown Limited	Accept in Part	6.7
FS1345.29	621.84	Skydive Queenstown Limited	Reject	6.15
FS1345.3	315.6	Skydive Queenstown Limited	Accept	6.15
FS1345.30	624.36	Skydive Queenstown Limited	Accept in Part	6.15
FS1345.35	778.1	Skydive Queenstown Limited	Accept in Part	6.23
FS1345.36	211.2	Skydive Queenstown Limited	Accept in Part	6.23
FS1345.37	93.1	Skydive Queenstown Limited	Accept in Part	6.23
FS1345.38	106.1	Skydive Queenstown Limited	Accept in Part	6.23
FS1345.39	114.1	Skydive Queenstown Limited	Accept in Part	6.23
FS1345.4	489.2	Skydive Queenstown Limited	Accept in Part	6.15
FS1345.40	382.3	Skydive Queenstown Limited	Accept in Part	6.23
FS1345.41	563.1	Skydive Queenstown Limited	Accept in Part	6.23
FS1345.42	573.1	Skydive Queenstown Limited	Accept in Part	6.23
FS1345.43	660.5	Skydive Queenstown Limited	Accept in Part	6.23
FS1345.44	662.5	Skydive Queenstown Limited	Accept in Part	6.23
FS1345.45	784.11	Skydive Queenstown Limited	Accept in Part	6.23

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1345.46	843.9	Skydive Queenstown Limited	Accept in Part	6.23
FS1345.5	143.1	Skydive Queenstown Limited	Accept in Part	6.23
FS1345.6	137.1	Skydive Queenstown Limited	Accept in Part	6.23
FS1347.1	145.2	Lakes Land Care	Accept in Part	19.5
FS1347.13	145.25	Lakes Land Care	Accept	6.8
FS1347.2	145.3	Lakes Land Care	Reject	19.5
FS1347.30	373.13	Lakes Land Care	Accept in Part	6.23
FS1347.35	373.18	Lakes Land Care	Reject	48.1
FS1347.36	373.19	Lakes Land Care	Accept in Part	50
FS1347.37	373.20	Lakes Land Care	Reject	48.2
FS1347.38	373.21	Lakes Land Care	Reject	51.2
FS1347.39	373.22	Lakes Land Care	Reject	48.2
FS1347.4	145.7	Lakes Land Care	Accept	6.7
FS1347.40	373.23	Lakes Land Care	Reject	48.2
FS1347.41	373.24	Lakes Land Care	Reject	51.2
FS1347.42	373.25	Lakes Land Care	Reject	51.2
FS1347.43	373.26	Lakes Land Care	Reject	51.2
FS1347.44	373.27	Lakes Land Care	Accept in Part	51.2
FS1347.45	373.28	Lakes Land Care	Reject	51.2
FS1347.46	373.29	Lakes Land Care	Reject	51.2
FS1347.47	373.30	Lakes Land Care	Reject	48.2
FS1347.48	373.31	Lakes Land Care	Reject	51.4
FS1347.49	373.32	Lakes Land Care	Reject	51.4
FS1347.5	145.8	Lakes Land Care	Accept	6.8
FS1347.50	373.33	Lakes Land Care	Reject	51.4
FS1347.51	373.34	Lakes Land Care	Reject	51.4
FS1347.52	373.35	Lakes Land Care	Reject	51.4
FS1347.53	373.36	Lakes Land Care	Reject	51.4
FS1347.54	373.37	Lakes Land Care	Reject	51.8
FS1347.55	373.38	Lakes Land Care	Reject	51.8
FS1347.56	373.39	Lakes Land Care	Reject	51.8
FS1347.57	373.40	Lakes Land Care	Reject	51.8
FS1347.58	373.41	Lakes Land Care	Reject	51.8
FS1347.59	373.42	Lakes Land Care	Accept in Part	51.8
FS1347.6	145.10	Lakes Land Care	Accept	6.4
FS1347.60	373.43	Lakes Land Care	Reject	51.8
FS1347.61	373.44	Lakes Land Care	Reject	51.8
FS1347.62	373.45	Lakes Land Care	Reject	51.8
FS1347.63	373.46	Lakes Land Care	Reject	51.9
FS1347.64	373.47	Lakes Land Care	Reject	51.9
FS1347.65	373.48	Lakes Land Care	Reject	51.9
FS1347.66	373.49	Lakes Land Care	Reject	53.2
FS1347.67	373.50	Lakes Land Care	Reject	48.4
FS1347.68	373.51	Lakes Land Care	Reject	48.6
FS1347.69	373.52	Lakes Land Care	Reject	53.4
FS1347.7	145.11	Lakes Land Care	Accept	9.1
FS1347.70	373.53	Lakes Land Care	Reject	48.7

Further Submission Number	Relevant Submission Number	Further Submitter	Commissioners' Recommendation	Reference in Report
FS1347.71	373.54	Lakes Land Care	Reject	51.6
FS1347.72	373.55	Lakes Land Care	Reject	53.6
FS1347.73	373.56	Lakes Land Care	Reject	48.3
FS1347.74	373.57	Lakes Land Care	Reject	55
FS1347.75	373.58	Lakes Land Care	Reject	Part E
FS1347.76	373.59	Lakes Land Care	Reject	58
FS1347.9	145.13	Lakes Land Care	Accept in Part	19
FS1349.19	430.9	X-Ray Trust	Accept in Part	4.1
FS1349.20	806.106	X-Ray Trust	Reject	4.6
FS1349.21	806.107	X-Ray Trust	Accept in Part	4.6
FS1349.22	806.109	X-Ray Trust	Accept	4.11
FS1349.23	806.139	X-Ray Trust	Reject	6.9
FS1349.24	806.143	X-Ray Trust	Accept	6.13
FS1349.25	806.148	X-Ray Trust	Accept	6.19
FS1349.5	513.27	X-Ray Trust	Accept	19.5
FS1349.6	513.29	X-Ray Trust	Accept	19.5
FS1352.18	72.5	Kawarau Village Holdings Limited	Accept in Part	58
FS1356.33	519.33	Cabo Limited	Accept	3
FS1356.34	519.34	Cabo Limited	Accept	4.11
FS1356.35	519.35	Cabo Limited	Accept	4.13
FS1356.36	519.36	Cabo Limited	Accept in Part	4.14
FS1356.37	519.37	Cabo Limited	Accept in Part	4.15
FS1356.38	519.38	Cabo Limited	Accept in Part	4.15
FS1356.39	519.39	Cabo Limited	Accept in Part	4.15
FS1356.40	519.40	Cabo Limited	Accept in Part	4.15
FS1356.41	519.41	Cabo Limited	Accept in Part	4.15
FS1356.42	519.42	Cabo Limited	Accept in Part	4.15
FS1356.43	519.43	Cabo Limited	Accept in Part	4.15
FS1356.44	519.44	Cabo Limited	Accept in Part	4.14
FS1356.45	519.45	Cabo Limited	Accept in Part	4.14
FS1356.46	519.46	Cabo Limited	Reject	4.47
FS1356.47	519.47	Cabo Limited	Accept	5
FS1356.48	519.48	Cabo Limited	Accept	8.4
FS1356.49	519.49	Cabo Limited	Accept	9.1
FS1356.50	519.50	Cabo Limited	Accept	19.1
FS1356.51	519.51	Cabo Limited	Accept	19.3
FS1356.52	519.52	Cabo Limited	Accept in Part	6.27

Appendix 7: Definitions Recommended to Stream 10 Hearing Panel

Biodiversity Offsets	Means measurable conservation outcomes resulting from actions designed to compensate for significant residual adverse biodiversity impacts arising from project development after appropriate avoidance, minimisation, remediation and mitigation measures have been taken. The goal of biodiversity offsets is to achieve no net loss and preferably a net gain of biodiversity on the ground.
Clearance of Vegetation	<p>Means the removal, trimming, felling, or modification of any vegetation and includes cutting, crushing, cultivation, soil disturbance including direct drilling, spraying with herbicide or burning.</p> <p>Clearance of vegetation includes the deliberate application of water or oversowing where it would change the ecological conditions such that the resident indigenous plant(s) are killed by competitive exclusion. Includes dryland cushion field species.</p>
Environmental Compensation	Means actions offered as a means to address residual adverse effects to the environment arising from project development that are not intended to result in no net loss or a net gain of biodiversity on the ground, includes residual adverse effects to other components of the environment including landscape, the habitat of trout and salmon, open space, recreational and heritage values.
Indigenous Vegetation	Means vegetation that occurs naturally in New Zealand, or arrived in New Zealand without human assistance, including both vascular and non-vascular plants.
No net loss	Means no overall reduction in biodiversity as measured by the type, amount and condition.
Passenger Lift Systems	Means any mechanical system used to convey or transport passengers and other goods within or to a Ski Area Sub-Zone, including chairlifts, gondolas, T-bars and rope tows, and including all moving, fixed and ancillary components of such systems such as towers, pylons, cross arms, pulleys, cables, chairs, cabins, and structures to enable the embarking and disembarking of passengers. Excludes base and terminal buildings.
Ski Area Activities	<p>Means the use of natural and physical resources for the purpose of establishing, operating and maintaining the following activities and structures:</p> <ol style="list-style-type: none"> a. recreational activities either commercial or non-commercial; b. passenger lift systems; c. use of snowgroomers, snowmobiles and 4WD vehicles for support or operational activities.; d. activities ancillary to commercial recreational activities including avalanche safety, ski patrol, formation of snow trails and terrain.; e. installation and operation of snow making infrastructure including reservoirs, pumps and snow makers; and f. in the Waiorau Snow Farm Ski Area Sub Zone vehicle and product testing activities, being activities designed to test the safety, efficiency and durability of vehicles, their parts and accessories.
Ski Area Sub-Zone Accommodation	Means the use of land or buildings for short-term living accommodation for visitor, guest, worker, and

	<ul style="list-style-type: none">a. Includes such accommodation as hotels, motels, guest houses, bunkhouses, lodges and the commercial letting of a residential unit; andb. May include some centralised services or facilities such as food preparation, dining and sanitary facilities, conference, bar and recreational facilities if such facilities are ancillary to the accommodation facilities; andc. Is limited to visitors, guests or workers, visiting and or working in the respective Ski Area Sub-Zone.
--	--

Appendix 8: Recommendations on Submissions to Stream 10 Panel

Part A: Submissions

Submission Number	Submitter	Commissioners' Recommendation to Stream 10 Panel	Report Reference
84.1	Richard Hanson	Accept in part	4.16
220.1	Clive Manners Wood	Reject	21
243.37	Christine Byrch	Reject	21
243.39	Christine Byrch	Accept in part	57
243.44	Christine Byrch	Reject	4.16
252.4	HW Richardson Group	Accept	21
296.2	Royal New Zealand Aero Club Inc/Flying NZ	Accept in part	21
315.1	The Alpine Group Limited	Reject	47.2
339.10	Evan Alty	Reject	59
339.11	Evan Alty	Reject	47.1
339.12	Evan Alty	Accept in part	57
339.13	Evan Alty	Reject	57
339.9	Evan Alty	Accept in part	47.2
373.1	Department of Conservation	Accept	47.2
373.2	Department of Conservation	Accept in part	51.2
373.3	Department of Conservation	Accept in part	51.2
376.1	Southern Hemisphere Proving Grounds Limited	Accept	4.16
400.2	James Cooper	Reject	9.1
400.7	James Cooper	Reject	47
407.1	Mount Cardrona Station Limited	Accept in part	4.16
433.24	Queenstown Airport Corporation	Accept	21
519.1	New Zealand Tungsten Mining Limited	Accept	4.12
519.2	New Zealand Tungsten Mining Limited	Accept in part	4.12
519.4	New Zealand Tungsten Mining Limited	Reject	4.15
519.5	New Zealand Tungsten Mining Limited	Accept	4.12
519.6	New Zealand Tungsten Mining Limited	Accept in part	4.12
600.10	Federated Farmers of New Zealand	Reject	47.1
600.4	Federated Farmers of New Zealand	Reject	8.1
600.5	Federated Farmers of New Zealand	Reject	47.2
600.6	Federated Farmers of New Zealand	Accept in part	21
600.7	Federated Farmers of New Zealand	Reject	21

Submission Number	Submitter	Commissioners' Recommendation to Stream 10 Panel	Report Reference
600.8	Federated Farmers of New Zealand	Reject	21
610.20	Soho Ski Area Limited and Blackmans Creek No. 1 LP	Reject	4.16
610.22	Soho Ski Area Limited and Blackmans Creek No. 1 LP	Accept in part	4.16
613.20	Treble Cone Investments Limited.	Reject	4.16
613.21	Treble Cone Investments Limited.	Accept in part	4.16
615.21	Cardrona Alpine Resort Limited	Accept in part	4.16
624.37	D & M Columb	Reject	8.1
701.1	Paul Kane	Reject	47.2
701.2	Paul Kane	Reject	8.1
706.2	Forest and Bird NZ	Reject	59
706.3	Forest and Bird NZ	Accept in part	48.1
706.4	Forest and Bird NZ	Accept in part	57
706.5	Forest and Bird NZ	Reject	57
784.1	Jeremy Bell Investments Limited	Reject	47.2
784.2	Jeremy Bell Investments Limited	Reject	8.1
791.1	Tim Burdon	Reject	47.2
791.2	Tim Burdon	Reject	47.1
791.3	Tim Burdon	Reject	8.1
794.1	Lakes Land Care	Reject	47.2
794.2	Lakes Land Care	Reject	47.2
794.3	Lakes Land Care	Reject	8.1
805.10	Transpower New Zealand Limited	Accept	21
805.8	Transpower New Zealand Limited	Accept	21
805.9	Transpower New Zealand Limited	Accept	21
836.10	Arcadian Triangle Limited	Accept in part	58

Part B: Further Submissions

Further Submission No	Original Submission	Further Submitter	Commissioners' Recommendation to Stream 10 Panel	Report Reference
FS1015.37	519.1	Straterra	Accept	4.12
FS1015.38	519.2	Straterra	Accept in part	4.12

Further Submission No	Original Submission	Further Submitter	Commissioners' Recommendation to Stream 10 Panel	Report Reference
FS1015.40	519.4	Straterra	Reject	4.15
FS1015.41	519.5	Straterra	Accept	4.12
FS1015.42	519.6	Straterra	Accept in part	4.12
FS1034.10	600.10	Upper Clutha Environmental Society (Inc.)	Accept	47.1
FS1034.4	600.4	Upper Clutha Environmental Society (Inc.)	Accept	8.1
FS1034.5	600.5	Upper Clutha Environmental Society (Inc.)	Accept	47.2
FS1034.6	600.6	Upper Clutha Environmental Society (Inc.)	Reject	21
FS1034.7	600.7	Upper Clutha Environmental Society (Inc.)	Accept	21
FS1034.8	600.8	Upper Clutha Environmental Society (Inc.)	Accept	21
FS1040.22	519.1	Forest and Bird	Reject	4.12
FS1040.3	373.1	Forest and Bird	Accept	47.2
FS1040.39	600.5	Forest and Bird	Accept	47.2
FS1040.4	373.2	Forest and Bird	Accept in part	51.2
FS1040.41	600.10	Forest and Bird	Accept	47.1
FS1040.5	373.3	Forest and Bird	Accept in part	51.2
FS1091.1	373.1	Jeremy Bell Investments Limited	Reject	47.2
FS1091.15	600.4	Jeremy Bell Investments Limited	Reject	8.1
FS1091.16	600.5	Jeremy Bell Investments Limited	Reject	47.2
FS1091.29	791.1	Jeremy Bell Investments Limited	Reject	47.2
FS1091.30	794.1	Jeremy Bell Investments Limited	Reject	47.2
FS1091.9	400.7	Jeremy Bell Investments Limited	Reject	47
FS1097.153	339.9	Queenstown Park Limited	Reject	47.2
FS1097.154	339.13	Queenstown Park Limited	Accept	57
FS1097.16	84.1	Queenstown Park Limited	Accept in part	4.16
FS1097.215	373.2	Queenstown Park Limited	Reject	51.2

Further Submission No	Original Submission	Further Submitter	Commissioners' Recommendation to Stream 10 Panel	Report Reference
FS1097.216	373.3	Queenstown Park Limited	Reject	51.2
FS1097.261	400.2	Queenstown Park Limited	Reject	8.1
FS1097.262	407.1	Queenstown Park Limited	Accept in part	5.16
FS1097.310	433.24	Queenstown Park Limited	Reject	21
FS1097.541	600.4	Queenstown Park Limited	Reject	8.1
FS1097.542	600.7	Queenstown Park Limited	Reject	21
FS1097.586	610.20	Queenstown Park Limited	Reject	4.16
FS1097.588	610.22	Queenstown Park Limited	Accept in part	4.16
FS1097.593	613.20	Queenstown Park Limited	Reject	4.16
FS1097.595	613.21	Queenstown Park Limited	Accept in part	4.16
FS1097.708	784.2	Queenstown Park Limited	Reject	4.1
FS1097.722	836.10	Queenstown Park Limited	Accept in part	58
FS1105.21	615.21	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	4.16
FS1117.15	243.44	Remarkables Park Limited	Accept in part	4.16
FS1117.284	836.10	Remarkables Park Limited	Accept in part	57
FS1117.80	433.24	Remarkables Park Limited	Reject	21
FS1132.22	373.1	Federated Farmers of New Zealand	Reject	47.2
FS1132.23	373.3	Federated Farmers of New Zealand	Reject	51.2
FS1132.51	706.5	Federated Farmers of New Zealand	Accept	58
FS1137.22	615.21	Kay Curtis	Accept in part	4.16
FS1153.2	610.22	Mount Cardrona Station Ltd	Accept in part	4.16
FS1162.36	701.1	James Wilson Cooper	Reject	47.2
FS1162.37	701.2	James Wilson Cooper	Reject	8.1
FS1162.56	706.2	James Wilson Cooper	Accept	60
FS1162.57	706.3	James Wilson Cooper	Accept in part	47.1
FS1162.58	706.4	James Wilson Cooper	Reject	57
FS1162.59	706.5	James Wilson Cooper	Accept	57
FS1209.10	600.10	Richard Burdon	Reject	47.1
FS1209.4	600.4	Richard Burdon	Reject	8.1
FS1209.5	600.5	Richard Burdon	Reject	47.2
FS1209.6	600.6	Richard Burdon	Accept in part	21
FS1209.7	600.7	Richard Burdon	Reject	21
FS1209.8	600.8	Richard Burdon	Reject	21

Further Submission No	Original Submission	Further Submitter	Commissioners' Recommendation to Stream 10 Panel	Report Reference
FS1224.37	243.37	Matakauri Lodge Limited	Accept in part	21
FS1224.39	243.39	Matakauri Lodge Limited	Reject	57
FS1224.44	243.44	Matakauri Lodge Limited	Accept in part	4.16
FS1229.24	610.22	NXSki Limited	Accept in part	4.16
FS1229.26	615.21	NXSki Limited	Accept in part	4.16
FS1229.28	243.44	NXSki Limited	Accept in part	4.16
FS1287.1	373.2	New Zealand Tungsten Mining Limited	Reject	51.2
FS1287.2	373.3	New Zealand Tungsten Mining Limited	Reject	51.2
FS1313.2	373.2	Darby Planning LP	Accept in part	51.2
FS1313.3	373.3	Darby Planning LP	Reject	51.2
FS1329.8	407.1	Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP	Accept in part	4.16
FS1330.4	407.1	Treble Cone Investments Limited	Accept in part	4.16
FS1341.28	836.10	Real Journeys Limited	Accept in part	57
FS1342.18	836.10	Te Anau Developments Limited	Accept in part	57
FS1342.23	373.2	Te Anau Developments Limited	Accept in part	51.2
FS1342.5	600.6	Te Anau Developments Limited	Accept in part	21
FS1347.18	373.1	Lakes Land Care	Reject	47.2
FS1347.19	373.2	Lakes Land Care	Reject	51.2
FS1347.20	373.3	Lakes Land Care	Reject	51.2
FS1356.1	519.1	Cabo Limited	Reject	4.12
FS1356.2	519.2	Cabo Limited	Reject	4.12
FS1356.4	519.4	Cabo Limited	Accept	4.15
FS1356.5	519.5	Cabo Limited	Reject	4.12
FS1356.6	519.6	Cabo Limited	Accept in part	4.12

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Report 8

Report and Recommendations of Independent Commissioners Regarding
Chapter 30, Chapter 35 and Chapter 36

Commissioners

Denis Nugent (Chair)

Calum MacLeod

Mark St Clair

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Appendix 1: Chapter 30 Energy and Utilities as Recommended

Appendix 2: Chapter 35 Temporary Activities and Relocated Buildings as Recommended

Appendix 3: Chapter 36 Noise as Recommended

Appendix 4: Recommendations on Submissions and Further Submissions

Appendix 5: Recommendations to Stream 10 Panel on Definitions

Appendix 6: Recommendations on Submission to Stream 10 Panel

PART A: INTRODUCTORY MATTERS

1. PRELIMINARY

1.1. Terminology in this Report

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

Act	Resource Management Act 1991 as it was prior to the enactment of the Resource Legislation Amendment Act 2017, unless otherwise stated
Aurora	Aurora Energy Limited
Clause 16(2)	Clause 16(2) of the First Schedule to the Act
Council	Queenstown Lakes District Council
House Movers	House Movers Section of New Zealand Heavy Haulage Association (Inc), Jones Contracting Queenstown Ltd, King House Removals Ltd, Fulton Hogan Heavy Haulage Ltd, Transit Homes Ltd, Patterson Contracting Otago Ltd and Scobies Transport Ltd
Jacks Point Group	Jack's Point Residential No.2 Ltd, Jack's Point Village Holdings Ltd, Jack's Point Developments Ltd, Jack's Point Land Ltd, Jack's Point Land No. 2 Ltd, Jack's Point Management Ltd, Henley Downs Land Holdings Ltd, Henley Downs Farm Holdings Ltd, Coneburn Preserve Holdings Ltd, Willow Pond Farm Ltd and Jacks Point Residents and Owners Association
NZEC 34:2001	New Zealand Electrical Code of Practice for Electrical Safe Distances 2001
NESETA 2009	Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009
NESTF 2008	Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008
NESTF 2016	Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016
NPSET 2008	National Policy Statement for Electricity Transmission 2008
NPSFWM 2014	National Policy Statement for Freshwater Management 2014
NPSREG 2011	National Policy Statement for Renewable Electricity Generation 2011
NPSUDC 2016	National Policy Statement on Urban Development Capacity 2016
NZTA	New Zealand Transport Agency

ODP	The Operative District Plan for the Queenstown Lakes District as at the date of this report
PDP	Stage 1 of the Proposed District Plan for Queenstown Lakes District as publicly notified on 26 August 2015
Proposed RPS	The Proposed Regional Policy Statement for the Otago Region Decisions Version dated 1 October 2016, unless otherwise stated
QAC	Queenstown Airport Corporation Ltd
QPL	Queenstown Park Ltd
RPL	Remarkables Park Ltd
RPS	The Operative Regional Policy Statement for the Otago Region dated October 1998
Telecommunication Companies Transpower	Vodafone New Zealand Ltd, Spark New Zealand Trading Ltd, Two Degrees Mobile Limited and Chorus New Zealand Ltd Transpower New Zealand Limited

1.2. Topics Considered

2. The subject matter of the Stream 5 hearing was Chapters 30, 35 and 36 of the PDP (Hearing Stream 5). Each of these are District Wide chapters.
3. Chapter 30 deals with energy and utilities. In terms of energy, it is concerned both with the generation of electricity and encouraging energy efficiency. The provisions relating to utilities recognise that they are essential to the servicing and functioning of the District, but also seek to achieve a balance between the competing effects of utilities and other land uses.
4. Chapter 35 deals with temporary activities and relocated buildings. The provisions recognise that these activities can occur in any zone subject to appropriate controls on adverse effects.
5. Chapter 36 is concerned with noise. The general purpose of the chapter is to manage noise effects from activities throughout the District.

1.3. Hearing Arrangements

6. The hearings were held in Queenstown on 12th, 13th and 15th September 2016, and in Wanaka on 14th September 2016. The Council's written reply, in the form of legal submissions and evidence, was received on 23rd September 2016.
7. Parties heard from on Stream 5 matters were:

Council

- Sarah Scott and Katherine Hockly (Counsel)
- Kimberley Banks (author of the Section 42A Report on Chapter 35)
- Craig Barr (author of the Section 42A Report on Chapter 30)
- Dr Stephen Chiles

- Ruth Evans (author of the Section 42A Report on Chapter 36)

QAC¹

- Rebecca Wolt (Counsel)
- Christopher Day
- Kirsty O’Sullivan
- Scott Roberts

Jet Boating New Zealand²

- Eddie McKenzie

Jacks Point Group³

- Maree Baker-Galloway (Counsel)
- Chris Ferguson

Michael Farrier⁴

NZTA⁵

- Anthony MacColl

Real Journeys Limited⁶ and Te Anau Developments Limited⁷

- Fiona Black

Aurora Energy Limited⁸

- Bridget Irving (Counsel)
- Joanne Dowd
- Stephen Sullivan

John Walker⁹

House Movers¹⁰

- Stuart Ryan (Counsel)
- Graham Scobie

QPL¹¹ and RPL¹²

- Brian Fitzpatrick

1 Submission 433
 2 Submission 758
 3 Submission 762 and Further Submissions 1275 and 1277
 4 Submission 752
 5 Submission 719
 6 Submission 621 and Further Submission 1341
 7 Submission 607 and Further Submission 1342
 8 Submission 635
 9 Submission 292
 10 Submission 496
 11 Submission 806 and Further Submission 1097
 12 Further Submission 1117

Vodafone New Zealand Ltd¹³, Spark New Zealand Trading Ltd¹⁴ and Chorus New Zealand Ltd¹⁵

- Matthew McCallum-Clarke
- Graeme McCarrison
- Colin Clune

Totally Tourism Ltd¹⁶ and Skyline Enterprises Ltd¹⁷

- Sean Dent

Transpower¹⁸

- Ainsley McLeod
- Andrew Renton

8. In addition, a statement of evidence lodged by Megan Justice on behalf of PowerNet Ltd¹⁹ was tabled. Mr David Cooper lodged a statement of evidence on behalf of Federated Farmers of New Zealand²⁰ and tabled a summary of his evidence. Finally, a letter from Rob Owen of the New Zealand Defence Force²¹ dated 8 September 2016 was tabled.
9. Neither Ms Justice, Mr Cooper nor Mr Owen appeared at the hearing in relation to these documents. While we have considered these statements of evidence, our inability to question the witnesses limited the weight we could put on the evidence.

1.4. Procedural Steps and Issues

10. The hearing of Stream 5 proceeded on the basis of the pre-hearing general directions made in the Panel's Minutes summarised in Report 1²².
11. Specific to the Stream 5 hearing, Counsel for Lake Hayes Cellar Limited (LHC)²³ lodged a Memorandum dated 23 August 2016 seeking clarification as to whether the submissions points of LHC on Chapter 36 would be heard or deferred consistent with the Chair's Minute of 17 June 2016. By way of a Minute dated 24 August 2016, the Chair confirmed the deferment of LHC's submission to the mapping hearings.
12. The Chair issued a Minute on 26 August 2016 confirming that the submissions lodged by Mr Manners-Wood²⁴ were not relevant to Chapter 36 and, consequently, that he would not be heard in Stream 5.
13. By way of a Memorandum dated 30 August 2016, counsel for the Council sought that one full day be allocated for the Council opening on 12 September 2016. Provision was duly made for the Council to have that amount of hearing time.

¹³ Submission 179 and Further Submission 1208
¹⁴ Submission 191 and Further Submission 1253
¹⁵ Submission 781 and Further Submission 1106
¹⁶ Submission 571
¹⁷ Submission 574
¹⁸ Submission 805
¹⁹ Submission 251 and Further Submission 1259
²⁰ Submission 600 and Further Submission 1132
²¹ Submission 1365
²² Report 1, Section 1.5
²³ Submission 767
²⁴ Submissions 213 and 220

14. Counsel for Aurora Energy Limited filed a Memorandum on 1 September 2016 seeking leave to file its evidence by 12pm on 9 September 2016, 5 working days after the time specified in the notice of hearing. The Chair replied by way of a Minute dated 1 September 2016 refusing the full extension sought, but granting an extension to 10am on 5 September 2016 (1 working day).
15. On 16 September 2016, Counsel for Transpower filed a Memorandum suggesting a proposed controlled activity rule to apply to activities adjacent to Transpower's Frankton Substation. This was in response to questions put to Transpower's witnesses in the hearing.
16. In response to the Transpower Memorandum, the Panel received a Memorandum filed by Counsel for PR and MM Arnott suggesting that there was no jurisdiction for the Panel to consider the rule proposed by Transpower.
17. The Chair responded to both of these memoranda in a Minute dated 20 September 2016. The Chair reviewed the original submission of Transpower and concluded the new proposed rule was within the scope of the original submission.
18. The Hearing Panel issued a Minute dated 28 September 2016 seeking clarification from the Council of the formulation 1-2 used in notified Table 5 in Rule 36.6.3 and whether that was a typographical error consistent with the error identified by the Council in notified Table 5 in Rule 36.7. Counsel for the Council replied by Memorandum on 28 September 2016 that it was a similar typographical error and expressed the opinion that the correction of it would fall within the category of minor correction under clause 16(2) of the First Schedule to the Act.
19. On 24 May 2017 we issued a Minute requiring caucusing between Mr Barr and Mr McCallum-Clark to provide the Panel with advice on ensuring the rules proposed by the Council and Telecommunications Companies were consistent with the NESTF 2016.
20. On 25 September 2017 we received a Joint Witness Statement²⁵ from Mr Barr and Mr McCallum-Clark recording their agreement on amendments necessary to a number of rules to ensure consistency with the NESTF 2016. This also recorded one area of disagreement in relation to the height of poles in the Rural Character Landscapes in the Rural Zone.
21. Mr Barr and Mr McCallum-Clark agreed there was scope within the submissions from the Telecommunication Companies²⁶ for the amendments they proposed so as to ensure consistency of the PDP with NESTF 2016. We accept the agreed amendments for the reasons set out in the Joint Witness Statement and incorporate the recommended changes into our recommendations without further discussion. We discuss the one area of disagreement when discussing notified Rule 30.4.14 below.

1.5. Statutory Considerations

22. The Hearing Panel's Report 1 contains a general discussion of the statutory framework within which submissions and further submissions on the PDP have to be considered, including matters that have to be taken into account, and the weight to be given to those matters. We

²⁵ Joint Witness Statement of Craig Barr and Matthew McCallum-Clark – Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2016 – Energy and Utilities Chapter (30), dated 25 September 2017

²⁶ Submissions 179, 191, 421 and 781

have had regard to that report when approaching our consideration of submissions and further submissions on the matters before us.

23. Some of the matters identified in Report 1 are either irrelevant or only have limited relevance to the objectives, policies and other provisions we had to consider. The NPSFWM 2014 is in this category. The NPSET 2008, the NPSREG 2011 and the NPSUDC 2016 do, however, have more relevance to the matters before us. We discuss those further below.
24. The section 42A reports on the matters before us drew our attention to objectives and policies in the RPS and proposed RPS the reporting officers considered relevant. To the extent necessary, we discuss those in the context of the particular provisions in the three Chapters.
25. The NPSET 2008 sets out objectives and policies which recognise the national benefits of the electricity transmission network, manage the environmental effects of that network, and manage the adverse effects of other activities on the transmission network. The network is owned and operated by Transpower. In this District, the network consists of a transmission line from Cromwell generally following the Kawarau River before crossing through Shotover Country and Frankton Flats to Transpower's Frankton substation, which also forms part of the network.
26. Relevant to the application of the NPSET 2008 are the NESET 2009. These set standards to give effect to certain policies in the NPSET 2008.
27. The NPSGEG 2011 sets out objectives and policies to enable the sustainable management of renewable electricity generation under the Act.
28. The NPSFWM 2014 sets out objectives and policies in relation to the quality and quantity of freshwater. Objective C seeks the integrated management of land uses and freshwater, and Objective D seeks the involvement of iwi and hapu in the management of freshwater. To the extent that these are relevant, we have taken this NPS into account.
29. The NPSUDC 2016 is relevant to the extent that it requires that local authorities satisfy themselves that adequate infrastructure is available to support short and medium term urban development capacity.
30. Finally, the NESTF 2008 applied at the time of the hearing. These standards defined the activity status of various telecommunication facilities and applied conditions on telecommunication facilities and activities. After the completion of the hearing, these Standards were replaced with the NESTF 2016. The NESTF 2016 sets out standards for various telecommunication facilities and provides that those facilities are permitted activities if the standards are complied with. Where the standards are not complied with, the activity status in the district plan comes into play. Where items of significance, or landscapes and habitats of significance, are affected, the district plan rules apply in place of the NES standards. Under s.44A of the Act, if there are any conflicts between the rules in the PDP and the NESTF 2016, the PDP may be amended without following the Schedule 1 process. Thus, if we find any such conflict, we will recommend amendments to the PDP to remove the conflict, whether or not submissions sought such amendments.
31. The tests posed in section 32 form a key part of our review of the objectives, policies, and other provisions we have considered. We refer to and adopt the discussion of section 32 in the Hearing Panel's Report 3. In particular, for the same reasons as are set out in Report 3, we

have incorporated our evaluation of changes we have recommended into the report that follows, rather than provide a separate evaluation of how the requirements of section 32AA are met.

PART B: CHAPTER 30 - ENERGY AND UTILITIES

2. PRELIMINARY

2.1. General Submissions

32. Several submissions require consideration before discussing the provisions in the chapter and the submissions on those provisions. Kain Froud²⁷ supported the chapter generally. As we are recommending changes to the chapter, we recommend his submission be accepted in part.
33. Maggie Lawton²⁸ sought that the Council consider introducing an organic waste collection so as to reduce the amount of waste going into landfills. Although this has some relationship to this chapter, in that the rules of the chapter provide for waste management facilities, we do not consider it is a matter that falls within the Council's resource management functions. Rather it is a matter better dealt with under the Council's Local Government Act functions. On that basis, we recommend this submission be rejected.
34. David Pickard²⁹ has sought a general policy to discourage light pollution throughout the District. This issue has been dealt with in relation to other chapters. The Hearing Panel, differently constituted, that heard Stream 1B has recommended a new policy in chapter 4 that reads:
- Ensure lighting standards for urban development avoid unnecessary adverse effects on views of the night sky.*³⁰
35. The same Panel has also recommended that Policy 6.3.5 read:
- Ensure the location and direction of lights does not cause excessive glare and avoids unnecessary degradation of views of the night sky and of landscape character, including the sense of remoteness where it is an important part of that character.*
36. We consider that these policies give effect to the relief sought by Mr Pickard, but as they are in a different part of the PDP, we recommend his submission be accepted in part.
37. The Telecom Companies³¹ sought that Chapter 30 be amended to provide a framework that supports utilities and manages the adverse effects of activities. This was conditionally supported by Te Anau Developments Limited³². As the overall effect of our recommendations on the submissions on this chapter, in our view, do provide such a framework, we recommend this submission be accepted. The conditional nature of the further submission means it should only be accepted in part.
38. Te Ao Marama Inc³³ sought that those aspects of Chapter 30 which affected freshwater quality and quantity should give effect to the NPSFWM 2014, particularly Objective D and Policy D-1. We have taken those provisions into account in coming to our conclusions on this chapter. We recommend the submission therefore be accepted in part.

²⁷ Submission 19

²⁸ Submission 165

²⁹ Submission 424

³⁰ Policy 4.2.2.10

³¹ Submissions 179.15, 191.13 and 781.14

³² Further Submission FS1342.9

³³ Submission 817

39. Te Anau Developments Ltd³⁴ and Cardrona Alpine Resort Ltd³⁵ sought amendments to the chapter to make special provision to ensure that the development, operation, maintenance and upgrading of energy, utilities and infrastructure related to tourism activities are specifically enabled. Ms Black appeared in support of these submissions. Her evidence focussed on the utility requirements of isolated locations, such as Walter Peak Station and Cardrona Alpine Resort and how specific policies and rules could be amended to assist those requirements. We have taken these matters into account in our consideration of the objectives, policies and rules and consequently recommend that the submissions be accepted in part.

2.2. Aurora Submission³⁶

40. While this submission sought a number of amendments to the objectives, policies and rules in Chapter 30, one aspect of the submission, contained in 8 submission points, has an overall goal of having provisions inserted into the PDP to protect certain lines of the Aurora network from the effects of other land uses. In our view, it is more appropriate to consider this matter at the outset rather than a piecemeal approach policy by policy or rule by rule. Further submissions were lodged opposing this aspect of the submission by Federated Farmers³⁷ and Transpower³⁸.

41. Aurora also appeared in respect of this overall objective in Hearing Streams 1 and 4 (each with Hearing Panels differently constituted from this Panel). While our recommendations are based on the submissions and evidence we heard in respect of this submission, we have also had the benefit of reviewing the reports and recommendations of those other hearing panels. In addition, Ms Dowd attached to her evidence copies of the evidence presented to the Stream 1 Hearing Panel, and the evidence and written answers she provided to questions set by the Stream 4 Hearing Panel.

42. The Aurora submission sought corridor protection for what it described as its strategic electricity distribution assets, namely -

- a. All 33kV and 66kV sub-transmission and distribution overhead lines and underground cables;
- b. 11kV overhead line to Glenorchy;
- c. 11kV overhead line between the Cardrona Substation up to the ski fields;
- d. 11kV overhead line to Treble Cone; and
- e. 11kV overhead line to Makarora.

43. The components of the submission are:

Submission Point	Amendment Sought (Summarised)
.1	Insert definition of Critical Electricity Line
.3	Insert definition of Electricity Distribution
.4	Insert definition of Electricity Distribution Line Corridor
.51	Amend Policy 30.2.6.4 to include reference to Critical Electricity Line Corridor
.61	Amend Rule 30.4.10 to include reference to Critical Electricity Line Corridor

³⁴ Submission 607.38, supported by FS1097.561

³⁵ Submission 615.36, supported by FS1105.36 and FS1137.37

³⁶ Submission 635

³⁷ Further submission 1132

³⁸ Further submission 1301

.70	Insert new Rule requiring all buildings (as defined in PDP) plus some other structures and defined tree planting within 10m, and all earthworks over underground cables or within 20m, of the centreline of a Critical Electricity Line Corridor to obtain consent as a restricted discretionary activity
.71	Include a reference in all zones to the new rule sought in point 70
.86	Amend the Planning Maps to show the relevant portions of the Aurora network

44. Thus, the submission sought protection of the lines listed above by, in essence, requiring that all buildings and specified earthworks and tree planting within specified distances of “Critical Electricity Lines” be restricted discretionary activities. We note also, that submission point 42 sought that all subdivision within 32m of the centreline of Critical Electricity Line Corridors be a restricted discretionary activity. That submission point is dealt with in Report 7 – Subdivision.
45. We understood, from both Ms Dowd’s evidence³⁹ and answers to our questions, that the essential purpose was to enable Aurora to be notified of building, planting, earthworks or subdivision activity within the vicinity of these lines so it could ensure landowners or those undertaking works complied with the NZECP 34:2001.
46. In her submissions on behalf of Aurora, Ms Irving submitted that Aurora’s distribution network must be recognised in the PDP to implement the RPS⁴⁰. In response to our questioning, Ms Irving submitted that the proposed RPS should be given more weight than the RPS.
47. The evidence of Ms Dowd, Delta Utility Services Limited⁴¹ Network Policy Manager, dealt in large part with areas of disagreement she had with the rules proposed by Mr Barr in his Section 42A Report. Her conclusion was that the corridor protection measures sought would promote the sustainable management of natural and physical resources and assist Aurora in delivering a robust and reliable power distribution network to the District⁴². In her Summary of Evidence Ms Dowd explained that, while under the NZECP 34:2001 Aurora should be notified if a building is within the minimum safe distances, that does not always occur.
48. Mr Sullivan presented a group of photographs showing instances of buildings or trees located within the distances required by NZECP 34:2001. Unfortunately, no location information was provided with the photographs. However, our knowledge of the area enabled us to identify four photographs as being of commercial buildings in Brownston Street, Wanaka and the date on one of the photographs indicated they were taken in 2008. It was also apparent that several of the photographs related to properties in Central Otago District.
49. Neither Ms Dowd nor Mr Sullivan were able to assist with indicating the actual extent of the problem in Queenstown Lakes District.
50. In his Section 42A report, Mr Barr accepted the approach sought by Aurora, but did not propose its implementation in a manner consistent with that sought by Aurora. In his reply

³⁹ Joanne Dowd, EiC, paragraph 13

⁴⁰ Legal submissions, paragraph 12.

⁴¹ We understand that Delta Utility Services Ltd, a sister company to Aurora, maintains and manages the Aurora network

⁴² Joanne Dowd, EiC, paragraph 69

statement, Mr Barr in large part reaffirmed this view. His differences with Aurora at that point related to the setback distances to be applied in the rule.

51. Two further submissions were lodged on Aurora's submission. That by Transpower was concerned that terminology used in any rule be distinct from that used in the NPSET 2008 and NESET 2009. Ms McLeod, when appearing for Transpower, suggested that distribution line was a better term than sub-transmission line. She also noted that the restrictions sought by Aurora were greater than those applied in respect of the National Grid. Mr Renton, also appearing for Transpower, suggested to us that there had been no demonstration of need for the yard and corridor widths Aurora sought given the nature of the lines used on the Aurora network as compared to those on the National Grid.
52. The further submission lodged by Federated Farmers opposed Aurora's submission in large part. Federated Farmers agreed that there could be a definition of Electricity Distribution, and that an advisory note could be included in the PDP noting that compliance with NZECP 34:2001 is mandatory for buildings, earthworks and when using machinery in close proximity to the electricity distribution network. However, Federated Farmers considered it inappropriate for the PDP to police the NZECP 34:2001 when dealing with local lines. Mr Cooper, Senior Policy analyst at Federated Farmers, tabled evidence in support of this further submission, but was not able to appear due to medical reasons⁴³.
53. In considering this issue, we start by analysing what is actually being sought by Aurora. Aurora has a number of lines passing over, or under in the case of cabled portions, private land. Some of these lines are located within road reserve. We were not provided with a breakdown of the proportions within each category, nor how much was on public reserve land. Ms Dowd did advise us that the network Aurora was seeking these provisions apply to amounts to 263 kilometres of overhead lines and 9 kilometres of underground lines⁴⁴. We received no information as to whether the underground lines referred to were within road reserves or within private property.
54. As we read the rule proposed, the corridor setback requirements would apply whether or not the relevant line was on road reserve, other reserve, or private land. Thus, owners and occupiers of land adjoining a road reserve or other site which contained a line would be affected by the rules to extent that part of their land lay within the 10m, 20m or 32m restriction area. Neither Ms Dowd nor Mr Barr undertook any analysis of how many properties would be affected by the proposed rules.
55. Aurora's position was that the restrictions are imposed by the NZECP 34:2001 so no additional burden is being imposed on the land owner. However, that is not entirely correct. The obligation to obtain a resource consent imposes a financial cost on the applicant, even if only for the Council's processing fees. If Ms Dowd is correct that the process would enable input by Aurora on such proposals⁴⁵, the expectation must be that such applications would be notified in some form. Our understanding is that the costs to the applicant could be substantial just to commence such a process. Unless the Council's fees cover 100% of the processing costs, the Council will also have a financial cost imposed.
56. The purpose of the provisions Aurora propose are, as was explained to us by Ms Dowd and Mr Sullivan, to protect the network from activities that could lead to power outages, and to ensure

⁴³ Explained in an email to the Hearing Panel on 13 September 2016

⁴⁴ Joanne Dowd, Summary of Evidence, paragraph 3.7

⁴⁵ Joanne Dowd, Evidence in Chief, paragraph 13

access remains available for ongoing maintenance. We understood there also to be an element of public safety by ensuring people could not come within such a distance that electricity would arc from the lines on them. These are not matters which come within the definition of reverse sensitivity, which appeared to be the justification Ms Dowd⁴⁶ and Mr Barr⁴⁷ had for their conclusions that some provision should be made. Our understanding is that a reverse sensitivity effect arises when a new activity seeks changes to an existing activity by reason of its adverse effects.

57. Ms Irving confirmed that Aurora is a requiring authority. She advised that Aurora steered away from using its requiring authority powers to protect its infrastructure as it would trigger the Public Works Act and landowners could seek acquisition or some other compensation. We took from this answer that a subsidiary purpose of the Aurora submission was to have controls in place to protect its infrastructure that, under s.85 of the Act, would not create any liability for compensation.
58. The purpose of the PDP is to assist the Council in carrying out its functions in order to achieve the purpose of the Act⁴⁸. The Act recognises that there are certain infrastructure activities, often, as in this case, undertaken by private companies, that are important for the wellbeing of the community by providing, in Part 8, the ability of those infrastructure providers to become requiring authorities and to impose their own mechanisms in a district plan to protect their infrastructure. Neither Ms Dowd nor Mr Barr addressed this option in coming to their conclusions. Nor did they address whether it should be the Council's function to, as Federated Farmers put it, police the NZECP 34:2001 for Aurora. It is not within the Council's functions to administer NZECP 34:2001.
59. We were referred to the proposed RPS as supporting Aurora's submission. The relevant policy⁴⁹ appears to be 4.4.5:
- Protect electricity distribution infrastructure by all of the following:*
- a. *Recognising the functional needs of electricity distribution activities;*
 - b. *Restricting the establishment of activities that may result in reverse sensitivity effects;*
 - c. *Avoiding, remedying or mitigating adverse effects from other activities on the functional needs of that infrastructure;*
 - d. *Protecting existing distribution corridors for infrastructure needs, now and for the future.*
60. The implementation method for district plans is Method 4.1, with no further specificity. We understand that both the policy and Method 4.1 are under appeal. Thus we cannot be certain of the final wording or either. This goes to the weight that can be given these provisions. However, we do not see that Policy 4.4.5 could not be given affect to by the relevant territorial authority recommending that a notice of requirement lodged by Aurora be confirmed. It is not apparent that the policy direction intended by the proposed RPS is that the only method of implementation is that district councils implement rules so as to enable Aurora to be aware of activities that may breach NZECP 34:2001.
61. On this last point, we are not certain that the objective, policy and rule framework proposed by Aurora achieves the outcome of increasing its awareness of such activities. The discretion

⁴⁶ Joanne Dowd, Evidence in Chief, paragraph 48

⁴⁷ Section 42A Report, paragraph 8.7

⁴⁸ Section 72

⁴⁹ As the hearing predated the ORC releasing its decisions on the proposed RPS, Ms Irving's submissions referred to the notified version.

as to notification lies with the Council⁵⁰. More certainty would be provided to Aurora by the application of s.176(1)(b) if the provisions were included in the PDP by way of a notice of requirement. In addition, any person requiring the approval of Aurora under that section would not be subject to the regulatory charges required for a resource consent. Thus, that method is more efficient for both Aurora and the landowners involved.

62. There is also a question as to whether the proposed rule provides any benefit to an applicant. While it is clearly within the powers of the Council to grant consent to a restricted discretionary activity, it appears that the provisions of NZECP 34:2001⁵¹ are such that holding such a consent would not necessarily allow the relevant work to proceed.
63. Finally, we have a concern that if the Council were to accede to Aurora's request, it would be imposing restrictions on a large number of landowners who may not have been aware that Aurora's submission could directly affect their use of their land. While the proposed objectives, policies and rules were clearly summarised, the extent of the land which could be affected by such provisions was not explicitly set out in the summary⁵². The summary refers to the maps attached to the submission, but those maps are not of such a scale as to clearly show every site potentially affected. As we noted above, affected land includes land adjoining land on which lines are located as well as land on which they are located. We understood that no attempt was made by Aurora to advise potentially affected landowners of the submission. One of the benefits of the notice of requirement method is that each affected landowner is directly notified.
64. Having considered the proposed provisions in terms of s.32AA, we conclude there is a practical alternative method available to Aurora which is both more effective and more efficient than the provisions proposed in the submission. We are also not satisfied that the Council has any need to ensure that NZECP 34:2001 is complied with – it is not one of its functions.
65. Thus, we recommend that those parts of Aurora's submission seeking the inclusion of objectives, policies and rules directed to imposing resource consent requirements within set distances of Aurora's lines or cables should be rejected.
66. We do, however, consider that Aurora's concerns can be addressed by improving the information in the PDP. Section 30.3.2.3 advises readers that NZECP 34:2001 is applicable. We consider that, if this was supplemented by showing the relevant overhead lines portion of the Aurora network, as shown in Annexure 2 to Submission 635, on the Planning Maps, landowners would have increased awareness of their obligations. When we raised this option with Ms Irving at the hearing she conceded this would go some way achieving Aurora's goal, but that it would prefer rules.
67. We will deal with other parts of Aurora's submission in discussion of the detailed PDP provisions below.

2.3. Section 30.1 - Purpose

68. This section notes the strategic importance of energy and utilities. Subsection 30.1.1 explains the value of energy, and section 30.1.2 sets out the value of utilities.

⁵⁰ Section 95A, or s.95E if limited notification.

⁵¹ The Introduction to the Code states: "*Compliance with this Code is mandatory.*"

⁵² See Submission Point 635.86 summarised on pages 1332 and 1333 of the summary

69. Section 30.1 was supported by one submitter⁵³ and a second submitter sought an amendment to refer to electricity transmission⁵⁴. We agree with Mr Barr that there is no need to amend this opening sentence. Electricity transmission clearly falls within the term “essential infrastructure”.
70. A number of submitters sought amendments to section 30.1.1 to emphasise aspects of design that could enhance energy efficiency⁵⁵. We are of the view that these suggested amendments add little to what is essentially an explanatory section. We do not recommend any changes to section 30.1.1.
71. One submission⁵⁶ supported section 30.1.2 as notified. Transpower⁵⁷ and PowerNet Ltd⁵⁸ each sought non-substantive amendments to the wording of this section. We agree with the further submissions by Contact Energy Ltd that the amendments proposed are, respectively, too specific or add nothing to the section. Mr Barr recommended a minor grammatical amendment to the discussion of reverse sensitivity effects. We agree with that amendment and recommend it be made as a minor change in accordance with Clause 16(2).

3. SECTION 30.2 - OBJECTIVES AND POLICIES

3.1. Objective 30.2.1 and Policies 30.2.1.1 and 30.2.1.2

72. As notified, these read:

30.2.1 The benefits of the District’s renewable and non-renewable energy resources and the electricity generation facilities that utilise such resources are recognised as locally, regionally and nationally important in the sustainable management of the District’s resources.

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

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

73. There were no submissions on this objective and the ensuing policies. In his Section 42A Report Mr Barr raised concerns that the objective and Policy 30.2.1.2 were problematic as they indicated non-renewable energy resources and generation were equally as important as renewable energy resources and generation, when the former were non-complying activities and the latter discretionary. He rightly conceded that there was no jurisdiction available to correct that inconsistency. That is a matter the Council would have to deal with by way of variation.

74. We have two concerns with the objective as notified. Firstly, similar to Mr Barr’s concern, we consider the objective inappropriately focusses on the benefits of utilising non-renewable

⁵³ Submission 238.117. Nine further submissions opposed submission 238 but did not appear to oppose this specific point.

⁵⁴ Submission 805.69, supported by FS1159.5 and opposed by FS1132.65

⁵⁵ Submissions 115.6, 230.6, 238.11, 383.59, 238.118

⁵⁶ Submission 719.147, supported by FS1186.8

⁵⁷ Submission 805.70, supported by FS1211.32 and opposed by FS1186.11

⁵⁸ Submission 251.11, supported by FS1097.89, opposed by FS1186.1 and FS1132.16

energy resources in the District when there is no evidence that such resources exist in the District, and if such resources did exist, the utilisation of them could be inconsistent with the Strategic objectives and policies in Chapters 3 and 6.

75. Our second concern is more one of style. As written, this is not an objective as it does not express an environmental outcome. We consider that this can be remedied as a minor grammatical change in accordance with Clause 16(2) of the First Schedule.
76. We recommend the Council reconsider this objective and the associated policies taking into account the concerns we and Mr Barr have expressed and institute a variation to replace them with more appropriate objective(s) and policies. In the meantime, we recommend the Council make a minor change under Clause 16(2) to objective 30.2.1 so that it reads:

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

3.2. Objective 30.2.2 and Policies 30.2.2.1 and 30.2.2.2

77. As notified, these read:

30.2.2 *Recognise that the use and development of renewable energy resources have the following benefits:*

- *Maintain or enhance electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions*
- *Maintain or enhance the security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation*
- *Assist in meeting international climate change obligations*
- *Reduce reliance on imported fuels for the purpose of generating electricity*
- *Help with community resilience through development of local energy resources and networks.*

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

- *Recognises the need to locate renewable electricity generation activities where the renewable electricity resources are available*
- *Recognises logistical and technical practicalities associated with renewable electricity generation activities*
- *Provides for research and exploratory-scale investigations into existing and emerging renewable electricity generation technologies and methods.*

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

78. Again, there were no submissions on this objective or the ensuing policies, and again Mr Barr expressed concerns with them in his Section 42A report. We agree with Mr Barr that they could be improved by including reference to the need to achieve the higher order Strategic Direction objectives and policies in Chapters 3 and 6. We note in particular that Policy 30.2.2.1 appears to be contrary to a number of policies in Chapters 3 and 6, such as 3.3.25, 3.3.30, 3.3.32-35 inclusive, 6.3.15, 6.3.1, 6.3.18, 6.3.24, 6.3.25.

79. We also have concerns that the introductory section of Objective 30.2.2 is again focused on recognising something, rather than expressing an environmental outcome. We are satisfied that can be corrected as a minor grammatical change under Clause 16(2).
80. We recommend the Council reconsider this objective and the ensuing policies to ensure they are consistent with, and give effect to both the NPSREG and the Strategic Objectives and Policies in Chapters 3, 5 and 6. In the interim, we recommend Objective 30.2.2 be rephrased utilising Clause 16(2) to read:

The use and development of renewable energy resources achieves the following:

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

3.3. Objective 30.2.3 and Policies

81. As notified these read:

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

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

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

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

30.2.3.4 *Assess the effects of Renewable Electricity Generation proposals, other than Small and Community Scale, on a case-by-case basis, with regards to:*

- *landscape values and areas with significant indigenous flora or fauna*
- *recreation and cultural values, including relationships with tangata whenua*
- *amenity values*
- *The extent of public benefit and outcomes of location specific cost-benefit analysis.*

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

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

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

82. The objective⁵⁹ and Policy 30.2.3.7⁶⁰ received submissions in support. The only submissions seeking to amend the provisions were those by the DoC in respect of Policy 30.2.3.4⁶¹ and Policy 30.2.3.6⁶². The amendment sought to Policy 30.2.3.4 sought that the first bullet point reference “significant habitat” for indigenous fauna, consistent with the wording in section 6(c) of the Act. The amendment sought to Policy 30.2.3.6 was to make it consistent with the approach taken by the DoC on Chapter 33.
83. Mr Barr agreed with the DoC’s proposed amendment to Policy 30.2.4, and we agree that such wording is necessary for consistency and because, although indigenous fauna are natural resources, the PDP can only control the habitat of such fauna, not the fauna themselves. Mr Barr also recommended deleting “on a case by case basis” from this policy, although did not provide reasons. We are satisfied that the words are unnecessary in the policy, as assessment is always taken on a case by case basis. We recommend the words be removed as a minor correction under Clause 16(2).
84. Although Mr Barr recommended a minor amendment to Policy 30.2.3.6 in response to the DoC’s submission, he did not discuss the reasoning for this in his Section 42A report. In our view, the policy as notified encompasses the possibility of environmental compensation being used to compensate for a wider range of effects than just effects on indigenous biodiversity (which the DoC submission was focussed on). The inclusion of the reference to biodiversity offsets, as recommended by Mr Barr, does, in our view, link this policy to the provisions in Chapter 33 (which apply in addition to this Chapter where energy resources are to be developed). In addition, we have changed the term shall to must for clarity purposes. We consider that change to be a minor grammatical change under Clause 16(2).
85. Consequently, we recommend that Policies 30.2.3.4 and 30.2.3.6 read as follows:

30.2.3.4 Assess the effects of Renewable Electricity Generation proposals, other than Small and Community Scale with regards to:

- a. landscape values and areas of significant indigenous flora or significant habitats of indigenous fauna;*
- b. recreation and cultural values, including relationships with tangata whenua*
- c. amenity values;*
- d. The extent of public benefit and outcomes of location specific cost-benefit analysis.*

30.2.3.6 To compensate for adverse effects, consideration must be given to any offset measures (including biodiversity offsets) and/or environmental compensation including those which benefit the local environment and community affected.

3.4. Objective 30.2.4 and Policies

86. As notified, these read:

⁵⁹ Submission 580
⁶⁰ Submission 635
⁶¹ Submission 373.16
⁶² Submission 373.17

Objective *Site layout and building design takes into consideration energy efficiency and conservation.*

30.2.4.1 *Encourage energy efficiency and conservation practices, including use of energy efficient materials and renewable energy in development.*

30.2.4.2 *Encourage subdivision and development to be designed so that buildings can utilise energy efficiency and conservation measures, including by orientation to the sun and through other natural elements, to assist in reducing energy consumption.*

30.2.4.3 *Encourage Small and Community-Scale Distributed Electricity Generation and Solar Water Heating structures within new or altered buildings.*

30.2.4.4 *Encourage building design which achieves a Homestar™ certification rating of 6 or more for residential buildings, or a Green Star rating of at least 4 stars for commercial buildings.*

30.2.4.5 *Transport networks should be designed so that the number, length and need for vehicle trips is minimised, and reliance on private motor vehicles is reduced, to assist in reducing energy consumption.*

30.2.4.6 *Control the location of buildings and outdoor living areas to reduce impediments to access to sunlight.*

87. The submissions on these ranged from support⁶³ to support with amendments. NZTA⁶⁴ sought to extend the effect of the objective to include the location of land use development, and to amend Policy 30.2.4.5 to achieve integration of land use and transport planning. QPL⁶⁵ sought to widen the ambit of Policy 30.2.4.5 to give emphasis to public transport, including water taxis and QPL's gondola proposal. Submitter 126 sought that amendments be made so that the location of trees were controlled to avoid shading neighbouring properties.

88. In his Section 42A Report, Mr Barr recommended no changes to this objective and the ensuing policies. In his reply statement, he responded to our questioning during the hearing by recommending a minor change to the objective to make it clear that it was both subdivision layout and site layout that should take into account energy efficiency and conservation.

89. We agree with Mr Barr that the minor word changes to the objective clarifies the outcome sought, and that the outcome was previously implicit given the wording of Policy 30.2.4.2. We do not consider any of the amendments sought by submitters are necessary. The changes sought to the objective would not assist the Council in achieving its functions under the Act. The changes sought to Policy 30.2.4.5 would be more appropriately dealt with in the Transportation Chapter of the PDP. None of them would give effect to the objective.

90. Consequently, the only amendment we recommend is to Objective 30.2.4 so that it reads:

Subdivision layout, site layout and building design takes into consideration energy efficiency and conservation.

⁶³ Submission 290

⁶⁴ Submission 719 supported by FS1186 and FS1097

⁶⁵ Submission 806

3.5. Objective 30.2.5 and Policies

91. As notified these read:

Objective *Co-ordinate the provision of utilities as necessary to support the growth and development of the District.*

30.2.5.1 *Essential utilities are provided to service new development prior to buildings being occupied, and activities commencing.*

30.2.5.2 *Ensure the efficient management of solid waste by:*

- *encouraging methods of waste minimisation and reduction such as re-use and recycling*
- *providing landfill sites with the capacity to cater for the present and future disposal of solid waste*
- *assessing trends in solid waste*
- *identifying solid waste sites for future needs*
- *consideration of technologies or methods to improve operational efficiency and sustainability (including the potential use of landfill gas as an energy source)*
- *providing for the appropriate re-use of decommissioned landfill sites.*

30.2.5.3 *Recognise the future needs of utilities and ensure their provision in conjunction with the provider.*

30.2.5.4 *Assess the priorities for servicing established urban areas, which are developed but are not reticulated.*

30.2.5.5 *Ensure reticulation of those areas identified for urban expansion or redevelopment is achievable, and that a reticulation system be implemented prior to subdivision.*

30.2.5.6 *Encourage low impact design techniques which may reduce demands on local utilities.*

92. Although six submitters supported the objective⁶⁶, each of them sought amendments to it. As notified, the objective read as if it were a policy – it proposed an action rather than an outcome. The amendment proposed by the Telecommunication Companies⁶⁷ overcame that problem and was largely supported by Mr Barr in his Section 42A Report. The amendments proposed by PowerNet⁶⁸ and Transpower⁶⁹ suffered from proposing an alternative action rather than an outcome. Mr Barr’s recommended changes were supported by Mr McCallum-Clark⁷⁰.

93. We agree with Mr Barr’s wording, which achieves the outcome sought by the Telecommunication Companies – a clear outcome that the ensuing policies can give effect to. We recommend objective 30.2.5 read:

⁶⁶ Submissions 179, 191 and 781 (each supported by FS1097), Submission 251 (supported by FS 1186 and FS1097), Submission 805 (supported by FS1186), and Submission 421

⁶⁷ Submissions 179, 191, 421 and 781

⁶⁸ Submission 251

⁶⁹ Submission 805

⁷⁰ Mathew McCallum-Clark, EiC, paragraph 19

30.2.5 *The growth and development of the District is supported by utilities that are able to operate effectively and efficiently.*

94. The only amendment⁷¹ sought to Policy 30.2.5.1 was the deletion of the word “essential” at the commencement of the policy, on the basis that essential utilities were not defined, and the objective applies to all utilities. Mr Barr also suggested the deletion of “and activities commencing” from the end of the policy. However, he provided no reasoning for this and we can find no basis for such a change in the submissions. We accept that the word “essential” should be deleted from the policy, but otherwise leave it unchanged.
95. Submissions 179, 191 and 781 supported Policy 30.2.5.3 and sought that it be retained unaltered. Two submissions⁷² sought amendments to this policy. The amendment sought by Submission 805, which sought the inclusion of statements about protecting utility corridors, was opposed by FS1159 on the basis that it could lead to the policy only applying to utilities that had specified corridors. FS1186 supported submission 805 but sought a different policy wording.
96. Mr Barr did not recommend any amendments to this policy. Ms McLeod considered that the amendments sought by Transpower were no longer necessary, subject to Policy 30.2.6.4 being amended⁷³. We agree with Mr Barr’s approach. The policy does not need additional wording of the type sought by submitters to implement the objective.
97. Mr Barr recommended the deletion of Policy 30.2.5.4⁷⁴, but we are unable to find any submissions seeking its deletion, although Mr McCallum-Clark appeared to support this course of action⁷⁵. We are also unable to find any reasons in the Section 42A Report for the deletion. Having considered the policy, we can see that it may not be directed to implementing the objective, but is more an internal matter for utility providers, including the Council in that role. We agree with Mr Barr that it should be deleted, but consider, that in the absence of submissions seeking its deletion, that can only be achieved by the Council initiating a variation to that end.
98. The Telecommunication Companies⁷⁶ sought the inclusion of an additional policy to identify the positive contribution utilities make to the cultural, social and economic wellbeing of society. Mr Barr recommended acceptance of this submission, with an amendment to the introductory words⁷⁷. We agree that the policy proposed (Reply Version) identifies the benefits of utilities to society within the context of managing the effects of utilities on the environment. However, we consider that this policy is misplaced under Objective 30.2.5. We consider it is more directed to implementing Objective 30.2.6 and we recommend it be located as Policy 30.2.6.3 (with subsequent policies being renumbered).
99. In summary, we recommend the rewording of Objective 30.2.5 as set out above, and other than the deletion of “Essential” from Policy 30.2.5.1, we recommend no changes to the policies under Objective 30.2.5.

⁷¹ By submissions 179, 191 and 781

⁷² Submissions 635 and 805

⁷³ Ainsley McLeod, EiC, paragraph 32(a)

⁷⁴ Section 42A Report, Appendix 1

⁷⁵ Matthew McCallum-Clark, EiC, paragraph 19

⁷⁶ Submissions 179, 191 and 781, supported by FS1121

⁷⁷ The amendment was included in the Reply Version.

3.6. Objective 30.2.6 and Policies

100. As notified these read:

Objective *The establishment, efficient use and maintenance of utilities necessary for the well-being of the community.*

30.2.6.1 *Recognise the need for maintenance or upgrading of a utility to ensure its on-going viability and efficiency.*

30.2.6.2 *Consider long term options and economic costs and strategic needs when considering alternative locations, sites or methods for the establishment or alteration of a utility.*

30.2.6.3 *Encourage the co-location of facilities where operationally and technically feasible.*

30.2.6.4 *Provide for the sustainable, secure and efficient use and development of the electricity transmission network, including within the transmission line corridor, and to protect activities from the adverse effects of the electricity transmission network, including by:*

- *Controlling the proximity of buildings, structures and vegetation to existing transmission corridors*
- *Discouraging sensitive activities from locating within or near to the electricity transmission National Grid Yard to minimise potential reverse sensitivity effects on the transmission network*
- *Managing subdivision within or near to electricity transmission corridors to achieve the outcomes of this policy to facilitate good amenity and urban design outcomes*
- *Not compromising the operation or maintenance options or, to the extent practicable, the carrying out of routine and planned upgrade works.*

30.2.6.5 *Recognise the presence and function of established network utilities, and their locational and operational requirements, by managing land use, development and/or subdivision in locations which could compromise their safe and efficient operation.*

101. One submission supported this objective⁷⁸, while five sought various amendments⁷⁹. The amendments generally sought that the objective identify that the continued operation and maintenance of utilities supported or enabled community well-being. Mr Barr supported these in a general sense in his Section 42A Report and recommended a hybrid of the versions sought by the submitters. Mr McCallum-Clark supported Mr Barr's recommended amendments⁸⁰.

102. The concern we have with Mr Barr's proposed wording is that it is unclear what the outcome relates to – community well-being, or the establishment, operation and maintenance of utilities to support community well-being. Given the policies designed to implement the objective, we consider it must be the latter outcome that is sought. To achieve this, we recommend that the objective be rephrased to read:

⁷⁸ Submission 600

⁷⁹ Submissions 179, 191 (supported by FS1121), 421, 781 and 805 (supported by FS1186)

⁸⁰ Matthew McCallum-Clark, EiC, paragraph 19

30.2.6 *The establishment, continued operation and maintenance of utilities supports the well-being of the community.*

103. Two submissions supported Policy 30.2.6.1⁸¹, one submission sought its amendment⁸², three submissions sought its replacement⁸³, and one sought its deletion⁸⁴. The amendments sought recognition of regionally significant infrastructure, and provision that maintenance and upgrading was cognisant of environmental constraints. Mr Barr proposed an amendment to include reference to regionally significant infrastructure. In Ms McLeod's view, the amendments sought by Transpower were unnecessary if amended Policy 30.2.6.4 was accepted⁸⁵.
104. This Chapter sits under the Strategic Directions Chapters (3, 4, 5 and 6). The objectives and policies contained within those chapters emphasise the importance of protecting outstanding natural landscapes and features from more than minor adverse effects on key values, and the importance of retaining rural character in other rural areas, and seeking high amenity values in urban areas. Objectives and policies in this chapter are to be read as achieving those strategic outcomes. In addition, in proposing this wording, we have had regard to Policy 4.3.3 of the proposed RPS. The submissions of the Telecommunication Companies seek changes which come closest to reflecting those outcomes. We also note that we generally do not consider policies which merely require recognition of something to be an effective means of implementing an objective. For those reasons, we recommend that Policy 30.2.6.1 read:

30.2.6.1 Provide for the maintenance or upgrading of utilities, including regionally significant infrastructure, to ensure its on-going viability and efficiency, subject to managing adverse effects on the environment consistent with the objectives and policies in Chapters 3, 4, 5 and 6.

105. A submission by the Council⁸⁶ sought the correction of a typographical error in Policy 30.2.6.2 by replacing the word "options" with "operational". Federated Farmers⁸⁷ sought that the economic costs of activities adversely effected be included in the policy. Transpower⁸⁸ sought the replacement of this policy with one the submitter contended would better give effect to the NPSET 2008.
106. Mr Barr accepted the amendment proposed by Transpower in his Section 42A report, and in her evidence Ms McLeod supported him for the reasons set out in the Transpower submission⁸⁹. In his reply version, Mr Barr recommended some grammatical changes to avoid repetition and tense changes. Subject to a further minor grammatical change, we accept the amendments to this policy for the reasons given by Ms McLeod. We recommend the policy read:

30.2.6.2 When considering the effects of proposed utility developments, consideration must be given to alternatives, and also to how adverse effects

⁸¹ Submissions 251 (supported by FS1186) and 635
⁸² Submission 805, opposed by FS1186
⁸³ Submissions 179, 191 and 781, opposed by FS1132 and FS1097
⁸⁴ Submission 421
⁸⁵ Ainsley McLeod, EiC, paragraph 32(b)
⁸⁶ Submission 383
⁸⁷ Submission 600, supported by FS1209, opposed by FS1121 and FS1034
⁸⁸ Submission 805, opposed by FS1186
⁸⁹ Ainsley McLeod, EiC, paragraph 32(c)

will be managed through the route, site and method selection process, while taking into account the locational, technical and operational requirements of the utility and the benefits associated with the utility.

107. In paragraph 97 we recommended that a policy proposed under Objective 30.2.5 be located under this policy. We recommend the inserted policy read:

- 30.2.6.3 *Ensure that the adverse effects of utilities on the environment are managed while taking into account the positive social, economic, cultural and environmental benefits that utilities provide, including:*
- a. enabling enhancement of the quality of life and standard of living for people and communities;*
 - b. providing for public health and safety;*
 - c. enabling the functioning of businesses;*
 - d. enabling economic growth;*
 - e. enabling growth and development;*
 - f. protecting and enhancing the environment;*
 - g. enabling the transportation of freight, goods, people;*
 - h. enabling interaction and communication.*

108. The only submissions⁹⁰ on Policy 30.2.6.3 sought that it be retained. We recommend that be remain unaltered save for renumbering to 30.2.6.4.

109. One submission⁹¹ sought that policy 30.2.6.4 be retained. Three submissions sought its amendment. Federated Farmers⁹² supported the policy subject to it being confined to referencing the National Grid. Transpower⁹³, while supporting the intent of the policy, sought its replacement with an objective and policy aiming to avoid the establishment of activities that could adversely affect the National Grid. Aurora's submission⁹⁴ sought amendments consistent with its overall approach of obtaining provisions in the PDP to protect its network.

110. Mr Barr recommended some changes to this policy and its relocation under a new objective proposed by Transpower. Ms McLeod⁹⁵ recognised that Mr Barr's amendments went some way to achieving the goal of Transpower's submission, but recommended further changes, particularly to give effect to the NPSET 2008, and having regard to policies in the proposed RPS (notified version). In his reply statement, Mr Barr largely agreed with the policy wording of Ms McLeod as being the most effective way of implementing the proposed Transpower objective (see below – new Objective 30.2.8), subject to an additional clause to support a setback rule protecting the Frankton Substation. This was in response to the description of the potential for electrical hazards around the Frankton Substation described to us by Mr Renton⁹⁶.

111. We have set out above the reasons we do not accept Aurora's submission in respect of protecting its network.

⁹⁰ Submissions, 179, 191, 421 and 781

⁹¹ Submission 251

⁹² Submission 600, supported by FS1209, opposed by FS1034 and FS1159

⁹³ Submission 805, opposed by FS1132

⁹⁴ Submission 635, opposed by FS1132 and FS1301

⁹⁵ Ainsley McLeod, EiC, paragraph 32(e)

⁹⁶ Andrew Renton, EiC, paragraphs 55-77

112. In addition to ensuring the PDP gives effect to the NPSET 2008, we have had regard to Policies 4.3.2, 4.3.4, 4.4.4 and 4.4.5 in the proposed RPS in concluding that the policy wording proposed by Mr Barr in his reply statement is appropriate, and that it be moved from under Objective 30.2.6 and located in association with an objective specifically oriented to the National Grid.
113. Three submissions⁹⁷ supported Policy 30.2.6.5 as notified. Transpower's submission⁹⁸ sought its amendment. Four submissions⁹⁹ sought the creation of two policies out of this policy.
114. Ms McLeod¹⁰⁰ advised in her evidence that she did not consider the amendments sought by Transpower were necessary if the proposed new policies 30.2.6.2 and 30.2.6.4 (albeit moved) were accepted. Mr Barr did not recommend any change to Policy 30.2.6.5.
115. The Telecommunication Companies' submission split the policy into two parts, as set out below

Enable the functioning and enhancement of established network utilities, and their operational and upgrade requirements.

Manage land use, development and/or subdivision and their effects in locations which could compromise their safe and efficient operation of utilities.

116. The first part has essentially been provided for in our recommended Policy 30.2.6.1 set out above. We consider that, with some grammatical changes, the second part better expresses the point of notified Policy 30.2.6.5. As we read it, the policy is focused on managing other activities so as to minimising the potential for those other activities to compromise the operation of utilities. The Telecommunication Companies' submission almost captures that. We recommend the policy read:

30.2.6.5 Manage land use, development and/or subdivision and their effects in locations which could compromise the safe and efficient operation of utilities.

117. Mr Barr recommended the inclusion of an additional policy under this objective to provide a policy basis for the rules he considered should be included to satisfy Aurora's submission regarding its distribution network. Given our conclusions above that the Aurora proposal should be rejected, we do not recommend the inclusion of this additional policy.

3.7. Objective 30.2.7 and Policies

118. As notified these read:

Objective *Avoid, remedy or mitigate the adverse effects of utilities on surrounding environments, particularly those in or on land of high landscape value, and within special character areas.*

30.2.7.1 *Reduce adverse effects associated with utilities by:*

- *Avoiding or mitigating their location on sensitive sites, including heritage and special character areas, Outstanding Natural Landscapes and Outstanding Natural Features, and skylines and ridgelines*

⁹⁷ Submissions 251 (supported by FS186), 635 and 719 (supported by FS1186)

⁹⁸ Submission 805, supported by FS1186 and opposed by FS1132

⁹⁹ Submissions 179 (opposed by FS1132), 191 (opposed by FS1132), 421 and 781

¹⁰⁰ Ainsley McLeod, EiC, paragraph 32(f)

- *Encouraging co-location or multiple use of network utilities where this is efficient and practicable in order to avoid, remedy or mitigate adverse effects on the environment*
- *Ensuring that redundant utilities are removed*
- *Using landscaping and or colours and finishes to reduce visual effects*
- *Integrating utilities with the surrounding environment; whether that is a rural environment or existing built form.*

30.2.7.2 *Require the undergrounding of services in new areas of development where technically feasible.*

30.2.7.3 *Encourage the replacement of existing overhead services with underground reticulation or the upgrading of existing overhead services where technically feasible.*

30.2.7.4 *Take account of economic and operational needs in assessing the location and external appearance of utilities.*

119. Three submissions supported this objective¹⁰¹, while four sought amendments to the objective¹⁰². The submissions seeking amendments sought primarily to include the words “where practicable” and to define the landscape areas and special character areas referred to as being defined in the PDP. In addition, the four Telecommunication Companies¹⁰³ sought the inclusion of an additional policy to read:

Recognise that in some cases it might not be possible for utilities to avoid outstanding natural landscapes, outstanding natural features or identified special character areas and in those situations greater flexibility as to the way that adverse effects are managed may be appropriate.

120. Mr Barr dealt with this matter in some detail in his Section 42A Report¹⁰⁴. He also noted that PowerNet¹⁰⁵ sought amendments to Policy 30.2.7.1 to reflect that it may be difficult for utility providers to reduce the visual effects of their assets. Mr McCallum-Clark explained in his evidence¹⁰⁶ that the requested amendments provide an approach of focussing on the values and attributes of a sensitive environment and referred to provisions in other plans in Canterbury and the Bay of Plenty. He retained this view when he appeared before us¹⁰⁷.

121. We have a number of concerns with Objective 30.2.7, both as notified and as recommended by Mr Barr. As has been noted in other Hearing Reports, we do not consider that adding “avoid, remedy or mitigate” to an objective or policy provides any guidance for decision-makers or other plan users. We also agree with the submitters that, if this objective is solely directed to areas of “high landscape value” then the objective should be clear that it is

¹⁰¹ Submissions 635, 781 and 806

¹⁰² Submissions 179 (supported by FS1097), 191 (supported by FS1097), 421, 719 (supported by FS1160) and 805 (opposed by FS1186)

¹⁰³ Submissions 179, 191, 421 and 781

¹⁰⁴ Section 42A Hearing Report: Chapter 30 Energy and Utilities, Issue 4, pp 37-38

¹⁰⁵ Submission 251, supported by FS1186 and FS1097

¹⁰⁶ Matthew McCallum-Clark, EiC, paragraphs 20-23

¹⁰⁷ Matthew McCallum-Clark, Opening Statement and Summary of Evidence, 15 September 2017, paragraph 6

referring to the areas identified in the PDP as ONLs or ONFs. As notified, Policy 30.2.7.1 clarified that it was ONLs and ONFs that were being referred to.

122. The Hearing Panel for Stream 1B has recommended the following policies:

6.3.17 *Locate, design, operate and maintain regionally significant infrastructure so as to seek to avoid adverse effects on Outstanding Natural Landscapes and Outstanding Natural Features, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases.*

6.3.18 *In cases where it is demonstrated that regionally significant infrastructure cannot avoid adverse effects on Outstanding Natural Landscapes and Outstanding Natural Features, avoid significant adverse effects and minimise other adverse effects on those landscapes and features.*

6.3.24 *Locate, design, operate and maintain regionally significant infrastructure so as to seek to avoid significant adverse effects on the character of the landscape, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases.*

6.3.25 *In cases where it is demonstrated that regionally significant infrastructure cannot avoid significant adverse effects on the character of the landscape, such adverse effects shall be minimised.*

123. The objectives and policies in Chapter 30 need to give effect to those policies, noting that regionally significant infrastructure is a subset of utilities with a higher status than the generality of utilities.

124. Taking into account the policy direction of Chapter 6, and recognising that the policies under Objective 30.2.7 have the role of defining how it is to be achieved, we consider the objective can be simplified so as to express the overall outcome that is expected. We note that while the focus of the submitters was on the inclusion of the term “high landscape value”, the objective is actually directed to all environments in the District. We consider removing reference to a particular type of environment from the objective will make the outcome sought clearer. The policies are able to identify how it will be achieved in different environments. Consequently, we recommend it read:

30.2.7 *The adverse effects of utilities on the surrounding environment are avoided or minimised.*

125. Submissions on Policy 30.2.7.1 sought:

- a. *Insert “remedying” between “Avoiding” and “or mitigating” in the first bullet point;*¹⁰⁸
- b. *Add “whilst having regard to their technical, operational and locational constraints and their benefits” at the end of the first bullet point;*¹⁰⁹
- c. *Insert “where economically viable and technically feasible” at the end of the fifth bullet point;*¹¹⁰

¹⁰⁸ Submissions 251 (supported by FS1186 and FS1097) and 519 (supported by FS1015, opposed by FS1097)

¹⁰⁹ Submission 805, supported by FS1186

¹¹⁰ Submission 635

- d. *Change the fifth bullet point to read “In Outstanding Natural Landscapes and Outstanding Natural Features using landscaping and colours and finishes to remedy or mitigate visual effects where necessary”¹¹¹; and*
- e. *Delete the final bullet point¹¹².*
126. Two of the Telecommunication Companies sought the retention of this policy, but the insertion of the additional policy quoted above¹¹³.
127. Mr Barr recommended changes to clarify the distinction between rural areas contained within ONLs and ONFs and other rural land in the first two bullet points, but no other changes.
128. In our view the changes sought by the submitters to emphasise locational constraints or economic factors in this policy overlooked the fact that such matters are covered in Policy 30.2.7.4. We do not consider it necessary for this policy to cover every matter of consideration under the objective. It is a combination of all the policies that achieve the outcome. We do agree with Mr Barr that the policy should clearly distinguish between how utilities are to be dealt with in ONLs and on ONFs versus other areas. We further consider the purpose of this policy is to identify how utilities are to be managed to achieve the objective. Thus Mr Barr’s suggested “Provide for utilities”¹¹⁴ is unnecessary. We also take into account the policies from Chapter 6 discussed above. With further minor grammatical changes, we recommend the policy read:
- 30.2.7.1 *Manage the adverse effects of utilities on the environment by:*
- a. *Avoiding their location on sensitive sites, including heritage and special character areas, Outstanding Natural Landscapes and Outstanding Natural Features, and skylines and ridgelines, and where avoidance is not practicable, avoid significant adverse effects and minimise other adverse effects on those sites, areas, landscapes or features;*
 - b. *Encouraging co-location or multiple use of network utilities where this is efficient and practicable in order to avoid, remedy or mitigate adverse effects on the environment;*
 - c. *Ensuring that redundant utilities are removed;*
 - d. *Using landscaping and or colours and finishes to reduce visual effects;*
 - e. *Integrating utilities with the surrounding environment; whether that is a rural environment or existing built form.*
129. There were five submissions in relation to Policy 30.2.7.2. Three sought amendments inserting wording that the undergrounding be efficient, effective and operationally feasible¹¹⁵. Two sought additional wording with the effect of requiring undergrounding be economically viable¹¹⁶. No specific evidence was provided in support of these amendments. Ms McLeod, in her evidence on behalf of Transpower¹¹⁷, suggested additional wording limiting the policy to new services in urban areas, although no changes were sought by Transpower.

¹¹¹ Submission 251, supported by FS1186 and FS1097

¹¹² Submission 251, supported by FS1186 and FS1097

¹¹³ Submissions 179, 191, both supported by FS1097 and FS1121

¹¹⁴ In his Reply version of the policy

¹¹⁵ Submissions 179, 191 and 781

¹¹⁶ Submissions 251 (opposed by FS1186) and 635

¹¹⁷ Ainslie McLeod, EiC, paragraph 33

130. We consider it entirely appropriate that areas of new development have utility services provided underground, except where it is technically not feasible. If we had jurisdiction to make the changes suggested by Ms McLeod, we would not make them as we do not consider undergrounding should be limited to new services, nor to urban areas. Underground reticulation can be appropriate in many parts of the District. We recommend the policy remain as notified.
131. One submission supported Policy 30.2.7.3 unaltered¹¹⁸. Aurora¹¹⁹ sought it be limited to residential zones, and Transpower¹²⁰ sought it be limited to reticulated lines so that it did not apply to the National Grid. Although not directly related to this policy, the submission of John Walker¹²¹ seeking a policy requiring the progressive undergrounding of reticulated services in Wanaka can be discussed in conjunction with Policy 30.2.7.3.
132. Ms McLeod briefly commented on this policy in her evidence¹²², suggesting the amendments proposed would be beneficial, but did note that the NPSET 2008 does not require the undergrounding of the National Grid. Mr Walker appeared in person and spoke to his submission. Mr Barr did not comment on it specifically and recommended no changes to the policy.
133. The policy is that the Council will encourage undergrounding. We do not see any reason to limit the areas the Council may prioritise for such encouragement. While we have sympathy for the views expressed by Mr Walker, we consider the policy as expressed is the most appropriate given the Council's functions under the Act. We recommend the policy remain as notified.
134. Five submissions supported Policy 30.2.7.4 and sought its retention¹²³. Transpower¹²⁴ sought additional wording such that locational and technical requirements be considered, and that the policy refer to network utilities. No evidence was presented in support of this submission.
135. We are satisfied that, when read in conjunction with the other policies under Objective 30.2.7, the wording as notified is appropriate. We recommend the policy remain as notified.

3.8. Additional Objectives and Policies Sought

136. NZIA sought an objective and policies aimed at reducing energy use¹²⁵. No evidence was presented in support of this submission. We do note, however, that the policies sought seeking a compact urban form and the application of urban growth boundaries have been provided in other chapters. We do not recommend the inclusion of the objective and policies sought in this submission.
137. Transpower¹²⁶ sought the inclusion of a new objective and policy specifically related to its operation of the National Grid. Mr Barr did not specifically deal with this in his Section 42A

¹¹⁸ Submission 251

¹¹⁹ Submission 635

¹²⁰ Submission 805

¹²¹ Submission 292, opposed by FS1106, FS1208 and FS1253

¹²² Ainsley McLeod, EiC, paragraph 32(h)

¹²³ Submissions 179, 191, 251, 635 and 781

¹²⁴ Submission 805

¹²⁵ Submission 238, opposed by FS1157, FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

¹²⁶ Submission 805

Report. Ms McLeod¹²⁷ proposed the inclusion of two new objectives and further amendments to the amended Policy 30.2.6.4 recommended by Mr Barr¹²⁸. It was Ms McLeod's evidence that these additional policies and the amendments she proposed were necessary to give effect to the NPSET 2008.

138. In his reply statement, Mr Barr largely agreed with Ms McLeod's proposals and recommended an amended objective (Objective 30.2.8) and recommended moving Policy 30.2.6.4, largely as suggested by Ms McLeod to sit under that new objective. In his view, the new objective was the most appropriate way to give effect to the NPSET 2008 Objective 5¹²⁹.

139. We agree with and accept the reasoning of Ms McLeod and Mr Barr. We have recommended in paragraph 111 above that notified policy 30.2.6.4 be amended and moved to be located under this objective. We do, however, consider both the objective and the policy need further modification. As recommended, the objective in part reads like a policy, and the policy unnecessarily repeats part of the objective and is grammatically too complicated.

140. We recommend the objective and policy read as follows:

30.2.8 *The ongoing operation, maintenance, development and upgrading of the National Grid subject to the adverse effects on the environment of the National Grid network being managed.*

30.2.8.1 *Enabling the use and development of the National Grid by managing its adverse effects and by managing the adverse effects of activities on the National Grid by:*

- a. *only allowing buildings, structures and earthworks in the National Grid Yard where they will not compromise the operation, maintenance, upgrade and development of the National Grid;*
- b. *avoiding Sensitive Activities within the National Grid Yard;*
- c. *managing potential electrical hazards and the adverse effects of buildings, structures and Sensitive Activities on the operation, maintenance, upgrade and development of the Frankton Substation;*
- d. *managing subdivision within the National Grid corridor so as to facilitate good amenity and urban design outcomes.*

141. PowerNet¹³⁰ sought the inclusion of a new policy under Objective 30.2.6 which would read:

Provide for the sustainable development, use, upgrading and maintenance of electricity distribution networks, including lines, transformers, substations and switching stations and ancillary buildings.

142. Mr Barr did not address this submission directly in his Section 42A Report, but he did recommend a modification to the objectives and policies in response to several submissions seeking modifications, including PowerNet's¹³¹. This policy was not addressed in Ms Justice's evidence.

¹²⁷ Ainsley McLeod, EIC, paragraphs 27 and 33

¹²⁸ Section 42A Report, Appendix 1, page 30-5

¹²⁹ Reply of Craig Alan Barr, 22 September 2016, paragraph 9.3

¹³⁰ Submission 251, opposed by FS1132

¹³¹ Craig Barr, Section 42A Report, Section 10

143. Our view is that Policy 30.2.6.1 with the wording we have recommended above achieves the same outcome as that expressed in PowerNet’s policy. The only difference is that Policy 30.2.6.1 relates to utilities in general, whereas the PowerNet proposal is directed solely to electricity distribution networks. We see no justification creating a semi-duplication specifically for electricity distribution networks and recommend that the submission be rejected.

3.9. Summary

144. We have set out in Appendix 1 the recommended objectives and policies. We note that two of the objectives we conclude need to be reconsidered by the Council and amended by variation, notwithstanding that we recommend minor amendments under Clause 16(2) to them.

145. In summary, in relation to the remaining objectives and policies, we regard the combination of objectives recommended as being the most appropriate way to achieve the purpose of the Act in this context, while giving effect to, and taking into account, the relevant higher order documents, the Strategic Direction Chapters and the alternatives open to us. The suggested new policies are, in our view, the most appropriate way to achieve those objectives.

4. SECTION 30.3 – OTHER PROVISIONS AND RULES

4.1. Section 30.3.1 – District Wide

146. There were no submissions on this section. We recommend that the references in it be amended to be consistent with the references in other chapters. We consider this to be a non-substantive change of minor effect as the material in the section is purely for information purposes. We have set out are recommended wording in Appendix 1.

4.2. Section 30.3.2 – National

147. As notified this section listed two relevant National Environmental Standards¹³² and the NZECP 34:2001, along with a brief explanation of each.

148. Submissions sought:

- a. Amend to refer to the relationship between district plans and National Environmental Standards and update to ensure consistency with NESTF 2016¹³³;
- b. Add reference to Electricity (Hazards from Trees) Regulations 2003¹³⁴;
- c. Amend 30.3.2.1 to clarify that the provisions of NESETA 2009 prevail of the Plan rather than the chapter¹³⁵;
- d. Include references to the National Grid in 30.3.2.3 and clarify that compliance with the PDP does not ensure compliance with NZECP 34:2001¹³⁶;
- e. Retain 30.3.2.3 as notified¹³⁷.

149. Mr Barr recommended the inclusion of an advice note concerning the Electricity (Hazards from Trees) Regulations and a minor change to the title of the section. Ms McLeod was the only

¹³² NESETA 2009 and NESTF 2016

¹³³ Submissions 179, 191, 421 and 781

¹³⁴ Submission 805

¹³⁵ Submission 805

¹³⁶ Submission 805

¹³⁷ Submissions 600 (opposed by FS1034, supported by FS1209) and 635

witness to comment on the redrafting and she considered any differences in wording from what was sought were immaterial¹³⁸.

150. Our understanding is that the material contained in this section is information to assist readers of the Chapter. It does not contain rules under s.76 of the Act. In our view, that distinction should be made clear in the section title. We recommend the title be “Information on National Environmental Standards and Regulations”. In addition, numbering the provisions listed gives the appearance that they are Plan provisions. We recommend the provisions be listed using (a), (b), etc. We consider those to be minor changes with no regulatory effect that fall under Clause 16(2).
151. We agree that the provisions should be updated to reflect the NESTF 2016¹³⁹. These regulations were made on 21 November 2016 after the date of the hearing. As the references are for information purposes we do not consider any person to be disadvantaged by the references being included without further hearing. Four submissions sought that the references be changed. No further submitters opposed those submissions.
152. Taking into account all the above and our earlier conclusions on the NZECP 34:2001, we recommend the section read:

30.3.2 Information on National Environmental Standards and Regulations

a. Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009:

Notwithstanding any other rules in the District Plan, the National Grid existing as at 14 January 2010 is covered by the Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009 (NESETA) and must comply with the NESETA.

The provisions of the NESETA prevail over the provisions of this District Plan, to the extent of any inconsistency. No other rules in the District Plan that duplicate or conflict with the Standard shall apply.

b. Resource Management (National Environmental Standards for Telecommunications Facilities “NESTF”) Regulations 2016:

The NESTF 2016 controls a variety of telecommunications facilities and related activities as permitted activities subject to standards, including:

- i. cabinets in and outside of road reserve;*
- ii. antennas on existing and new poles in the road reserve;*
- iii. replacement, upgrading and co-location of existing poles and antennas outside the road reserve;*
- iv. new poles and antennas in rural areas;*
- v. antennas on buildings;*
- vi. small-cell units on existing structures;*
- vii. telecommunications lines (underground, on the ground and overhead) and facilities in natural hazard areas; and*
- viii. associated earthworks.*

¹³⁸ Ainsley McLeod, EiC, paragraph 36

¹³⁹ The Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2016

All telecommunications facilities are controlled by the NESTF 2016 in respect of the generation of radiofrequency fields.

The NESTF 2016 and relevant guidance for users can be found at: <http://www.mfe.govt.nz/rma/legislative-tools/national-environmental-standards/national-environmental-standards> .

In general, the provisions of the NESTF 2016 prevail over the provisions of this District Plan Chapter, to the extent of any inconsistency. No other rules in the District Plan that duplicate or conflict with the NESTF 2016 shall apply. However, District Plan provisions continue to apply to some activities covered by the NESTF 2016, including those which, under regulations 44 to 52, enable rules to be more stringent than the NESTF, such as being subject to heritage rules, Significant Natural Areas, Outstanding Natural Features and Landscapes, and amenity landscape rules.

c. New Zealand Electrical Code of Practice for Electrical Safe Distances Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (“NZECP 34:2001”) is mandatory under the Electricity Act 1992. All activities regulated by the NZECP 34, including any activities that are otherwise permitted by the District Plan must comply with this legislation. Compliance with this District Plan does not ensure compliance with NZECP 34.

Note: To assist plan users in complying with these regulations, the major distribution components of the Aurora network are shown on the Planning Maps.

d. Electricity (Hazards from Trees) Regulations 2003

Vegetation to be planted around electricity networks should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

4.3. Section 30.3.3 – Clarification

153. As in other chapters, this section contains a series of provisions establishing how the rules work, including which chapters have precedence over others.
154. There was only one submission on this section¹⁴⁰. It sought the inclusion of an advice note regarding the planting of vegetation near electricity lines, which has been incorporated into 30.3.2(d), and the retention of the provision which gave utility rules priority over other rules.
155. Other than some minor non-substantive changes, the only amendment recommended by Mr Barr was to include a provision clarifying that Airport Activities in the Airport Mixed Use Zone (Chapter 17) prevail over the provisions of this chapter, in response to a legal submissions presented by Ms Wolt, counsel for QAC¹⁴¹.

¹⁴⁰ Submission 805

¹⁴¹ Legal Submissions for Queenstown Airport Corporation Limited, dated 9 September 2016, paragraphs 44-57

156. The concern of QAC was that the definition of utility included in Chapter 2 defined the term in such a way as to include airports. Chapter 17 included a specific set of rules relating to Queenstown Airport classifying many of the activities, which would fall within the definition of utility, as permitted. However, such activities could be classified as controlled or discretionary under Chapter 30. While there is an obvious inconsistency, the difficulty we face, as Ms Wolt conceded, is there is no submission seeking an appropriate solution. Ms Wolt submitted that a solution could fall within the Council's broad scope to amend the Plan based on the range of relief sought by submissions.
157. Mr Barr's response is the rule described above. We asked both Ms Wolt and Ms O'Sullivan whether an alternative solution would be to change the definition of utility to exclude airports from the definition. Ms Wolt undertook to consider that option, and Ms O'Sullivan suggested the definition could be changed to exclude airport activities and airport related activities within the Airport Mixed Use Zone. We understood her response to be that QAC would want any of its activities outside of that zone to continue to be controlled by Chapter 30.
158. We are not satisfied that there is scope to make either Mr Barr's amendment or to amend the definition of utility to obviate the apparent inconsistency. Having considered the two alternatives, we conclude that the most appropriate solution is to amend the definition of utility consistent with Ms O'Sullivan's suggestion. That will require a variation to the PDP and we recommend the Council investigate initiating such a variation.
159. Consistent with our approach in other chapters, recommend that the heading of this section be "Explanation of Rules" to better identify the purpose of the provisions contained. The only other change we recommend is to provision 30.3.3.5. This does not explain the rules. Rather it is a note that designations can also apply to some utilities. This should be identified as a note without a provision number to avoid confusion.
160. We set out in Appendix 1 our recommended layout of this section.

5. SECTIONS 30.4 AND 30.5 – RULES

5.1. Introductory Remarks

161. As notified, Section 30.4 contained a single table with activities listed and the activity classification. The list was broken into two sections: those for energy activities; and those for utilities. While there may have been a logic to the order of activities within each group, it was not obvious to us. Following this table, Section 30.5 contained a second table, this time setting out the standards that applied to certain activities. Again that was split into two groups. As the rules from sections 30.4 and 30.5 interact with each other, it is sensible to consider them together where possible.
162. In his reply statement, Mr Barr proposed a re-order of both the activity classifications and the standards into several tables such that the standards for a group of activities (such as renewable energy activities) immediately followed the classification table for that group. In part this was a response to submissions lodged by the Telecommunication Companies¹⁴² which sought a re-ordering of the rules applying to telecommunication utilities and a conflating of activity classifications and standards. Thus, Mr Barr's re-ordering had standards for some

¹⁴² Submissions 179, 191, 421 and 781

groups of activities, but in other cases included the standard within the classification of the activity. This has led to some repetition of standards.

163. We agree that the re-ordering is a more user-friendly approach and have largely followed Mr Barr’s layout. However, we have made some further changes to assist users. Within each classification table we have generally listed the activities in order of their classification with permitted first, followed by controlled, then restricted discretionary, discretionary, non-complying and prohibited in that order. In addition, we have numbered each table and restarted the rule numbers for each table, meaning that rules have the format 30.4.[Table-Number].[Rule-Number].
164. Our discussion of the submissions on the rules will be in the rule order as notified, but when making our recommendation on each provision we will identify where it fits in our re-ordered version.

5.2. Rule 30.4.1 – Energy Activities which are not listed in this table

165. These activities were classified as non-complying by this rule. No submissions were lodged in respect of this rule. Although we do not recommend any changes in the effect of this rule, we note that the classification of other energy activities in the table has the effect that it only applies to non-renewable energy activities and in part duplicates Rule 30.4.7. We consider that this rule is unnecessary given that the only activity it affects which is not covered by Rule 30.4.7 is one we conclude, in our discussion of Rule 30.4.3 below, is caught by error rather than intent. We recommend that it can be deleted as having no regulatory value.

5.3. Rule 30.4.2 and Rule 30.5.1

166. This rule provides for small and community-scale distributed electricity generation and solar hot water heating as a permitted activity, provided it has a rated capacity of less than 3.5kW and is not located within a number of sensitive zones and areas (covered by Rule 30.4.3).
167. One submission¹⁴³ supported the rule, and a second submission¹⁴⁴ sought it be amended by removing the capacity limit, replacing that with an area limit. Mr Barr did not comment on this submission, but in his recommended amendments to the chapter attached to his Section 42A Report he recommended changing the 3.5kW rated capacity limitation to 5kW.
168. This rule needs to be considered in relation to Rule 30.5.1 which sets additional standards for this activity. Four submissions¹⁴⁵ opposed the standards in this rule that allowed solar panels to protrude beyond the maximum height limit specified for the zone. One submission¹⁴⁶ sought the deletion of the area limitation of 150m² for free standing solar systems, and one submission¹⁴⁷ sought the standards be amended to promote ground and water source energy at a domestic scale.
169. Mr Barr commented on the submissions concerned with protrusion through the height limit in his Section 42A Report¹⁴⁸. He concluded that the potential of panels to protrude through the relevant height limit was little different to the exemption given to chimneys, and recommended the rule remain as notified.

¹⁴³ Submission 72, supported by FS1352

¹⁴⁴ Submission 126

¹⁴⁵ Submissions 263, 510, 511 and 792

¹⁴⁶ Submission 368

¹⁴⁷ Submission 383

¹⁴⁸ Paragraphs 14.19 to 14.22

170. We agree with Mr Leece and Ms Kobienia¹⁴⁹ that, when considered in light of the standards in Rule 30.5.1, there is no need for Rule 30.4.2 to contain any limit on rated capacity, even if 5kW as recommended by Mr Barr. There was no evidence to suggest that capacity correlated to the level of adverse effects, and it is the latter that is relevant. In addition, such a limitation essentially discourages the use of more efficient small-scale photovoltaic systems – that is, systems that have a higher rated capacity but take up a smaller area than those contemplated by these rules, and it appears to be inconsistent with the objectives and policies of this chapter relating to renewable electricity generation and Policy F of the NPSREG 2011. We also recommend some minor grammatical changes to this rule.
171. Mr Barr recommended several amendments to Rule 30.5.1¹⁵⁰:
- a. Insert into Rule 30.5.1.2 after “recessive colours” the phrase “with a light reflectance value of less than 36%” with a reference to Submission 383;
 - b. Clarify the phrasing regarding the setback exemption not being available in rule 30.5.1.3;
 - c. Specify that such activities had to be located within building platforms within those zones that require them; and
 - d. Add a requirement that such facilities cannot exceed site coverage rules.
172. We could not find scope in the submissions Mr Barr referred to for the first and last amendments so consider those no further. We agree that the other two amendments assist in improving the rule. Rule 30.5.1.2 does require some rewording for it to logically fit within the overall wording of the standard. Such a change does not alter the effect of the rule and we consider such a change to be minor in terms of Clause 16(2).
173. In our view, the combination of standards in Rule 30.5.1, incorporating amendments (b) and (c) above, appropriately deal with the potential effects on the environment of the activity. We do not consider that the limited protrusion beyond the height limit allowed by this rule to be any more than minor, and consider such an intrusion to be consistent with the provisions of the NPSREG 2011. We consider that it is appropriate for free-standing units greater than 150m² and/or greater than 2.0m in height to be assessed as discretionary activities, as notified Rule 30.5.1 required.
174. As a consequence, and allowing for the relocation of the two rules, we recommend that Rules 30.4.2 and 30.5.1 be renumbered as 30.4.1.1 and 30.4.2.1 respectively, and amended to read:
- 30.4.1.1 **Small and Community-Scale Distributed Electricity Generation and Solar Water Heating**, excluding Wind Electricity Generation, including any structures and associated buildings, other than those activities restricted by Rule 30.4.1.4.*
- As a permitted activity.
- 30.4.2.1 **Small and Community-Scale Distributed Electricity Generation and Solar Water Heating must:***
- 30.4.2.1.1 not overhang the edge of any building.*

¹⁴⁹ Submission 126

¹⁵⁰ Reply Version, p.30-13

- 30.4.2.1.2 *be finished in recessive colours: black, dark blue, grey or brown if Solar Electricity Generation cells, modules or panels.*
- 30.4.2.1.3 *be finished in similar recessive colours to those in the above standard if frames, mounting or fixing hardware. Recessive colours must be selected to be the closest colour to the building to which they form part of, are attached to, or service.*
- 30.4.2.1.4 *be set back in accordance with the internal and road boundary setbacks for buildings in the zone in which they are located. Any exemptions identified in the zone rules for accessory buildings do not apply.*
- 30.4.2.1.5 *not intrude through any recession planes applicable in the zone in which they are located.*
- 30.4.2.1.6 *not protrude more than a maximum of 0.5 m above the maximum height limit specified for the zone if solar panels on a sloping roof.*
- 30.4.2.1.7 *not protrude more than a maximum of 1.0 m above the maximum height limit specified for the zone, for a maximum area of 5m² if solar panels on a flat roof.*
- 30.4.2.1.8 *not exceed 150 m² in area if free standing Solar Electricity Generation and Solar Water Heating.*
- 30.4.2.1.9 *not exceed 2.0 metres in height if free standing Solar Electricity Generation and Solar Water Heating.*
- 30.4.2.1.10 *be located within an approved building platform where located in the Rural, Gibbston Character or Rural Lifestyle Zone.¹⁵¹*

Non-compliance would require consent as a discretionary activity.

5.4. Rule 30.4.3

175. This rule, as notified, classified small and community-scale distributed electricity generation with a rated capacity of 3.5kW or more as a discretionary activity, or a discretionary activity if located within:
- a. Arrowsmith Residential Historic management Zone
 - b. Town Centre Special Character Areas;
 - c. Open Space Zones;
 - d. Any open space and landscape buffer areas identified on any of the Special Zones;
 - e. Significant Natural Areas;
 - f. Outstanding Natural Landscapes;
 - g. Outstanding Natural Features;
 - h. Heritage Features and Landscapes;
 - i. Rural Zones (if detached from or separate to a building).
176. Submissions on this rule sought:
- a. Photovoltaic panels and roofing profiles suitable for photovoltaic laminates be a permitted activity in the Arrowsmith Residential Historic Management Zone¹⁵²;

¹⁵¹ See discussion of next rule for additional reasons for inclusion of this standard.

¹⁵² Submission 752

- b. Require at least limited notification of facilities over 1.2 m in height¹⁵³;
 - c. Remove the capacity restriction¹⁵⁴;
 - d. Limit the restriction in rural zones to outside of a building platform¹⁵⁵.
177. Again, Mr Barr did not comment on this rule but did recommend some minor amendments in Appendix 1 of his Section 42A Report. As well as increasing the rated capacity threshold to 5 kW, to be consistent with Rule 30.4.2, he recommended clarifying that “Rural Zones” meant “Rural Zone, Rural Residential Zone and Rural Lifestyle Zone”. He also recommended that the qualification in respect of the rural zones be changed to read “if outside a building platform”.
178. We consider the placement of photovoltaic panels (or laminates) on roofs in the Arrowtown Residential Historic Management Zone is a matter best considered within the context of the heritage purpose of that zone. For that reason we conclude the discretionary activity regime proposed for this zone as notified is appropriate and recommend that Submission 752 be rejected.
179. As with the previous rule, and for the same reasons, we recommend the rated capacity threshold be removed. If the proposed facility exceeds the standards in Rule 30.5.1 (as notified) then it will require consent as a discretionary activity. We also agree that the restriction in rural areas (other than in ONLs and on ONFs) should be limited to outside of building platforms. Built form is expected within building platforms and limitation of 150m² and a height limit of 2m (as in Rule 30.5.1) is an appropriate threshold in such a location. We note that building platforms are not required in the Rural Residential Zone so this provision should not refer to that zone. We also consider the restriction would be better founded in the standard Rule 30.4.2.1 (formerly 30.5.1) phrased as follows:
- 30.4.2.1.10 be located within an approved building platform where located in the Rural, Gibbston Character or Rural Lifestyle Zone.*
180. A consequential result of removing the rated capacity threshold is that small and community-scale wind electricity generation with a rated capacity of less than 3.5kW will become a discretionary activity, whereas as notified it could have been construed as being non-complying. As notified, Rule 30.4.2 excluded wind electricity generation from the permitted activity status, and Rule 30.4.3 made such generation, provided it had a rated capacity exceeding 3.5kW, a discretionary activity.
181. Mr Barr noted the issue in his Reply Statement and recommended a new rule providing for small scale wind generation as a controlled activity in the Rural, Gibbston Character and Rural Lifestyle Zones¹⁵⁶, subject to compliance with the standards for wind generation. From Mr Barr’s Reply Statement it is also apparent that he intended that such facilities did not locate in any of the areas restricted in notified Rule 30.4.3, and that it be limited to being within approved building platforms. These latter restrictions do not seem to have been carried into his draft rules.
182. We doubt that the rule drafters intended that the smaller capacity wind generation facility would require a more onerous consent process than a larger facility. The proposal does also satisfy matters raised in Submission 368. We do not consider the facility should not have a

¹⁵³ Submission 20, opposed by FS1097 and FS1121

¹⁵⁴ Submission 126, supported by FS1024

¹⁵⁵ Submission 368

¹⁵⁶ Craig Barr, Reply Statement dated 22 September 2016, Section 5

rated capacity limitation, consistent with our reasoning set out above. The standards that would apply, and identifying the activity as being Small and Community Scale Electricity Generation (a defined term which is scale limiting), impose a scale limit on any equipment utilising Mr Barr's proposed rule. Subject to some adjustment to the wording of Mr Barr's proposed rule and Rule 30.4.3, we accept that provision should be made as proposed by Mr Barr.

183. We recommend that a new rule providing a controlled activity for small scale wind electricity generation be included as follows:

30.4.1.2 *Small and Community-Scale Distributed Wind Electricity Generation within the Rural Zone, Gibbston Character Zone and the Rural Lifestyle Zone provided that:*

- a. *it is located within an approved building platform;*
- b. *it is not restricted by Rule 30.4.1.4; and*
- c. *it complies with the standards in Rule 30.4.2.3.*

Control is reserved to:

- a. *Noise;*
- b. *Visual effects;*
- c. *Colour;*
- d. *Vibration.*

184. One final change to Rule 30.4.3 is required in respect of "Heritage Features and Landscapes". The Hearing Panel for Stream 3 has recommended that "Heritage Landscapes" be renamed "Heritage Overlay Areas". We recommend that terminology be used in this rule for consistency. Consequently, and incorporating minor grammatical changes consistent with those in the previous rule, we recommend this rule, as a discretionary activity, read:

30.4.1.4 *Small and Community-Scale Distributed Electricity Generation and Solar Water Heating, including any structures and associated buildings, which is either:*

30.4.1.4.1 *Wind Electricity Generation other than that provided for in Rule 30.4.1.2;*

OR

30.4.1.4.2 *Located in any of the following:*

- a. *Arrowtown Residential Historic Management Zone*
- b. *Town Centre Special Character Areas;*
- c. *Significant Natural Areas;*
- d. *Outstanding Natural Landscapes;*
- e. *Outstanding Natural Features;*
- f. *Heritage Features and Heritage Overlay Areas.*

5.5. Rule 30.4.4

185. This rule provides for equipment and activities for the purpose of research and exploratory-scale investigations for renewable electricity generation to be a restricted discretionary activity.

186. There were two submissions on this rule. One¹⁵⁷ sought that it not apply in the Hydro Generation Zone. That zone is within the ODP and not part of the PDP. Notwithstanding that

¹⁵⁷ Submission 580

Mr Barr proposed providing an exclusion to satisfy this submitter¹⁵⁸, we recommend the submission therefore be rejected as not being necessary.

187. The second submission¹⁵⁹ sought amendment to the matter of discretion related to natural hazards. Mr Barr recommended the deletion of that matter of discretion¹⁶⁰, and some minor grammatical changes. Subject to those changes, we recommend the rule remain as notified other than renumbering to 30.4.1.3.

5.6. Rule 30.4.5

188. This rule provided for renewable electricity generation facilities not provided for by the previous rules to be a discretionary activity. The sole submission¹⁶¹ on the rule supported the discretionary activity status.

189. We recommend the rule be confirmed without alteration, subject to be being numbered 30.4.1.5.

5.7. Rule 30.4.6

190. This rule provided for, as a permitted activity, non-renewable electricity generation that was either:

- a. Standby generation for community, health care and utility activities; or
- b. Part of a stand-alone system on remote sites that do not have connection to the distributed electricity network.

191. The only submission¹⁶² sought that the temporary operation of emergency and back-up generator should be exempt from complying with the Noise Rules in Chapter 36. The same submitter sought that Chapter 36 be similarly amended.

192. In her evidence¹⁶³, Ms Dowd identified another issue of concern to Aurora. This related to the interface with the Temporary Activities provisions in Chapter 35. A gap in those rules relating to the definition of utilities meant that temporary electricity generation serving an area wider than the site it was located on was not provided for. Aurora's submission sought amendments to the definition of utilities as a means of overcoming this problem, but Ms Dowd suggested that an amendment to this rule would obviate that change. Ms Dowd's evidence did not consider the noise issue referred to in the previous paragraph.

193. Mr Barr agreed with this approach and recommended amendments in his Reply Statement¹⁶⁴.

194. We agree with the reasons provided by Ms Dowd and Mr Barr for amending this rule. However, we do not consider Mr Barr's solution achieves the correct outcome. We prefer the approach suggested by Ms Dowd¹⁶⁵, albeit with wording more similar to that suggested by Mr Barr.

¹⁵⁸ Craig Barr, Reply Statement, paragraphs 14.45 to 14.48

¹⁵⁹ Submission 383

¹⁶⁰ Craig Barr, Reply Statement, 22 September 2016, Section 12

¹⁶¹ Submission 580

¹⁶² Submission 635

¹⁶³ Joanne Dowd, EiC, paragraph 28

¹⁶⁴ Paragraphs 16.1 and 16.2

¹⁶⁵ *ibid*

195. Finally, we note that Chapter 31 no longer relates to hazardous substances and their control is no longer a function of the Council. We have deleted the reference to that chapter in the note.

196. Consequently we recommend that Rule 30.4.6 be amended and renumbered as follows:

30.4.3.1 Non-renewable Electricity Generation where either:

a. *the generation only supplies activities on the site on which it is located and involves either:*

i. *Standby generators associated with community, health care, and utility activities; or*

ii. *Generators that are part of a Stand-Alone Power System on remote sites that do not have connection to the local distributed electricity network;*

OR

b. *the generation supplies the local electricity distribution network for a period not exceeding 3 months in any calendar year.*

Note – Diesel Generators must comply with the provisions of Chapter 36 (Noise) and Chapter 31 (Hazardous Substances)

5.8. Rule 30.4.7

197. This rule partially duplicated Rule 30.4.1 by classifying non-renewable electricity generation that was not otherwise identified as a non-complying activity. No submissions were received on this rule.

198. We recommend it remain as notified, but be renumbered as 30.4.3.2.

5.9. Rule 30.5.2

199. This rule sets the standards applying to mini and micro hydro electricity generation. There were no submissions on this rule and we heard no evidence on it. Mr Barr recommended two amendments¹⁶⁶:

a. Insert in 30.5.2.3 after “recessive colours” the phrase “with a light reflectance value of less than 36%” with a reference to Submission 383; and

b. Change the reference in the Note to the Regional Plan: Water

200. We can find no scope in Submission 383 to amend this rule as Mr Barr suggests. His discussion of the issue in the Section 42A Report¹⁶⁷ appears to ignore the fact that the submission clearly states, in the column identifying the provision it relates to, “30.5.3.5”. We do, however, accept that the advice note should refer to the Regional Plan: Water rather than the “Water Plan Rules”. Therefore, we recommend the rule be adopted with only a minor grammatical change, that it be numbered 30.4.2.2, and the advice note be amended to refer to the Regional Plan: Water.

5.10. Rule 30.5.3

201. This rule provides the standards for wind electricity generation. There were two submissions on this rule. Submission 368 sought that Rule 30.5.3.1 be deleted so that there was no limit

¹⁶⁶ Craig Barr, Reply Statement, Appendix 1, p.30-14

¹⁶⁷ Craig Barr, Section 42A Report, paragraph 14.3

on the number of turbines. Submission 383¹⁶⁸ sought the inclusion of a maximum reflectance value in Rule 30.5.3.5.

202. Mr Barr discussed the matter of the maximum reflectance value in his Section 42A Report, and we accept his recommendation in relation to this rule. Mr Barr also recommended a grammatical change to 30.5.3.3 in his Reply Version which we accept. Additionally, in his Reply Version, Mr Barr recommended the maximum height of masts in the Rural and Gibbston Character Zones be 12m, rather than the 10m as notified; the maximum height of the turbine be measured to the top of the mast, not the blade as notified; and that a new standard be added requiring compliance with Chapter 36 (Noise).

203. As we have noted with amendments to other standards, we can find no scope in the submissions for these last three amendments. We accept that Chapter 36 contains standards which wind turbines must comply with. It seems that a note referring a reader to that would suffice here, rather than including it as a standard. We are not prepared to recommend the other changes in the absence of submissions.

204. We heard no evidence as to why there should not be a limit of two turbines per site. We consider that, in the context of the environment of this District, to be a suitable limit.

205. We recommend this rule be amended to read:

*30.4.2.3 **Wind Electricity Generation** shall:*

30.4.2.3.1 Comprise no more than two Wind Electricity Generation turbines or masts on any site.

30.4.2.3.2 Involve no lattice towers.

30.4.2.3.3 Be set back in accordance with the internal and road boundary setbacks for buildings in the zone in which they are located. Any exemptions identified in the zone rules for accessory buildings shall not apply

30.4.2.3.4 Not exceed the maximum height or intrude through any recession planes applicable in the zone in which they are located.

30.4.2.3.5 Be finished in recessive colours with a light reflectance value of less than 16%

Notes: In the Rural and Gibbston Character Zones the maximum height shall be that specified for non-residential building ancillary to viticulture or farming activities (10m).

The maximum height for a wind turbine shall be measured to the tip of blade when in vertical position.

Wind turbines must comply with Chapter 36 (Noise)

5.11. Rules 30.5.4 and 30.5.5

206. There were no submissions on Rule 30.5.4. We recommend it be adopted renumbered to 30.4.2.4 and with an amendment to the advice note to refer to the appropriate regional plan.

¹⁶⁸ Opposed by FS1106, FS1208 and FS1253

207. The only submission¹⁶⁹ on Rule 30.5.5 sought that the it be a controlled activity. It is unclear from the submission whether the submitters were seeking that to be the base requirement for the activity, or the status of the activity if it did not meet the standards in Rule 30.5.5.
208. Mr Barr recommended changing the maximum height in clause 1 to 3m¹⁷⁰, and inserting a maximum reflectance value of 36% in clause 3¹⁷¹. We can find not scope in the submissions for such changes and consider them no further.
209. We are satisfied that this rule as notified provides appropriate standards for buildings accessory to renewable generation activities. We recommend it be adopted as notified, subject to being renumbered 30.4.2.5 and with the title changed to *Buildings accessory to renewable energy activities*.

5.12. Rules for Utilities

210. We preface discussion of this section of the rules by noting that the Telecommunications Companies all lodged submissions¹⁷² seeking the complete replacement of Rules 30.4.8 to 30.4.16 (except for 30.4.10) with a completely new set of rules. In addition, and consequent on that submission, they also sought the deletion of Rules 30.5.7, 30.5.8 and 30.5.9 as no longer being necessary. In his evidence for the Companies, Mr McCallum-Clark did not seek such wholesale replacement. Rather he accepted most of the changes recommended by Mr Barr and provided no direct evidence supporting the complete replacement as sought in the submissions.
211. While we do not disregard these submissions, given the lack of supporting evidence, we do not discuss them in any detail below unless the recommendations of Mr Barr or Mr McCallum-Clark warrant it.

5.13. Rule 30.4.8

212. This rule classified utilities, buildings, structures and earthworks not otherwise listed as a discretionary activity. The sole submission¹⁷³ on this rule sought that underground lines be included in the list of activities.
213. To understand this rule, one needs to read it with reference to the heading immediately preceding it, which states:

Rules for Utilities; and Buildings, Structures and Earthworks within or near to the National Grid Corridor

Note - The rules differentiate between four types of activities: lines and support structures; masts and antennas; utility buildings; and flood protection works & waste management facilities.

214. With this understanding, it is clear the rule as notified was directed to two different activities: utilities; and activities within or near the National Grid Corridor. Without that understanding one could conclude that it affected a wide range of activities.

¹⁶⁹ Submission 368

¹⁷⁰ Section 42A Report, Appendix 1, p.30-16

¹⁷¹ Reply Version, p. 30-15

¹⁷² Submissions 179 (opposed by FS1301), 191 (opposed by FS1301), 421 and 781 (opposed by FS1301)

¹⁷³ Submission 251, supported by FS1121

215. Mr Barr did not discuss this rule, nor the submission, in his Section 42A Report. He did, however, recommend, as a new rule 30.4.22, that underground lines be a permitted activity, subject to ground reinstatement. In Ms Justice’s tabled evidence, she advised that she considered the new rule addressed PowerNet’s submission, and that it was appropriate¹⁷⁴.

216. Mr Barr considered Rule 30.4.8 in his Reply Statement and recommended an effective split between the non-specified utilities and the activities in or near the National Grid Corridor. He included the latter activities in standards which we discuss below. His reworded rule was:

Utilities which are not otherwise listed in Rules x to x¹⁷⁵

217. We consider that Mr Barr may have unintentionally narrowed the scope of this rule in re-arranging the rules in his Reply version. While we agree with his approach, we recommend that the rule continue to apply to all utilities not otherwise provided for, as well as buildings associated with utilities.

218. We note also, that in recommending amendments to make the chapter consistent with the NESTF 2016, Mr Barr and Mr McCallum-Clark added a proviso to clarify that the catch-all status was subject to the regulations contained in the NESTF 2016¹⁷⁶. We agree that clarification is helpful.

219. In our re-arrangement of the rules we have relocated the rule to make it clear that it apply to all utilities not otherwise provided for, and have numbered it 30.5.1.8. With the additional clarification, we recommend it reads:

Utilities and Buildings (associated with a Utility) which are not:

30.5.8.1 provided for in any National Environmental Standard;

OR

30.5.8.2 otherwise listed in Rules 30.5.1.1 to 30.5.1.7, 30.5.3.1 to 30.5.3.5, 30.5.5.1 to 30.5.5.8, or 30.5.6.1 to 30.5.6.13

5.14. Rule 30.4.9

220. This rule classified “minor upgrading” as a permitted activity. The only submissions¹⁷⁷ on the rule sought its retention.

221. It is appropriate to consider the definition of “minor upgrading” at this point so that the implications of the rule are fully understood. As notified, that definition read:

Minor upgrading Means maintenance, replacement and upgrading of existing conductors or lines and support structures provided they are of a similar character, intensity and scale to the existing conductors or line and support structures and shall include the following:

¹⁷⁴ Paragraph 4.17

¹⁷⁵ We presume he intended the relevant rules indicated by “x to x” to be the remainder in the same table, being his amended numbers 30.4.2 to 30.4.8

¹⁷⁶ Joint Witness Statement at paragraph 2.1(b).

¹⁷⁷ Submissions 251, 635 and 805

- *Replacement of existing support structure poles provided they are less or similar in height, diameter and are located within 1 metre of the base of the support pole being replaced;*
- *Addition of a single service support structure for the purpose of providing a service connection to a site, except in the Rural zone;*
- *The addition of up to three new support structures extending the length of an existing line provided the line has not been lengthened in the preceding five year period, except in the Rural Zone;*
- *Replacement of conductors or lines provided they do not exceed 30mm in diameter or the bundling together of any wire, cable or similar conductor provided that the bundle does not exceed 30mm in diameter;*
- *Re-sagging of existing lines;*
- *Replacement of insulators provided they are less or similar in length; and*
- *Addition of lightning rods, earth-peaks and earth-wires.*

222. Seven submissions¹⁷⁸ sought amendments to this definition. Mr Barr discussed these submissions in his Section 42A Report¹⁷⁹, noting that the majority of the relief sought was consistent with definitions used in other district plans¹⁸⁰. He recommended accepting the following components:
- a. the addition of lines;
 - b. removing diameter requirements¹⁸¹;
 - c. introduction of re-sagging and bonding of conductors;
 - d. the replacement of insulators with more efficient ones; and
 - e. the removal of three additional support structures as a minor upgrade.
223. Ms Justice¹⁸² largely supported Mr Barr's proposed amendments, but sought the additional inclusion of:
- a. provision for replacement of poles in defined circumstances;
 - b. replacement of lines or bundling of lines provided they do not exceed 30cm in diameter; and
 - c. replacement of equipment of similar intensity and scale.
224. Ms Justice also noted that the ODP contained a practical provision that allowed a replacement pole to be erected prior to removal of an existing pole, and suggested this should be retained.
225. Ms Dowd¹⁸³ considered that the definition as notified would require utility companies to obtain unnecessary consents. She largely supported Mr Barr's revised definition, but also sought an additional clause to allow for the increase in height of support structures of up to 15% where required to maintain compliance with NZECP 34:2001, and the retention of the clause allowing for an extension of line length, but for up to four new support structures.

¹⁷⁸ Submissions 179 (supported by FS1121 and FS1301, opposed by FS1132), 191 (supported by FS1121 and FS1301, opposed by FS1132), 251, 421, 635 (supported by FS1301, opposed by FS1132), 781 (supported by FS1121 and FS1342) and 805

¹⁷⁹ Paragraphs 9.41 to 9.43

¹⁸⁰ He gave the examples of Wellington City District Plan and the Tauranga City District Plan

¹⁸¹ Noting that he considered these too difficult to monitor, and there is a requirement for minor upgrades to be of a similar scale and intensity.

¹⁸² Megan Justice, EiC, paragraphs 4.10 to 4.15

¹⁸³ Joanne Dowd, EiC, paragraphs 31-36

226. Ms McLeod considered Mr Barr's redraft was satisfactory, with the one exception being that she considered the same clause regarding additional height Ms Dowd sought be included, be added to the definition. Ms McLeod noted that such increases in height provide for health and safety of the community, and that the clause mirrors similar regulations in the NESETA 2012.
227. Mr Barr reconsidered the definition in detail in his Reply Statement¹⁸⁴ and recommended acceptance of most of the points raised in the evidence discussed. In particular, he accepted that replacement support structures should be allowed within 2 metres of the existing structure, rather than the 5 m sought by Aurora, and that lines may be extended by up to three new support structures, rather than the 4 sought by Aurora, within any 5 year period, including within the Rural Zone.
228. We agree with Mr Barr's reasoning and recommend to the Stream 10 Panel that the definition of "minor upgrading" be as follows:

Minor upgrading Means an increase in the carrying capacity, efficiency or security of electricity transmission and distribution or telecommunication lines utilising the existing support structures or structures of a similar character, intensity and scale, and includes the following:

- a. Addition of lines, circuits and conductors;
- b. Reconducting of the line with higher capacity conductors;
- c. Re-sagging of conductors;
- d. Bonding of conductors;
- e. Addition or replacement of longer or more efficient insulators;
- f. Addition of electrical fittings or ancillary telecommunications equipment;
- g. Addition of earth-wires which may contain lightning rods, and earth-peaks;
- h. Support structure replacement within the same location as the support structure that is to be replaced;
- i. Addition or replacement of existing cross-arms with cross-arms of an alternative design; and
- j. Replacement of existing support structure poles provided they are less or similar in height, diameter and are located within 2 metres of the base of the support pole being replaced;
- k. Addition of a single support structure for the purpose of providing a service connection to a site, except in the Rural Zone;
- l. The addition of up to three new support structures extending the length of an existing line provided the line has not been lengthened in the preceding five year period.

229. With that understanding as to what Rule 30.4.9 is permitting, we recommend it remain as notified. As part of our re-arrangement of the rules, we have separated the various types of utility activities. The consequence of this is that the rule is repeated as 30.5.3.1 for the National Grid, 30.5.5.1 for electricity distribution, and 30.5.6.1 for telecommunications and other communication activities.

5.15. Rule 30.4.10

230. This rule classified as permitted activities, buildings, other than those for National Grid Sensitive Activities, structures and earthworks within the National Grid Corridor, provided they complied with standards in Rules 30.5.10 and 30.5.11.

¹⁸⁴ Paragraphs 14.4-14.9

231. Aurora¹⁸⁵ sought amendments to this rule as part of its submission seeking special provision for parts of its network. We have already given our reasons for not accepting that submission so discuss it no further here.
232. Transpower¹⁸⁶ sought a complete rewrite of this rule and the associated standards to create a single rule containing all the conditions to be met for an activity to be permitted.
233. To understand both the effect of this rule, and what was being sought by Transpower, it is appropriate to consider it in conjunction with the relevant standards: Rules 30.5.10 and 30.5.11. Rule 30.5.10 set the following standards for buildings and structures within the National Grid Corridor, and set non-compliance with the standards a non-complying activity:
- 30.5.10.1 A non-conductive fence located 5m or more from any National Grid Support Structure and no more than 2.5m in height.*
- 30.5.10.2 Any utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid.*
- 30.5.10.3 Any new non-habitable building less than 2.5m high and 10m² in floor area.*
- 30.5.10.4 Any non-habitable building or structure used for agricultural activities provided that they are:*
- a. less than 2.5m high*
 - b. Located at least 12m from a National Grid Support Structure*
 - c. Not a milking shed/dairy shed (excluding the stockyards and ancillary platforms), or a commercial glasshouse.*
 - d. Alterations to existing buildings that do not alter the building envelope less than 2.5m high*
 - e. Located at least 12m from a National Grid Support Structure*
 - f. Not a milking shed/dairy shed (excluding the stockyards and ancillary platforms), or a commercial glasshouse.*
- 30.5.10.5 Alterations to existing buildings that do not alter the building envelope.*
234. Rule 30.5.11 set standards for earthworks within the National Grid Yard and made non-compliance with those standards a discretionary activity. The standards as notified were:
- 30.5.11.1 Earthworks within 2.2 metres of a National Grid pole support structure or stay wire shall be no deeper than 300mm.*
- 30.5.11.2 Earthworks between 2.2 metres to 5 metres of a National Grid pole support structure or stay wire shall be no deeper than 750mm.*
- 30.5.11.3 Earthworks within 6 metres of the outer visible edge of a National Grid Transmission Tower Support Structure shall be no deeper than 300mm.*
- 30.5.11.4 Earthworks between 6 metres to 12 metres from the outer visible edge of a National Grid Transmission Tower Support structure shall be no deeper than 3 metres.*

¹⁸⁵ Submission 635

¹⁸⁶ Submission 805

30.5.11.5 *Earthworks shall not create an unstable batter that will affect a transmission support structure.*

30.5.11.6 *Earthworks shall not result in a reduction in the existing conductor clearance distance below what is required by the New Zealand Electrical Code of Practice 34:2001.*

235. Rule 30.5.11 also listed the following exemptions from this rule:

30.5.11.7 *Earthworks undertaken in the course of constructing or maintaining utilities*

30.5.11.8 *Earthworks undertaken as part of agricultural activities or domestic gardening*

30.5.11.9 *Repair sealing, resealing of an existing road, footpath, farm track or driveway*

236. As notified, the PDP also contained definitions for National Grid Corridor, National Grid Yard, National Grid Sensitive Activities and Sensitive Activities – Transmission Corridor, each of which is relevant to these rules.

237. The submissions on these three rules and the four definitions are all inter-related and need to be considered together.

238. Federated Farmers sought the retention of Rules 30.5.10 and 30.5.11¹⁸⁷. Aurora¹⁸⁸ sought minor amendments for clarification to Rule 30.5.10, but otherwise supported it, and supported Rule 30.5.11. Transpower¹⁸⁹ sought the replacement of both rules in section 30.5 so that they were consistent with its approach to managing activities in close proximity to the National Grid.

239. The Council¹⁹⁰ sought clarification as to whether the definitions of National Grid Sensitive Activities and Sensitive Activities – Transmission Corridor were both necessary. Arcadian Triangle Ltd¹⁹¹ sought the review and amendment of all definitions related to the National Grid. Transpower sought the deletion of the definition of Sensitive Activities – Transmission Corridor and amendments to the definitions of National Grid Corridor and National Grid Yard. Transpower also sought the inclusion of the following new definitions related to these provisions:

- a. Artificial crop protection structure;
- b. Crop support structure;
- c. Earthworks within the National Grid Yard;
- d. National Grid; and
- e. Protective canopy.

240. Mr Barr considered the new definitions proposed by Transpower in his Section 42A Report. He only supported the inclusion of the National Grid definition. Mr Barr agreed with the Arcadian Triangle submission and recommended amendments to the definitions to increase consistency. He also recommended the amendment sought to the title of National Grid Corridor, changing it to National Grid Subdivision Corridor, to make it clear that corridor

¹⁸⁷ Submission 600, supported by FS1209, opposed by FS1034

¹⁸⁸ Submission 635

¹⁸⁹ Submission 805

¹⁹⁰ Submission 383

¹⁹¹ Submission 836

applied only to subdivision activities, while the National Grid Yard applied to all activities. Mr Barr also recommended acceptance of the amendment to 30.5.10 sought by Aurora.

241. Ms McLeod identified a series of differences between the relief sought by Transpower and the rules as recommended by Mr Barr¹⁹². In her view, the rule framework should clearly establish that activities sensitive to the National Grid are not provided for in the National Grid Yard because such an approach is firmly directed by NPSET 2008 Policy 11¹⁹³. She also explained why various setbacks she proposed were appropriate. She concluded this part of her evidence by suggesting a single rule for “Buildings, Structures and National Grid Sensitive Activities within the National Grid Yard”¹⁹⁴. This rule made all such activities non-complying, except for a list of exceptions in the rule, which would be permitted. In the same paragraph, as a separate rule, she recommended that all earthworks in the National Grid Yard that complied with rule 30.5.11 be permitted.
242. Ms McLeod took us in detail through her concerns with the standards for earthworks in Rule 30.5.11 and suggested a replacement set of standards¹⁹⁵.
243. Mr Barr, in his Reply Statement, generally accepted the changes proposed by Ms McLeod¹⁹⁶, although he did not agree with the rule structure she proposed.
244. We agree with the recommendation of Mr Barr that the activities in relation to the National Grid be contained in their own two tables: one relating to activities, the second to standards. Given that there was no real difference in opinion between Mr Barr and Ms McLeod by the end of the hearing, we accept their reasoning as to the standards to be achieved and the relevant activity classifications. We also note that there was no real difference between Mr Barr and Ms McLeod as to the definitions to be included, nor how those terms were defined. Additionally, we note that although Transpower sought that the term National Grid Corridor be rephrased National Grid Subdivision Corridor, Ms McLeod did support that wording change. We accept her evidence on that point.
245. As a result, we recommend that (noting that items b. to g. are recommendations to the Stream 10 Hearing Panel):
- a. Rules 30.4.10, 30.5.10 and 30.5.11 be replaced with Rules 30.5.3.2, 30.5.3.3, 30.5.4.1 and 30.5.4.2 as set out below;
 - b. The definition of Sensitive Activities – Transmission Corridor be deleted;
 - c. The definition of National Grid set out below be included;
 - d. The definition of National Grid Corridor refer to the diagram referred to next;
 - e. The diagram illustrating the dimensions of the National Grid Corridor and National Grid Yard, plus the setback distances from various poles and tower structures be replaced with that included below;
 - f. The definition of National Grid Yard remain unaltered; and
 - g. The definition of National Grid Sensitive Activities be amended to read as set out below.

Rules:

30.5.3.2 *Buildings, structures and activities that are not National Grid sensitive activities within the National Grid Corridor – Permitted activities*

¹⁹² Ainsley McLeod, EiC, paragraph 50

¹⁹³ *ibid*, paragraph 51

¹⁹⁴ *ibid*, paragraph 59

¹⁹⁵ *ibid*, paragraphs 71-80

¹⁹⁶ Craig Barr, Reply, Section 9

Subject to compliance with Rules 30.5.4.1 and 30.5.4.2

30.5.3.3 Earthworks within the National Grid Yard – Permitted activities

Subject to compliance with Rule 30.5.4.2

30.5.4.1 Buildings and Structures permitted within the National Grid Yard:

30.5.4.1.1 *A non-conductive fence located 5m or more from any National Grid Support Structure and no more than 2.5m in height.*

30.5.4.14.2 *Any network utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid, excluding a building or structure for the reticulation and storage of water for irrigation purposes.*

30.5.4.1.3 *Any new non-habitable building less than 2.5m high and 10m² in floor area and is more than 12m from a National Grid Support Structure.*

30.5.4.1.4 *Any non-habitable building or structure used for agricultural activities provided that they are:*

- a. less than 2.5m high*
- b. Located at least 12m from a National Grid Support Structure*
- c. Not a milking shed/dairy shed (excluding the stockyards and ancillary platforms), or a commercial glasshouse, or a structure associated with irrigation, or a factory farm.*

30.5.4.1.5 *Alterations to existing buildings that do not alter the building envelope.*

30.5.4.1.6 *An agricultural structure where Transpower has given written approval in accordance with clause 2.4.1 of NZECP34:2001.*

Note – Refer to the Definitions for illustration of the National Grid Yard.

246. Non-compliance with this standard would require consent as a non-complying activity.

30.5.4.2 Earthworks permitted within the National Grid Yard:

30.5.4.2.1 *Earthworks within 6 metres of the outer visible edge of a National Grid Transmission Support Structure must be no deeper than 300mm.*

30.5.4.2.2 *Earthworks between 6 metres to 12 metres from the outer visible edge of a National Grid Transmission Support structure must be no deeper than 3 metres.*

30.5.4.2.3 *Earthworks must not create an unstable batter that will affect a transmission support structure.*

30.5.4.2.4 *Earthworks must not result in a reduction in the existing conductor clearance distance below what is required by NZECP34:2001.*

The following earthworks are exempt from the rules above:

30.5.4.2.5 *Earthworks undertaken by network utility operators in the course of constructing or maintaining utilities providing the work is not associated with buildings or structures for the storage of water for irrigation purposes.*

30.5.4.2.6 *Earthworks undertaken as part of agricultural activities or domestic gardening*

30.5.4.2.7 *Repair sealing, resealing of an existing road, footpath, farm track or driveway*

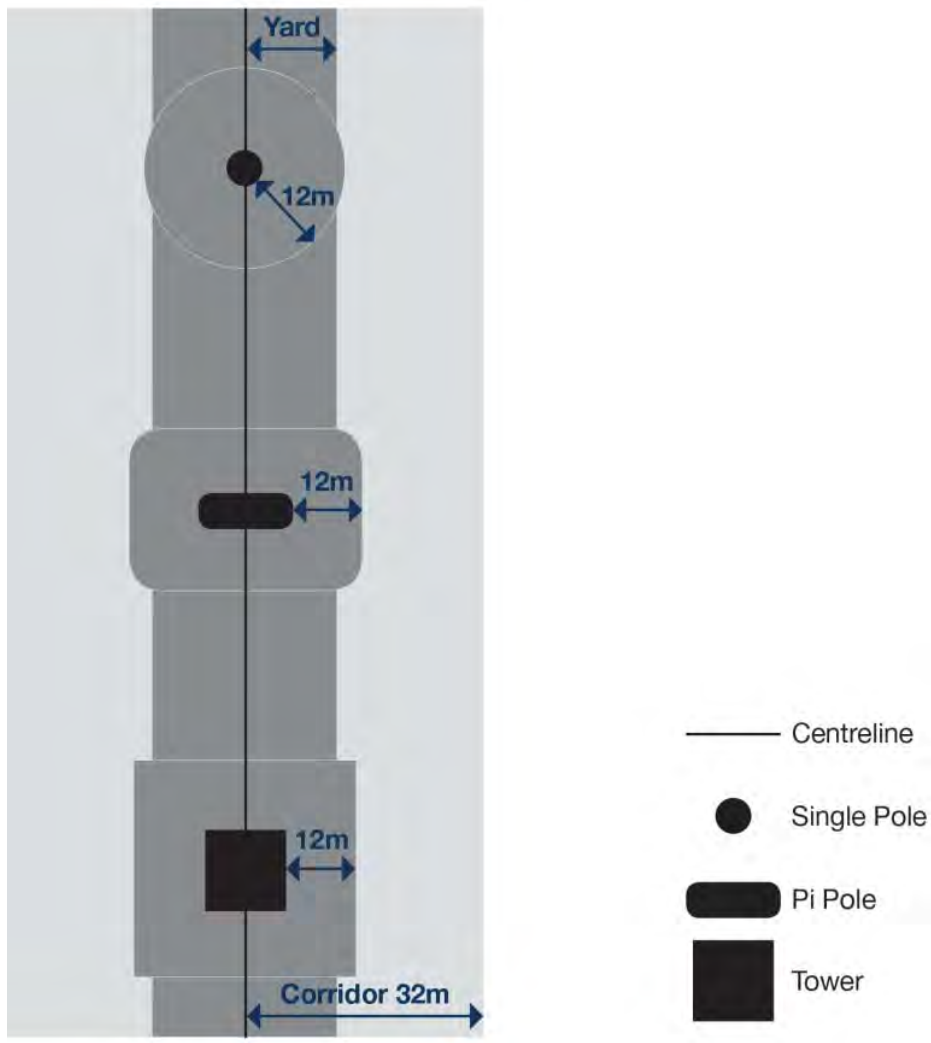
Note – Refer to the Definitions for illustration of the National Grid Yard.

247. Non-compliance with this standard would require consent as a non-complying activity.

Definitions:

National Grid *Means the same as in the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.*

Diagram relevant to the definitions of National Grid Corridor and National Grid Yard:



National Grid Sensitive Activities Means those activities within the National Grid Corridor that are particularly sensitive to the risks associated with electricity transmission lines because of either the potential for prolonged exposure to the risk or the vulnerability of the equipment or population that is exposed to the risk. Such activities include buildings or parts of buildings used for, or able to be used for the following purposes:

- Day Care facility;
- Educational facility;
- Healthcare facility;
- Papakainga;
- Any residential activity; or
- Visitor accommodation.

5.16. New Utility Rule

248. Transpower¹⁹⁷ sought a new rule making it a restricted discretionary activity for any building or intensive development to locate within 150m of the National Grid substation so as to protect the substation from reverse sensitivity effects.

¹⁹⁷ Submission 805

249. Mr Barr did not consider another reverse sensitivity rule was justified¹⁹⁸. At the hearing, we heard from Mr Renton, Senior Principal Engineer at Transpower. He outlined in detail for us the risks associated with substations¹⁹⁹. Applying his experience in dealing with such risks, he detailed how he considered they could be managed at the Frankton substation²⁰⁰. Mr Renton helpfully described to us at the hearing the nature of the risks: noise and voltage surge. He also identified that it was how the activities occurred within the 45m setback that was more important than necessarily excluding them.
250. In her pre-lodged evidence, based on Mr Renton's evidence, Ms McLeod concluded that the provisions recommended in the Section 42A Report would be inadequate to protect the Frankton substation. She considered that a 45m setback and restricted discretionary consent required for buildings, hazardous facility or sensitive activity to establish with the set back²⁰¹.
251. At the hearing, following Mr Renton's explanation of the nature of the limitations that would actually be required on an adjoining property, we explored with Ms McLeod whether this could not be dealt with through the notice of requirement process. She agreed that was an option, but maintained her position that it was a matter that should be managed through the resource consent process. However, she did concede that, based on Mr Renton's evidence, that the matter could be managed through a controlled activity. She offered to draft a proposed rule, which was submitted by memorandum of counsel on 16 September 2016. Ms McLeod considered this rule would be better located in the relevant zone provisions rather than the Utilities Chapter, and counsel advised that Transpower supported the rule's inclusion in the Rural Zone, Medium Density Residential zone and the Frankton Flat Special Zone rules.
252. At this point we note that, following receipt of this memorandum containing Ms McLeod's redrafted rule, the Hearing Panel received a memorandum from counsel for Peter and Mary Arnott, who were the registered proprietors of a property immediately adjoining the Frankton substation. Counsel suggested there was no jurisdiction for the Panel to consider the rules proposed by Ms McLeod as there was no submission or further submission seeking such rules.
253. We agree with counsel that there are no submissions or further submissions seeking the inclusion of such a rule in the Rural, Medium Density Residential or Frankton Flats Special Zones. However, we are satisfied that the controlled activity rule is within the scope of the submission of Transpower seeking a restricted discretionary activity applying to a wider area and, thus, we are able to consider this rule for inclusion in Chapter 30.
254. Having heard Mr Renton's helpful evidence and having had a useful discussion with Ms McLeod concerning the regulatory options available, we have concluded that the controlled activity rule drafted by Ms McLeod provides a careful balance of ensuring neighbours' safety without unduly restricting the use of their land. We note that this circumstance is distinguishable from the Aurora request discussed above in that the purpose of the rule is not to restrict buildings and other structures, or to alert Transpower that a building or structure is proposed, but rather ensure the form and method of construction do not cause safety issues. We recommend the rule be included, reading as follows:

30.5.3.4 Buildings, structures and National Grid sensitive activities in the vicinity of the Frankton Substation

¹⁹⁸ Craig Barr, Section 42A Report, paragraphs 14.41 and 14.42

¹⁹⁹ Andrew Renton, EiC, paragraphs 55 to 66

²⁰⁰ *ibid*, paragraphs 72 to 77

²⁰¹ Ainsley McLeod, EiC, paragraphs 69 to 70

Any building, structure or National Grid sensitive activity within 45m of the designated boundary of Transpower New Zealand Limited's Frankton Substation. Control is reserved to:

- a. the extent to which the design and layout (including underground cables, services and fencing) avoids adverse effects on the on-going operation, maintenance, upgrading and development of the substation;*
- b. the risk of electrical hazards affecting public or individual safety, and the risk of property damage; and*
- c. measures proposed to avoid or mitigate potential adverse effects.*

Controlled activity.

5.17. Rules 30.4.11 and 30.4.12

255. As notified, Rule 30.4.11 provided that lines and support structures be a controlled activity. The rule limited the lines to:

A conductor line, or support structure for overhead lines, to convey electricity (at a voltage of equal to or less than 110kV at a capacity of equal to or less than 100MVA); or overhead lines for any other purpose including telecommunications.

256. Control was reserved to: location; route; height; appearance, scale and visual effects; and *Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated¹.*

257. Three submissions sought amendments to this rule²⁰². PowerNet sought to distinguish the overhead lines provided for in this rule from underground lines. Aurora sought amendments to exclude minor upgrading from this rule, and to delete the final two matters of control. Transpower sought to include a permitted activity provision, with non-compliance with the standards triggering a controlled activity consent.

258. Mr Barr recommended amendments to this rule, relying on the submissions of the Telecommunication Companies, to clarify it and amending the matter of control relating to natural hazards consistent with his recommendations on Rule 30.4.15²⁰³. In his Section 42A Report he explained why he disagreed with the removal of the matter of control "Appearance, scale and visual effects" sought by Aurora²⁰⁴. In response to PowerNet's submission, he recommended a rule making underground lines/cables a permitted activity²⁰⁵.

259. In her evidence, Ms Dowd queried why there was a distinction between the provisions for overhead lines for telecommunications and those for electricity²⁰⁶. She also set out the reasons Aurora was concerned with the control in respect of appearance, scale and visual effects²⁰⁷.

²⁰² Submissions 251, 635 and 805 (supported by FS1121)

²⁰³ Sought by Submission 383

²⁰⁴ Section 42A Report, paragraph 11.9

²⁰⁵ Section 42A Report version rule 30.4.22

²⁰⁶ Joanne Dowd, EIC, paragraph 30

²⁰⁷ *ibid*, paragraph 31

260. Ms McLeod considered that the overall approach of Chapter 30, which did not provide for electricity lines, at any scale, without the need for a resource consent to not:
- a. *Give effect to Policy 2 of the NPSET 2008;*
 - b. *Have regard to Policy 3.6.4208 of the Proposed RPS;*
 - c. *Give effect to various policies within Chapter 30.209*
261. Mr Barr, in his Reply Statement, discussed this issue mainly in relation to how the activities (along with other telecommunications activities) would be controlled in the Rural Zone²¹⁰. He recommended the rules for electricity lines and telecommunication lines be located in separate tables. Within those tables, he recommended lines and support structures within “formed legal road”²¹¹ and underground cables²¹² be permitted activities. Finally, Mr Barr recommended the deletion of the matter of control related to natural hazards²¹³.
262. We consider Mr Barr’s revised version of this rule, along with the addition permitted activity rules and separating the rules for electricity lines and telecommunication lines, achieves the right balance between the competing objectives and policies, both in the PDP and in the superior statutory instruments, seeking to provide for utilities on one hand, while minimising adverse effects on the environment on the other.
263. Turning to Rule 30.4.12, as notified this provided for lines and supporting structures as discretionary activities where it involved any of 5 conditions. Those conditions read:
- 30.4.12.1 *Erecting any lattice towers for overhead lines to convey electricity in all zones.*
 - 30.4.12.2 *Erecting any support structures for new overhead lines to convey electricity (at a voltage of more than 110kV with a capacity over 100MVA) in all zone.*
 - 30.4.12.3 *Erecting any support structures for overhead lines to convey electricity (at a voltage of equal to or less than 110kV at a capacity of equal to or less than 100MVA); or overhead lines for any other purposes including telecommunications in any Outstanding Natural Feature or Outstanding Natural Landscape or Significant Natural Areas.*
 - 30.4.12.4 *Utilising any existing support structures for the erection of cable television aerials and connections.*
 - 30.4.12.5 *Erecting any support structures for overhead lines for any purpose in the area in Frankton known as the “Shotover Business Park”, except where any new poles are solely for the purpose of providing street lighting.*

²⁰⁸ Policy 4.4.4 in the Decisions Versions of the proposed RPS
²⁰⁹ Ainsley McLeod, EiC, paragraph 44
²¹⁰ Craig Barr, Reply Statement, Section 11
²¹¹ Reply Version rules 30.4.32 and 30.4.42
²¹² Reply version rules 30.4.33 and 30.4.43
²¹³ Craig Barr, Reply Statement, Section 12

264. Two submissions²¹⁴ sought the retention of this rule, one²¹⁵ sought that clause 3 contain an exclusion for minor upgrading, and one sought that the activity status be changed to controlled²¹⁶.
265. Without any specific discussion in his Section 42A Report but relying on the general Telecommunications Companies submission, Mr Barr recommended two changes to this rule²¹⁷:
- a. Deleting 30.4.12.1 and inserting the words “lines, lattice towers or” immediately before “support structures” in 30.4.12.2;
 - b. Deleting 30.4.12.4.
266. Ms McLeod confirmed her support for the Transpower relief²¹⁸, but did not discuss the rule in any detail.
267. Again there was no discussion of this rule by Mr Barr in his Reply Statement, but he recommended various changes to it in Appendix 1 attached to the reply:
- a. Deleting 30.4.12.2, but transferring it to the National Grid Table;
 - b. Deleting “including telecommunications” from 30.4.12.3, but creating a new equivalent rule in the telecommunications table with the same activity standard;
 - c. Deleting 30.4.12.5.
268. We do not think the changes made by Mr Barr cause any change to the regulatory effect of the rule, but do assist in understanding how lines are controlled in particular circumstances. We also note that we consider the deletion of 30.4.12.5 appropriate as that provision only applied to a zone which is not part of Stage 1 of the PDP. Thus it was of nugatory effect.
269. Amendments recommended by Mr Barr and Mr McCallum-Clark to ensure consistency with the NESTF 2016 involved minor wording changes with little effect on meaning. The only substantive change recommended was providing that new lines on existing structures be permitted in all instances²¹⁹.
270. The overall effect of the changes recommended to Rules 30.4.11 and 30.4.12 are:
- a. The National Grid is a permitted activity in the National Grid Corridor;
 - b. Any new high voltage (over 110kV with a capacity over 100MVA) line is a discretionary activity in all zones;
 - c. Underground electricity cables are a permitted activity in all zones, subject to ground surface re-instatement;
 - d. Electricity lines and supporting structures within the reserves of formed roads are permitted activities;
 - e. Electricity lines, other than high voltage lines, are a controlled activity provided they are not located with an ONL, on an ONF, or within a Significant Natural Area;
 - f. Electricity lines (including new high voltage lines by virtue of b. above) located with an ONL, on an ONF, or within a Significant Natural Area are discretionary activities;
 - g. Underground telecommunication lines are permitted activity in all zones, subject to ground surface re-instatement;

²¹⁴ Submissions 251 (supported by FS1085) and 580

²¹⁵ Submission 635

²¹⁶ Submission 805

²¹⁷ In Appendix 1 to the Section 42A Report

²¹⁸ Ainsley McLeod, EiC, paragraph 46

²¹⁹ Joint Witness Statement, 25 September 2017, at paragraph 2.1(h)

- h. New telecommunication lines and supporting structures within the reserves of formed roads along with new lines on existing structures are permitted activities;
- i. New telecommunication lines and supporting structures outside formed road reserve are a controlled activity provided they are not located within an ONL, on an ONF, or within a Significant Natural Area; and
- j. New telecommunication lines and supporting structures located within an ONL, on an ONF, or within a Significant Natural Area are discretionary activities.

271. We recommend that this arrangement be adopted for the reasons set out above. Rather than repeat all the relevant rules here, we will just list the relevant rule numbers from our recommended version of Chapter 30 set out in Appendix 1 to this report. The relevant rules (in the same order as above) are:

- a. Rule 30.5.3.2;
- b. Rule 30.5.3.5;
- c. Rule 30.5.5.3;
- d. Rule 30.5.5.2;
- e. Rule 30.5.5.6;
- f. Rule 30.5.5.7;
- g. Rule 30.5.6.3;
- h. Rule 30.5.6.2;
- i. Rule 30.5.6.4; and
- j. Rule 30.5.6.5.

5.18. Rules 30.4.13 and 30.4.14

272. As notified these two rules applied to “Telecommunication Facility and Radio communication Facilities Navigation, Metrological Facilities” (Rule 30.4.13, slightly different grammar in rule 30.4.14). By Rule 30.4.13 these activities were controlled activities where they involved erecting:

30.4.13.1 Within the Rural Zone any mast greater than 8m but less than or equal to 15m in height.

30.4.13.2 Within the Town Centre Zones any mast greater than 8m but less than or equal to 10m in height.

30.4.13.3 in zones with a maximum building height of less than 8m (except for the Business and Industrial Zones), a mast greater than the maximum height permitted for buildings of the zone or activity area in which it is located.

30.4.13.4 If circular shaped an antenna greater than 1.2m in diameter but less than 2.4m in diameter. If another shape, an antenna greater than 1.2m in length or breadth but less than 2.4m in length and breadth.

273. Control was reserved to:

- a. *Site location*
- b. *External appearance*
- c. *Access and parking*
- d. *Visual amenity impacts*
- e. *Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the hazard(s) pose to people and property,*

*whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated*¹**Error! Bookmark not defined.**

274. Rule 30.4.14 provided that the following activities were discretionary activities:
- 30.4.14.1 *Erecting any mast, or erecting any antenna greater than 1.2m in diameter (if circular in shape) or 1.2m in length or breadth (if another shape) in:*
- *Any Outstanding Natural Landscape or Outstanding Natural Feature*
 - *Significant Natural Area*
 - *The Arrowtown Residential Historic Management Zone.*
 - *Any open space and landscape buffer areas identified on any of the Special Zone structure plans*
 - *Town Centre Special Character Areas*
 - *Heritage Features and Landscapes.*
- 30.4.14.2 *Erecting antenna greater than 2.4m in diameter or 3m in length or breadth, except omni directional (or “whip) antenna which shall not exceed 4m length, in the following zones: Residential (other than the Arrowtown Residential Historic Management Zone), Rural Lifestyle, Rural Residential, Township, Resort, Airport Mixed Use, Visitor, Town Centre, Corner Shopping Centre, Bendemeer, Penrith Park and Business Zones.*
- 30.4.14.3 *Erecting any antenna greater than 2.4m in diameter length or breadth and/or 4m in length if a whip antenna, in the Rural Zone.*
- 30.4.14.4 *Erecting a mast which is over 15m in height in the Rural Zone.*
- 30.4.14.5 *In all other zones including the Town Centre Zones with a maximum building height of less than 8m (except the Business and Industrial Zones) and erecting a mast which is over 10m in height.*
- 30.4.14.6 *In the Business and Industrial Zones, and in all other zones with a maximum building height of 8m or greater, erecting a mast which exceeds the maximum height of buildings in the zone it is located by more than 5m.*
275. Two submissions²²⁰ sought amendments to Rule 30.4.13.4 to increase the diameter of circular shaped antenna and to exclude earthworks associated with such facilities. The Telecommunication Companies²²¹ sought a complete rewrite such that most telecommunications poles, masts, antenna and ancillary equipment were permitted activities up to greater heights than provided for in Rule 13.4.13. The companies sought that erecting masts in the sensitive locations specified in rule 30.4.14.1 be a restricted discretionary activity, as would be larger antenna and masts at heights greater than provided for in their permitted activity rule. There were no other submissions on Rule 30.4.14.
276. In his Section 42A Report Mr Barr identified that the Telecommunication Companies’ submissions were lodged in anticipation of the (then) proposed NESTF 2016. At that stage, while noting that the PDP could not be more lenient than an NES, Mr Barr was only prepared to recommend minor changes. The changes proposed permitted activity status for facilities

²²⁰ Submissions 607 and 615 (supported by FS1105 and FS1137)

²²¹ Submissions 179, 191, 421 and 781

up to specified heights, controlled activity status to a higher specified height, and full discretionary status in the sensitive locations.

277. Following conferencing between Mr Barr and Mr McCallum on ensuring consistency between the PDP rules and the NESTF 2016, the one area of disagreement between Mr Barr and Mr McCallum-Clark related to the application of Regulation 47 of the NESTF 2016 as it related to the height of poles in the Rural Zone outside of an ONL or ONF. Regulation 47 reads:

47 Visual amenity landscapes

- a. *This regulation applies to a regulated activity if it is carried out at a place identified in the relevant district plan or proposed district plan as being subject to visual amenity landscape rules.*
- b. *This regulation is complied with if the regulated activity is carried out in accordance with the visual amenity landscape rules that apply in that place.*
- c. *In this regulation, visual amenity landscape rules means district rules about the protection of landscape features (such as view shafts or ridge lines) identified as having special visual amenity values (however described).*

278. The Joint Witness Statement explained the issue as follows:²²²

Rule 30.4.6, as drafted in the Council's recommended Reply version, limits the height of poles in the Rural Zone (outside of an ONF or ONL) to 15 metres in height. The NESTF 2-16 permits poles in these areas up to 25 metres in height, except where Regulation 47 is applicable and the rules in the District Plan prevail.

279. Mr Barr's position was based on the findings of the landscape reports which formed the basis for the section 32 analysis for the Rural Zone; in particular, the finding that rural land not otherwise identified as an ONL or ONF was a visual amenity landscape in terms of section 7 of the Act²²³. Thus, in his view, in those parts of the Rural Zone identified as Rural Character Landscape²²⁴ are subject to visual amenity landscape rules in terms of Regulation 47 of the NESTF 2016.

280. It was Mr McCallum-Clark's view that clause 3 of Regulation 47 set out a higher bar than a general rural amenity protection rule²²⁵. It was his view that while Regulation 47 would apply to an ONL, it would not apply to the Rural Character Landscape portions of the Rural Zone.

281. We do not think Mr McCallum-Clark is correct to suggest that an ONL would qualify under Regulation 47. Regulation 50 specifically provides for the application of ONL and ONF provisions to regulated activities. In our view, Regulation 47 must, therefore, be aimed at a lower order of landscape significance.

282. On the other hand, we consider Mr Barr's interpretation to take too broad a view of what Regulation 47(3) defines as visual amenity landscape rules. That regulation states that such rules are to be for the protection of landscape features having special visual amenity values. Strategic Objective 3.2.5.2 refers to the values of Rural Character Landscapes being "*rural character and visual amenity values*" and the relevant Strategic Policies in Chapter 3, as well as the policies in Chapter 6, do not suggest that the Rural Character Landscapes have any more

²²² C Barr & M McCallum-Clark, Joint Witness Statement dated 25 September 2017, at paragraph 3.3

²²³ *ibid*, at paragraph 3.4

²²⁴ The term we are recommending replace Rural Landscapes Classification.

²²⁵ C Barr & M McCallum-Clark, Joint Witness Statement dated 25 September 2017, at paragraph 3.5

than general visual amenity value, albeit that parts may have higher visual amenity value than others. Notably, the PDP does not specifically identify any landscape feature within the district that is not within an ONL or ONF.

283. Consequently, we do not agree with Mr Barr's recommendation. We recommend the relevant rule provide for poles in the Rural Zone to have a maximum height of 25 m as a permitted activity. With that amendment, we agree with the approach recommended by Mr Barr in his Reply Statement, notably replacing notified rules 30.4.13 and 30.4.14 with a permitted regime for poles to a certain height, thence discretionary. We recommend these rules read (incorporating amendments to ensure consistency with the NESTF 2016):

30.5.6.6 Poles

With a maximum height no greater than:

- 25m Rural Zone;*
- 15m in the Business Mixed Use Zone (Queenstown);*
- 18m in the High Density Residential (Queenstown – Flat Sites), Queenstown Town Centre, Wanaka Town Centre (Wanaka Height Precinct) or Airport Mixed Use zones;*
- 13m in the Local Shopping Centre, Business Mixed Use (Wanaka) or Jacks Point zones;*
- 11m in any other zone; and*
- 8m in any identified Outstanding Natural Landscape.*

Where located in the Rural Zone within the Outstanding Natural Landscape or Rural Landscape Classification, poles must be finished in colours with a light reflectance value of less than 16%.

Permitted activity.

30.5.6.7 Poles

Exceeding the maximum height for the zones identified in Rule 30.5.6.6 OR any pole located in

- a. any identified Outstanding Natural Feature;*
- b. the Arrowtown Residential Historic Management Zone;*
- c. Arrowtown Town Centre;*
- d. Queenstown Special Character Area;*
- e. Significant Natural Area;*
- f. Sites containing a Heritage Feature; and*
- g. Heritage Overlay Areas.*

Discretionary activity.

5.19. Antennas

284. As notified, the PDP provided rules for antennas in Rules 30.4.13 and 30.4.14. Although not discussed within his Section 42A Report, Mr Barr did recommend in Appendix 1 to that report three new rules be included providing for antennas:
- a. Providing for smaller antennas as a permitted activity (his Rule 30.4.19);
 - b. Medium scale antennas as a controlled activity (his Rule 30.4.20); and
 - c. Larger antennas and those located sensitive areas as discretionary activities (his Rule 30.4.21).

285. Mr Barr relied on the Telecommunication Companies' submissions for scope to include these. In addition, they were in part drawn from notified Rules 30.4.13 and 30.4.14.
286. Mr McCallum-Clark described these recommended rules as a rather historically-based set of dimensions which did not enable technological changes to be easily adopted²²⁶. He suggested amended provisions based on the surface area of the antennas, again split into permitted, controlled and discretionary activities.
287. In large part, in his Reply Statement, Mr Barr accepted the suggestions of Mr McCallum-Clark. In addition, in his re-arrangement to separate Electricity Distribution Activities from Telecommunication Activities, he recommended separate rules for antennas under each group of activities (being Reply Rules 30.4.36, 30.4.37, 30.4.38, 30.4.48, 30.4.49 and 30.4.50).
288. Following the conferencing of Mr Barr and Mr McCallum-Clark, they recommended minor amendments to Reply Rules 30.4.48, 30.4.49 and 30.4.50 so as to align them with Regulations 29 and 31 of NESTF 2016²²⁷.
289. The result of the various permutations the rules have gone through is that we have two sets of slightly different rules relating to antennas: those recommended by Mr Barr in his Reply in the Electricity Distribution Activities table; and those recommended by Mr Barr and Mr McCallum-Clark in the Telecommunications, Radio Communication, Navigation or Metrological Communication activities table. We did not understand that antennas would be used for electricity distribution. Rather, we understood the purpose of including the rules in that table was because electricity distributors rely in part on radio and telecommunication activities to maintain their operations. It seems to us that the rules describe the activities, not the operators, so it is irrelevant whether the user of an antenna is an electricity distributor or a telecommunications company, the rule relates to the telecommunication or radio communication (which are the same thing in reality) ability of the antenna. We conclude that these rules only need be located in the Telecommunications table.
290. We agree with the evidence of Mr Barr and Mr McCallum-Clark regarding the structure of the rules relating to antennas. We recommend the following three rules be included:

30.5.6.8 Antennas, and ancillary equipment

Provided that for panel antennas the maximum width is 0.7m and for all other antenna types the maximum surface area is no greater than 1.5m² and for whip antennas, less than 4m in length.

Where located in the Rural Zone within the Outstanding Natural Landscape or Rural Landscape Classification, antennas must be finished in colours with a light reflectance value of less than 16%.

Permitted activity.

30.5.6.9 Antennas, and ancillary equipment

Subject to Rule 30.5.6.10, provided that for panel antennas the maximum width is between 0.7m and 1.0m and for all other antenna types the surface

²²⁶ M McCallum-Clark, EiC at paragraph 36

²²⁷ Joint Witness Statement at paragraph 2.1(k) and Appendix 1

area is between 1.5m² and 4m² and for whip antennas, more than 4m in length.

Control is reserved to:

- a. Location
- b. appearance, colour and visual effects

Controlled activity.

30.5.6.10 Any antennas located in the following:

- a. any identified Outstanding Natural Feature;
- b. the Arrowtown Residential Historic Management Zone;
- c. Arrowtown Town Centre;
- d. Queenstown Special Character Area;
- e. Significant Natural Areas; and
- f. Heritage, Features and Heritage Overlay Areas.

Discretionary activity.

5.20. Rules 30.4.15 and 30.4.16

291. These rules, as notified, related to buildings larger than 10m² in area and 3m in height associated with utilities, other than masts for telecommunication and radio facilities, navigation or meteorological communication facility or supporting structures for lines. Under Rule 30.4.15 such buildings were a controlled activity with control reserved to:

- Location
- External appearance and visual effects
- Associated earthworks
- Parking and access
- Landscaping
- Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated.

292. Rule 30.4.16 classified such buildings as discretionary activities where they were located in: any significant natural area; the Arrowtown Residential Historic Management Zone; or the Remarkables Park Zone. Both rules contained the following clause:

However, this rule shall not apply where the provisions of the underlying zone or a District Wide matter specify a more restrictive activity status.

293. Three submissions²²⁸ sought amendments to Rule 30.4.15, while two²²⁹ sought amendments to Rule 30.4.16. PowerNet sought that Rule 30.4.15 apply to structures as well as buildings, and, along with Aurora, sought the deletion of the provision quoted in the previous paragraph applying more restrictive zone standards. PowerNet also sought that it be clarified that smaller buildings were permitted. Ms Chin and Mr Vautier sought that such buildings be permitted where the zone provisions provided for similar scale buildings to be permitted.

²²⁸ Submissions 251, 368 and 635

²²⁹ Submissions 251 (supported by FS1117, FS1121 and FS1097) and 635

294. PowerNet sought the deletion of the application of more restrictive zone provisions from Rule 30.4.16, while Aurora sought that electricity cabinets and kiosks be exempt from this rule.
295. Although he did not specifically discuss these two rules in his Section 42A report, Mr Barr did recommend the deletion of the clause applying more restrictive provisions, from each rule. He also recommended that a permitted activity provision be included for buildings smaller than those covered by these rules, as well as some amendments to the natural hazard matter of control under Rule 30.4.15.
296. Ms Justice²³⁰ considered that the additional permitted activity rule satisfied PowerNet's concerns. Ms Dowd provided us with photographic examples of the types of equipment Aurora wanted exempted from Rule 30.4.16. It was her opinion that such equipment could be considered as controlled activities²³¹.
297. In his Reply Statement, Mr Barr continued to recommend the three rules he recommended in the Section 42A Report with only minor amendments. He deleted the matter of control relating to natural hazards consistent with his treatment of other rules, and he deleted the reference to the Remarkables Park Zone in Rule 30.4.16²³² and, as a result of him accepting that provision should be made for wind electricity generation discussed above, he included an exclusion of wind electricity generation masts from these rules.
298. We are largely in agreement with the rules as presented by Mr Barr in his reply. We do not consider that providing for utility buildings of the type proposed by Aurora, even as controlled activities, in significant natural areas or the Arrowtown Residential Historic Management Zone would be consistent with the objectives and policies in the strategic chapters of this Plan, nor with the relevant provisions of s.6 of the Act.
299. The one matter where we disagree with Mr Barr is in relation to his inclusion of wind electricity masts in the rules. The rules explicitly state that they only relate to buildings associated with a utility. Electricity generation does not fall within the definition of utility. It is only equipment and lines for the transmission and distribution of electricity that fall within that definition. Thus, in our view his inclusion is unnecessary. If it were necessary, we would have also included an exemption for free-standing solar electricity generation and solar water heating.
300. Mr Barr and Mr McCallum-Clark agreed that to ensure consistency with the NESTF 2016, the exclusions should be rather more clearly expressed in each rule. We agree and have incorporated those changes.
301. Consequently, subject to some minor grammatical changes for clarification purposes, we recommend the following three rules replace Rules 30.4.15 and 30.4.16:

30.5.1.1 Buildings associated with a Utility

Any building or cabinet or structure of 10m² or less in total footprint and 3m or less in height which is not located in the areas listed in Rule 30.5.1.4.

This rule does not apply to:

- a. Masts or poles for navigation or meteorology;*

²³⁰ Megan Justice, EiC, paragraph 4.16

²³¹ Joanne Dowd, EiC, paragraph 42

²³² As this zone has been formally excluded from the PDP by the Council its deletion was automatic in any event

- b. Poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for any telecommunication and radio communication;
- c. Lines and support structures.

Permitted activity

30.5.1.3 Buildings associated with a Utility

The addition, alteration or construction of buildings greater than 10m² in total footprint or 3m in height, other than buildings located in the areas listed in Rule 30.5.1.4.

This rule does not apply to:

- a. Masts or poles for navigation or meteorology;
- b. Poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for any telecommunication and radio communication;
- c. Lines and support structures.

Control is reserved to:

- a. location;
- b. external appearance and visual effects;
- c. associated earthworks;
- d. parking and access;
- e. landscaping.

Controlled activity.

30.5.1.4 Buildings associated with a utility

The addition, alteration or construction of buildings in:

- a. Any Significant Natural Area
- b. The Arrowtown Residential Historic Management Area.

This rule does not apply to:

- c. Masts or poles for navigation or meteorology;
- d. Poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for any telecommunication and radio communication;
- e. Lines and support structures.

Discretionary activity.

5.21. Rules 30.4.17 and 30.4.18

302. As notified, these rules provided for flood protection works. Rule 30.4.17 was a permitted activity described as follows:

Flood Protection Works for the maintenance, reinstatement, repair or replacement of existing flood protection works for the purpose of:

- maintaining the flood carrying capacity of water courses and/or maintaining the integrity of existing river protection works
- fill works undertaken within Activity Area 1f of the Shotover Country Special Zone

303. Rule 30.4.18 classified all other flood protection works as a discretionary activity.
304. Two submissions²³³ on Rule 30.4.17 both sought that the rule simply state: **Flood Protection Works** for the maintenance, reinstatement, repair or replacement of existing flood protection works. The sole submission on Rule 30.4.18 noted that the definition of utility did not include flood protection works and queried the location of the rule.
305. Mr Barr neither mentioned these rules, nor recommended any change to them, in his Section 42A Report, and we heard no evidence on them. Mr Barr did respond to submission 806 and recommend including flood protection works within the definition of utility²³⁴. The only amendment recommended by Mr Barr in his reply was to clarify the relationship between the two rules.
306. We have considered the amendments sought to Rule 30.4.17. It is clear that the rule only applies to existing flood protection works, and while the term “maintenance, reinstatement, repair or replacement” could be said to encompass the condition “maintaining the flood carrying capacity of water courses and/or maintaining the integrity of the existing river protection works”, we consider the purpose of the condition is to limit the scope of permitted works, and is therefore necessary. However, we do not understand how the second condition is relevant to this rule. It relates to an area in a zone which has not been notified in Stage 1 of the PDP, and there is no evidence that the zone will ever become part of the PDP. We agree with the submitters that it should be deleted.
307. We note that Shotover Country Limited²³⁵ opposed Submission 615 on the basis that there was no jurisdiction to remove the part of the rule related to the Shotover Country Special Zone as that zone had not been included in Stage 1 of the Review. We find that logic rather unusual. As we have explained above, we consider the reverse to be correct. The rule should not have been included in the PDP in the first place.
308. We recommend these rules be adopted as notified with the exception that the phrase “fill works undertaken within Activity Area 1f of the Shotover Country Special Zone” be deleted from Rule 30.4.17, and that the rules be renumbered 30.5.1.2 and 30.5.1.5 respectively.
- 5.22. Rules 30.4.19, 30.4.20 and 30.4.21**
309. There were no submissions on Rules 30.4.19 and 30.4.20. The only submission²³⁶ on Rule 30.4.21 sought its deletion.
310. Mr Barr recommended the deletion of Rule 30.4.21 in his Reply Version. We agree with that recommendation and note that as the Council has withdrawn the Remarkables Park Zone from the PDP²³⁷, this rule has automatically been removed.
311. We recommend that Rules 30.4.19 and 30.4.20 be adopted without alteration subject to being renumbered 30.5.1.6 and 30.5.1.7 respectively.

²³³ Submissions 607 and 635 (supported by FS1105 and FS1137, opposed by FS1294)

²³⁴ Section 42A report, paragraph 9.53. Also note Submission 383 also sought the inclusion of flood protection works in the definition of utility.

²³⁵ Further submission 1294

²³⁶ Submission 251

²³⁷ Minutes of full Council, 25 May 2017

5.23. Rule 30.5.6

312. This standard required that where a utility was a building, it needed to be set back from internal and road boundaries in accordance with the setback requirements for accessory buildings in the relevant zone. Non-compliance required consent as a discretionary activity.
313. There were three submissions on this rule, one seeking its retention²³⁸. PowerNet²³⁹ sought that the non-compliance status changed to restricted discretionary activity. Ms Chin and Mr Vautier²⁴⁰ sought that the rule take account of building platforms, although it was unclear how it was intended this occur.
314. Mr Barr made no comments or recommendations in respect of this rule, other than changing its number in the re-arrangement proposed in the Reply Version. Ms Justice maintained her view that restricted discretionary activity status was appropriate and suggested a matter of discretion that she considered would be suitable²⁴¹. Unfortunately, as Ms Justice did not attend the hearing, we were unable to discuss her proposal with her, nor explore with her whether it covered all the matters that may be relevant.
315. Mr Barr and Mr McCallum-Clark recommended²⁴² that, to ensure consistency with the NESTF 2016, the rule should explicitly exclude:
- a. Poles, antennas, and associated cabinets (up to 10m² in area and 3m in height) for telecommunication and radio communication; and
 - b. Lines and support structures for telecommunications.
316. We agree with that recommendation.
317. In the absence of clear evidence on how the rule could be changed and still implement the relevant policies, we recommend it be adopted as notified subject to amending “shall” to “must”, inserting the exclusions recommended by Mr Barr and Mr McCallum-Clark, and changing the rule number to 30.5.2.1.

5.24. Rule 30.5.7

318. This standard set a maximum building size of 10m² in area and 3m in height for all utility buildings in ONLs and on ONFs. Non-compliance required a discretionary activity consent.
319. The four Telecommunication Companies²⁴³ sought that the rule be deleted, while PowerNet²⁴⁴ sought that it be retained.
320. Mr Barr discussed in detail the issue of utilities locating in ONLs and on ONFs in his Section 42A Report²⁴⁵. While this discussion covered the relevant objectives and policies, and several of the rules, he did not refer to this rule directly. It was not referred to by any of the other witnesses we heard from either.

²³⁸ Submission 635

²³⁹ Submission 251

²⁴⁰ Submission 368

²⁴¹ Megan Justice, EiC, paragraph 4.20

²⁴² Joint Witness Statement, dated 25 September 2017, at paragraph 2.1(k)

²⁴³ Submissions 179, 191, 421 (supported by FS1121) and 781

²⁴⁴ Submission 251, supported by FS1121

²⁴⁵ Issue 4, Section 11

321. In his Reply Statement, Mr Barr discussed the issue of utilities locating in ONLs and on ONFs again, and recommended a series of rule amendments which he considered provided appropriate management of utilities while still providing safeguards to manage the adverse effects of them, particularly where matters under section 6 of the Act were at issue²⁴⁶. His conclusion in respect of this rule was to amend it only by excluding masts and supporting structures for lines, for which he was recommending separate controls.
322. We agree with Mr Barr's reasoning and largely accept his recommendation regarding this rule. Mr Barr and Mr McCallum-Clark also recommended²⁴⁷ amending the exclusions consistent with Rules 30.5.1.1 [notified 30.4.15] and 30.5.1.3 [notified 30.4.16]. We agree with those amendments also.
323. We recommend some minor wording changes consistent with our wording of other rules in this chapter, such that it reads:

30.5.2.2 Buildings associated with a Utility in Outstanding Natural Landscapes (ONL) and Outstanding Natural Features (ONF)

Any building within an ONL or ONF must be less than 10m² in area and less than 3m in height.

This rule does not apply to:

- a. masts or poles for navigation or meteorology;*
- b. poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for any telecommunication and radio communication;*
- c. lines and support structures.*

Non-compliance requires a discretionary activity consent.

5.25. Rule 30.5.8

324. This rule provided that all buildings and structures, other than masts and antennas, had to comply with the relevant maximum height limits of the zone they were located in. Non-compliance required consent as a discretionary activity.
325. Five submissions sought the deletion of this rule²⁴⁸, and two sought amendments²⁴⁹. The submissions seeking amendments both sought exclusion of line supporting structures from the rule.
326. Mr Barr did not discuss this rule in his Section 42A Report and did not recommend any changes to it. While Mr McCallum-Clark recommended deletion of the rule, he did not clearly set out in his evidence reasons in support of that deletion. Ms Justice²⁵⁰ explained that, in terms of support structures, the Electricity Industry Standards and Regulations set out minimum safety separation distances which control the height of support structures, and that no utility provider would use support structures higher than necessary.
327. Mr Barr did not discuss this in his Reply Statement and the only amendment he recommended was a re-ordering of the exemption wording in the rule.

²⁴⁶ Craig Barr, Reply Statement, Section 11

²⁴⁷ Joint Witness Statement dated 25 September 2017 at paragraph 2.1(d)

²⁴⁸ Submissions 179, 191, 368, 421 (supported by FS1121) and 781 (supported by FS1342)

²⁴⁹ Submissions 251 and 638

²⁵⁰ Megan Justice, EiC, paragraph 4.21

328. We agree with PowerNet and Aurora that support structures should be exempt from this rule in the same way that masts and antennas are. We note, in coming to this conclusion, that as there is no underlying zoning of roads, there is effectively no height limit on line support structures when they are located in the road reserve due to the operation of s.9 of the Act. It would seem inconsistent to provide that support structures within the road reserve have no height restriction, but if they need to locate outside of the road reserve they need to reduce height to that applying to buildings in the relevant zone (or obtain a consent). We also agree that achieving appropriate safety separation distances for electricity lines is important, and that electricity lines companies are unlikely to use support structures taller than necessary.
329. Mr Barr and Mr McCallum-Clark recommended²⁵¹ the exclusion be worded consistent with that recommended for the previous rule. We agree that such consistency is appropriate.
330. For those reasons we recommend this rule read:

30.5.2.3 Height

All buildings or structures must comply with the relevant maximum height provisions for buildings of the zone they are located in.

This rule does not apply to:

- a. masts or poles for navigation or meteorology;*
- b. poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for any telecommunication and radio communication;*
- c. lines and support structures.*

Non-compliance requires a discretionary activity consent.

5.26. Rule 30.5.9

331. This rule required that all utilities' development comply with NZS4404:2011. Non-compliance required consent as a discretionary activity.
332. Four submissions sought that rule be deleted²⁵², while PowerNet²⁵³ sought that the consent required for non-compliance be changed to restricted discretionary activity.
333. Although not discussed in his Section 42A Report, Mr Barr recommended deletion of the rule. It is our understanding that the relevant standard applies to earthworks related to subdivision²⁵⁴. There does not seem to be any direct relationship to utilities' development. We agree with the QLDC submission²⁵⁵ that compliance with such standards, to the extent it is required, would be achieved through other legislation.
334. We recommend the rule be deleted.

5.27. New Rules Relating to Telecommunications

335. The evidence provided by the Telecommunications Companies²⁵⁶ was that the changing technology of telecommunications, combined with the increasing demand for mobile services,

²⁵¹ Joint Witness Statement dated 25 September 2017 at paragraph 2.1(d)

²⁵² Submissions 179, 191, 383, 421 (supported by FS1121) and 781

²⁵³ Submission 251

²⁵⁴ Reasons given in Submissions 179, 191, 421 and 781

²⁵⁵ Submission 383.

²⁵⁶ G McCarrison and C Clune, Joint EiC, and M McCallum-Clark, EiC at paragraph 34

meant there was a move to small and microcells. Mr McCallum-Clark identified that if specific provision was not made for such infrastructure there was a risk that it would default to discretionary status, which, he considered, would be inappropriate.

336. Mr McCallum-Clark proposed two new activity rules²⁵⁷:
- a. Permitted activity status for small cells with a volume of no greater than 0.11m³; and
 - b. Controlled activity status for cells with a volume of between 0.11m³ and 2.5m³, with control reserved to appearance, colour and visual effects.
337. Mr Barr largely agreed with Mr McCallum-Clark's proposal²⁵⁸, although he considered that such cells should require a discretionary activity consent when located within a heritage precinct. His proposed rules²⁵⁹ also provided that any small cell with a volume exceeding 2.5m³ would require discretionary activity consent.
338. Following caucusing, Mr Barr and Mr McCallum-Clark recommended further changes to these rules²⁶⁰. First, they recommended that the permitted activity refer to "small cell unit" consistent with the use of the term in the NESTF 2016 (Regulation 38), and that a definition of "small cell unit" the same as that in the NESTF 2016 be included in the PDP. They also recommended that the reference to "small cell" in the other two rules be changed to "microcell".
339. We agree with the reasoning of Mr McCallum-Clark and Mr Barr in respect of these three proposed rules and the proposed definition, with one exception. Mr Barr's reply version provided that small cell units (as defined in the NESTF 2016) would be a discretionary activity when located within a heritage precinct. That is consistent with Regulations 38 and 46 of the NESTF 2016. However, the wording changes proposed in the Joint Witness Statement, although described as being "a minor clarification"²⁶¹ have the effect of making small cell units a permitted activity in heritage precincts. Given the lack of explanation for this change in the Joint Witness Statement we do not consider that was intended, nor do we consider it appropriate as it does not give effect to the objectives and policies of the PDP as they apply to heritage precincts.
340. Consequently we recommend the following three new rules be inserted:

30.5.6.11 Small Cell Units

Provided that the small cell unit is not located within a Heritage Precinct

Permitted activity

30.5.6.12 Microcells

A microcell and associated antennas with a volume of between 0.11m³ and 2.5m³.

Provided that the microcell is not located within a Heritage Precinct

Control is reserved to:

- a. appearance;*
- b. colour; and*

²⁵⁷ Proposed Rules 30.4.28 and 30.4.29 in the amended version of Chapter 30 attached to his EiC

²⁵⁸ C Barr, Reply Statement at paragraph 10.1

²⁵⁹ C Barr, Reply Statement, Appendix 1, Rules 30.4.51, 30.4.52 and 30.4.53

²⁶⁰ Joint Witness Statement dated 25 September 2017, at paragraphs 2.1(l), 2.1(m), 2.1(n) and 2.1(o)

²⁶¹ *ibid* at paragraph 2.1(o)

c. *visual effects*

Controlled activity

30.5.6.13 **Small Cell Units and Microcells**

30.5.13.6.1 *A microcell and associated antennas with a volume more than 2.5m³*

OR

30.5.6.13.2 *A small cell unit or microcell located within a Heritage Precinct*

Discretionary activity

341. We also recommend to the Stream 10 Hearing Panel that a new definition of “small cell unit”, as defined in the NESTF 2016, be included in Chapter 2.

5.28. **Rule 30.6**

342. This rule set out the situations in which resource consent applications for activities that would not require written consent of other person and not be notified or limited notified.

343. There were two submissions on this rule. One submission²⁶² sought that where it applied to small and community scale distributed electricity generation, it only apply to proposals having a rated capacity of less than 3.5kW. The second²⁶³ sought that notification occur for renewable energy systems over 1.2m in height.

344. Mr Barr discussed this in detail in his Section 42A Report. He noted that stand alone power systems and small and community scale distributed electricity generation are to be controlled through a series of performance standards. Non-compliance with those performance standards could have adverse effects on neighbours. He recommended deleting stand-alone power systems and small and community scale distributed electricity generation from this rule, leaving the circumstances of each application to determine whether an application be notified or not.

345. We agree with Mr Barr. We add that the proposed location of such activities in one of the sensitive locations listed in [notified] Rule 30.4.3 may also justify public notification, depending upon the circumstances of the proposal. We note that the further submission by Queenstown Park Limited opposing Submission 20 gave as its reasons that applications for utilities should generally not be notified. The activities the submission refers to are not utilities, rather they are renewable electricity generation activities.

346. In his Reply Statement, Mr Barr recommended two exceptions to the proposed rule (30.6.1.3) exempting controlled activity applications from notification, both related to activities near the National Grid. The additional wording recommended by Mr Barr read:

... except for applications when within the National Grid Corridor or within 45 m of the designated boundary of Transpower New Zealand Limited’s Frankton substation.

347. We understood from Mr Renton, as we have discussed above in Section 5.16, that Transpower preferred to work with landowners to ensure buildings and structures close to the Frankton

²⁶² Submission 383

²⁶³ Submission 20 opposed by FS1097.

Substation could be erected. It was the nature of materials and way buildings and structures were erected that was critical. From that understanding, we agree that applications under our recommended Rule 30.5.3.4 not be exempt from notification. There is value in Transpower having the ability to be involved in any such application.

348. The exemption is relation to applications in the National Grid Corridor recommended by Mr Barr is superfluous as there are no rules that we are recommending that are controlled activities in that corridor. Under recommended Rules 30.5.3.2 and 30.5.3.3 certain activities are permitted. Activities not meeting the standards applicable to those permitted activities requires consent as a non-complying activity (Rules 30.5.4.1 and 30.5.4.2).
349. Consequently, we recommend that 30.6.1.1 and 30.6.1.2 be deleted from Rule 30.6 and the remaining two clauses be renumbered, and what is now 30.6.1.1 read:

Controlled activities except for applications when within 45 m of the designated boundary of Transpower New Zealand Limited's Frankton substation.

5.29. Summary of Conclusions on Rules

350. We have set out in full in Appendix 1 the rules we recommend the Council adopt. For all the reasons set out above, we are satisfied that these rules are the most effective and efficient means of implementing the policies so as to achieve the objectives of Chapter 30, and those in the Strategic Directions chapters. Where we have recommended rules not be included, that is because, as our reasons above show, we do not consider them to be efficient or effective.

6. CHANGES SOUGHT TO DEFINITIONS

6.1. Introduction

351. Submitters on this Chapter also lodged submissions on a number of notified definitions and also sought the inclusion of several new definitions. In accordance with the Hearing Panel's directions in its Second Procedural Minute dated 5 February 2016, we heard evidence on these definitions and have considered them in the context of the rules which apply them. However, to ensure a consistent outcome of consideration of definitions, given the same definition may be relevant to a number of hearing streams, our recommendations in this part of the report are to the Hearing Stream 10 Panel, who have overall responsibility for recommending the final form of the definitions to the Council. As the recommendations in this section are not directly to the Council, we have listed the wording we are recommending for these definitions in Appendix 5.
352. We note that we have already dealt with the following definitions relevant to the rules relating to the National Grid in Section 5.15 above:
- a. National Grid Corridor;
 - b. National Grid Yard;
 - c. National Grid Sensitive Activities;
 - d. Sensitive Activities – Transmission corridor;
 - e. Artificial crop protection structure;
 - f. Crop support structure;
 - g. Earthworks within the National Grid Yard; and
 - h. Protective canopy.

We do not discuss those further.

353. In Section 5.14 above we dealt with the definition of “minor upgrading”.
354. Transpower²⁶⁴ lodged submissions supporting the definitions of “amenity” and “structure”. As both are terms defined in s.2 of the Act we consider no further discussion of these submissions is warranted. We recommend the submissions be accepted.
355. Aurora²⁶⁵ lodged a submission supporting the definition of “development”. In the context of this chapter, we recommend that submission be accepted.
356. The Telecommunication Companies²⁶⁶ lodged submissions supporting the definition of “height” and sought its retention. In the context of this chapter, we recommend those submissions be accepted.
357. Two of the definitions sought by Aurora²⁶⁷ were directly related to its submission seeking rules to impose setbacks from certain of its lines. We discussed this part of Aurora’s submission in detail in Section 2.2 above and recommended that it not be adopted. As the two definitions would only need to be included in the PDP if we had accepted that submission, we recommend that the submission seeking the inclusion of definitions for “critical electricity lines” and “electricity distribution line corridor” be rejected.

6.2. Building

358. As notified, this was defined as:

Building *Shall have the same meaning as the Building Act 2004, with the following exemptions in addition to those set out in the Building Act 2004:*

- *Fences and walls not exceeding 2m in height.*
- *Retaining walls that support no more than 2 vertical metres of earthworks.*
- *Structures less than 5m² in area and in addition less than 2m in height above ground level.*
- *Radio and television aerials (excluding dish antennae for receiving satellite television which are greater than 1.2m in diameter), less than 2m in height above ground level.*
- *Uncovered terraces or decks that are no greater than 1m above ground level.*
- *The upgrading and extension to the Arrow Irrigation Race provided that this exception only applies to upgrading and extension works that involve underground piping of the Arrow Irrigation Race.*
- *Flagpoles not exceeding 7m in height.*
- *Building profile poles, required as part of the notification of Resource Consent applications.*
- *Public outdoor art installations sited on Council-owned land.*
- *Pergolas less than 2.5 metres in height either attached or detached to a building.*
- *Notwithstanding the definition set out in the Building Act 2004, a building shall include:*

²⁶⁴ Submission 805

²⁶⁵ Submission 635

²⁶⁶ Submissions 179, 181, 421 and 781

²⁶⁷ Submission 635

- *Any vehicle, trailer, tent, marquee, shipping container, caravan or boat, whether fixed or moveable, used on a site for residential accommodation for a period exceeding 2 months.*

359. The Telecommunication Companies²⁶⁸ sought that this be amended to refer to the Building Act 2004 definition. Their submission was that the inclusion of a number standards in the definition caused confusion and that such standards should be included in the rules rather than the definition. Transpower²⁶⁹ supported the notified definition.

360. Mr Barr agreed with the further submission by Arcadian Triangle Ltd²⁷⁰ that the definition had been used in the ODP for at least 20 years and that it was preferable to have the exemptions listed in one place, rather than scattered repeatedly through the rules. Mr McCallum-Clark did not address this issue in his evidence and omitted this definition from his list of recommended changes to definitions²⁷¹.

361. In the absence of any evidence in support of this definition being amended, we recommend the submissions of the Telecommunication Companies and the further submissions in support be rejected, and Transpower’s submission and the further submissions in opposition by Arcadian Triangle Ltd be accepted.

6.3. Telecommunications Facility

362. As notified, this read:

Telecommunications Facility *Means devices, such as aerials, dishes, antennae, wires, cables, casings, tunnels and associated equipment and support structures, and equipment shelters, such as towers, masts and poles, and equipment buildings and telephone boxes, used for the transmitting, emission or receiving of communications.*

363. The Telecommunication Companies²⁷² sought minor amendments to the wording of this definition. Mr Barr noted²⁷³ that with the replacement of the word ‘facilities’ with the word ‘mast’ in the relevant rules, this definition becomes redundant and should be deleted.

364. We agree with Mr Barr’s assessment and recommend the definition be deleted.

6.4. Utility

365. As notified, this read:

Utility *Means the systems, services, structures and networks necessary for operating and supplying essential utilities and services to the community including but not limited to:*

- *transformers, lines and necessary and incidental structures and equipment for the transmissions and distribution of electricity;*
- *pipes and necessary incidental structures and equipment for transmitting and distributing gas;*

²⁶⁸ Submissions 179 (supported by FS1097, opposed by FS1255), 191 (supported by FS1097, opposed by FS1255), 421 (opposed by FS1117 and FS1097) and 781

²⁶⁹ Submission 805

²⁷⁰ FS1255

²⁷¹ Matthew McCallum-Clark, EiC, Appendix

²⁷² Submissions 179, 191, 421 and 781 (supported by FS1342)

²⁷³ C Barr, Reply Statement, paragraph 14.1

- *storage facilities, pipes and necessary incidental structures and equipment for the supply and drainage of water or sewage;*
- *water and irrigation races, drains, channels, pipes and necessary incidental structures and equipment (excluding water tanks);*
- *structures, facilities, plant and equipment for the treatment of water;*
- *structures, facilities, plant, equipment and associated works for receiving and transmitting telecommunications and radio communications (see definition of telecommunication facilities);*
- *structures, facilities, plant, equipment and associated works for monitoring and observation of meteorological activities and natural hazards;*
- *structures, facilities, plant, equipment and associated works for the protection of the community from natural hazards.*
- *structures, facilities, plant and equipment necessary for navigation by water or air;*
- *waste management facilities; and*
- *Anything described as a network utility operation in s166 of the Resource Management act 1991*
- *Utility does not include structures or facilities used for electricity generation, the manufacture and storage of gas, or the treatment of sewage.*

366. Seven submissions on this definition sought the following changes:
- a. Add “flood protection works”²⁷⁴;
 - b. Include “substations”²⁷⁵;
 - c. Include “temporary emergency generators” by excluding them from the exclusion of electricity generation facilities²⁷⁶;
 - d. Add “antennas, lines (including cables)” to the 6th bullet point²⁷⁷ or alternatively delete the definition and replace with the definition of “infrastructure” from the Act; and
 - e. Add “structures for transport on land by cycleways, rail, roads, walkway, or any other means”²⁷⁸.
367. Transpower²⁷⁹ supported the definition but sought a minor grammatical change to refer to transmission of electricity in the singular.
368. In his Section 42A Report²⁸⁰, Mr Barr recommended that substations and flood protection works be included in the definition, but that other submissions be rejected. Mr MacColl, appearing for NZTA, disagreed with Mr Barr’s assessment that structures for land transport were not utilities²⁸¹. He noted that NZTA was a network utility operator and thus its roading network, through the inclusion in the definition of anything described as a network utility operation by the Act, was a utility. Queenstown Park Ltd supported the NZTA amendment

²⁷⁴ Submission 383

²⁷⁵ Submission 635 supported by FS1301

²⁷⁶ Submission 635

²⁷⁷ Submissions 179 (opposed by FS1132), 191 (supported by FS1121, FS1097), 421 and 781 (supported by FS1342)

²⁷⁸ Submission 719 supported by FS1097

²⁷⁹ Submission 805

²⁸⁰ Craig Barr, Section 42A Report, paragraphs 9.53 to 9.57

²⁸¹ Anthony MacColl, EiC, paragraphs 21 to 22

provided it included gondolas²⁸². Mr Fitzpatrick appeared in support of this further submission and Mr Young filed written legal submissions.

369. In his Reply Statement, Mr Barr expressed the concern that the definition of utilities was potentially too enabling, as it could allow any person to apply the utility chapter to their activities, irrespective of whether it was an essential service to the community. He considered that the definition should simply confirm that the chapter applies only to network utility operators²⁸³. Otherwise, he did not recommend any further amendments to the definition.
370. We have some sympathy with the concerns expressed by Mr Barr in his Reply Statement. When looked at closely, for the most part the definition repeats, although with different wording, the activities described in s.166 of the Act which are undertaken by network utility operators. There are some additional activities included such as works for protection from natural hazards, waste management facilities, and facilities for meteorological activities. However, the phrase used to include reference to s.166 actually refers to the operations listed, and is not limited to network utility operators. This means, for instance, that the private operation of a road would be deemed a utility for the purposes of Chapter 30. It is exemplified by the submissions of Queenstown Park Limited suggesting that a gondola proposal of the company's should be considered a utility because it would offer a form of land transport.
371. We agree with Mr Barr that there is no scope to modify the definition to deal with this matter. We do recommend that the Council review this definition and consider, in the context of the provisions of Chapter 30 as we are recommending them, whether it is actually providing for the operations they expect it to be providing for.
372. As for the definition itself, we agree with Mr Barr that flood protection works and substations should be included. We do not consider it necessary to exclude temporary emergency generators from the exclusion as we have recommended rules in the Energy Section of the chapter to provide for such activities as generation activities. We do not consider the inclusion the NZTA sought is necessary. Rather, we consider retaining their operations through the wording of s.166 is preferable to widening it in the way the NZTA submission sought.
373. We consider the addition sought by the Telecommunication companies to be a "belts and braces" approach. The definition of Telecommunication Facilities includes those terms. It would actually be cleaner to just replace the entire 6th bullet point with the term Telecommunication Facilities, but we do consider there to be scope to make such a change.
374. We additionally note, however, for the reasons discussed in Section 4.3 above, that in our view the Council should initiate a variation to exclude airport activities and airport related activities occurring within the Airport Mixed Use zone from the definition of Utility.
375. For all of those reasons we recommend the definition of utility be as follows²⁸⁴:

Utility *Means the systems, services, structures and networks necessary for operating and supplying essential utilities and services to the community including but not limited to:*

- a. substations, transformers, lines and necessary and incidental structures and equipment for the transmissions and distribution of electricity;*

²⁸² Further submission 1097

²⁸³ Craig Barr, Reply Statement, paragraphs 14.11 to 14.13

²⁸⁴ We have changed the bullet points to an alphabetic list for ease of future reference

- b. pipes and necessary incidental structures and equipment for transmitting and distributing gas;
- c. storage facilities, pipes and necessary incidental structures and equipment for the supply and drainage of water or sewage;
- d. water and irrigation races, drains, channels, pipes and necessary incidental structures and equipment (excluding water tanks);
- e. structures, facilities, plant and equipment for the treatment of water;
- f. structures, facilities, plant, equipment and associated works for receiving and transmitting telecommunications and radio communications (see definition of telecommunication facilities);
- g. structures, facilities, plant, equipment and associated works for monitoring and observation of meteorological activities and natural hazards;
- h. structures, facilities, plant, equipment and associated works for the protection of the community from natural hazards.
- i. structures, facilities, plant and equipment necessary for navigation by water or air;
- j. waste management facilities;
- k. flood protection works; and
- l. Anything described as a network utility operation in s166 of the Resource Management act 1991
- m. Utility does not include structures or facilities used for electricity generation, the manufacture and storage of gas, or the treatment of sewage.

6.5. Energy Activities

376. QLDC²⁸⁵ sought the inclusion of a new definition of energy activities to read:

Energy Activities

- *Small and Community-Scale Distributed Electricity Generation and Solar Water Heating*
- *Renewable Electricity Generation*
- *Non-renewable Electricity Generation*
- *Wind Electricity Generation*
- *Solar Electricity Generation*
- *Solar Water Heating*
- *Stand-Alone Power Systems (SAPS)*
- *Biomass Electricity Generation*
- *Hydro Generation Activity*
- *Mini and Micro Hydro Electricity Generation*

377. Mr Barr recommended inclusion of this submission so as to provide clarity on which activities would be intended covered by the rules on energy activities, and that it would limit the possibility for unintended activities to be applicable²⁸⁶. There were no further submissions and no other evidence on this submission.

378. We agree with Mr Barr’s reasoning, but note that in his suggested wording he has added “Includes the following” before the list of activities. Those words undermine his rationale for

²⁸⁵ Submission 383

²⁸⁶ Craig Barr, Section 42A Report, paragraphs 9.24 and 9.25

the definition by allowing for other non-listed activities to be included. We also doubt that there is scope to widen the definition in that way. We agree the definition needs some introductory words but consider that such words should limit the term “energy activities” to those in the list and no others. Therefore, we recommend the definition read:

Energy Activities means the following activities:

- a. Small and Community-Scale Distributed Electricity Generation and Solar Water Heating;
- b. Renewable Electricity Generation;
- c. Non-renewable Electricity Generation;
- d. Wind Electricity Generation;
- e. Solar Electricity Generation;
- f. Solar Water Heating;
- g. Stand-Alone Power Systems (SAPS);
- h. Biomass Electricity Generation;
- i. Hydro Generation Activity;
- j. Mini and Micro Hydro Electricity Generation.

6.6. Electricity Distribution

379. Aurora²⁸⁷ sought the inclusion of a new definition of electricity distribution to read as follows:

Electricity Distribution Means the conveyance of electricity via electricity distribution lines, cables, support structures, substations, transformers, switching stations, kiosks, cabinets and ancillary buildings and structures, including communication equipment, by a network utility operator. For the avoidance of doubt, this includes, but is not limited to Aurora Energy Limited assets shown on the planning maps.

380. Mr Barr noted that Federated Farmers opposition was to the critical lines network provisions we dealt with earlier in this report, and they did support the notion of clarifying the lines which were not part of the national grid. Transpower supported the submission for similar reasons. Mr Barr supported the inclusion of a definition to achieve that distinction and recommended the Aurora definition be adopted, subject to deletion of the last sentence. We heard no other evidence on this definition.

381. We agree that it would be useful for the PDP to include a definition distinguishing those electricity lines that do not form part of the national grid. We recommend the definition, as modified by Mr Barr, be adopted.

6.7. Regionally Significant Infrastructure

382. Two submissions²⁸⁸ sought the inclusion of a definition of regionally significant infrastructure. Each definition was different so we do not repeat them here.

383. Mr Barr identified that this definition had been considered in the Stream 1B hearing²⁸⁹. He adopted the definition recommended by Mr Paetz in that hearing, but modified it to include reference to the sub-transmission network (Mr Barr’s term for Aurora’s “critical electricity lines”).

384. The only submissions in relation to this definition were from Mr Young on behalf of Queenstown Park Ltd. He submitted that if the gondola QPL intends to construct proceeded,

²⁸⁷ Submission 635 supported by FS1301, opposed by FS1132

²⁸⁸ Submissions 635 (supported by FS1077, FS1211, FS1097, opposed by FS1132) and 805 (supported by FS1121, FS1159, FS1340, FS1077, FS1106, FS1208, FS1211, FS1253)

²⁸⁹ Craig Barr, Section 42A Report, paragraphs 9.2 to 9.8.

it would be a significant addition to Queenstown’s tourist offering. However, we cannot see how that, nor the connection of the Remarkables Park Zone to the Remarkables ski field as referred to by Mr Young, are regionally significant. In our view, for infrastructure to be regionally significant it must do more than just serve this district.

385. We have considered the Recommendation Report of the Stream 1B Panel and agree with that Panel’s conclusion²⁹⁰ that the identification of regionally significant infrastructure is primarily a matter for the Regional Council, except where the proposed RPS might be considered ambiguous or inapplicable. We adopt that Panel’s reasoning and recommend the definition be worded as that Panel recommended.

6.8. Support Structure

386. Aurora²⁹¹ sought the inclusion of a definition of support structure reading as follows:

Support Structure Means a utility pole or tower that forms part of the electricity distribution network or National Grid that supports conductors as part of an electricity distribution line or transmission line. This includes any ancillary equipment, such as communication equipment or transformers, used in the conveyance of electricity.

387. Mr Barr agreed that adding this definition would add clarity to the rules as the term is used in several places²⁹². He also considered whether it should be limited to electricity lines and concluded that as telecommunication lines have their own definition such a limitation would be satisfactory. He did recommend some minor word changes of a non-substantive nature.

388. The difficulty that we can see with the inclusion of the definition as recommended is that the term “support structures” is, as Mr Barr noted, used in the definition of telecommunication facility. The inclusion of this definition would mean that the reference in telecommunication facility would be limited to electricity lines, which is not what is intended. If “support structure” is to have a definition in the PDP it must be a definition which can be applied every time the term “support structure” is used.

389. We have examined our recommended text of Chapter 30 and related definitions and found that “support structure” is used both in relation to electricity lines and telecommunication lines, as well as other telecommunication facilities. We do not think that a satisfactory definition could be created to encompass all the actual uses of the term that would improve on the ordinary natural meaning of the words. We therefore recommend that this submission be rejected.

6.9. Reverse Sensitivity

390. Transpower²⁹³ sought the inclusion of a definition of reverse sensitivity worded as follows:

Reverse Sensitivity: is the legal vulnerability of an established activity to complaint from a new land use. It arises when an established use is causing adverse environmental impact to nearby land, and a new, benign activity is proposed for the land. The ‘sensitivity’ is this: if the new use is permitted, the established use may be required to restrict its operations or mitigate its effects so as not to adversely affect the new activity.

²⁹⁰ Recommendation Report 3, paragraph 768

²⁹¹ Submission 635, supported by FS1301, opposed by FS1132

²⁹² Craig Barr, Section 42A Report, paragraphs 9.26 to 9.27

²⁹³ Submission 805, supported by FS1211, opposed by FS1077

391. Mr Barr was hesitant to recommend this definition as it essentially stated caselaw from a 2008 Environment Court decision and could be subject to further refinement by the courts²⁹⁴.
392. Ms McLeod accepted Mr Barr's opinion and did not consider the definition was necessary²⁹⁵. The New Zealand Defence Force²⁹⁶ tabled a letter accepting the recommendations in the Section 42A Report.
393. We accept that agreement between the parties and recommend that Transpower's submission seeking the reverse sensitivity definition be rejected.

6.10. Small Cell Unit

394. We have explained our reasons for including this new definition in Section 5.27 above. We agree with Mr Barr and Mr McCallum-Clark²⁹⁷ that scope for the inclusion of this definition is provided by the submissions of the Telecommunications Companies²⁹⁸. We recommend that the definition read:

Small Cell Unit means a device:

- a. *that receives or transmits radiocommunication or telecommunication signals; and*
- b. *the volume of which (including any ancillary equipment, but not including any cabling) does not exceed 0.11m³.*

²⁹⁴ Craig Barr, Section 42A Report, paragraphs 9.35 to 9.37

²⁹⁵ Ainsley McLeod, EiC, p.29

²⁹⁶ Further Submission FS1211

²⁹⁷ Joint Witness Statement dated 25 September 2017 at paragraph 2.1(o)

²⁹⁸ Submissions 179, 191, 421 and 781

PART C: CHAPTER 35 - TEMPORARY ACTIVITIES AND RELOCATED BUILDINGS

7. PRELIMINARY

7.1. General Submissions

395. Two submissions²⁹⁹ supported the Chapter generally. No reasons were given by either submitter. As we recommend changes to various provisions in the chapter, we recommend these submissions be accepted in part.

396. Millbrook Country Club Ltd³⁰⁰ supported the temporary activity provisions in the Chapter and considered the use of permitted activity standards was particularly efficient. Sean and Jane McLeod³⁰¹ also supported the temporary activity rules, but provided no explanation. They also generally supported the objectives and policies for temporary activities. Again, as we do recommend changes to these provisions, we recommend these submissions be accepted in part.

7.2. 35.1 – Purpose

397. There were no submissions specifically on this section, other than the general submissions discussed above. One consequential amendment is required as a result of recommendations on submissions on relocated buildings, but we will discuss that when dealing with those submissions.

398. On reviewing the section we have identified potential ambiguities in the first paragraph which need clarification. The first sentence sets out the purpose of the temporary activity provisions as being to enable a number of activities. The list commences with “temporary events”, then lists three activities which are by their nature temporary: filming; construction activities and military training. However, it then lists “utilities” and “storage”.

399. As we understand it, having considered the objectives, policies and rules in the Chapter, the intention is that provision is made for temporary utilities and temporary storage. We consider the purpose statement should be clarified by inserting temporary before each of “utilities” and “storage” so as to avoid any misunderstanding as to the effect of this chapter. We consider such an amendment to be a minor change of no substantive effect under Clause 16(2).

8. 35.2 OBJECTIVES AND POLICIES

8.1. Objective 35.2.1 and Policies

400. As notified these read:

Objective *Temporary Events and Filming are encouraged and are undertaken in a manner that ensures the activity is managed to minimise adverse effects.*

35.2.1.1 *Recognise and encourage the contribution that temporary events and filming make to the social, economic and cultural wellbeing of the District’s people and communities.*

35.2.1.2 *Permit small and medium-scale events during daytime hours, subject to controls on event duration, frequency and hours of operation.*

²⁹⁹ Submissions 19 and 21

³⁰⁰ Submission 696

³⁰¹ Submission 391, supported by FS1211

- 35.2.1.3 *Recognise that purpose-built event facilities are designed to cater for temporary activities.*
- 35.2.1.4 *Recognise that for public spaces, temporary events are anticipated as part of the civic life of the District.*
- 35.2.1.5 *Require adequate infrastructure, waste minimisation, traffic management, emergency management, security, and sanitation facilities to be available to cater for anticipated attendants at large-scale temporary events and filming.*
- 35.2.1.6 *Ensure temporary activities do not place an undue restriction on public access.*
- 35.2.1.7 *Recognise that noise is an anticipated component of temporary events and filming, while protecting residential amenity from undue noise during night-time hours.*
- 35.2.1.8 *Enable the operation of informal airports in association with temporary community events and filming, subject to minimising adverse effects on adjacent properties.*
- 35.2.1.9 *Require all structures associated with temporary events and filming to be removed at the completion of the activity, and any damage in public spaces to be remediated.*

401. The submissions on this objective and related policies were as follows:
- a. Support/retain Objective 35.2.1³⁰²;
 - b. Retain Policy 35.2.1.1³⁰³;
 - c. Amend Policy 35.2.1.2 by including “weddings” and “temporary functions” and deleting the daytime hours limitation³⁰⁴;
 - d. Retain Policy 35.2.1.5³⁰⁵;
 - e. Amend Policy 35.2.1.7 so it is aimed at protecting residential activities in residential zones rather than residential amenities³⁰⁶;
 - f. Retain Policy 35.2.1.8³⁰⁷;
 - g. Include a new policy concerning airspace around Queenstown and Wanaka airports³⁰⁸.
402. Ms Banks explained that the inclusion of weddings and temporary functions in Policy 35.2.1.2 was unnecessary as they fell within the definition of temporary activities³⁰⁹. She also explained that Policy 35.2.1.2, as notified, was designed to support the rule framework that specifies circumstances in which temporary activities can be exempt from noise limits. In her opinion, to delete the daytime hours limitation would undermine that framework and potentially make all temporary activities subject to noise rules of the zone they were located in³¹⁰. She did not support those changes. Ms Black appeared in support of Submissions 607, 615 and 621 but

³⁰² Submissions 197 and 433 (opposed by FS1097, FS1117)

³⁰³ Submission 433, opposed by FS1097, FS1117

³⁰⁴ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³⁰⁵ Submission 719

³⁰⁶ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³⁰⁷ Submission 719

³⁰⁸ Submission 433, supported by FS1077, opposed by FS1097, FS1117

³⁰⁹ Kimberley Banks, Section 42A Report, paragraph 11.20

³¹⁰ *ibid*, paragraph 11.21

did not discuss any of the amendments sought by those submissions to Policy 35.2.1.2 or to Policy 35.2.1.7.

403. Turning to the issue of the airspace around Queenstown and Wanaka airports, as well as seeking a new policy, the submission also sought the inclusion of a new rule requiring restricted discretionary activity consent for temporary activities to breach the airports' obstacle limitation surfaces ("OLSs"). We deal with the policy and the rule as one issue.
404. Ms Banks questioned the need for specific restrictions in this chapter relating to the OLSs around the two airports when designations were in place to protect those OLSs³¹¹. Ms O'Sullivan, appearing in support of Submission 433, generally agreed with Ms Banks' conclusion, but suggested that an advice note could be included in the Chapter to advise those contemplating undertaking temporary activities that breaching the OLSs at Queenstown and Wanaka airports would require consent of the relevant requiring authority.
405. In her Reply Statement, Ms Banks accepted the suggestion of an advice note in Section 35.3.2 and helpfully suggested that showing the OLSs for Queenstown airport on the Planning Maps would also assist users. She included a draft version of the maps showing the various surfaces.
406. We agree that it is helpful to include information where plan users are likely to see it, but we consider the mapping solution proposed by Ms Banks would lead to the maps being too cluttered with information to be helpful. The inclusion of a note in this Chapter would be more practical. We recommend to the Council that the additional policy and rule sought not be accepted, but that the following advice note be included in Section 35.3.2:

Obstacle limitation surfaces at Queenstown or Wanaka Airport:

Any person wishing to undertake an activity that will penetrate the designated Airport Approach and Land Use Controls obstacle limitation surfaces at Queenstown or Wanaka Airport must first obtain the written approval of the relevant requiring authority, in accordance with section 176 of the Resource Management Act 1991.

407. In the absence of any evidence in respect of the other submissions seeking changes to these policies, we recommend that Objective 35.2.1 and associated policies be adopted as notified.

8.2. Objective 35.2.2 and Policies

408. As notified, these read:

Objective Temporary activities necessary to complete building and construction

35.2.2.1 *Ensure temporary activities related to building and construction work are carried out with minimal disturbance to adjoining properties and on visual amenity values.*

35.2.2.2 *Provide for small-scale retail activity to serve the needs of building and construction workers.*

35.2.2.3 *Require temporary activities related to building and construction to be removed from the site following the completion of construction, and any damage in public spaces to be remediated.*

³¹¹ *ibid*, Section 9

409. The only submission³¹² on these provisions supported the retention of the objective. We recommend that submission be accepted and Objective 35.2.2 and associated policies be adopted as notified.

8.3. Objective 35.2.3 and Policy 35.2.3.1

410. As notified, these read:

Objective *Temporary Military Training is provided for to meet the needs of the New Zealand Defence Force.*

35.2.3.1 *Enable temporary military training to be undertaken within the District.*

411. The only submissions³¹³ on these supported the provisions. Ms Banks recommended an amendment to the objective so as to make it outcome focussed. We agree that her recommended objective is phrased as an objective and the changes are no more than minor grammatical changes. We recommend those changes be made in accordance with Clause 16(2) such that Objective 35.2.3 reads:

Objective *Temporary Military Training Activities are provided for.*

412. We recommend that Policy 35.2.3.1 be adopted as notified.

8.4. Objective 35.2.4 and Policy 35.2.4.1

413. As notified, these read:

Objective *Temporary Utilities needed for other temporary activities or for emergencies are provided for.*

35.2.4.1 *Enable short-term use of temporary utilities needed for other temporary activities or for emergency purposes.*

414. The only submissions on these supported them and sought their retention³¹⁴. We recommend they be adopted as notified.

8.5. Objective 35.2.5 and Policies

415. As notified these read:

Objective *Temporary Storage is provided for in rural areas.*

35.2.5.1 *Permit temporary storage related to farming activity.*

35.2.5.2 *Ensure temporary storage not required for farming purposes is of short duration and size to protect the visual amenity values of the area in which it is located.*

416. Submissions on these sought:

- a. Support Objective 35.2.5³¹⁵;
- b. Amend Objective 35.2.5 to include visitor and resort zones³¹⁶;
- c. Support Policy 35.2.5.1³¹⁷;

³¹² Submission 197

³¹³ Submissions 197 (supported by FS1211) and 1365

³¹⁴ Submissions 635 (supported by FS1211) and 1365

³¹⁵ Submission 197

³¹⁶ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³¹⁷ Submission 600, supported by FS1209, opposed by FS1034

- d. Amend Policy 35.2.5.1 to permit storage for exploration and prospecting³¹⁸;
- e. Amend Policy 35.2.5.1 to permit storage for transport, tourism and visitor accommodation activities³¹⁹;
- f. Amend Policy 35.2.5.2 to include reference to transport, tourism and visitor accommodation activities³²⁰.

417. Ms Banks discussed the submissions by the Real Journeys group³²¹ and concluded that the objective was too limiting in that it restricted temporary storage to rural areas. She did not consider any change was needed to the policies. Ms Black supported the amendment to the objective.
418. We heard no evidence in respect of the amendment sought by NZ Tungsten Mining Limited³²².
419. We agree with Ms Banks' recommended amendment to the objective. When the policies are viewed in the context of the rule to implement them (Rule 35.4.16) it is apparent that the rule and policies in combination apply in all zones. We are also of the view that there is no need to amend the policies in the manner suggested by the Real Journeys group. The policies provide a distinction that means that there is to be no limitation on storage for farming purposes, but limitations on storage for other purposes.
420. It is useful to consider Rule 35.4.16 at this time. As notified this rule provided for the following as a permitted activity:
Any temporary storage or stacking of goods or materials, other than for farming purposes, that does not remain on the site for longer than 3 months and does not exceed 50m² in gross floor area.
- Note: Any temporary storage which fails to meet this permitted activity rule is subject to the rules of the relevant Zone.*
421. Three submissions on this rule sought that the note also exclude the Rural Visitor Zone Walter Peak and the Cardrona Ski Activity Area³²³. Ms Banks considered that the purpose of this Chapter was to provide for temporary activities throughout the district, not include or exempt certain zones³²⁴.
422. We agree with Ms Banks that the provisions should be designed for general application. Matters specific to a zone should be included in the provisions of that zone. We also note that to accept the submitters' relief would mean they could not rely on it for temporary storage in the locations specified. We doubt that was the submitters' intention.
423. We do have some concerns with the construction of this rule. It is clear that it provides for non-farming activities to have temporary storage of goods subject to the time and area limitations in the rule. That clearly implements Policy 35.2.5.2. What the rule does not do is implement temporary storage related to farming, and it appears that, by application of Rules

³¹⁸ Submission 519, supported by FS1015, opposed by FS1356

³¹⁹ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³²⁰ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³²¹ Submissions 607, 615 and 621

³²² Submission 519

³²³ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³²⁴ Kimberley Banks, Section 42A Report, paragraph 11.30

35.4.1, such activity is actually a discretionary activity. That represents a failure to implement Policy 35.2.5.1.

424. We also are concerned about the use of an advice note to effectively state the non-compliance status of an activity failing to meet a standard. In our view this rule needs to be reviewed and rewritten to implement the relevant policies and to clearly state as a rule at what point specific zone rules apply. There is no scope in the submissions that enable us to recommend any changes to correct these problems. We recommend the Council consider a variation to remedy them.

425. Returning to Objective 35.2.5, we recommend it read:
Objective Temporary Storage is provided for.

426. We recommend the policies be adopted as notified.

8.6. Relocated Buildings

427. It is sensible to consider the objectives, policies and rules for relocated buildings in a single discussion. House Movers³²⁵ lodged a broad submission seeking the replacement of provisions relating to relocated buildings, focused on reducing the complexity of obtaining consents for relocated buildings in the District. Mr Leece and Ms Koblenia³²⁶, on the contrary, sought that the objective and rules be focussed on minimising the effects on residential amenity values from relocated buildings being located in the District.

428. As notified, the objective (35.2.6) and policies relevant to this topic read:
Objective Relocated buildings are located and designed to maintain amenity and provides a positive contribution to the environment.

35.2.6.1 *Relocated buildings provide a quality external appearance, and are compatible with the amenity of the surrounding environment.*

35.2.6.2 *Provision of wastewater, stormwater and water infrastructure minimises adverse effects.*

429. As notified, the rules provided for two tiers of relocated buildings in residential zones:

- a. The following were provided for as permitted activities:
 - i. a new build relocated residential unit that has been purpose built for relocation
 - ii. a shipping container
 - iii. an accessory building under 30m² in gross floor area that is not a shipping container
 - iv. the repositioning of an existing lawfully established residential unit, residential flat or accessory building within its own site.
- b. The relocation of any building that had previously been designed, built and used for residential purposes (but not purpose built for relocation) was a controlled activity with the matters of control reserved to:
 - i. the reinstatement works that are to be completed to the exterior of the building
 - ii. the timeframe for placing the building on permanent foundations and the closing in of those foundations

³²⁵ Submission 496, opposed by FS1340

³²⁶ Submission 126

- iii. the nature of other works to be undertaken to ensure the building is compatible with the amenity values of the area
 - iv. Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated.
430. In a rural zone, all relocated buildings and shipping containers, to a maximum of one per site, were a controlled activity with the matters of control as for the residential controlled activity.
431. In addition to the broad submissions noted above:
- a. One submission supported Objective 35.2.6³²⁷;
 - b. One submissions supported Rule 35.4.4³²⁸; and
 - c. One submissions sought the rewrite of Rule 35.4.2 and the deletion of Rules 35.4.3 and 35.4.4³²⁹;
 - d. One submissions sought the deletion of the term “shipping containers” from Rule 35.4.4³³⁰.
432. The relief sought by Submission 383 was that all relocated buildings, other than a shipping container or an accessory building smaller than 36m², would be controlled activities in all zones.
433. Ms Banks discussed these provisions at some length in her Section 42A Report³³¹. It was her conclusion at that point that:
- a. Relocated buildings should be treated the same across all zones;
 - b. Controlled activity consent should be required for all relocated buildings;
 - c. Shipping containers should be removed from these rules and treated as buildings (as per the definition of “building”);
 - d. The definition of “relocated building” exclude pre-fabricated buildings delivered dismantled to a site;
 - e. The concern of QAC³³² that relocated buildings be appropriately insulated was covered by the requirement that the provisions of the relevant zone apply in addition to the relocation provisions.
434. At the hearing, Mr Ryan presented submissions on behalf of House Movers, and Mr Scobie tabled a brief of evidence. Mr Ryan’s submissions were, in essence, that relocated buildings should be provided for as permitted activities subject to a number of performance standards, relying on the Environment Court’s decision³³³ in Central Otago District regarding rules for relocated dwellings. In that decision, the Environment Court concluded that, in the absence of identifiable differences in effects, relocated buildings should not be treated differently to *in situ* built housing.

³²⁷ Submission 197

³²⁸ Submission 600, supported by FS1209, opposed by FS1034

³²⁹ Submission 383

³³⁰ Submission 519, supported by FS1015, opposed by FS1356

³³¹ Pages 10 -24

³³² FS1340

³³³ New Zealand Heavy Haulage Association Inc v Central Otago District Council, C45/2004

435. The performance standards Mr Ryan submitted should apply to the a permitted activity for relocated buildings were³³⁴:
- a. *Any relocated building intended for use as a dwelling (excluding previously used garages and accessory buildings) must have been previously designed, built and used as a dwelling.*
 - b. *A building pre-inspection report prepared by a licenced building practitioner shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the buildings.*
 - c. *The building shall be located on permanent foundations approved by building consent, no later than 2 months of the building being moved to the site.*
 - d. *All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. Without limiting (b) (above) reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.*
 - e. *The proposed owner of the relocated building must certify to the Council that the reinstatement work will be completed within the 12 month period.*
436. It was Mr Ryan’s submission that the standards were enforceable, had the advantage of being known in advance, and had lower transaction fees than a consent application. Of particular concern of the House Movers was the QLDC submission³³⁵ seeking the imposition of financial bonds. Mr Ryan did agree that relocated buildings should comply with the applicable zone standards, including noise insulation where required. He thus accepted the point raised by QAC.
437. Mr Scobie’s evidence described the house moving process and provided us with an example “Building Pre-Inspection Report for Relocation”. Mr Scobie also attached to his evidence a map showing the activity status for relocated building for each district in the country.
438. In her Reply Statement, Ms Banks maintained her opinion that relocated buildings should be a controlled activity. She had undertaken a review of consents for relocated buildings since 2014. These numbered 30, and were generally subject to fairly standard conditions. These usually required reinstatement within a 6-month timeframe. She was not satisfied that the pre-inspection report proposed by Mr Ryan would be an effective way of managing the defined issues the controlled activity rule is designed to address. She also was concerned that enforcement of standards for a permitted activity would require a high level of monitoring.
439. We have given this issue considerable thought. As the district has a high cost of housing, we do not want to discourage activities which may facilitate the provision of more affordable homes. However, we can see that the regime promoted by House Movers may have consequences for the Council that may not occur in other districts. We agree with Ms Banks that permitted activities should not require monitoring or processing effort to ensure that standards are complied with. While we recognise that the PDP contains a number of standards for permitted activities, when one is dealing with buildings, those generally relate to the location of the building on the site, and in some instances exterior finishes. Those matters are readily dealt with off building permit plans. However, the performance standards proposed by House Movers would require the Council to undertake monitoring for up to 12 months to

³³⁴ Adapted from the C45/2004

³³⁵ Submission 383

ensure the reinstatement work had been carried out, at the Council's cost, with no ability to recoup that cost.

440. We also note that the controlled activity process gives the applicant the opportunity to propose or request conditions that may be more appropriate to their circumstances than the fixed performance regime would do. Under that regime, to vary any of the standards would require a full discretionary activity consent. We note at this point that House Movers' submission did suggest that failure to meet the permitted activity standards should require a non-notified controlled activity consent. This was not covered in Mr Ryan's submissions and we conclude he chose not to pursue that part of the submission. We cannot see how a failure to meet performance standards can be satisfactorily managed by the Council through a consent process which requires the grant of consent and application of conditions limited to pre-stated matters, which would most likely restate the performance standards.

441. Ms Banks recommended that Objective 35.2.6 be rephrased as

Relocated buildings maintain amenity and minimise the adverse effects of relocation and reinstatement works.

442. We consider that captures succinctly the purpose of the Council's involvement in the process of relocation. We did not understand Mr Ryan to suggest that relocated buildings should not achieve that outcome. We understood his submission to be that the outcome could be achieved by the performance standards he proposed

443. We consider the controlled activity rule as proposed by Ms Banks in her Reply Version provides the appropriate balance between the need for certainty by the applicant along with minimal transaction costs, and the ability of the Council to adequately manage the resources of the District, both in terms of achieving the objectives the PDP sets out, and in fulfilling its monitoring role. We consider it the most effective and efficient means of achieving the reworded objective.

444. Having concluded that the controlled activity regime is the most appropriate means of managing relocated buildings, we agree with Ms Banks' recommended wording for Policy 35.2.6.1 and her redrafted Rule 35.4.2. We recommend the Council adopt the wording of Objective 35.2.6 as set out above, and the wording of Policy 35.2.6.1 as set out below. We recommend that Policy 35.2.6.2 be deleted as unnecessary.

35.2.6.1 Provide for relocated buildings where adverse effects associated with the relocation and reinstatement are managed to provide a quality external appearance, and are compatible with the amenity of the surrounding area.

445. We recommend that Relocated Buildings be listed in Rule 35.4.2 as controlled activities, with control reserved to:

- a. *The reinstatement works required to the exterior of the building and the timeline to execute such works;*
- b. *The timeframe for placing the building on permanent foundations and the closing in of those foundations;*
- c. *The nature of other works necessary to the relocated building to ensure the building is compatible with the amenity values of the area.*

446. Consistent with our general approach of listing permitted activities first, we recommend this rule be renumbered to 35.4.13. We have set out the provisions in full in Appendix 2.

8.7. Summary

447. We have set out in Appendix 2 the recommended objectives and policies. In summary, we regard the combination of objectives recommended as being the most appropriate way to achieve the purpose of the Act in this context, while giving effect to, and taking into account, the relevant higher order documents, the Strategic Direction Chapters and the alternatives open to us. The suggested new policies are, in our view, the most appropriate way to achieve those objectives.

8.8. 35.3 – Other Provisions and Rules

448. There were three submissions on this section:

- a. Delete 35.3.2.4 as it duplicates Rule 35.4.2³³⁶;
- b. Provide that any activity that is a permitted activity under this Chapter is not required to comply with the applicable zone rules³³⁷;
- c. Clarify that other District Wide Rules do not apply to temporary activities³³⁸;

449. Ms Banks considered these three submissions and concluded that:

- a. It was more helpful to have all the clarifications in one place;
- b. The notified wording of 35.3.2.3 made it clear that temporary activities did not need consents under zone rules; and
- c. That it would be useful to include a further clarification confirming that the Chapter 36 Noise provisions applied in circumstances specified by the temporary activity rules³³⁹.

450. In her Reply Statement Ms Banks additionally suggested further advice notes:

- a. Advising that the pre-fabricated buildings delivered dismantled to a site were not considered relocated buildings;
- b. Advising that food and beverages, and the sale of alcohol, were not regulated by the temporary event rules;
- c. The advice note regarding the OLSs discussed above.

451. Our amendments to this section are minor points of clarification consistent with the overall approach taken in other chapters. We agree with Ms Banks' response to the submissions and the addition of advice notes. We have changed Ms Banks' note regarding relocated buildings to make it clear that a newly built house constructed off-site and moved on to a site does not fall within the definition of relocated building. Her definition's reference to "dismantled" seemed to imply that pre-fabricated buildings needed to be dismantled again and re-fabricated on-site. We are sure that was not the intention.

452. Our other clarification, as with other chapters, is to identify that 35.3.2.1 through to 35.2.3.5 are rules for explanatory purposes, as opposed to the advice notes that follow the rules.

³³⁶ Submission 383

³³⁷ Submission 837, supported by FS1211, FS1342

³³⁸ Submission 1365

³³⁹ Kimberley Banks, Section 42A Report, Section 15

9. 35.4 – RULES - ACTIVITIES

9.1. Rule 35.4.1

453. This rule, as notified, set as a discretionary activity:

Any other Activity not listed in this table.

454. There were no submissions directly on this rule, although as noted in the discussion on relocated buildings above, House Movers did seek a different provision in respect of relocated buildings not complying with the standards proposed by that submitter.

455. In response to our questioning during the hearing, Ms Banks carefully considered the relationship of this rule and the non-compliance status of standards in Section 35.5 in some detail in her Reply Statement³⁴⁰. As a consequence of that analysis, she concluded plan users would be assisted by some modifications to this rule to make it clear that it was where an activity was a temporary activity or relocated building that did not satisfy the requirements of the table in Rule 35.4 that this rule took effect. She considered this a clarification that did not make any substantive regulatory changes.

456. We agree with Ms Banks that some amendment to this rule is helpful. We agree with her that the amendments are for clarification purposes and come within Clause 16(2). We have modified her wording a little to make the intent clearer. We recommend the rule be reworded as follows:

Any Temporary Activity or Relocated Building not otherwise listed as a permitted or controlled activity in this table.

457. We recommend that rule remain a discretionary activity. Consistent with our overall approach listing the rules with permitted activities first, followed by the more restrictive categories, we recommend this rule be the final rule in the table rather than the first, and consequently renumbered as 35.4.14.

9.2. Rules 35.4.2 to 35.4.4

458. These have been dealt with in our discussion of relocated buildings in section 8.6 above.

9.3. Rule 35.4.5 – Temporary Events

459. As notified, this rule made it a permitted activity for temporary events to occur on public conservation land subject to a valid concession for the event being held. The rule specified that the relevant noise standards for the zone did not apply.

460. The only submission on this rule supported its retention³⁴¹, and there were no recommended amendments from Ms Banks. We recommend a minor grammatical change in relation to the application of noise standards such that it states “do not apply” in place of “shall not apply”. We consider this to be a minor change with no change in regulatory effect which can be made under Clause 16(2). Other than that change, we recommend the rule be adopted as notified and renumbered 35.4.1.

9.4. Rule 35.4.6 – Temporary Events

461. As notified this rule provided as a permitted activity for temporary events held with permanent, purpose built, hotel complexes, conference centres or civic buildings.

³⁴⁰ Kimberley Banks, Reply Statement, Section 3

³⁴¹ Submission 373

462. There were no submissions on this rule and we recommend it be adopted as notified, but renumbered as 35.4.2.

9.5. Rule 35.4.7 – Temporary Events

463. As notified this rule provided for, as a permitted activity, temporary events held on Council-owned public recreation land. The activity did not need to comply with the zone noise rules, however “noise events” were not to occur during hours when the night-time noise rules of the relevant zone were in effect, other than on New Year’s Eve.

464. “Noise event” is defined in Chapter 2 as

Noise Event Means an event, or any particular part of an event, whereby amplified sound, music, vocals or similar noise is emitted by the activity, but excludes people noise.

Where amplified noise ceases during a particular event, the event is not longer considered a noise event.

465. There were no submissions in respect of this rule or the definition of noise event. Ms Banks recommended that the exclusion of the activity from zone noise standards be amended to refer to noise limits to ensure consistency throughout the Plan. We are unsure why she has recommended this alteration be made to this rule, but not to the previous rule, nor the following three rules.

466. We recommend the term remain “standard”. We do, however, consider the phrase needs to be changed to read “do not apply” consistent with our recommendation on rule 35.4.5.

467. Other than that amendment, which can be made under Clause 16(2), we recommend Rule 35.4.7 be adopted as notified, subject to being renumbered as 35.4.3.

468. We have Identified that the definition of Noise Event contains a typographical error in the second sentence, where the statement “the event is not longer” should read “the event is no longer”. We recommend to the Stream 10 Hearing Panel that this be corrected as a minor amendment using Clause 16(2).

9.6. Rule 35.4.8 – Other Temporary Events

469. As notified, this rule provided, as a permitted activity, for other temporary events subject to the following restrictions:

- a. *The number of persons (including staff) participating does not exceed 500 persons at any one time*
- b. *The duration of the temporary event does not exceed 3 consecutive calendar days (excluding set up and pack down)*
- c. *The event does not operate outside of the hours of 0800 to 2000. Set up and pack down outside of these hours is permitted*
- d. *No site shall be used for any temporary event more than 12 times in any calendar 12 month period*
- e. *All structures and equipment are removed from the site within 3 working days of the completion of the event*
- f. *For the purpose of this rule the relevant noise standards of the Zone shall not apply.*

470. Submissions on this rule sought the following:

- i. Retain the rule³⁴²;

³⁴² Submissions 438 and 719

- ii. Amend the noise exemption³⁴³
- iii. Extend the permitted hours of the activity³⁴⁴;
- iv. Exclude activities carried out in the Cardrona Ski Activity Area or Walter Peak Rural Visitor Zone³⁴⁵;
- v. Amend the fourth bullet point to limit activity to 7 times per year³⁴⁶;
- vi. Amend fourth bullet point to increase frequency permitted to 24 times per year³⁴⁷.

471. Ms Banks discussed these in her Section 42A Report. The only amendment she recommended was that the frequency of temporary events be reduced to 7 times per calendar year as requested by QLDC.
472. We agree with Ms Banks that the relief sought by the Real Journeys group³⁴⁸, that the Cardrona ski area and the Walter Peak Station Rural Visitor Zone be excluded from the rule, could lead to an excessive level of activity at either location relying on that activity being a temporary event. Ms Black, appearing for Real Journeys Ltd and Te Anau Developments Ltd, limited her discussion of this rule to the second bullet point. She contended that the 3 day limit, including set up and pack down was too short, pointing to activities such as the Queenstown Winter Festival or the Winter Games. We note that neither of these examples relates to the Walter Peak Rural Visitor Zone.
473. In our view, the Real Journeys group have misconstrued the purpose of this rule. It is to provide for truly temporary events locating in places where the temporary events are not the everyday activity for the site. Hence the list of limitations applying. As a permitted activity, we would not expect this rule to provide for every event an organisation may wish to hold. We consider that in circumstances where events do not meet the criteria listed in this rule, and they do not comply with the zone rules, it is appropriate for a consent to be required so that potential adverse effects on the environment can be appropriately managed. Finally on this issue, we note that the Walter Peak Rural Visitor Zone is an ODP zone and this Chapter does not apply to that zone.
474. Mr Buckham's submission³⁴⁹ sought to limit the period that temporary activities were exempt from the zone noise standards to 0800 hours to 2000 hours, and require compliance with the noise standards outside of those hours, while extending the permitted evening hours (third bullet point) from 8pm to 12:30am. He also sought to increase the frequency permitted to 24 per calendar year.
475. Dealing with frequency first, we note Ms Banks' comments that as notified, the rule could allow 6 days or more (including set up and pack down) per month and be beyond the scope of a temporary event³⁵⁰. We agree that if a single site is being used for events at that frequency and for that duration, it is not temporary. To double that, as Mr Buckham seeks, could lead to half the working days each month being dedicated to such events.

³⁴³ Submission 837, supported by FS1342, opposed by FS1127

³⁴⁴ *ibid*

³⁴⁵ Submissions 607, 615 (supported by FS1105, FS1137), 621

³⁴⁶ Submission 383

³⁴⁷ Submission 837, supported by FS1342, opposed by FS1127

³⁴⁸ Submissions 607, 615 and 621

³⁴⁹ Submission 837

³⁵⁰ Kimberley Banks, Section 42A Report, Section 13, p.37

476. We accept Ms Banks’ recommendation that 7 times per calendar year is a reasonable level of temporary activity as a permitted activity.
477. We did not have the benefit of hearing from Mr Buckham, but perceive that his aim concerning the hours and noise limit amendments was to allow such activities to occur longer subject to compliance with noise standards. That was the rationale stated in the further submission by Te Anau Developments Ltd³⁵¹, although that was stated as applying to events going later than 10pm. Ms Black did not elaborate on this issue.
478. In the absence of any evidence in support of these changes justifying the need for them, or the adequacy of the proposed rules to ensure adverse effects do not spill over onto adjoining land, we see no reason to change them.
479. As a consequence, the only amendments we recommend to this rule are:
- a. Amend the fourth bullet point to limit occurrence to no more than 7 times per calendar year;
 - b. Consistent with our amendments to other rules, amend the final bullet point to say “do not apply” (under Clause 16(2));
 - c. Change bullet points to an alphanumeric list; and
 - d. Renumber the rule to 35.4.4.
480. The two relevant bullet points are recommended to read:
- d. *no site shall be used for any temporary event more than 7 times in any calendar year;*
 - f. *for the purpose of this rule the relevant noise standards of the Zone do not apply.*

9.7. Rule 35.4.9 – Temporary Events – Informal Airports

481. Although titled “Temporary Events” this rule actually provides for informal airports for rotary wing aircraft flights in association with the use of the site for temporary public events as a permitted activity. The activity is subject to the following criteria:
- *The informal airport is only used during the hours of 0800 – 2000*
 - *No site shall be used for an informal airport for more than 7 days in any calendar year*
 - *No site shall be used for an informal airport more than one day in any calendar month*
 - *The aircraft operator has notified the Council’s Planning Department concerning the use of the informal airport.*
 - *The temporary community event must be open to the general public to attend (whether ticketed or not).*

For the purpose of this Rule:

The relevant noise standards of the Zone shall not apply.

482. There was on one submission on this rule³⁵². This sought that the activity be extended to all temporary events, be allowed to operate for 20 days per year, with no limit per month. No evidence was received in support of this submission.
483. In the absence of evidence, we are not prepared to extend this aspect of temporary events in the manner suggested by the submitter. We are satisfied that the Council has achieved a satisfactory balance with the combination of restrictions included in the rule.

³⁵¹ FS1342

³⁵² Submission 837, opposed by FS1127

484. Ms Banks did suggest some minor wording changes for clarification purposes. She suggested replacing “temporary public events” with “temporary events that are open to the general public” in the description of the activity. While we agree that clarifies the nature of the event, it brings into question whether the last bullet point is necessary if that change is made.
485. Ms Banks also recommended inserting “a total of” before “7 days” in the second bullet point. She considered this necessary to clarify that it was not intended that the days be consecutive³⁵³. We do not consider this change is necessary in this rule.
486. The only changes we recommend to this rule are minor grammatical and clarification changes relying on Clause 16(2). We recommend the rule, renumbered 34.5.5, read:
Informal airports for rotary wing aircraft flights in association with the use of a site for temporary public events that are open to the general public provided that:
- a. *The informal airport is only used during the hours of 0800 – 2000;*
 - b. *No site shall be used for an informal airport for more than 7 days in any calendar year;*
 - c. *No site shall be used for an informal airport more than one day in any calendar month;*
 - d. *The aircraft operator has notified the Council’s Planning Department concerning the use of the informal airport.*

For the purpose of this Rule the relevant noise standards of the Zone do not apply.

9.8. Rule 35.4.10 – Temporary Filming

487. As notified, this rule provided for temporary filming activities on public conservation land, including use as an informal airport, as a permitted activity provided a valid concession was held for the temporary filming.
488. This rule was supported by the Director-General, Department of Conservation³⁵⁴. Although a further submission in opposition to this submission was listed in the Schedule of Submissions³⁵⁵, that was directed to an unrelated matter.
489. We recommend the rule be adopted as notified subject to renumbering as 35.4.6.

9.9. Rule 35.4.11 – Temporary Filming

490. This rule provided, as a permitted activity, for temporary filming on land other than conservation land, including using land as an informal airport as part of the filming activity, subject to the following limitations:
- *The number of persons participating in the temporary filming does not exceed 200 persons at any one time within the Rural Zone, 100 persons in the Rural Lifestyle and Rural Residential Zones, and 50 persons in any other zone*
 - *Within the Rural Zone, any temporary filming activity does not occur on a site, or in a location within a site, for a period longer than 30 days, in any 12 month period.*
 - *In any other Zone, any temporary filming activity does not occur on a site for a period longer than 30 days (in any 12 month period) with the maximum duration of film shooting not exceeding 7 days in any 12 month period.*
 - *All building and structures are removed from the site upon completion of filming, and any damage incurred in public places is remediated.*

³⁵³ Kimberley Banks, Reply Statement, paragraph 7.3

³⁵⁴ Submission 373

³⁵⁵ Section 42A Report, Appendix 2

- *The use of land as an informal airport as part of filming activity is restricted to the Rural Zone.*

For the purpose of this Rule:

The relevant noise standards of the Zone shall not apply to temporary filming and the associated use of the site as an informal airport. However Council will use its power under the Resource Management Act 1991 to control unreasonable and excessive noise.

491. There were no submissions on this rule and Ms Banks initially made no recommendations to change it. However, following our questions as to the meaning of the second and third bullet points, Ms Banks recommended the wording of those clauses be amended to clarify that there is no requirement that days be consecutive³⁵⁶. We agree with her recommended wording and agree that it a minor change that falls within the ambit of Clause 16(2). Subject to those changes, changing “shall” to “do” in the last clause, changing the bullet points to an alphanumeric list, and renumbering the rule as 35.4.7, we recommend the rule be adopted as notified. The full text is set out in Appendix 2.

9.10. Rule 35.4.12 – Temporary Construction-Related Activities

492. This rule provided for temporary construction-related activities, such as buildings, scaffolding and cranes, ancillary to a construction project as permitted activities.
493. The only submissions on this rule were from the Real Journeys group³⁵⁷. Their submissions sought that
- a. The rule also provide for construction of vessel survey undertaken in relation to the TSS Earnslaw and other associated structures; and
 - b. Associated with construction of buildings, structure and infrastructure at Cardrona ski area and Walter Peak Rural Visitor Zone.
494. We are unsure of the rationale of the submitters given that the rule provides for temporary construction works as a permitted activity. Ms Black did not deal with this matter when she provided evidence.
495. In the absence of evidence we would only be speculating as to the intention of the submitters. We recommend the submissions be rejected and the rule be adopted as notified, subject to changing the bullet points to an alphanumeric list and renumbering as 35.4.8.

9.11. Rule 35.4.13 – Temporary Construction-Related Activities

496. This rule provided for, as a permitted activity, the provision of temporary food/beverage retail activities for the direct purpose of serving workers of an active building or construction site.
497. Again the only submitters were the Real Journeys group³⁵⁸. The submissions sought the inclusion of the words so that the activity was “for the direct purpose of serving people at temporary events and functions or workers of an active building or construction project”.
498. As with the previous rule, no evidence was led by the submitter on this rule. We consider the submitters have misconceived the purpose of the rule and appear to be attempting to alter it to create a totally different activity.

³⁵⁶ Kimberley Banks, Reply Statement, paragraph 7.3

³⁵⁷ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³⁵⁸ Submissions 607, 615 (supported by FS1105, FS1137) and 621

499. We recommend the submissions be rejected and the rule be adopted as notified, subject to renumbering as 35.4.9.

9.12. Rule 35.4.14 – Temporary Military Training

500. This rule provided for temporary military training as a permitted activity. The sole submission sought the retention of the rule³⁵⁹.

501. We agree and recommend the rule be adopted as notified, subject to being renumbered 35.4.10.

9.13. Rule 35.4.15 – Temporary Utilities

502. This rule provided for temporary utilities as a permitted activity. The sole submission sought the retention of the rule³⁶⁰.

503. We agree and recommend the rule be adopted as notified, subject to changing the bullet points to an alphanumeric list and the rule being renumbered 35.4.11.

9.14. Rule 35.4.16 – Temporary Storage

504. We have dealt with this in Section 8.5 above. We recommend that it be adopted as notified subject to being renumbered 35.4.12.

9.15. Additional Rules Sought

505. The Real Journeys group³⁶¹ sought the inclusion of two new activity rules:

- a. To permit temporary activities (including storage) carried out within the Cardrona ski area and the Walter Peak Rural Visitor Zone; and
- b. Provide a new Temporary food/beverage retail activity rule to permit the serving of people at temporary events and functions.

506. Ms Banks, in her Section 42A Report spent considerable time dealing with the various submissions by the Real Journeys group, including these two additional provisions³⁶². In contrast, Real Journeys group presented nothing to us at the hearing on these submissions. As we have noted above, Ms Black's evidence was limited to supporting Ms Banks' recommended change to Objective 35.2.5 and one clause of Rule 35.4.6. The lack of evidence has not assisted us in understanding what the submitters are either concerned about, or what they seek that is different from what the PDP provides.

507. In our view, the simple answer is that the temporary activity provisions as we are recommending them will apply in the Cardrona ski area. As the Walter Peak Rural Visitor Zone was not notified in Stage 1, these provisions will not immediately have effect on that land as it is not included in the PDP at present (nor, should we say, would any rule we could recommend specifically apply to that zone). At a subsequent stage, when the Walter Peak area is given a zoning in the PDP, then the temporary activity rules will apply there also. Thus, in one location what is sought in (a) is unnecessary, and in the other, it cannot be provided at present in any event.

³⁵⁹ Submission 1365

³⁶⁰ Submission 635

³⁶¹ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³⁶² Kimberley Banks, Section 42A Report, Section 11

508. As to (b), we do not understand why there needs to be an additional rule specifying that people can serve food and beverages at temporary events such as weddings. In our view, such serving is part of the event.
509. We recommend both of these submission points be rejected in all three submissions.
510. QPL³⁶³ sought that a consistent management approach be provided for all temporary events, whether on conservation land or private land. While a new rule was not explicitly sought, this seems the appropriate location to deal with this issue. As we understand it, where a temporary activity, whether an event or filming, is to be held on conservation land, a valid concession must be obtained. It seems appropriate to us that the applicants for such concessions need not apply additionally to the Council for a resource consent to have the same or similar matters dealt with.
511. Mr Young's submissions on this matter seems to imply that private land owners should be granted the same rights as the Council or Department of Conservation in hosting temporary events. Mr Young did not discuss the effect the Reserves Act or Conservation Act would have on applications to the Council or Department for temporary events on private land. Unfortunately, he did not attend the hearing so we were unable to discuss this matter with him, or how he his client saw that temporary events on private land were disadvantaged. Mr Fitzpatrick did not raise this matter when he appeared.
512. Ms Banks dealt with this matter in her Reply Statement³⁶⁴. She set out the process applicants for temporary events on Council reserve land must go through. It was her opinion, that the provisions in the PDP relating to temporary events on private land were more enabling than in the ODP, and that no further changes were required in response to this submission.
513. We agree with her assessment and recommend that this submission be rejected.

10. 35.5 – RULES – STANDARDS

10.1. Rule 35.5.1

514. As notified this rule set a requirement for shipping containers used as relocated buildings to have signage removed and to be painted where used on a site for more than 2 months. Non-compliance required consent as a non-complying activity.
515. The only submissions³⁶⁵ on this standard sought that the two months be changed to three months.
516. Ms Banks set out in the Section 42A Report why she considered shipping containers should not be considered different from any other building and noted that the definition of building in the PDP includes the use of shipping containers as buildings in certain circumstances³⁶⁶. She recommended this rule be deleted (along with other provisions relating to shipping containers) and that they be managed by the relevant zone rules. She identified that the House Movers submission provided scope for this deletion.

³⁶³ Submission 806

³⁶⁴ Kimberley Banks, Reply Statement, Section 8

³⁶⁵ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³⁶⁶ Kimberley Banks, Section 42A Report, paragraphs 7.40 to 7.50

517. We agree with Ms Banks' assessment of the issue. The rule appears anomalous when a controlled activity consent is required for any relocated building, and the matters of control include the external appearance. We recommend that the standard be deleted, accepting in part the submissions by the Real Journeys group.

10.2. Rule 35.5.2

518. This standard requires that all fixed exterior lighting be directed away from adjacent sites and roads. Failure to comply requires consent as a restricted discretionary activity with the Council's discretion limited to the effect of lighting on the amenity of adjoining properties.

519. The only submissions³⁶⁷ on this standard sought that it not apply to "glare from lighting used for health and safety purposes". The submitters also suggested the inclusion of an additional rule stating that the glare from such lighting was a permitted activity.

520. Ms Banks did not discuss this in her Section 42A Report, but did recommend deleting "fixed exterior" from the rule based on Submission 607 and FS1097.

521. We are unsure what this standard is designed to regulate. The Section 32 Assessment suggests it is related to temporary activities³⁶⁸ but one would not expect temporary activities to have fixed exterior lighting. Rather, one would expect temporary lighting.

522. We do not agree with Ms Banks' recommendation as that appears to do the opposite to what the submitters sought, by widening the effect of the standard to apply to all lighting. We doubt that there is scope for such a change.

523. The submitters presented no evidence or comment on this provision. We are hesitant to provide a blanket exemption for a category of lighting that is for "health and safety purposes" as that could include all lighting at a temporary event.

524. The only amendment we recommend is a minor grammatical change relying on Clause 16(2) to change "shall" to "must". In our view, the imperative of "must" is more appropriate language in a standard.

525. We recommend the rule be adopted as notified, subject the minor amendment described above and renumbering it as 35.5.1, but that the Council re-examine what the purpose of the standard is, and in the light of the results of that consideration, whether it is necessary or appropriately framed.

10.3. Rules 35.5.3 and 35.5.4

526. These rules provide standards for, respectively, waste management and sanitation. There were no submissions on these standards. Again we recommend the term "shall" be changed to "must", but otherwise recommend they be adopted as notified and renumbered 35.5.2 and 35.5.3 respectively.

11. RULES – NON-NOTIFICATION

527. This provision exempts temporary filming from requiring the written consent of other persons and from limited or public notification.

³⁶⁷ Submissions 607 (supported by FS1097), 615 (supported by FS1105, FS1137) and 621
³⁶⁸ page 40

528. The only submission on this was by QAC³⁶⁹ in relation to the issue of temporary activities piercing the OLSs. We have dealt with the issue above in Section 8.1 and concluded an advice note was the appropriate solution to the issue and that deals with QAC's submission on this provision as well.

529. We recommend the provision be adopted as notified.

11.1. Summary of Conclusions on Rules

530. We have set out in Appendix 2 the rules we recommend the Council adopt. For all the reasons set out above, we are satisfied that the rules are the most effective and efficient means of implementing the policies so as to achieve the objectives of Chapter 35, and those in the Strategic Directions chapters. Where we have recommended rules not be included, that is because, as our reasons above show, we do not consider them to be efficient or effective.

12. CHANGES SOUGHT TO DEFINITIONS

12.1. Introduction

531. Submitters on this Chapter also lodged submissions on a number of notified definitions and also sought the inclusion of several new definitions. In accordance with the Hearing Panel's directions in its Second Procedural Minute dated 5 February 2016, we heard evidence on these definitions and have considered them in the context of the rules which apply them. However, to ensure a consistent outcome of consideration of definitions, given the same definition may be relevant to a number of hearing streams, our recommendations in this part of the report are to the Hearing Stream 10 Panel, who have overall responsibility for recommending the final form of the definitions to the Council. As the recommendations in this section are not directly to the Council, we have listed the wording we are recommending for these definitions in Appendix 5.

532. We have already dealt with the definition of "Noise Event", which was not subject to any submissions. We will not repeat that discussion here.

12.2. Relocated Buildings

533. As notified, Chapter 2 contained the following definitions relevant to relocated buildings:
Relocated/Relocatable Building means a building which is removed and re-erected on another site, but excludes new buildings that are purpose built for relocation.

Relocatable Means not constructed for permanent location on any particular site and readily capable of removal to another site.

Relocation In relation to a building, means the removal and resiting of any building from any site to another site.

534. House Movers³⁷⁰ sought the PDP include the following definitions, which the submitter stated was consistent with the industry's usage:

Relocated Building means any previously used building which is transported in whole or in parts and re-located from its original site to its destination site; but excludes any pre-fabricated building which is delivered dismantled to a site for erection on that site.

Removal of a Building means the shifting of a building off a site.^[17]

³⁶⁹ Submission 433, opposed by FS1097, FS1117

³⁷⁰ Submission 496

Relocation of a Building means the placement of a relocated building on its destination site.³⁷¹

Re-siting of a Building means shifting a building within a site.

535. Ms Banks discussed these proposed definitions and considered adoption of them in part would assist in alleviating interpretation difficulties that have arisen under the ODP using the definitions as notified³⁷¹. Mr Ryan³⁷² did not take any issue with Ms Banks' modified definitions at the hearing.
536. We largely agree with Ms Banks' opinion on the value of amending these definitions. We do also recommend some further minor changes to the definition of Relocated Building. We consider the exclusion of pre-fabricated buildings needs to be clarified such that it applies to newly created prefabricated buildings, and that the requirement they be dismantled for transport be removed. While "dismantled" may mean a small degree of dismantling, we would not want such a term to be construed as requiring a prefabricated building be deconstructed for transport then re-fabricated on site. That would amount to placing such buildings in the same category as prefabricated roof trusses. We consider the definition is less open to perverse interpretations if the exclusion reads "any newly prefabricated building which is delivered to a site for erection on that site".
537. We do not agree with Ms Banks that it unnecessary to replace the notified definition of "Relocation". Given the recommended new definition of "Re-siting", the use of that term within the definition of "Relocation" will create further ambiguity and confusion. We consider that deleting "and resiting" from that definition removes that potential problem.
538. As a result, we recommend to the Stream 10 Panel that the definitions of "Relocated Building" and "Relocation" be amended as set out below, and that new definitions of "Removal" and "Re-siting" be included in Chapter 2 in the form set out below.

Relocated/Relocatable Building means a building which is removed and re-erected on another site, but excludes any newly prefabricated building which is delivered to a site for erection on that site. This definition excludes Removal and Re-siting

Relocation In relation to a building, means the removal of any building from any site to another site.

Removal of a Building means the shifting of a building off a site.

Re-siting of a Building means shifting a building within a site.

12.3. Temporary Activities

539. The notified definition reads:

Temporary Activities Means the use of land, buildings, vehicles and structures for activities of short duration and are outside the usual use of a site, that include the following:

- Temporary events

³⁷¹ Kimberley Banks, Section 42A Report, paragraphs 16.1 to 16.7

³⁷² Submissions of Counsel for House Movers, dated 14 September 2016

- Temporary filming
- Temporary activities *related to building and construction*
- Temporary military *training*
- Temporary storage
- Temporary *utilities*
- Temporary *use of a site as an airport for certain community events*
- *A temporary activity does not include the extension of an activity authorised by a resource consent where in contravention to any conditions of the resource consent.*

540. Submissions on this definition sought:

- a. Improve the wording³⁷³;
- b. Include airshows³⁷⁴;
- c. Include “temporary exploration and prospecting”³⁷⁵;
- d. Retain³⁷⁶.

541. Related to this definition, submissions also sought the inclusion of definitions of:

- a. Temporary Military Training Activity³⁷⁷; and
- b. Temporary Storage³⁷⁸.

542. Ms Banks agreed that the wording of the definition of “Temporary Activities” could be improved and recommended modification of the last bullet point and deletion of the final paragraph³⁷⁹. She also considered that the QAC request to include airshows should be provided for in the relevant zone, rather than in this definition³⁸⁰.

543. In response to our questioning at the hearing, Ms Banks undertook a further evaluation of the definition, including examining how the activity has been defined in other districts in New Zealand and Australia³⁸¹. She concluded that the definition should not attempt to define the duration of temporary activities, rather that should be left to the rules. She did, however, conclude that further improvements could be made to the wording.

544. Before turning to Ms Banks’ recommended wording, we need to deal with the submission seeking the inclusion of “temporary exploration and prospecting” in the definition. We heard no evidence regarding this from either Ms Banks, the submitter or the further submitters.

545. New Zealand Tungsten Mining Ltd also sought the inclusion of definitions of “exploration” and “prospecting”. Reviewing those as requested, we do see that those activities are implicitly temporary. We make no recommendation on those requests by the submitter, but are

³⁷³ Submission 243

³⁷⁴ Submission 433

³⁷⁵ Submission 519, supported by FS1015, opposed by FS1356

³⁷⁶ Submission 635

³⁷⁷ Submission 1365

³⁷⁸ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³⁷⁹ Kimberley Banks, Section 42A Report, paragraph 16.10

³⁸⁰ *ibid*, paragraph 16.11

³⁸¹ Kimberley Banks, Reply Statement, Section 2

satisfied that there is no value in amending the definition of “temporary activities” to refer to them. We recommend to the Stream 10 Panel that submission be refused.

546. The amended definition of “temporary activities” recommended by Ms Banks read:
Temporary Activities Means the use of land, buildings, vehicles and structures for the following listed activities of short duration, limited frequency, and outside the regular day-to-day use of a site:
- a. Temporary events
 - b. Temporary filming
 - c. Temporary activities related to building and construction
 - d. Temporary military training
 - e. Temporary storage
 - f. Temporary utilities
 - g. Temporary use of a site as an informal airport
547. In large part we agree with Ms Banks that this wording is clearer as to what falls within the range of temporary activities. Our one concern is the amendment in respect of informal airports. As we read the rules in Section 35.4, the intention for informal airports is that they are allowed as a temporary activity when they are a component of a temporary event (Rule 35.4.5 as amended). Ms Banks’ amendment appears to widen that scope to include any temporary use of a site as an informal airport. We do not consider that change would have been contemplated by someone reading the submissions on this definition, so do not consider there is scope for such a broad amendment. We also doubt that it is a desirable outcome, but have no evidence one way or the other.
548. As a consequence, we agree with Ms Banks’ amendment save for the last bullet point, which we recommend should read:
549. *Temporary use of a site as an informal airport as a part of a temporary event*
550. We agree with Ms Banks that Ms Byrch’s submission³⁸² provides scope for this amendment. We recommend to the Stream 10 Panel that the definition of “temporary activities” be amended in accordance with Ms Banks’ recommendation subject to our revision to the final bullet point. We also recommend the Panel consider whether the use of alphanumeric lists should replace bulleted lists.
551. Associated with this definition is the request for a definition of “Temporary Military Training Activity”³⁸³. Ms Banks³⁸⁴ noted that notified Objective 35.2.3 stated that temporary military training is provided for (and our revised Objective 35.2.3 does not alter that outcome) and that the definition of “Temporary Activities” includes “temporary military training”, but nowhere is that defined. She agreed with the submitter that a new definition be included which read:
Temporary Military Training Activity (TMTA) means a temporary military activity undertaken for defence purposes. The term ‘defence purpose’ is as described in the Defence Act 1990
552. We agree, for the same reasons, that the new definition should be included. However, we consider the wording can be improved by removing repetition and improving grammar. We also note that the Defence Act 1990 does not explicitly describe ‘defence purposes’. Taking

³⁸² Submission 243

³⁸³ Submission 1365

³⁸⁴ Kimberley Banks, Section 42A Report, paragraphs 16.8 and 16.9

account of this, we recommend to the Stream 10 Panel that a new definition of Temporary Military Training Activity be included in the Plan and that it read:

Temporary Military Training Activity (TMTA) means a temporary military activity undertaken for defence purposes. Defence purposes are those in accordance with the Defence Act 1990.

553. The Real Journeys group³⁸⁵ sought that a new definition of “temporary storage” be included in Chapter 2. The submissions did not provide a proposed wording and Ms Black did not provide any explanation in her evidence. We are satisfied that Rule 35.4.12 (revised number) adequately explains what temporary storage is. We recommend to the Stream 10 Panel that these submissions be rejected.

12.4. Temporary Events

554. There were no submissions on this definition, but Ms Banks recommended the addition of an advice note to clarify that the sale of alcohol, and food and beverage hygiene standards and regulations, were not regulated by the PDP³⁸⁶. She recommended the addition of the following note:

Note - The following activities associated with Temporary Events are not regulated by the PDP:

- a. *Food and Beverage*
- b. *Sale of Alcohol*

555. We accept that is a helpful clarification and consider it is an amendment that can be made relying on Clause 16(2). We recommend to the Stream 10 Panel that this note be added to the definition of “Temporary Events”.

12.5. Definition of Building

556. In response to our questions at the hearing, Ms Banks undertook a careful consideration of the relationship of shipping containers to the definition of building³⁸⁷. Her final conclusion was that an additional exemption should be included in the definition of “Building” as follows:

- *Shipping containers temporarily located on a site for less than 2 months*

557. We are not in a position to know whether there is scope for such a change and do no more than bring the matter to the attention of the Stream 10 Panel for its consideration.

³⁸⁵ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³⁸⁶ Kimberley Banks, Reply Statement, paragraph 8.9

³⁸⁷ *ibid*, Section 10

PART D: CHAPTER 36 - NOISE

13. PRELIMINARY

13.1. Stage 2 Variations

558. On 23 November 2016 the Council notified Stage 2 of the PDP and variations. That proposed the inclusion of new rules in this chapter providing noise controls for the Wakatipu Basin Zone and the Open Space and Recreation Zones.

559. We have left space for these rules in locations we consider appropriate for the respective rules. The rules do not form part of our recommendations and we discuss them no further.

13.2. General Submissions

560. Two submissions³⁸⁸ generally supported this Chapter. As we recommend changes to this Chapter, we recommend those submissions be accepted in part.

561. Submission 115 stated that the landscape values of the District can be spoilt by noise from motor boats and lawnmowers. The submitter sought that the Plan institute a quiet day each week. Ms Evans considered that the PDP provisions set appropriate standards for the receipt of noise in a way that managed amenity standards³⁸⁹. We agree with Ms Evans' opinion. We also consider it would be both impractical and inconsistent with the general expectations of the people of the District to impose a noise ban on a weekly basis. We recommend this submission be rejected.

562. Submission 159 was concerned with noise from late night parties and sought increased monitoring. We agree with Ms Evans' analysis that the noise standards provide a basis for monitoring and enforcement³⁹⁰. The PDP cannot do any more than that. We recommend this submission be rejected.

13.3. 36.1 –Purpose

563. There were four submissions in relation to this section. These sought:

- a. the retention of the section unaltered³⁹¹;
- b. the retention of the third paragraph³⁹²;
- c. amendment to exclude application of this chapter to the Town Centre Zone³⁹³; and
- d. amend to apply appropriate and consistent terminology³⁹⁴.

564. Ms Evans agreed with the wording changes sought by the Southern District Health Board³⁹⁵ for the reasons given in the submission³⁹⁶. She did not agree that the Chapter did not relate to the Town Centre Zones, noting that rules in Chapter 36 imposed restrictions on noise generated in that zone and received in residential zones, as well as imposing ventilation requirements in the Queenstown and Wanaka Town Centre zones. As a result, she recommended a series of minor word changes to the purpose statement in her Section 42A

³⁸⁸ Submissions 19 and 21

³⁸⁹ Ruth Evans, Section 42A Report, page 28

³⁹⁰ *ibid*, page 28

³⁹¹ Submission 433, supported by FS1211, opposed by FS1097 and FS1117

³⁹² Submission 1365

³⁹³ Submission 714

³⁹⁴ Submission 649

³⁹⁵ Submission 649

³⁹⁶ Ruth Evans, Section 42A Report, page 11

Report. The only substantive change she recommended in her Reply Statement was to amend the reference to the Civil Aviation Act to refer to the correct section.

565. We agree with Ms Evans (and the Southern District Health Board) that the amendments she has proposed to this section improve clarity and understanding of the purpose of the chapter. We also agree with her that the amendments she has proposed that are outside of the scope of the submissions lodged are minor with no substantive effect, or improve grammar, and therefore can be made under Clause 16(2).
566. The Stream 8 Hearing Panel has recommended to us³⁹⁷ a further amendment to clarify that certain forms of noise (from music, voices and loudspeakers) generated in the Queenstown and Wanaka Town Centres are not managed under this Chapter. We recommend that change be made for the reasons given by the Stream 8 Panel.
567. We recommend the Section 36.1 be adopted as worded in Appendix 3 to this report, and the submissions be accepted in part.

14. 36.2 – OBJECTIVES AND POLICIES

14.1. Objective 36.2.1 and Policies

568. As notified, these read:

Objective *Control the adverse effects of noise emissions to a reasonable level and manage the potential for conflict arising from adverse noise effects between land use activities.*

36.2.1.1 Manage subdivision, land use and development activities in a manner that avoids, remedies or mitigates the adverse effects of unreasonable noise.

36.2.1.2 Avoid, remedy or mitigate adverse noise reverse sensitivity effects.

569. The submissions on these sought:
- Retain all as notified³⁹⁸;
 - Retain the objective³⁹⁹;
 - Retain Policy 2⁴⁰⁰;
 - Amend Policy 2 to discourage noise sensitive activities establishing in the vicinity of consented or existing noise generating activities.⁴⁰¹
570. In her Section 42A Report, Ms Evans recommended minor changes to the objective to make it more outcome focussed. Following our questioning at the hearing, she recommended further changes to the objective and Policy 1 in her Reply Statement.

³⁹⁷ Report 11, Section 8.11

³⁹⁸ Submissions 197, 649 (supported by FS1211) and 1365

³⁹⁹ Submissions 717 (supported by FS1211 and FS1270, opposed by FS1029), 719 and 847 (supported by FS1207)

⁴⁰⁰ Submission 719

⁴⁰¹ Submissions 717 (supported by FS1211 and FS1270, opposed by FS1029) and 847 (supported by FS1207)

571. Ms Evans considered the submissions seeking amendments to Policy 2 and concluded that the policy did not need to be altered as it does not distinguish between new or established noise sensitive activities leading to reverse sensitivity effects⁴⁰².
572. The only evidence we heard on these provisions was from Mr MacColl⁴⁰³ who supported Policy 2 as notified and agreed with Ms Evans' conclusions in respect of that policy.
573. We do not think Policy 2 provides any guidance as to how to achieve the objective, but we consider the wording proposed by Submitters 717 and 847 does not particularly assist. Without evidence we are not inclined to amend this policy.
574. We consider the word changes recommended by Ms Evans to the objective and Policy 1 improve their clarity without altering the meaning. We agree that those changes are minor non-substantive amendments that the Council can make under Clause 16(2).
575. We note that Policy 1 fails to provide any guidance as to how to it is to achieve the objective, in the same manner as Policy 2.
576. We recommend that the Council amend the objectives and policies under Clause 16(2) so that they read:
Objective *The adverse effects of noise emissions are controlled to a reasonable level to manage the potential for conflict arising from adverse noise effects between land use activities.*
- 36.2.1.1 *Avoid, remedy or mitigate adverse effects of unreasonable noise from land use and development.*
- 36.2.1.2 *Avoid, remedy or mitigate adverse noise reverse sensitivity effects.*
577. We also recommend that the Council review the two policies with a view to providing clearer guidance as to how the objective is to be achieved. We do not consider that parroting s.5(2)(c) of the Act assists.

15. 36.3 – OTHER PROVISIONS

15.1. 36.3.1 – District Wide

578. There were no submissions on this section. The only changes we recommend to it are to make it consistent with the same section in other chapters. We consider this to be a minor amendment that can be made under Clause 16(2).
579. We recommend the Council amend this section as shown in Appendix 3 as a minor, non-substantive amendment under Clause 16(2).

15.2. 36.3.2 – Clarification

580. As notified this section contained 10 clauses, the first two of which, consistent with other chapters, described when a consent was required and the abbreviations used in the tables. The following eight clauses read:
 36.3.2.3 *Sound levels shall be measured and assessed in accordance with NZS 6801:2008 Acoustics - Measurement of Environmental Sound and NZS 6802:2008 Acoustics -*

⁴⁰² Ruth Evans, Section 42A Report, page 12

⁴⁰³ Anthony MacColl, EiC, page 7

Environmental Noise, except where another Standard has been referenced in these rules, in which case that Standard should apply.

- 36.3.2.4 *Any activities which are Permitted, Controlled or Restricted Discretionary in any section of the District Plan must comply with the noise standards in Tables 2, 3, 4 and 5 below, where that standard is relevant to that activity.*
- 36.3.2.5 *In addition to the above, the noise from the following activities listed in Table 1 shall be Permitted activities in all zones (unless otherwise stated). For the avoidance of doubt, the activities in Table 1 are exempt from complying with the noise standards set out in Table 2.*
- 36.3.2.6 *Notwithstanding compliance with Rules 36.5.13 (Helicopters) and 36.5.14 (Fixed Wing Aircraft) in Table 3, informal airports shall be subject to the rules in the applicable zones.*
- 36.3.2.7 *Sound from non-residential activities, visitor accommodation activities and sound from stationary electrical and mechanical equipment must not exceed the noise limits in Table 2 in each of the zones in which sound from an activity is received. The noise limits in Table 2 do not apply to assessment locations within the same site as the activity.*
- 36.3.2.8 *The noise limits contained in Table 2 do not apply to sound from aircraft operations at Queenstown Airport.*
- 36.3.2.9 *Noise standards for Town Centre, Local Corner Shopping and Business Mixed Use zones are not included in this chapter. Please refer to Chapters 12, 13, 14, 15 and 16.*
- 36.3.2.10 *The standards in Table 3 are specific to the activities listed in each row and are exempt from complying with the noise standards set out in Table 2.*

581. Submissions on this section sought the following:

- a. Support the provisions⁴⁰⁴;
- b. Amend 36.3.2.7 so as to exclude the temporary operation of emergency and backup generators from the noise limits⁴⁰⁵;
- c. Include reference to Wanaka Airport in 36.3.2.8⁴⁰⁶;
- d. Include an additional clarification stating that activities in the Rural Zone established at the time of the Review will be administered for noise purposes in accordance with the rules at the time the activity was established or consented⁴⁰⁷.

582. Ms Evans agreed that reference to Wanaka Airport should be included in 36.3.2.8. Ms Evans also noted that the noise of aircraft at that airport, as for Queenstown Airport, is controlled by the designation⁴⁰⁸. We agree with that conclusion.

⁴⁰⁴ Submissions 649 (supported by FS1211) and 1365

⁴⁰⁵ Submission 635

⁴⁰⁶ Submission 433, opposed by FS1097 and FS1117

⁴⁰⁷ Submissions 717 (supported by FS1270, opposed by FS1029) and 847 (supported by FS1270).

⁴⁰⁸ Ruth Evans, Section 42A Report, page 13

583. Ms Evans considered that the additional clarification sought (item (d)) was unnecessary as provision was made in the Act to protect lawfully established existing uses⁴⁰⁹. We agree with her assessment. We heard no evidence from the submitters so our understanding of their reasoning is that contained in the submission. That reasoning is clearly focussed on restating existing use provisions from the Act in the PDP. We cannot understand why, if such provisions were to be included, they should be limited to the Rural Zone. We recommend those submissions be rejected.
584. The submission by Aurora concerning the temporary operation of emergency and backup generators included a proposal to include such operations in Table 1 as a permitted activity. It is appropriate to consider both parts of the submission together.
585. Dr Chiles assessed this submission⁴¹⁰. It was his opinion that, in terms of emergency generators, people are prepared to tolerate the noise of them because it is an emergency, and by definition, temporary. He also noted that where emergency generators are fixed installations they need to be tested regularly. He recommended that emergency generators be provided for as a permitted activity in Table 1, along with an allowance for testing. He considered that amendment to 36.3.2.7 was unnecessary as 36.3.2.5 already identified that the activities in Table 1 were exempt from compliance with Table 2 standards. Ms Evans adopted Dr Chiles evidence and recommended changes to Table 1 consistent with his opinion.
586. Ms Dowd, appearing for Aurora, supported this proposed rule⁴¹¹.
587. In response to our questioning, Ms Evans further refined the rule in Table 1 in her Reply Statement so as to clarify the circumstances when it applied to backup generation⁴¹².
588. We accept the advice of Dr Chiles for the reasons he set out and recommend that a new permitted activity be included in Table 1, modified as proposed by Ms Evans in her Reply Statement subject to replacing “grid” with “network” so that the wording is consistent with that used in Chapter 30. We agree that it is unnecessary to make provision in 36.3.2.7 for an activity that listed in Table 1.
589. Ms Evans recommended some minor changes to 36.3.2.9 to properly identify the zones it applied to, and to note that activities in those zones were still required to meet the noise standards for noise received in other zones. The Stream 8 Panel has further recommended that this provision be amended to make it clear that noise from music, voices and loud speakers in the Wanaka and Queenstown Town Centre Zones (excluding the Queenstown town Centre Transition Sub-Zone) need not meet the noise standards set in this chapter.⁴¹³
590. Ms Evans also recommended minor changes to 36.3.2.1 to clarify the meaning and remove unnecessary words.
591. We agree that those amendments are helpful in providing clarity to the meaning of the relevant provision. We consider them to be minor changes that can be made under Clause 16(2). We recommend the amendments recommended by the Stream 8 Panel be adopted for the reasons that Panel has given.

⁴⁰⁹ *ibid*, page 12

⁴¹⁰ Dr Stephen Chiles, EIC, pages 9-10

⁴¹¹ Joanne Dowd, EIC, page 6

⁴¹² Ruth Evans, Reply Statement, paragraph 2.4

⁴¹³ Report 11, Section 8.11

592. We also recommend moving 36.3.2.2 to the end of the list so it more clearly relates to the tables that follow. As a consequence it becomes renumbered as 36.3.2.10 and clauses 3 to 10 are consequentially renumbered.
593. The Stream 13 Hearing Panel has recommended an amendment to notified 36.3.2.6 under Clause 16(2) to clarify the relationship of Rules 36.5.13 and 36.5.14 and the rules in the relevant zone chapters. We adopt their recommendation and include the amendment to recommended Rule 36.3.2.5 in Appendix 3.
594. For those reasons we recommend that Section 36.3.2 be titled “Rules – Explanation” and that clauses 1, 8 (renumbered as 7) and 9 (renumbered as 8) be amended to read as follows:
- 36.3.2.1 *Any activity that is not Permitted requires resource consent. Any activity that does not specify an activity status for non-compliance, but breaches a standard, requires resource consent as a Non-complying activity.*
- 36.3.2.7 *The noise limits contained in Table 2 do not apply to sound from aircraft operations at Queenstown Airport or Wanaka Airport.*
- 36.3.2.8 *Noise standards for noise received in the Queenstown, Wanaka and Arrowtown Town Centre, Local Shopping and Business Mixed Use zones are not included in this chapter. Please refer to Chapters 12, 13, 14, 15 and 16. The noise standards in this chapter still apply for noise generated within these zones but received in other zones, except that noise from music, voices, and loud speakers in the Wanaka and Queenstown Town Centres (excluding the Queenstown Town Centre Transition Sub-Zone) need not meet the noise limits set by this chapter.*
595. We also recommend, as discussed above, that a new permitted activity be inserted in Rule 36.4 Table 1 to read as follows:
- Sound from emergency and backup generators:*
- a. *Operating for emergency purposes; or*
 - b. *Operating for testing and maintenance for less than 60 minutes each month during a*
 - c. *weekday between 0900 and 1700.*

For the purpose of this rule, backup generators are generators only used when there are unscheduled outages of the network (other than routine testing or maintenance provided for in (b) above).

16. 36.4 – RULES – ACTIVITIES

16.1. Table 1

596. As notified, this rule listed the following as permitted activities (exempt from the standards in Table 2):
- 36.4.1 *Sound from vehicles on public roads or trains on railway lines (including at railway yards, railway sidings or stations).*
- 36.4.2 *Any warning device that is activated in the event of intrusion, danger, an emergency or for safety purposes, provided that vehicle reversing alarms are a broadband directional type.*

36.4.3 *Sound arising from fire stations (including rural fire stations), fire service appliance sirens and call-out sirens for volunteer brigades.*

36.4.4 *Sound from temporary military training activities.*

36.4.5 *In the Rural Zone and the Gibbston Character Zone, sound from farming and forestry activities, and bird scaring devices, other than sound from stationary motors and stationary equipment.*

36.4.6 *Sound from aircraft movements within designated airports.*

36.4.7 *Sound from telecommunications cabinets in road reserve.*

597. Apart from the Aurora submission dealt with in the previous section, the submissions on this rule sought:

- a. Retain the rules⁴¹⁴;
- b. Retain Rule 36.4.3⁴¹⁵;
- c. Retain Rule 36.4.4⁴¹⁶;
- d. Delete Rule 36.4.6⁴¹⁷;
- e. Add new rule exempting noise from vessels⁴¹⁸.

598. Ms Evans agreed that Rule 36.4.6 could be deleted as such aircraft noise was covered by the designations, and deleting it was consistent with the amended 36.3.2.7 above⁴¹⁹. We agree with that analysis and recommend the submission be accepted and Rule 36.4.6 be deleted.

599. Dr Chiles provided detailed evidence on the noise effects of motorised craft⁴²⁰. We heard no contrary expert noise evidence on this issue. It was Dr Chiles' opinion that sound from motorised craft has the potential to cause significant adverse noise effects in terms of degradation of amenity and disturbance. Consequently, he did not consider it appropriate to provide a blanket permitted activity status for noise from motorised craft.

600. We accept Dr Chiles assessment and recommend the submissions seeking the inclusion of this rule be rejected.

601. In summary, therefore, we recommend that Rule 36.4.6 be deleted, Rule 36.4.7 be renumbered 36.4.6, and, as we recommended above, a new Rule 36.4.7 be inserted for emergency and backup electrical generators. For clarity purposes, we recommend the Table be titled "Permitted Activities". The revised Table 1 is set out in Appendix 3.

17. 36.5 – RULES – STANDARDS

17.1. Table 2 : General Standards

602. As notified, this table set out the noise standards that applied to all activities, other than those specifically exempted, when measured in the receiving environment. Non-compliance with the set standards were non-complying, except in two cases as discussed below.

⁴¹⁴ Submissions 649 (supported by FS1211) and 719

⁴¹⁵ Submissions 438 and 708

⁴¹⁶ Submission 1365

⁴¹⁷ Submission 433, opposed by FS1097 and FS1117

⁴¹⁸ Submissions 607 (supported by FS1097) and 621

⁴¹⁹ Ruth Evans, Section 42A Report, page 14

⁴²⁰ Dr Stephen Chiles, EiC, section 7

603. Ms Evans identified an error in the labelling of the table as notified⁴²¹. The second column heading as notified was “Activity or sound source”. Ms Evans advised that it should have been headed “Zones sound is received in” and she recommended it be so amended as a minor Clause 16(2) amendment. As the various standards do not make sense if the notified heading is applied, we agree with Ms Evans that it should be corrected. We do not consider such a change to be anything other than minor as any person reading the standards would immediately see that the column did not list activities or sound sources (except for Rule 36.5.2 which we discuss below). We recommend this change be made as a correction under Clause 16(2).
604. As noted, Rule 36.5.2 applied different standards in the residential zones and the Rural Zone for sound generated in the Queenstown Airport Mixed Use Zone. Rule 36.5.2 had the effect of allowing more noise to be generated within the Queenstown Airport Mixed Use Zone than could be generated by any other activity, where the noise was received in a residential zone or the Rural Zone. Non-compliance with this more generous standard required consent as a restricted discretionary activity.
605. The second situation where non-compliance was not specified as “Non-complying” was Rule 36.5.5, which set no limit for noise received in the Queenstown Airport Mixed Use Zone. Although the non-compliance column stated “permitted”, logically it was not possible to not comply with that standard.
606. The other matter in respect of this table we need to point out at the outset is that it included standards for a large number of zones which were not in Stage 1 of the Review, but are, rather, zones in the ODP. We note in this respect that a submission by Real Journeys Limited seeking to change the standard applying to the Rural Visitor Zone was identified by the reporting officer as being “out of scope”⁴²². We also note that by resolution of the Council the geographic areas of several of these have been withdrawn from the PDP⁴²³. As of the date of that resolution those zones (or parts of zones) have been removed from this rule.
607. We also note that, as notified, Rule 27.3.3.1 explicitly stated that the zones listed were not part of the PDP: Stage 1, and Rule 27.3.3.2 explicitly stated that all the Special Zones in Chapter 12 of the ODP other than Jacks Point, Waterfall Park and Millbrook, were excluded from the PDP subdivision chapter.
608. Ms Scott addressed this matter in her Reply Submissions. It was her submission that the provisions of Chapter 36 were, at notification, intended to apply district-wide, even to zones not included in Stage 1. She submitted that we could take a “flexible and pragmatic approach as to whether submissions are “on” Stage 2 matters, when they relate to types of activities addressed through one of the district-wide chapters”⁴²⁴.
609. We have previously advised the Council that we have serious concerns with the approach it has taken regarding the suggestion that provisions in the PDP:Stage 1 apply to land which does

⁴²¹ Ruth Evans, Section 42A Report, Paragraph 8.24

⁴²² Ruth Evans, Section 42A Report, Appendix 2, page 7

⁴²³ Resolution of the Council dated 25 May 2017 to withdraw the geographic areas of the following ODP zones from the PDP: Frankton Flats B, Remarkables Park, Shotover Country Estate, Northlake Special, Ballantyne Road Industrial and Residential (Change 46), Queenstown Town Centre extension (Change 50), Peninsula Bay North (Change 51), Mount Cardrona Station

⁴²⁴ Council Reply Submissions, paragraph 2.4

not have a Stage 1 zoning⁴²⁵. In this chapter, what have been listed in the rules are, in addition to the Stage 1 zones, ODP zones. Ms Scott submitted that it would be appropriate for us to direct that those provisions be transferred to Stage 2⁴²⁶.

610. There is no information before us to suggest that any of these zones (in the terms used in these rules) will become part of the PDP. While the geographic areas those ODP zones apply to may become part of the PDP in due course, it is not axiomatic that those areas will have the same ODP zones applied.
611. We also note that the only submission⁴²⁷ on these rules referring to the zones listed in Ms Scott's submissions sought the deletion of "Industrial Zones" on the basis that those zones were not in Stage 1 and should not, therefore, be included in the rule at this stage. This raises the question for us as to whether the public understood that the Council was expecting the submission period in 2015 to be the one time a submission could be lodged in respect of noise received in any of these zones. We also have a concern that, if we were simply to direct that they be transferred to Stage 2, that would not automatically confer any submission rights in respect of these rules at Stage 2. Such submission rights will only be conferred if the Stage 2 process involves a change to the PDP to include such areas or zones.
612. We note at this point that the Stream 13 Hearing Panel is recommending the inclusion of the Coneburn Industrial Zone in the PDP. No noise limits were proposed within this zone, but the policies proposed included:

*To minimise the adverse effects of noise, glare, dust and pollution.*⁴²⁸

613. It may be that the submitter assumed that the provisions in Chapter 36 would apply, both within and outside the zone. On the face of it, the inclusion of the Coneburn Industrial Zone within the PDP would support the retention of notified Rule 36.5.7 as it applies to Industrial Zones. However, when the rule is examined, it only sets limits within Activity Areas 2, 2a, 3, 4, 5, 6, 7 and 8. It is unclear what this specification relates to, but it is clear that the rule as notified would not apply in the Coneburn Industrial Zone even if Rule 36.5.7 remained in the District Plan.. We do note that activities in the Coneburn Industrial Zone, while not needing to meet noise limits within the zone, would still need to meet the standards for noise received in the adjoining Rural Zone, or the nearby Jacks Point Zone.
614. Given the above, including the position the Council took in the reply, we have come to the conclusion that listing of the following zones in Rule 36.5 is an error:
- a. Township Zones;
 - b. Rural Visitor Zones;
 - c. Quail Rise Special Zone;
 - d. Meadow Park Special Zone;
 - e. Ballantyne Road Special Zone;
 - f. Penrith Park Special Zone;
 - g. Bendemeer Special Zone;
 - h. Kingston Village Special Zone;
 - i. Industrial Zones.

⁴²⁵ Minute Concerning Annotations on Maps, dated 12 June 2017

⁴²⁶ Council Reply Submissions, paragraph 4.1

⁴²⁷ Submission 746

⁴²⁸ Proposed Policy 18.2.1.5 in Revised Chapter 18 provided with Joint Witness Statement on 15 September 2017

615. Consequently, we recommend all references to those zones be deleted from Rule 36.5 to correct this error. In terms of item (i) Industrial Zones, we recommend accepting Submission 746. The remainder we consider can be deleted as errors requiring correction with no substantive effect under Clause 16(2). We also consider that without deleting these references, the Council may inadvertently deprive persons with land in geographic area covered by those zones the opportunity to submit on the noise rules which would affect them when those geographic areas are brought into the PDP.
616. We consider the proper course for the Council to follow in the future is, when a variation or plan change is initiated to include an additional geographic area in the PDP, where applicable, references to the zones applied can be included in these rules as appropriate. Obviously, if that land has a PDP zone applied, such a change would not be necessary.
617. Two submissions generally supported the entire rule⁴²⁹. We recommend those submissions be accepted in part.
618. There were no submissions on Rule 36.5.1 which sets the standards for noise received in the Rural and Gibbston Character Zones. We recommend this rule be adopted as notified.
619. There were no submissions on Rule 36.5.4, other than that by Real Journeys Limited⁴³⁰ which the Council identified as being out of scope. With our recommended amendments to this rule to correct the error of including references to ODP zones, the area that submission related to is no longer affected by the rule. We recommend that Rule 36.5.4 be adopted in the revised form shown in Appendix 3. We note that recommendations we make below will further amend this rule.
620. Following the Council's withdrawal of the geographic areas covered by the Shotover Country Special Zone and Mount Cardrona Special Zone, Rule 36.5.6 only applied to the Ballantyne Road Special Zone. Our recommendation that the error of including that zone in this rule be corrected by its deletion, would have the effect of deleting this rule, but Ms Evans has recommended the inclusion of other provisions within it. We will deal with that matter below.
- 17.2. Rule 36.5.2**
621. Rule 36.5.2, which as we explained above, allowed a higher level of noise to emanate from the Queenstown Airport than from other activities, was subject to one submission⁴³¹ which sought that this rule be deleted and replaced with notified Rule 17.5.6. We note that the only substantive difference between those rules was that the night-time L_{max} was 5dB lower under Rule 17.5.6.
622. We were concerned these two rules were inconsistent with the general approach to managing noise in the District and there appeared to be no policy support for such a difference. Dr Chiles considered these limits to be inconsistent also, and it was his opinion that the inconsistencies undermine the level of amenity provided in surrounding locations by district wide noise limits⁴³².

⁴²⁹ Submissions 52 and 649

⁴³⁰ Submission 621

⁴³¹ Submission 433, opposed by FS1097 and FS1117

⁴³² Dr Stephen Chiles, EIC, paragraph 8.3

623. Mr Day did not address this inconsistency in his evidence. When questioned by the Panel, he answered that the residential areas around the airport are generally exposed to higher noise levels anyway.
624. Ms Evans, in her Reply Statement, noted that the noise limits were the same as in the ODP in respect of the Residential Zones, but have been extended to the Rural Zone also in the PDP. She recommended moving the standard to Table 3, which relates to specific noise sources, with a minor alteration to the wording to clarify the activities affected by the rule.
625. We agree with Dr Chiles that a separate and less onerous noise standard for Queenstown Airport is both inconsistent with the standards generally applied and undermines the amenity values the PDP is generally protecting in close-by residential areas. We also can find no basis for this differentiation in the objectives and policies of the PDP. However, with no submissions seeking the complete deletion of the standard, we cannot recommend its deletion. If there were a submission that sought such relief we would have recommended that submission be accepted. As it is, we largely agree with Ms Evans' proposed rule subject to two changes:
- a. clarification that it does not apply to sound from aircraft operations that are subject to Designation 2; and
 - b. Changing the night-time $L_{A_{Fmax}}$ to 70dB as it was notified in Rule 17.5.6.
626. For the reasons set out, we recommend to the Stream 8 Hearing Panel that Rule 17.5.6 (as notified) be deleted, and recommend to the Council that Rule 36.5.2 be moved to become Rule 36.5.15 with the wording as set out in Appendix 3. We add that we cannot confirm that this rule meets the statutory tests of s.32AA.

17.3. Rule 36.5.3

627. This rule applies standards for noise received in the residential parts of the Jacks Point and Millbrook Resort Zones. We note that the former zone was incorrectly named in the rule, being termed a resort zone. We recommend that the zone name be changed by deleting "Resort" from "Jacks Point Resort Zone" so it has the zone name applied in the PDP. We consider this to be a minor correction under Clause 16(2).
628. Two submissions were received seeking:
- a. Include the Village Activity Area in the assessment locations⁴³³; and
 - b. Exclude the Village and EIC Activity Areas from column 2, and create a new rule making it a restricted discretionary activity for sounds from the Village and EIC Activity Areas to exceed the limits⁴³⁴.
629. We note that since hearing Stream 5, submitters on the Jacks Point Zone have sought the removal of the EIC Activity Area from that zone, and the Hearing Stream 9 Panel is recommending that change be accepted. Thus, we will not address that Activity Area further.
630. Ms Evans attempted to reconcile these two seemingly opposing submissions⁴³⁵. Dr Chiles was concerned that imposing the residential noise standards on the Village Activity Area would hinder the development of activities such as cafes with patrons sitting outside⁴³⁶. Ms Evans recommendation was to move both the Millbrook and Jacks Point provisions from Rule 36.5.3 to 36.5.4 on the basis that the standards would be the same for residential areas, and to

⁴³³ Submission 632, opposed by FS1219, FS1252, FS1275, FS1277, FS1283, FS1316

⁴³⁴ Submission 762, opposed by FS1316

⁴³⁵ Ruth Evans, Section 42A Report, paragraphs 8.28 to 8.31 inclusive

⁴³⁶ Dr Stephen Chiles, EIC, Section 9

include the Jacks Point Zone Village Activity Area in Rule 36.5.6 which provides for higher levels of received noise.

631. Mr Ferguson supported these changes but raised two matters:
- a. Clarification of how the noise standards are applied between the stipulated assessment locations and the zone or activity areas within it is received; and
 - b. The status of any breach of the noise standards⁴³⁷.
632. Mr Ferguson's first point was that the heading to Column 2 (as amended) referred to receiving zones, whereas in Jacks Point Zone at least, it was only within part of the zone that it applied. We consider this can be dealt with by amending the additional words after each zone to say "Residential (or Village) Activity Areas only" to make it clear it is only part of the zone within which the relevant rule controls the receipt of noise.
633. We have considered Mr Ferguson's opinion that non-compliance with the rules applicable to the Village Activity Area should require consent as a restricted discretionary activity. In our view the point of noise standards is to establish a bottom line for amenity values which should not be breached. The standards themselves, and the forms of measurement, provide for the rare or momentary exceedance of any fixed level. If an activity is proposing to create a level of noise that will always or regularly exceed the standard, then we consider it appropriate for the Council, on a resource consent application, to be able to firstly consider whether that activity meets the thresholds of s.104D, and if so, to undertake a full evaluation of the proposal under s.104. We agree with Ms Evans' evaluation of this matter in her Reply Statement.
634. In summary, we recommend that Rule 36.5.3 be deleted and the following be inserted in Column 2 of Rule 36.5.4 (consequently renumbered 36.5.2):
- Millbrook Resort Zone – Residential Activity Areas only*
Jacks Point Zone – Residential Activity Areas only
635. We additionally recommend that the following be inserted in Column 2 of Rule 36.5.6 (now renumbered 36.5.4):
- Jacks Point Zone – Village Activity Area only*
- 17.4. Rule 36.5.5**
636. The only submission on this rule sought its retention⁴³⁸. As noted above, and agreed by Ms Evans⁴³⁹, there is no possibility of not complying with this rule, so the appropriate thing is to leave the Non-compliance Status Column blank. With that change, we recommend the rule be adopted.
- 17.5. Table 3**
637. This table sets standards for noise from specified activities, including identifying any applicable special considerations. One submitter⁴⁴⁰ supported all of the rules in this table subject to amendments to Rule 36.5.11 which we deal with below. There were no other submissions on Rules 36.5.8, 36.5.9, 36.5.10, 36.5.12 and 36.5.17.
638. The only other submission⁴⁴¹ on Rule 36.5.15 sought that it be retained.

⁴³⁷ Christopher Ferguson, EiC, page 5
⁴³⁸ Submission 433, opposed by FS1097, FS1117
⁴³⁹ Ruth Evans, Reply Statement, Appendix 1
⁴⁴⁰ Submission 649
⁴⁴¹ Submission 580

639. Ms Evans recommended that Rule 36.5.17 be transferred to Chapter 41 as a rule applying to Jacks Point Zone. We agree with that recommendation and refer that rule to the Stream 9 Hearing Panel.

640. Subject to renumbering and altering the reference in Rule 36.5.8 to the NESTF 2016, we recommend that Rules 36.5.8, 36.5.9, 36.5.10, 36.5.12 and 36.5.15 be adopted as notified.

17.6. Rule 36.5.11

641. This rule controls noise from frost fans. The sole submission⁴⁴² sought that the L_{AFmax} limit failed to account for increased annoyance where there are special audible characteristics present. It sought that the limit be changed to 55 dB $L_{Aeq(15 min)}$.

642. Dr Chiles⁴⁴³ agreed that the 85 dB L_{AFmax} would not adequately control noise effects. He considered that proposed in the submission to be adequate, although significantly more lenient than the general night-time noise limit of 40 dB $L_{Aeq(15 min)}$. Ms Evans accepted Dr Chiles advice and recommended amending this rule as requested.

643. On the basis of that evidence we recommend that Rule 36.5.11 (renumbered as 36.5.8) be amended to set a noise limit of 55 dB $L_{Aeq(15 min)}$.

17.7. Rule 36.5.13

644. This rule set the standard for noise from helicopters. Three submitters⁴⁴⁴ supported this rule. Other submissions sought:

- a. Delete the rule⁴⁴⁵;
- b. Measure L_{max} rather than L_{dn} ⁴⁴⁶;
- c. Delete the L_{dn} measurement⁴⁴⁷;
- d. Make non-compliance a discretionary activity⁴⁴⁸.

645. In addition, one submission sought the introduction of a separate rule for helicopters landing near the top of Skyline Access Road⁴⁴⁹.

646. It was Dr Chiles' evidence⁴⁵⁰ that the adverse effects of helicopters are related to both the sound level of individual helicopter movements, and also the frequency of movements. He noted that while there were some limitations with the use of an L_{dn} noise limit, it would control both factors. On the other hand, while a L_{AFmax} noise level would control the sound level, it would not control the number of movements. He also noted that there can be difficulty in obtaining reliable assessments of helicopter noise using the L_{AFmax} limit.

647. Dr Chiles also explained why he considered the L_{dn} control for helicopter noise in this rule, coupled with the additional controls on movement numbers in the Rural Zone, sets an appropriate noise limit to manage adverse noise effects. While he agreed that there was

⁴⁴² Submission 649

⁴⁴³ EIC, Section 12

⁴⁴⁴ Submissions 143 (opposed by FS1093), 433 (opposed by FS1097, FS1117) and 571

⁴⁴⁵ Submission 475, opposed by FS1245

⁴⁴⁶ Submissions 607, 626, 660, 713

⁴⁴⁷ Submission 243, opposed by FS1224, FS1245

⁴⁴⁸ Submission 607

⁴⁴⁹ Submission 574, opposed by FS1063

⁴⁵⁰ EIC, Section 13

justification for applying the noise limits recommended for commercial areas by NZS6807 to commercial areas in the PDP, as sought in Submission 574, he considered that limit not to be appropriate in the area specified in that submission. He advised us that a recent Environment Court decision⁴⁵¹ found that the commercial area noise limit from NZ6807 was not appropriate in that location. He advised that in considering that application, the Court found that a helicopter noise limit of 60 dB L_{dn} in conjunction with a limit of four helicopter flights a day to be appropriate. He was unaware of justification to insert specific and different noise limits for this location into the PDP.

648. Mr Dent appeared in support of Submission 574. It was his opinion that NZ6807 was the appropriate standard for measuring helicopter noise. He explained that the ODP rules effectively have no applicable noise rules for helicopters. Turning to the specific issue of the Skyline helicopter pad, he considered there was value in making provision for a helicopter pad to locate in the vicinity of Bobs Peak with a noise limit of 60 dB L_{dn} (less than the 65 dB L_{dn} sought in the submission).
649. In response to this evidence, Ms Evans proffered the opinion that if the Council were to include specific controls for a specific consented activity, the PDP would be littered with such special provisions. She also advised that the Environment Court only granted consent for 5 years, to enable review, whereas if it became a rule in the PDP then it would not be subject to review until the PDP were reviewed, and would, potentially, be there for the life of the activity⁴⁵².
650. There are three issues for us to deal with in regard to this rule:
- a. Whether helicopter noise limits be set using NZS6807 or in the same manner as other noise is generally controlled in the District;
 - b. The activity status of a resource consent for non-compliance; and
 - c. Whether special provision should be made for helicopter landing at Skyline.
651. All the expert evidence we heard advised us that NZS6807 is the appropriate standard to use of the assessment and control of helicopter noise. As that standard is specifically designed to deal with helicopter noise, that is unsurprising. Mr Dent assisted us by setting out a number of local consent hearings where the hearing commissioners had agreed with expert noise evidence that concluded the ODP noise rules were ineffective, or unable to control, helicopter noise. We accept all that evidence and conclude that Rule 36.5.13 as notified is fundamentally sound. We also agree with Ms Evans' recommendation that the Advice Note should specify Queenstown and Wanaka Airports.
652. Our views on the non-compliance status of any breach of this rule is consistent with those we gave above in respect of Rule 36.5.3 above. As it was, we heard no evidence on this from the submitter.
653. The Stream 10 Hearing Panel has recommended that the final clause in the notified definition of noise in Chapter be inserted in this rule. We agree that is a more appropriate location and is a non-substantive change under Clause 16(2).
654. For those reasons we recommend that Rule 36.5.13 (renumbered 36.5.10) be adopted as notified, with the addition of the phrase from Chapter 2 and a minor amendment to the advice note.

⁴⁵¹ ZJV (NZ) Limited v Queenstown Lakes District Council & Skyline Enterprises Limited [2015] NZEnvC 205

⁴⁵² Ruth Evans, Reply Statement, Section 9

655. We also note that, in addition to this rule, other rules in the Rural Zone relating to informal airports restrict the frequency of flights and impose setback requirements in certain situations. The combination of those rules should go some way to address the concerns of those submitters who sought the deletion or modification of this rule.

656. Turning to the Skyline issue, we agree with Ms Evans that turning a resource consent into district plan rules, when that consent is subject to a time limitation because of the potential adverse effects, is fraught with issues. We consider it would be poor resource management practice to create such a rule as it would restrict the Council's ability to adjust the terms of the activity if monitoring disclosed adverse environmental effects beyond those foreseen. In our view, if Skyline wishes to choose a better site for helicopter landing, and it requires a resource consent, then they should follow that process. We recommend that submission be rejected.

17.8. Rule 36.5.14

657. This rule sets noise limits for fixed wing aircraft using NZS6805 as the means of measuring and assessing aircraft noise. One submission⁴⁵³ sought the retention of this rule, while two submissions⁴⁵⁴ sought its replacement with an L_{max} limit and changing the non-compliance status to discretionary.

658. Again this issue is whether a standard specifically designed to measure and assess aircraft noise (NZS6805) should be used as the basis for setting the limits in this rule, or the general provisions used elsewhere in the District. We heard no evidence in support of the submissions seeking to amend this rule and see no reason to for there to be a different approach to setting noise limits for fixed wing aircraft from that used for setting noise limits for helicopters.

659. We recommend that Rule 36.5.14 (renumbered 36.5.11) be adopted as notified, and the advice note be amended to specify Queenstown and Wanaka Airports.

17.9. Rule 36.5.16 and Rule 36.8

660. Rule 36.5.16 set a noise limit of 77 dB L_{ASmax} for commercial motorised craft operating on the surface of lakes and rivers. Rule 36.8 set out the methods of measurement and assessment of such noise.

661. One submission⁴⁵⁵ sought the retention of Rule 36.8. Other submissions sought:

- Lower the limit in Rule 36.5.16 and include live commentary on vessel as well⁴⁵⁶;
- Exempt low or moderate speed passenger service vessels from 36.8⁴⁵⁷;
- Set the limit for jet boats competing in jet boat race events at 92 dB L_{ASmax} ⁴⁵⁸.

662. We note in respect of item (b) above, the same submitter sought that such vessels be permitted activities in Table 1. We have deal with that matter above and recommended rejecting that submission.

663. Dr Chiles discussed the issues that have arisen with administering the noise rules relating to motorised craft under the ODP. He recommended that deletion of the testing methodology

⁴⁵³ Submission 433, supported by FS1345 and opposed by FS1097, FS1117

⁴⁵⁴ Submissions 607 and 621

⁴⁵⁵ Submission 649

⁴⁵⁶ Submission 243, opposed by FS1224, FS1245

⁴⁵⁷ Submission 621

⁴⁵⁸ Submission 758

in Rule 36.8 would partly address concerns raised in Submission 621. Ms Evans recommended a consolidation of Rules 36.5.16 and 36.8 which would include deletion of the testing methods.

664. Dr Chiles advised us that the level of 77 dB L_{ASmax} had operated successfully under the ODP. He considered that if it were reduced, it would restrict the ability of many vessels to operate on the surface of lakes and rivers in the District. He also considered it was not practicable to assess the sound of on-board commentary using the methods for assessing motorised craft. He considered the general noise standards (Rule 36.5.1 for instance) should apply to such noise.
665. It was Dr Chiles' opinion that the noise from jet boat racing should be assessed on a case by case basis via the resource consent process.
666. As alluded to above, Ms Evans recommended a consolidation of Rules 36.5.16 and 36.8. In doing this she incorporated Rule 36.8.1.2 into Rule 36.5.16. As notified, there was a potential conflict between these two rules, and, at minimum, an ambiguity. Rule 36.5.16 set a single noise limit, and in the "Time" Column stated "Refer 36.8". Rule 36.8.1.2 stated:
The measured sound pressure level shall not exceed a maximum A weighted level:
- 77 dB L_{ASmax} for vessels to be operated between the hours of 0800 and 2000;
 - 67 dB L_{ASmax} for vessels to be operated between the hours of 2000 and 0800.
667. In consolidating the rules, Ms Evans pulled the night-time level into Rule 36.5.16. We need to consider whether a plan user would have expected the night-time limits to apply given the notified version of Rule 36.5.16. As Ms Black's evidence, on behalf of Real Journeys Ltd, was concerned in part with the ability of her company's vessels to operate between 0700 and 0800, and 2000 and 2100, in accordance with the lower levels, we can be satisfied that submitters understood those lower limits to apply.
668. While Ms Black's evidence was mainly focussed on the permitted activity status sought, as discussed in an earlier section above, she did explain the nature of Real Journeys' vessel operations. We understood Dr Chiles' evidence to be that the PDP noise rules for vessels represented no change from those in the ODP for commercial vessels. There was nothing in Ms Black's evidence to suggest that meeting the ODP noise limits had been an issue for her company. For those reasons, we see no justification in altering the limits in Rule 36.5.16.
669. Mr McKenzie presented a statement on behalf of Jet Boating New Zealand Inc in respect of the request for a separate noise limit for jet boats taking part in jet boat race events. He attached to his evidence a noise report from 2005 for applications for a number of international jet boat races.
670. The fundamental difficulty this submitter has is that Rules 36.5.16 and 36.8 only relate to commercial vessels. We do not understand jet boats involved in jet boat races to fall into that category. In the absence of any other noise rules controlling vessels, non-commercial boating fall to be considered under the provisions of Table 2. Dr Chiles expressed the opinion that the same noise limits should apply to all motorised craft⁴⁵⁹. We agree and recommend that the Council initiate a variation to apply the noise limits in Rule 36.5.16 to all motorised craft. Jet Boating New Zealand Inc would have the opportunity to lodge a submission on such a variation if it considered it did not adequately provide for its members' activities.

⁴⁵⁹ Dr Stephen Chiles, EiC, paragraph 7.1

671. In summary, for the reasons set out above, we agree with the revised version of Rule 36.5.16 (renumbered 36.5.14) recommended by Ms Evans and recommend the Council adopt that version of the rule as set out in Appendix 3, and we recommend the deletion of Rule 36.8.

17.10. Rule 36.6

672. This rule contained provisions designed to protect nearby residents from the effects of airport noise. Rule 36.6.1 related specifically to a zone which was not part of PDP: Stage 1 – the Rural Visitor Zone. Rule 36.6.2 (Table 4) set the acceptable construction methods to meet the sound insulation requirements within the Air Noise Boundary of the Queenstown Airport. Rule 36.6.3 (Table 5) set out the ventilation requirements within the Outer Control Boundary and Air Noise Boundary of Queenstown and Wanaka Airports.

673. One submission supported the rules in full⁴⁶⁰, one supported Table 4 with a minor correction and replacement of Table 5⁴⁶¹, one sought amendments to address modern building solutions⁴⁶², and another sought that provision be made for requiring air conditioning⁴⁶³. Another submission⁴⁶⁴ was listed as being relevant to this rule, but on reading the submission we concluded it only related to the provision for informal airports in the rural chapters. We have taken no account of that submission and leave it to the Stream 2 Hearing Panel to deal with.

674. We consider Rule 36.6.1 creates the same issues as those we discussed above in relation to ODP zone names being listed in Rules 36.5.4, 36.5.6 and 36.5.7. In our view, for the purposes of the PDP, the Rural Visitor Zone does not exist. Thus, this rule is of no practical effect. We also note that this rule has not been mentioned in the Section 32 Report for Noise. In fact, that report does not mention the Rural Visitor Zone at all. We can only conclude that the inclusion of this rule is a mistake that should be corrected. For those reasons, we recommend Rule 36.6.1 be deleted as an error under Clause 16(2).

675. Dr Chiles provided useful evidence on the construction and ventilation requirements⁴⁶⁵. It was his advice that the glazing requirement in Table 4 be changed to double glazing with 4mm thick panes separated by a cavity at least 12mm wide. He also confirmed that ceiling plasterboard should be 9 mm, as sought in Submission 433.

676. In terms of ventilation, Dr Chiles advised that he had sought advice (for another client) on how ventilation rules could meet the aim of providing sufficient thermal comfort for occupants, so they have a free choice to leave windows closed if required to reduce adverse external sound. Based on that review, he recommended a specification that would replace Rule 36.6.3 (and also 36.7 which we deal with below). In his opinion, such a specification would give effect to Submission 80, but would only adopt the specification put forward in Submission 433 in part. Ms Evans redrafted Rule 36.6.3 based on Dr Chiles advice.

677. The only submitter heard from in respect of this rule was QAC. By the time of the hearing the only matters at issue related to Rule 36.6.3 – Table 5. These issues can be further narrowed to be, in essence:

- a. The appropriate standard for low rate ventilation;

⁴⁶⁰ Submission 649

⁴⁶¹ Submission 433, opposed by FS1097, FS1117

⁴⁶² Submission 383, opposed by FS1340

⁴⁶³ Submission 80, opposed by FS1077

⁴⁶⁴ Submission 310, opposed by FS1245

⁴⁶⁵ Dr Stephen Chiles, EIC, Section 14

- b. How many air changes per hour occurred at high setting on the ventilation system;
 - c. The need for passive relief venting; and
 - d. The measuring point for assessing the noise level of the ventilation system.
678. Mr Roberts provided expert ventilation evidence. He described the difficulties faced in implementing the ventilation system required by the notified rules. He also identified that some of the requirements, particularly that requiring 15 air changes per hour, were unnecessary in the Queenstown climate. His recommendation was that Table 5 should be amended so as to:
- a. *Reduce the high setting air changes so that there is no difference between Bedrooms and other Critical Listening Environments, for the purposes of rationalising the type, physical size and quantity of separate ventilation systems required to comply, and that those ventilation systems can readily achieve the difference between high and low setting air flow rates;*
 - b. *Provide the ability to use more modern and efficient plant, including heat pump air conditioning units; and*
 - c. *Simplify the system design in order that it can be readily designed to comply by local contractors.*⁴⁶⁶
679. In respect of the differences between the Council provisions and QAC provisions, he noted:
- a. The ventilation rates should not be linked to provisions of the NZ Building Code as those provisions are designed for different purposes;
 - b. While 6 air changes per hour proposed by the Council is very similar to the 5 air changes per hour he recommended, the extra change per hour would require an additional fan or complex air flow control system, with costs disproportionate to benefit;
 - c. High air change setting and cooling via heat pump cooling system could be provided as alternates;
 - d. The omission of a heating requirement from the Council proposal is possibly an error;
 - e. To ensure that combustion appliances can operate safely under the high air change requirement, additional passive relief venting is required;
 - f. There should be no need to duplicate heating, ventilation or cooling systems where they are already present and satisfy the requirements of the rule⁴⁶⁷.
680. Ms O’Sullivan attached a draft rule that, in her opinion, achieved the matters raised by Mr Roberts⁴⁶⁸.
681. The other outstanding matter was the point at which to measure the noise of the cooling system. The rule stated that noise levels were to be measure at a distance of 1 m to 2 m from any diffuser. Dr Chiles recommended that it be set at 1 m to remove ambiguity, while it was Mr Day’s evidence that this should be set at 2 m.
682. Ms Wolt submitted that there was no scope to set the measuring point at 1 m, while there was scope to set it at 2 m. In her Reply Statement, Ms Evans accepted that there may not be scope to set it at 1 m and recommended that it be set at 2 m, noting that it was likely that most persons measuring such noise would use the most lenient point.⁴⁶⁹

⁴⁶⁶ Scott Roberts, EiC, paragraph 17

⁴⁶⁷ *ibid*, paragraphs 28 - 38

⁴⁶⁸ Kirsty O’Sullivan, EiC, Appendix D

⁴⁶⁹ Ruth Evans, Reply Statement, paragraph 8.4

683. The evidence from the noise experts did not suggest that there was a difference between the ventilation rule options put to us in terms of protecting residents from aircraft noise. Given that lack of difference, we prefer the expert advice of Mr Roberts and accept that the rule drafted by Ms O'Sullivan, subject to minor amendments, is the most appropriate to include in the PDP. As amended, this rule explicitly provides for cooling as sought in Submission 80.
684. For those reasons, we recommend that Rule 36.6.3 (renumber 36.6.2) be adopted in the form shown in Appendix 3.

17.11. Rule 36.7

685. This rule provides ventilation requirements for critical listening environments in the Wanaka and Queenstown Town Centre Zones, the Local Shopping Zones and the Business Mixed Use Zone. There were no submissions on this rule and the Council, therefore, has no scope to change it other than by variation. It was Dr Chiles' evidence that it did need changing, even if only to correct the low setting from 1-2 ac/hr to 0.5 ac/hr. We recommend the Council obtain expert ventilation advice on appropriate standards for these zones and implement a variation to implement that advice if required.

17.12. Consequential Amendments Recommended by Other Hearing Streams

686. In addition to the amendments recommended by the Stream 8 Panel in relation to Section 36.1 and Rule 36.3.2.8 discussed above, that Panel has also recommended consequential amendments to recommended Rules 36.5.1, 36.5.3, 36.5.4 and 36.5.14.
687. The amendment to Rule 36.5.1 is consequential on the recommended rezoning of Wanaka Airport from Rural to Airport Zone. We agree that listing the Airport Zone – Wanaka in this rule will continue the notified noise regime for the land and therefore it can be made as a non-substantive change under Clause 16(2).
688. The remaining amendments are consequential on changing the name of the Airport Mixed Use Zone to Airport Zone. Again such changes are non-substantive changes under Clause 16(2).
689. We recommend those amendments, as shown in Appendix 3, are adopted.

17.13. Summary of Conclusions on Rules

690. We have set out in Appendix 3 the rules we recommend the Council adopt. For all the reasons set out above, we are satisfied that the rules are the most effective and efficient means of implementing the policies so as to achieve the objectives of Chapter 36, and those in the Strategic Directions chapters. Where we have recommended rules not be included, that is because, as our reasons above show, we do not consider them to be efficient or effective.

18. CHANGES SOUGHT TO DEFINITIONS

18.1. Introduction

691. Submitters on this Chapter also lodged submissions on a number of notified definitions and also sought the inclusion of several new definitions. In accordance with the Hearing Panel's directions in its Second Procedural Minute dated 5 February 2016, we heard evidence on these definitions and have considered them in the context of the rules which apply them. However, to ensure a consistent outcome of consideration of definitions, given the same definition may be relevant to a number of hearing streams, our recommendations in this part of the report are to the Hearing Stream 10 Panel, who have overall responsibility for recommending the final form of the definitions to the Council. As the recommendations in this section are not

directly to the Council, we have listed the wording we are recommending for these definitions in Appendix 5.

18.2. Noise

692. One submission⁴⁷⁰ sought that L_{dn} be deleted from the definition of noise. The submission suggests that it is only there to allow helicopters and no special provision should be made for noise from helicopters.

693. In discussing Rule 36.5.13 above we noted that expert noise evidence advised that the L_{dn} method is the best for measuring noise from helicopters. We recommend to the Stream 10 Hearing Panel that this submission be rejected.

18.3. Notional Boundary

694. The Southern District Health Board⁴⁷¹ recommended that “façade” in this definition be replaced by “any side” on the basis that in rural areas, where notional boundaries are used for noise measurement, it is all sides of the building that are important. Using the term façade may imply that it is only that facing the road which is relevant.

695. We agree with that logic and recommend to the Stream 10 Hearing Panel that the definition of notional boundary be amended to read:

Notional boundary means a line 20 m from any side of any residential unit or the legal boundary whichever is closer to the residential unit.

⁴⁷⁰ Submission 243, opposed by FS1340

⁴⁷¹ Submission 649

PART E: OVERALL RECOMMENDATION

696. For the reasons we have set out above, we recommend to the Council that:
- a. Chapter 30, in the form set out in Appendix 1, be adopted;
 - b. Chapter 35, in the form set out in Appendix 2, be adopted;
 - c. Chapter 36, in the form set out in Appendix 3, be adopted; and
 - d. The relevant submissions and further submissions be accepted, accepted in part or rejected as set out in Appendix 4.
697. We recommend to the Stream 10 Hearing Panel that the definitions listed in Appendix 5 be included in Chapter 2 for the reasons set out above.
698. We further recommend that the Council consider initiating variations to deal with the following matters:
- a. Amend Objective 30.2.1 and associated policies as discussed in Section 3.1 above;
 - b. Delete Policy 30.2.5.4 as discussed in Section 3.5 above;
 - c. Amend definition of “utility” to exclude airport activities within the Airport Zone as discussed in Section 4.3 above;
 - d. Amend Rule 35.4.12 to make it consistent with Objective 35.2.5 and associated policies as discussed in Section 8.5 above;
 - e. Apply Rule 36.5.13 to all motorised craft as discussed in Section 19.9 above;
 - f. Amend Rule 36.7 as recommended to us by Dr Chiles and discussed in Section 19.11 above.

For the Hearing Panel



Denis Nugent, Chair
Date: 30 March 2018

Appendix 1: Chapter 30 as Recommended

30 ENERGY AND UTILITIES

30.1 Purpose

Energy and Utilities are of strategic importance and require a coordinated approach in relation to the development of energy resources, the generation of electricity and the provision of essential infrastructure throughout the District.

30.1.1 Energy

Energy resources play a key role in the socio-economic wellbeing and growth of the District. Local energy needs may change over time and are dependent on the scale of demand, as well as measures to reduce demand through energy efficiency, conservation and small scale renewable generation.

In the future, there may be a need for new generation sources to meet demand. Electricity generation by renewable energy sources is desired over non-renewable sources and this is reinforced in the National Policy Statement on Renewable Electricity Generation 2011. The generation of electricity from non-renewable sources is generally discouraged. However, standby generation may be necessary for essential public, civic, community and health functions, or in areas not connected to the electricity distribution network.

Energy efficiency and conservation go hand in hand with renewable energy. Conserving the use of energy together with the generation of renewable energy will be vital in responding to the challenges of providing enough energy to meet future energy needs and reducing greenhouse gas emissions. Small and community scale generation is encouraged and advantages of solar energy within the District are recognised. The benefits of solar energy may be realised through site design methods which promote solar efficient design, in addition to the inclusion of solar photovoltaic panels and solar hot water heating systems within buildings. Sustainable building forms which reduce energy demand and minimise heating costs are encouraged, including use of the Homestar™ rating system for residential buildings and Green Star tool for commercial buildings.

30.1.2 Utilities

Utilities are essential to the servicing and functioning of the District. Utilities have the purpose to provide a service to the public and are typically provided by a network utility operator.

Due to the importance of utilities in providing essential services to the community, their often high capital cost to establish, and their long life expectancy, the need for the establishment and on-going functioning, maintenance and upgrading of utilities is recognised. In addition, some utilities have specific locational needs that need to be accommodated for their operation. The co-location of utilities may achieve efficiencies in design and operation, reduce capital investment costs and also minimise amenity and environmental effects. The ability to co-locate compatible uses should be considered for all utility proposals.

It is recognised that while utilities can have national, regional and local benefits, they can also have adverse effects on surrounding land uses, some of which have been established long before the network utility. The sustainable management of natural and physical resources requires a balance between the effects of different land uses. However, it is also necessary that essential utilities are protected, where possible, from further encroachment by incompatible activities which may lead to reverse sensitivity effects. This chapter therefore also addresses requirements for sensitive uses and habitable buildings located near to utilities.

Energy

30.2.1 **Objective** - The sustainable management of the District's resources benefits from the District's renewable and non-renewable energy resources and the electricity generation facilities that utilise them.

Policies	<p>30.2.1.1 Recognise the national, regional and local benefits of the District's renewable and non-renewable electricity generation activities.</p> <p>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.</p>
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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	<p>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:</p> <ol style="list-style-type: none"> 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. <p>30.2.2.2 Enable new technologies using renewable energy resources to be investigated and established in the district.</p>
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30.2.3 Objective - Energy resources are developed and electricity is generated, in a manner that minimises adverse effects on the environment.

Policies

- 30.2.3.1** Promote the incorporation of Small and Community-Scale Distributed Electricity Generation structures and associated buildings (whether temporary or permanent) as a means to improve efficiency and reduce energy demands.
- 30.2.3.2** Ensure the visual effects of Wind Electricity Generation do not exceed the capacity of an area to absorb change or significantly detract from landscape and visual amenity values.
- 30.2.3.3** Promote Biomass Electricity Generation in proximity to available fuel sources that minimise external effects on the surrounding road network and the amenity values of neighbours.
- 30.2.3.4** Assess the effects of Renewable Electricity Generation proposals, other than Small and Community Scale with regards to:
 - a. landscape values and areas of significant indigenous flora or significant habitat for indigenous fauna;
 - b. recreation and cultural values, including relationships with tangata whenua;
 - c. amenity values;
 - d. the extent of public benefit and outcomes of location-specific cost-benefit analysis.
- 30.2.3.5** Existing energy facilities, associated infrastructure and undeveloped energy resources are protected from incompatible subdivision, land use and development.
- 30.2.3.6** To compensate for adverse effects, consideration must be given to any offset measures (including biodiversity offsets) and/or environmental compensation including those which benefit the local environment and community affected.
- 30.2.3.7** Consider non-renewable energy resources including standby power generation and Stand Alone Power systems where adverse effects can be mitigated.

30.2.4 Objective - Subdivision layout, site layout and building design takes into consideration energy efficiency and conservation.

Policies

- 30.2.4.1** Encourage energy efficiency and conservation practices, including use of energy efficient materials and renewable energy in development.
- 30.2.4.2** Encourage subdivision and development to be designed so that buildings can utilise energy efficiency and conservation measures, including by orientation to the sun and through other natural elements, to assist in reducing energy consumption.

- 30.2.4.3** Encourage Small and Community-Scale Distributed Electricity Generation and Solar Water Heating structures within new or altered buildings.
- 30.2.4.4** Encourage building design which achieves a Homestar™ certification rating of 6 or more for residential buildings, or a Green Star rating of at least 4 stars for commercial buildings.
- 30.2.4.5** Transport networks should be designed so that the number, length and need for vehicle trips is minimised, and reliance on private motor vehicles is reduced, to assist in reducing energy consumption.
- 30.2.4.6** Control the location of buildings and outdoor living areas to reduce impediments to access to sunlight.

Utilities

30.2.5 Objective - The growth and development of the District is supported by utilities that are able to operate effectively and efficiently.

- Policies
- 30.2.5.1** Utilities are provided to service new development prior to buildings being occupied, and activities commencing.
 - 30.2.5.2** Ensure the efficient management of solid waste by:
 - a. encouraging methods of waste minimisation and reduction such as re-use and recycling;
 - b. providing landfill sites with the capacity to cater for the present and future disposal of solid waste;
 - c. assessing trends in solid waste;
 - d. identifying solid waste sites for future needs;
 - e. consideration of technologies or methods to improve operational efficiency and sustainability (including the potential use of landfill gas as an energy source);
 - f. providing for the appropriate re-use of decommissioned landfill sites.
 - 30.2.5.3** Recognise the future needs of utilities and ensure their provision in conjunction with the provider.
 - 30.2.5.4** Assess the priorities for servicing established urban areas, which are developed but are not reticulated.
 - 30.2.5.5** Ensure reticulation of those areas identified for urban expansion or redevelopment is achievable, and that a reticulation system be implemented prior to subdivision.
 - 30.2.5.6** Encourage low impact design techniques which may reduce demands on local utilities.

30.2.6 Objective - The establishment, continued operation and maintenance of utilities supports the well-being of the community.

Policies

30.2.6.1 Provide for the need for maintenance or upgrading of utilities including regionally significant infrastructure to ensure its on-going viability and efficiency subject to managing adverse effects on the environment consistent with the objectives and policies in Chapters 3, 4, 5 and 6.

30.2.6.2 When considering the effects of proposed utility developments consideration must be given to alternatives, and also to how adverse effects will be managed through the route, site and method selection process, while taking into account the locational, technical and operational requirements of the utility and the benefits associated with the utility.

30.2.6.3 Ensure that the adverse effects of utilities on the environment are managed while taking into account the positive social, economic, cultural and environmental benefits that utilities provide, including:

- a. enabling enhancement of the quality of life and standard of living for people and communities;
- b. providing for public health and safety;
- c. enabling the functioning of businesses;
- d. enabling economic growth;
- e. enabling growth and development;
- f. protecting and enhancing the environment;
- g. enabling the transportation of freight, goods, people;
- h. enabling interaction and communication.

30.2.6.4 Encourage the co-location of facilities where operationally and technically feasible.

30.2.6.5 Manage land use, development and/or subdivision in locations which could compromise the safe and efficient operation of utilities.

30.2.7 Objective - The adverse effects of utilities on the surrounding environments are avoided or minimised.

Policies

30.2.7.1 Manage the adverse effects of utilities on the environment by:

- a. avoiding their location on sensitive sites, including heritage and special character areas, Outstanding Natural Landscapes and Outstanding Natural Features, and skylines and ridgelines and where avoidance is not practicable, avoid significant adverse effects and minimise other adverse effects on those sites, areas, landscapes or features;
- b. encouraging co-location or multiple use of network utilities where this is efficient and practicable in order to avoid, remedy or mitigate adverse effects on the environment;
- c. ensuring that redundant utilities are removed;

- d. using landscaping and or colours and finishes to reduce visual effects;
 - e. integrating utilities with the surrounding environment; whether that is a rural environment or existing built form.
- 30.2.7.2** Require the undergrounding of services in new areas of development where technically feasible.
- 30.2.7.3** Encourage the replacement of existing overhead services with underground reticulation or the upgrading of existing overhead services where technically feasible.
- 30.2.7.4** Take account of economic and operational needs in assessing the location and external appearance of utilities.

30.2.8 Objective - The ongoing operation, maintenance, development and upgrading of the National Grid subject to the adverse effects on the environment of the National Grid network being managed.

Policies

- 30.2.8.1** Enabling the use and development of the National Grid by managing its adverse effects by:
- a. only allowing buildings, structures and earthworks in the National Grid Yard where they will not compromise the operation, maintenance, upgrade and development of the National Grid;
 - b. avoiding Sensitive Activities within the National Grid Yard;
 - c. managing potential electrical hazards, and the adverse effects of buildings, structures and Sensitive Activities on the operation, maintenance, upgrade and development of the Frankton Substation;
 - d. managing subdivision within the National Grid corridor so as to facilitate good amenity and urban design outcomes.

30.3 Other Provisions and Rules

30.3.1 District Wide

Attention is drawn to the following District Wide Chapters.

1	Introduction	2	Definitions	3	Strategic Direction
4	Urban Development	5	Tangata Whenua	6	Landscapes and Rural Character
25	<i>Earthworks</i>	26	Historic Heritage	27	Subdivision
28	Natural Hazards	29	<i>Transport</i>	31	<i>Signs</i>
32	Protected Trees	33	Indigenous Vegetation	34	Wilding Exotic Trees
35	Temporary Activities and Relocated Buildings	36	Noise	37	Designations
	Planning Maps				

30.3.2 Information on National Environmental Standards and Regulations

- a. Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009:
 Notwithstanding any other rules in the District Plan, the National Grid existing as at 14 January 2010 is covered by the Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009 (NESETA) and must comply with the NESETA.
 The provisions of the NESETA prevail over the provisions of this District Plan to the extent of any inconsistency. No other rules in the District Plan that duplicate or conflict with the Standard shall apply.
- b. Resource Management (National Environmental Standards for Telecommunications Facilities “NESTF”) Regulations 2016:
 The NESTF 2016 controls a variety of telecommunications facilities and related activities as permitted activities subject to standards, including:
 - i. cabinets in and outside of road reserve;
 - ii. antennas on existing and new poles in the road reserve;
 - iii. replacement, upgrading and co-location of existing poles and antennas outside the road reserve;
 - iv. new poles and antennas in rural areas;
 - v. antennas on buildings;
 - vi. small-cell units on existing structures;
 - vii. telecommunications lines (underground, on the ground and overhead) and facilities in natural hazard areas; and
 - viii. associated earthworks.

All telecommunications facilities are controlled by the NESTF 2016 in respect of the generation of radiofrequency fields. The NESTF 2016 and relevant guidance for users can be found at: <http://www.mfe.govt.nz/rma/legislative-tools/national-environmental-standards/national-environmental-standards> .

The provisions of the NESTF 2016 prevail over the provisions of this District Plan, to the extent of any inconsistency. No other rules in the District Plan that duplicate or conflict with the NESTF 2016 shall apply. However, District Plan provisions continue to apply to some activities covered by the NESTF 2016, including those which, under regulations 44 to 52, enable rules to be more stringent than the NESTF, such as being subject to heritage rules, Significant Natural Areas, Outstanding Natural Features and Landscapes, and amenity landscape rules.

- c. New Zealand Electrical Code of Practice for Electrical Safe Distances.
Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (“NZECP 34:2001”) is mandatory under the Electricity Act 1992. All activities regulated by the NZECP 34, including any activities that are otherwise permitted by the District Plan must comply with this legislation.
Advice Note: To assist plan users in complying with these regulations, the major distribution components of the Aurora network are shown on the Planning Maps.
Compliance with this District Plan does not ensure compliance with NZECP 34.
- d. Advice Note: Electricity (Hazards from Trees) Regulations 2003.
Vegetation to be planted around electricity networks should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

30.3.3 Interpreting and Applying the Rules

- 30.3.3.1** A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules.
- 30.3.3.2** Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the Non-Compliance Status column applies. Where an activity breaches more than one Standard, the most restrictive status applies to the Activity.
- 30.3.3.3** The rules contained in this Chapter take precedence over any other rules that may apply to energy and utilities in the District Plan, unless specifically stated to the contrary and with the exception of:
 - a. 25 Earthworks;
 - b. 26 Historic Heritage.

Note: Utilities can also be provided as designations if the utility operator is a requiring authority. Refer to Chapter 37 – Designations of the Plan for conditions and descriptions of designated sites.

30.3.3.4 The following abbreviations are used in the tables.

P	Permitted	C	Controlled	RD	Restricted Discretionary
D	Discretionary	NC	Non-Complying	PR	Prohibited

30.4 Energy Rules

30.4.1	Renewable Energy Activities	Activity Status
30.4.1.1	Small and Community-Scale Distributed Electricity Generation and Solar Water Heating (including any structures and associated buildings but excluding Wind Electricity Generation), other than those activities restricted by Rule 30.4.1.4.	P
30.4.1.2	<p>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</p> <p>Control is reserved to the following:</p> <ul style="list-style-type: none"> a. noise; b. visual effects; c. colour; d. vibration. 	C
30.4.1.3	<p>Renewable Electricity Generation Activities, limited to masts, drilling and water monitoring for the purpose of research and exploratory-scale investigations that are temporary.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> 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	<p>Small and Community-Scale Distributed Electricity Generation and Solar Water Heating including any structures and associated buildings, which is either:</p> <ul style="list-style-type: none"> a. Wind Electricity Generation other than that provided for in Rule 30.4.1.2. <p>OR</p> <ul style="list-style-type: none"> b. Located in any of the following sensitive environments: <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. 	D
30.4.1.5	Renewable Electricity Generation Activities , other than Small and Community-Scale Distributed Electricity Generation, and including any new or additional building housing plant and electrical equipment.	D

30.4.2	Renewable Energy Standards	Activity Status
30.4.2.1	<p>Small and Community-Scale Distributed Electricity Generation and Solar Water Heating must:</p> <p>30.4.2.1.1 Not overhang the edge of any building.</p> <p>30.4.2.1.2 Be finished in recessive colours: black, dark blue, grey or brown if Solar Electricity Generation cells, modules or panels.</p> <p>30.4.2.1.3 Be finished in similar recessive colours to those in the above standard if frames, mounting or fixing hardware. Recessive colours must be selected to be the closest colour to the building to which they form part of, are attached to, or service.</p> <p>30.4.2.1.4 Be set back in accordance with the internal and road boundary setbacks for buildings in the zone in which they are located. Any exemptions identified in the zone rules for accessory buildings do not apply.</p> <p>30.4.2.1.5 Not intrude through any recession planes applicable in the zone in which they are located.</p> <p>30.4.2.1.6 Not protrude more than a maximum of 0.5 m above the maximum height limit specified for the zone if solar panels on a sloping roof.</p> <p>30.4.2.1.7 Not protrude a maximum of 1.0 m above the maximum height limit specified for the zone, for a maximum area of 5m² if solar panels on a flat roof.</p> <p>30.4.2.1.8 Not exceed 150m² in area if free standing Solar Electricity Generation and Solar Water Heating.</p> <p>30.4.2.1.9 Not exceed 2.0 metres in height if free standing Solar Electricity Generation and Solar Water Heating.</p> <p>30.4.2.1.10 Be located within an approved building platform where located in the Rural, Gibbston Character or Rural Lifestyle Zone.</p>	D
30.4.2.2	<p>Mini and Micro Hydro Electricity Generation must:</p> <p>30.4.2.2.1 Comply with Road and Internal Boundary Building Setbacks in the zone in which they are located.</p> <p>30.4.2.2.2 Not exceed 2.5 metres in height.</p> <p>30.4.2.2.3 Be finished in recessive colours consistent with the building it is servicing on site.</p> <p>Note: Reference should also be made to the Otago Regional Council Regional Plan: Water.</p>	D

30.4.2	Renewable Energy Standards	Activity Status
<p>30.4.2.3</p>	<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: In the Rural and Gibbston Character Zones the maximum height shall be that specified for non-residential building ancillary to viticulture or farming activities (10m). The maximum height for a wind turbine shall be measured to the tip of blade when in vertical position. Wind turbines must comply with Chapter 36 (Noise).</p>	D
<p>30.4.2.4</p>	<p>Biomass Electricity Generation</p> <p>30.4.2.4.1 Biomass Electricity Generation fuel material shall be sourced on the same site as the generation plant, except where the generation plant is located in Industrial Zones (and Industrial Activities Areas within Structure Plans).</p> <p>30.4.2.4.2 Any outdoor storage of Biomass Electricity Generation fuel material shall be screened from adjoining sites and public places.</p> <p>30.4.2.4.3 Biomass Electricity Generation plant and equipment shall be located inside a Building.</p> <p>Note: Reference should also be made to the Otago Regional Council Regional Plan: Air</p>	D
<p>30.4.2.5</p>	<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> <ul style="list-style-type: none"> a. the generation only supplies activities on the site on which it is located and involves either: <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> <ul style="list-style-type: none"> b. generators that supply the local distributed electricity network for a period not exceeding 3 months in any calendar year. <p>Note: Diesel Generators must comply with the provisions of Chapter 36 (Noise).</p>	P
30.4.3.2	Non-Renewable Energy Activities which are not otherwise specified.	NC

30.5 Utility Rules

30.5.1	General Utility Activities	Non-compliance Status
30.5.1.1	<p>Buildings associated with a Utility</p> <p>Any building or cabinet or structure of 10m² or less in total footprint or 3m or less in height which is not located in the areas listed in Rule 30.5.1.4.</p> <p>This rule does not apply to:</p> <ul style="list-style-type: none"> a. masts for navigation or meteorology b. poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication c. lines and support structures. 	P
30.5.1.2	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	General Utility Activities	Non-compliance Status
30.5.1.3	<p>Buildings (associated with a Utility)</p> <p>The addition, alteration or construction of buildings greater than 10m² in total footprint or 3m in height other than buildings located in the areas listed in Rule 30.5.1.4.</p> <p>This rule does not apply to:</p> <ol style="list-style-type: none"> masts or poles for navigation or meteorology; poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation) for telecommunication and radio communication; line and support structures. <p>Control is reserved to:</p> <ol style="list-style-type: none"> location; external appearance and visual effects; associated earthworks; parking and access; landscaping. 	C
30.5.1.4	<p>Buildings (associated with a Utility)</p> <p>Any addition, alteration or construction of buildings in:</p> <ol style="list-style-type: none"> any Significant Natural Areas; the Arrowtown Residential Historic Management Zone. <p>This rule does not apply to:</p> <ol style="list-style-type: none"> masts or poles for navigation or meteorology; poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication; lines and support structures. 	D
30.5.1.5	Flood Protection Works not otherwise provided for in Rule 30.4.5.1.2	D
30.5.1.6	Waste Management Facilities	D
30.5.1.7	Water and Wastewater Treatment Facilities	D
30.5.1.8	<p>Utilities and Buildings (associated with a Utility) which are not:</p> <p>30.5.8.1 provided for in any National Environmental Standard;</p> <p>OR</p> <p>30.5.8.2 otherwise listed in Rules 30.5.1.1 to 30.5.1.7, 30.5.3.1 to 30.5.3.5, 30.5.5.1 to 30.5.5.8, or 30.5.6.1 to 30.5.6.13.</p>	D

30.5.2	General Utilities - Standards	Non-compliance Status
30.5.2.1	<p>Setback from internal boundaries and road boundaries</p> <p>Where the utility is a building, it must be set back in accordance with the internal and road boundary setbacks for accessory buildings in the zone in which it is located.</p> <p>This rule does not apply to:</p> <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
30.5.3.2	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 on-going operation, maintenance upgrading and development of the substation; b. the risk of electrical hazards affecting public or individual safety, and the risk of property damage; and c. measures proposed to avoid or mitigate potential adverse effects.	C
30.5.3.5	Erecting any lines, lattice towers or support structures for new overhead lines to convey electricity (at a voltage of more than 110kV with a capacity over 100MVA) in all zones.	D

30.5.4	National Grid Standards	Non-compliance Status
<p>30.5.4.1</p>	<p>Buildings and Structures permitted within the National Grid Yard</p> <p>30.5.4.1.1 A non-conductive fence located 5m or more from any National Grid Support Structure and no more than 2.5m in height.</p> <p>30.5.4.1.2 Network utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid, excluding a building or structure for the reticulation and storage of water for irrigation purposes.</p> <p>30.5.4.1.3 Any new non-habitable building less than 2.5m high and 10m² in floor area and is more than 12m from a National Grid Support Structure.</p> <p>30.5.4.1.4 Any non-habitable building or structure used for agricultural activities provided that they are:</p> <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>	<p>NC</p>
<p>30.5.4.2</p>	<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>	<p>NC</p>

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 100MVA).</p> <p>Control is reserved to:</p> <ol 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
30.5.6.3	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> <ol style="list-style-type: none"> location; route; 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> <ol style="list-style-type: none"> 18m in the High Density Residential (Queenstown – Flat Sites), Queenstown Town Centre, Wanaka Town Centre (Wanaka Height Precinct) or Airport Zones; 25m in the Rural Zone; 15m in the Business Mixed Use Zone (Queenstown); 13m in the Local Shopping Centre, Business Mixed Use (Wanaka) or Jacks Point zones; 11m in any other zone; and 8m in any identified Outstanding Natural Landscape. <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	Telecommunications, radio communication, navigation or meteorological communication activities	Activity Status
<p>30.5.6.7</p>	<p>Poles Exceeding the maximum height for the zones identified in Rule 30.5.6.6 OR any pole located in</p> <ol style="list-style-type: none"> any identified Outstanding Natural Feature; the Arrowtown Residential Historic Management Zone; Arrowtown Town Centre; Queenstown Special Character Area; Significant Natural Area; Sites containing a Heritage Feature; and Heritage Overlay Areas. 	D
<p>30.5.6.8</p>	<p>Antennas and ancillary equipment Provided that for panel antennas the maximum width is 0.7m, and for all other antenna types the maximum surface area is no greater than 1.5m² and for whip antennas, less than 4m in length. Where located in the Rural Zone within the Outstanding Natural Landscape or Rural Landscape Classification, antennae must be finished in colours with a light reflectance value of less than 16%.</p>	P
<p>30.5.6.9</p>	<p>Antennas and ancillary equipment Subject to Rule 30.5.6.10 provided that for panel antennas the maximum width is between 0.7m and 1.0m, and for all other antenna types the surface area is between 1.5m² and 4m² and for whip antennas, more than 4m in length. Control is reserved to all of the following:</p> <ol style="list-style-type: none"> location; appearance, colour and visual effects 	C
<p>30.5.6.10</p>	<p>Any antennas located in the following:</p> <ol style="list-style-type: none"> any identified Outstanding Natural Feature; the Arrowtown Residential Historic Management Zone ; Arrowtown Town Centre; Queenstown Special Character Area; Significant Natural Areas; and Heritage, Features and Heritage Overlay Areas. 	D
<p>30.5.6.11</p>	<p>Small Cell Units Provided that the small cell unit is not located within a Heritage Precinct.</p>	P

30.5.6	Telecommunications, radio communication, navigation or meteorological communication activities	Activity Status
30.5.6.12	<p>Microcells</p> <p>A microcell and associated antennas, with a volume of between 0.1 1m³ and 2.5m³ provided that the microcell is not located within a Heritage Precinct.</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> appearance; colour; and visual effects. 	C
30.5.6.13	<p>Small Cell Units and Microcells</p> <p>30.5.6.13.1 A microcell and associated antennas, with a volume more than 2.5m³.</p> <p>OR</p> <p>30.5.6.13.2 A small cell unit located within a Heritage Precinct.</p>	D

30.6

Rules - Non-Notification of Applications

30.6.1 Any application for resource consent for the following matters does not require the written approval of other persons and will not be notified or limited-notified:

30.6.1.1 Controlled activities except for applications when within 45m of the designated boundary of Transpower New Zealand Limited's Frankton Substation.

30.6.1.2 Discretionary activities for Flood Protection Works.

Appendix 2: Chapter 35 as Recommended

35 TEMPORARY ACTIVITIES & RELOCATED BUILDINGS

35.1 Purpose

The purpose of the Temporary Activity provisions is to enable temporary events, filming, construction activities, military training, temporary utilities and temporary storage to be undertaken, subject to controls intended to minimise adverse effects. The provisions recognise that temporary activities, events and filming are important to the economic, social, and cultural vitality of the District, and are therefore encouraged.

The Relocated Building provisions primarily seek to ensure that the reinstatement of such buildings is compatible with the surrounding environment and amenity. The requirements of this chapter enable matters to be considered in addition to any specific controls for buildings and structures in the Zone Chapters and other relevant District Wide Chapters.

35.2 Objectives and Policies

35.2.1 Objective – Temporary Events and Filming are encouraged and are undertaken in a manner that ensures the activity is managed to minimise adverse effects.

Policies

- 35.2.1.1** Recognise and encourage the contribution that temporary events and filming make to the social, economic and cultural wellbeing of the District's people and communities.
- 35.2.1.2** Permit small and medium-scale events during daytime hours, subject to controls on event duration, frequency and hours of operation.
- 35.2.1.3** Recognise that purpose-built event facilities are designed to cater for temporary activities.
- 35.2.1.4** Recognise that for public spaces, temporary events are anticipated as part of the civic life of the District.
- 35.2.1.5** Require adequate infrastructure, waste minimisation, traffic management, emergency management, security, and sanitation facilities to be available to cater for anticipated attendants at large-scale temporary events and filming.
- 35.2.1.6** Ensure temporary activities do not place an undue restriction on public access.
- 35.2.1.7** Recognise that noise is an anticipated component of temporary events and filming, while protecting residential amenity from undue noise during night-time hours.
- 35.2.1.8** Enable the operation of informal airports in association with temporary community events and filming, subject to minimising adverse effects on adjacent properties.
- 35.2.1.9** Require all structures associated with temporary events and filming to be removed at the completion of the activity, and any damage in public spaces to be remediated.

35.2.2 Objective – Temporary activities necessary to complete building and construction work are provided for.

Policies

- 35.2.2.1** Ensure temporary activities related to building and construction work are carried out with minimal disturbance to adjoining properties and on visual amenity values.
- 35.2.2.2** Provide for small-scale retail activity to serve the needs of building and construction workers.
- 35.2.2.3** Require temporary activities related to building and construction to be removed from the site following the completion of construction, and any damage in public spaces to be remediated.

35.2.3 Objective – Temporary Military Training Activities are provided for.

Policy

- 35.2.3.1** Enable temporary military training to be undertaken within the District.

35.2.4 Objective – Temporary Utilities needed for other temporary activities or for emergencies are provided for.

Policy

- 35.2.4.1** Enable short-term use of temporary utilities needed for other temporary activities or for emergency purposes.

35.2.5 Objective – Temporary Storage is provided for.

Policies

- 35.2.5.1** Permit temporary storage related to farming activity.
- 35.2.5.2** Ensure temporary storage not required for farming purposes is of short duration and size to protect the visual amenity values of the area in which it is located.

35.2.6 Objective – Relocated buildings maintain amenity and minimise the adverse effects of relocation and reinstatement works.

- 35.2.6.1** Provide for relocated buildings where adverse effects associated with the relocation and reinstatement are managed to provide a quality external appearance, and are compatible with the amenity of the surrounding area.

35.3 Other Provisions and Rules

35.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1	Introduction	2	Definitions	3	Strategic Direction
4	Urban Development	5	Tangata Whenua	6	Landscapes and Rural Character
25	<i>Earthworks</i>	26	Historic Heritage	27	Subdivision
28	Natural Hazards	29	<i>Transport</i>	30	Energy and Utilities
31	Signs	32	Protected Trees	33	Indigenous Vegetation
34	Wilding Exotic Trees	36	Noise	37	Designations
	Planning Maps				

35.3.2 Interpreting and Applying the Rules

- 35.3.2.1** A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules.
- 35.3.2.2** Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the Non-Compliance Status column applies. Where an activity breaches more than one Standard, the most restrictive status applies to the Activity.
- 35.3.2.3** The Rules of this Chapter relating to Temporary Activities take precedence over any other provision of the District Plan, with the exception of:
 - a. 26 Historic Heritage;
 - b. 31 Signs.
- 35.3.2.4** Notwithstanding 35.3.2.3, the Rules of this Chapter relating to Temporary Activities specify when the rules in Chapter 36 (Noise) do not apply.
- 35.3.2.5** For a Relocated Building, the provisions in this Chapter apply in addition to any relevant provision of any other Chapter.

Advice Notes

Relocated Buildings: Newly pre-fabricated buildings (delivered to a site for erection on that site) are excluded from the definition of Relocated Building, and are not subject to the rules of this chapter.

Temporary Events: The following activities associated with Temporary Events are not regulated by the District Plan:

- a. Food and Beverage;
- b. Sale of Alcohol.

Obstacle limitation surfaces at Queenstown or Wanaka Airport:

Any person wishing to undertake an activity that will penetrate the designated Airport Approach and Land Use Controls obstacle limitation surfaces at Queenstown or Wanaka Airport must first obtain the written approval of the relevant requiring authority, in accordance with section 176 of the Resource Management Act 1991.

35.3.2.5 The following abbreviations are used within this Chapter.

P	Permitted	C	Controlled	RD	Restricted	Discretionary
D	Discretionary	NC	Non-Complying	PR	Prohibited	

35.4 Rules - Activities

Temporary Activities and Relocated Buildings		Activity Status
35.4.1	Temporary Events held on public conservation land, including the use of the land as an informal airport, which holds a valid concession for the temporary event. For the purpose of this rule the relevant noise standards of the Zone do not apply.	P
35.4.2	Temporary Events held within a permanent, purpose-built, hotel complex, conference centre, or civic building.	P
35.4.3	Temporary Events held on Council-owned public recreation land, provided that: a. Noise Events do not occur during hours in which the night-time noise limits of the relevant Zone(s) are in effect, except for New Year's Eve. For the purpose of this rule the relevant noise standards of the Zone do not apply.	P
35.4.4	Any other Temporary Events , provided that: a. the number of persons (including staff) participating does not exceed 500 persons at any one time; b. the duration of the temporary event does not exceed 3 consecutive calendar days (excluding set up and pack down); c. the event does not operate outside of the hours of 0800 to 2000. Set up and pack down outside of these hours is permitted; d. no site shall be used for any temporary event more than 7 times in any calendar year; e. all structures and equipment are removed from the site within 3 working days of the completion of the event ; f. for the purpose of this rule the relevant noise standards of the Zone do not apply.	P

Temporary Activities and Relocated Buildings		Activity Status
35.4.5	<p>Temporary Events</p> <p>Informal airports for rotary wing aircraft flights in association with the use of a site for temporary events that are open to the general public provided that:</p> <ol style="list-style-type: none"> the informal airport is only used during the hours of 0800 – 2000; no site shall be used for an informal airport for more than 7 days in any calendar year; no site shall be used for an informal airport more than one day in any calendar month; the aircraft operator has notified the Council's Planning Department concerning the use of the informal airport. <p>For the purpose of this Rule the relevant noise standards of the Zone do not apply.</p>	P
35.4.6	<p>Temporary Filming</p> <p>Held on public conservation land, including the use of the land as an informal airport, which holds a valid concession for the temporary filming activity.</p>	P
35.4.7	<p>Temporary Filming, including the use of the land as an informal airport as part of that filming activity, provided that:</p> <ol style="list-style-type: none"> the number of persons participating in the temporary filming does not exceed 200 persons at any one time within the Rural Zone, 100 persons in the Rural Lifestyle and Rural Residential Zones, and 50 persons in any other zone; within the Rural Zone, any temporary filming activity on a site, or in a location within a site, is limited to a total of 30 days, in any calendar year; in any other Zone, any temporary filming activity is limited to a total of 30 days (in any calendar year) with the maximum duration of film shooting not exceeding a total of 7 days in any calendar year; all building and structures are removed from the site upon completion of filming, and any damage incurred in public places is remediated; the use of land as an informal airport as part of filming activity is restricted to the Rural Zone. <p>For the purpose of this Rule:</p> <p>The relevant noise standards of the Zone do not apply to temporary filming and the associated use of the site as an informal airport. However Council will use its power under the Resource Management Act 1991 to control unreasonable and excessive noise.</p>	P
35.4.8	<p>Temporary Construction-Related Activities</p> <p>Any temporary building (including a Relocated Building), scaffolding, crane, safety fences, and other similar structures and activities that are:</p> <ol style="list-style-type: none"> ancillary to a building or construction project and located on the same site; are limited to the duration of an active construction project; are removed from the site upon completion of the active construction project. 	P
35.4.9	<p>Temporary Construction-Related Activities</p> <p>Any temporary food/beverage retail activity, for the direct purpose of serving workers of an active building or construction project.</p>	P
35.4.10	<p>Temporary Military Training</p> <p>Temporary Buildings and Temporary Activities related to temporary military training carried out pursuant to the Defence Act 1990, provided any such activity or building does not remain on the site for longer than the duration of the project.</p>	P

Temporary Activities and Relocated Buildings		Activity Status
35.4.4.11	<p>Temporary Utilities Any temporary utilities that:</p> <ul style="list-style-type: none"> a. are required to provide an emergency service; or b. are related to, and required in respect of, a permitted temporary activity specified in this chapter of the District Plan. 	P
35.4.4.12	<p>Temporary Storage Any temporary storage or stacking of goods or materials, other than for farming purposes, that does not remain on the site for longer than 3 months and does not exceed 50m² in gross floor area. Note: Any temporary storage which fails to meet this permitted activity rule is subject to the rules of the relevant Zone.</p>	P
35.4.4.13	<p>Relocated Building Control is reserved to:</p> <ul style="list-style-type: none"> a. the reinstatement works required to the exterior of the building and the timeframe to execute such works; b. the timeframe for placing the building on permanent foundations and the closing in of those foundations; c. the nature of other works necessary to the relocated building to ensure the building is compatible with the amenity values of the area. <p>This rule does not apply to buildings for Temporary Construction-Related Activities, as addressed in Rules below.</p>	C
35.4.4.14	Any temporary activity or relocated building not otherwise listed as a permitted or controlled activity in this table.	D

35.5 Rules - Standards

Standards for Activities		Non-compliance Status																																																						
35.5.1	<p>Glare All fixed exterior lighting must be directed away from adjacent sites and roads.</p>	<p>RD Discretion is restricted to: a. the effect of lighting on the amenity of adjoining properties.</p>																																																						
35.5.2	<p>Waste Management All temporary events with more than 500 participants at any one time, and temporary filming with more than 200 participants, must undertake the event in accordance with the Council's Zero Waste Events Guide, including the submission of a completed 'Zero Waste Event Form'.</p>	<p>RD Discretion is restricted to: a. the ability to minimise and manage waste from the event.</p>																																																						
35.5.3	<p>Sanitation All temporary events with an anticipated attendance of up to 500 must provide a minimum number of toilet facilities in accordance with the below table, or have ready access to the same number of publicly-accessible toilets within a 150m walk from the event.</p> <table border="1" data-bbox="794 712 1042 1738"> <thead> <tr> <th>People Attending</th> <th colspan="8">Duration of Event (hours)</th> </tr> <tr> <th></th> <th>1-2</th> <th>3</th> <th>4</th> <th>5</th> <th>6</th> <th>7</th> <th>8+</th> <th></th> </tr> </thead> <tbody> <tr> <td>1-50</td> <td>1</td> <td>1</td> <td>1</td> <td>2</td> <td>2</td> <td>2</td> <td>2</td> <td>2</td> </tr> <tr> <td>51-100</td> <td>2</td> <td>2</td> <td>2</td> <td>2</td> <td>3</td> <td>3</td> <td>3</td> <td>3</td> </tr> <tr> <td>101-250</td> <td>3</td> <td>3</td> <td>3</td> <td>3</td> <td>4</td> <td>4</td> <td>4</td> <td>6</td> </tr> <tr> <td>251-500</td> <td>4</td> <td>4</td> <td>4</td> <td>6</td> <td>6</td> <td>6</td> <td>6</td> <td>8</td> </tr> </tbody> </table> <p>Advice Note Weather conditions, the amount of food and beverages consumed, and the availability of alcohol can increase toilet usage by 30% - 40%.</p>	People Attending	Duration of Event (hours)									1-2	3	4	5	6	7	8+		1-50	1	1	1	2	2	2	2	2	51-100	2	2	2	2	3	3	3	3	101-250	3	3	3	3	4	4	4	6	251-500	4	4	4	6	6	6	6	8	<p>RD Discretion is restricted to: a. the ability to provide adequate sanitation facilities for the event.</p>
People Attending	Duration of Event (hours)																																																							
	1-2	3	4	5	6	7	8+																																																	
1-50	1	1	1	2	2	2	2	2																																																
51-100	2	2	2	2	3	3	3	3																																																
101-250	3	3	3	3	4	4	4	6																																																
251-500	4	4	4	6	6	6	6	8																																																

35.6

Rules - Non-Notification of Applications

35.6.1 Any application for resource consent for the following matters do not require the written approval of other persons and not be notified or limited-notified:

35.6.1.1 Temporary filming.

Appendix 3: Chapter 36 as Recommended



36 NOISE

36.1 Purpose

The purpose of this chapter is to manage the effects of noise in the District. Noise is part of the environment. While almost all activities give rise to some degree of noise, noise can cause adverse effects on amenity values and the health and wellbeing of people and communities. Adverse effects may arise where the location, character, frequency, duration, or timing of noise is inconsistent or incompatible with anticipated or reasonable noise levels.

The Resource Management Act 1991 (RMA) requires every occupier of land and every person carrying out an activity to adopt the best practicable option to ensure noise does not exceed a reasonable level. The RMA also defines noise to include vibration. "Reasonable" noise levels are determined by the standard of amenity and ambient noise level of the receiving environment and the Council provides direction on this through the prescription of noise limits for each Zone. Noise is also managed by the Council through the use of relevant New Zealand Standards for noise. Land use and development activities, including activities on the surface of lakes and rivers, should be managed in a manner that avoids, remedies or mitigates the adverse effects of noise to a reasonable level.

In most situations, activities should consider the control of noise at the source and the mitigation of adverse effects of noise on the receiving environment. However, the onus on the reduction of effects of noise should not always fall on the noise generating activity. In some cases it may be appropriate for the noise receiver to avoid or mitigate the effects from an existing noise generating activity, particularly where the noise receiver is a noise sensitive activity.

Overflying aircraft have the potential to adversely affect amenity values. The Council controls noise emissions from airports, including take-offs and landings, via provisions in this District Plan, and Designation conditions. However, this is different from controlling noise from aircraft that are in flight. The RMA which empowers territorial authorities to regulate activities on land and water affecting amenity values, does not enable the authorities to control noise from overflying aircraft. Noise from overflying aircraft is controlled under section 29B of the Civil Aviation Act 1990.

With the exception of ventilation requirements for the Queenstown and Wanaka town centres contained in Rule 36.7, and noise from water and motor-related noise from commercial motorised craft within the Queenstown Town Centre Waterfront Sub-Zone (which is subject to Rule 36.5.13) noise received within town centres is not addressed in this chapter, but rather in the Queenstown, Wanaka and Arrowtown Town Centre Zone chapters. This is due to the town centre-specific complexities of noise in those zones, and its fundamental nature as an issue that inter-relates with all other issues in those zones. Noise generated in the town centres but received outside of the town centres is managed under this chapter, except that noise from music, voice and loudspeakers in the Wanaka and Queenstown Town Centres (excluding the Queenstown Town Centre Transition Sub-Zone), need not meet the noise limits set by this chapter.

36.2 Objectives and Policies

36.2.1 Objective - The adverse effects of noise emissions are controlled to a reasonable level to manage the potential for conflict arising from adverse noise effects between land use activities.

Policies **36.2.1.1** Avoid, remedy or mitigate adverse effects of unreasonable noise from land use and development.

36.2.1.2 Avoid, remedy or mitigate adverse noise reverse sensitivity effects.

36.3.1 District Wide

Attention is drawn to the following District Wide Chapters.

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes and Rural Character
25 Earthworks	26 Historic Heritage	27 Subdivision
28 Natural Hazards	29 Transport	30 Energy and Utilities
31 Signs	32 Protected Trees	33 Indigenous Vegetation
34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings	37 Designations
Planning Maps		

36.3.2 Interpreting and Applying the Rules

- 36.3.2.1** Any activity that is not Permitted requires resource consent. Any activity that does not specify an activity status for non-compliance but breaches a standard, requires resource consent as a Non-complying activity.
- 36.3.2.2** Sound levels shall be measured and assessed in accordance with NZS **6801:2008** Acoustics - Measurement of Environmental Sound and NZS **6802:2008** Acoustics - Environmental Noise, except where another Standard has been referenced in these rules, in which case that Standard should apply.
- 36.3.2.3** Any activities which are Permitted, Controlled or Restricted Discretionary in any section of the District Plan must comply with the noise standards in Tables 2, 3, 4 and 5 below, where that standard is relevant to that activity.
- 36.3.2.4** In addition to the above, the noise from the activities listed in Table 1 shall be Permitted activities in all zones (unless otherwise stated). For the avoidance of doubt, the activities in Table 1 are exempt from complying with the noise standards set out in Table 2.
- 36.3.2.5** Notwithstanding compliance with Rules 36.5.13 (Helicopters) and 36.5.14 (Fixed Wing Aircraft) in Table 3, informal airports shall also be subject to the rules in the chapters relating to the zones in which the activity is located.
- 36.3.2.6** Sound from non-residential activities, visitor accommodation activities and sound from stationary electrical and mechanical equipment must not exceed the noise limits in Table 2 in each of the zones in which sound from an activity is received. The noise limits in Table 2 do not apply to assessment locations within the same site as the activity.
- 36.3.2.7** The noise limits contained in Table 2 do not apply to sound from aircraft operations at Queenstown Airport or Wanaka Airport.

36.3.2.8 Noise standards for noise received in the Queenstown, Wanaka and Arrowtown Town Centre, Local Shopping and Business Mixed Use zones are not included in this chapter. Please refer to Chapters 12, 13, 14, 15 and 16. The noise standards in this chapter still apply for noise generated within these zones but received in other zones, except that noise from music, voices, and loud speakers in the Wanaka and Queenstown Town Centres (excluding the Queenstown Town Centre Transition Sub-Zone) need not meet the noise limits set by this chapter.

36.3.2.9 The standards in Table 3 are specific to the activities listed in each row and are exempt from complying with the noise standards set out in Table 2.

32.3.2.10 The following abbreviations are used in the tables:

P	Permitted	C	Controlled	RD	Restricted Discretionary
D	Discretionary	NC	Non-Complying	PR	Prohibited

36.4 Rules - Activities

Table 1 - Permitted Activities

Rule Number	Permitted Activities	Activity Status
36.4.1	Sound from vehicles on public roads or trains on railway lines (including at railway yards, railway sidings or stations).	P
36.4.2	Any warning device that is activated in the event of intrusion, danger, an emergency or for safety purposes, provided that vehicle reversing alarms are a broadband directional type.	P
36.4.3	Sound arising from fire stations (including rural fire stations), fire service appliance sirens and call-out sirens for volunteer brigades.	P
36.4.4	Sound from temporary military training activities.	P
36.4.5	In the Rural Zone and the Gibbston Character Zone, sound from farming and forestry activities, and bird scaring devices, other than sound from stationary motors and stationary equipment.	P
36.4.6	Sound from telecommunications cabinets in road reserve.	P
36.4.7	Sound from emergency and backup electrical generators: <ul style="list-style-type: none"> a. operating for emergency purposes or; b. operating for testing and maintenance for less than 60 minutes each month during a weekday between 0900 and 1700. For the purpose of this rule backup generators are generators only used when there are unscheduled outages of the network (other than routine testing or maintenance provided for in (b) above).	P

Table 2 - General Standards

Rule Number	General Standards			Non-compliance Status	
	Activity or sound source	Assessment location	Time		Noise Limits
36.5.1	Rural Zone (Note: refer 36.5.14 for noise received in the Rural Zone from the Airport Zone - Queenstown). Gibbston Character Zone Airport Zone - Wanaka	Any point within the notional boundary of a residential unit.	0800h to 2000h	50 dB L _{Aeq} (15 min)	NC
			2000h to 0800h	40 dB L _{Aeq} (15 min) 75 dB L _{AFmax}	NC
36.5.2	Low, Medium, and High Density and Large Lot Residential Zones (Note: refer 36.5.14 for noise received in the Residential Zones from the Airport Zone - Queenstown). Arrowtown Residential Historic Management Zone Rural Residential Zone Rural Lifestyle Zone Waterfall Park Zone Millbrook Resort Zone - Residential Activity Areas only Jacks Point Zone- Residential Activity Areas only	Any point within any site.	0800h to 2000h	50 dB L _{Aeq} (15 min)	NC
			2000h to 0800h	40 dB L _{Aeq} (15 min) 75 dB L _{AFmax}	NC
36.5.3	Airport Zone - Queenstown	At any point within the zone.	Any time	No limit	P
36.5.4	Jacks Point Zone - Village Activity Area only	Any point within any site.	0800h to 2200h	60 dB L _{Aeq} (15 min)	NC
			2200h to 0800h	50 dB L _{Aeq} (15 min) 75 dB L _{AFmax}	NC

Table 3 - Specific Standards

Specific Standards		Assessment location	Time	Noise Limits	Non-compliance Status
Rule Number	Activity or sound source				
36.5.5	<p>Certain Telecommunications Activities in Road Reserve</p> <p>The Resource Management (National Environmental Standards for Telecommunications Facilities “NESTF”) Regulations 2008 provide for noise from telecommunications equipment cabinets located in the road reserve as a permitted activity, subject to the specified noise limits.</p> <p>The noise from the cabinet must be measured in accordance with NZS 6801: 2008 Acoustics – Measurement of environmental sound, the measurement must be adjusted in accordance with NZS 6801: 2008 Acoustics – Measurement of environmental sound to a free field incident sound level, and the adjusted measurement must be assessed in accordance with NZS 6802: 2008 Acoustics – Environmental noise.</p>	<p>36.5.5.1 Where a cabinet located in a road reserve in an area in which allows residential activities, the noise from the cabinet must be measured and assessed at 1 of the following points:</p> <ul style="list-style-type: none"> a. if the side of a building containing a habitable room is within 4 m of the closest boundary of the road reserve, the noise must be measured: <ul style="list-style-type: none"> i. at a point 1 m from the side of the building; or ii. at a point in the plane of the side of the building; b. in any other case, the noise must be measured at a point that is: <ul style="list-style-type: none"> i. at least 3 m from the cabinet; and ii. within the legal boundary of land next to the part of the road reserve where the cabinet is located. <p>36.5.5.2 Where a cabinet is located in a road reserve in an area in which does not allow residential activities, the noise from the cabinet must be measured and assessed at 1 of the following points:</p> <ul style="list-style-type: none"> a. if the side of a building containing a habitable room is within 4 m of the closest boundary of the road reserve, the noise must be measured: <ul style="list-style-type: none"> i. at a point 1 m from the side of the building; or ii. at a point in the plane of the side of the building; b. in any other case, the noise must be measured at a point that is: <ul style="list-style-type: none"> i. at least 3 m from the cabinet; and ii. within the legal boundary of land next to the part of the road reserve where the cabinet is located. 	0700h to 2200h	50 dB $L_{Aeq(5\ min)}$	Refer NESTF
			2200h to 0700h	40 dB $L_{Aeq(5\ min)}$	
			2200h to 0700h	65 dB L_{AFmax}	
			Any time	60 dB $L_{Aeq(5\ min)}$	
			2200h to 0700h	65 dB L_{AFmax}	

Rule Number	Specific Standards			Non-compliance Status	
	Activity or sound source	Assessment location	Noise Limits		
36.5.6	<p>Wind Turbines</p> <p>Wind farm sound must be measured and assessed in accordance with NZS 6808:2010 Acoustics - Wind Farm Noise</p>	At any point within the notional boundary of any residential unit.	Any time	40 dB L _{A90(10 min)} or the background sound level L _{A90(1.0 min)} plus 5 dB, whichever is higher	NC
36.5.7	<p>Audible Bird Scaring Devices</p> <p>The operation of audible devices (including gas guns, audible avian distress alarms and firearms for the purpose of bird scaring, and excluding noise arising from fire stations).</p> <p>In relation to gas guns, audible avian distress alarms and firearms no more than 15 audible events shall occur per device in any 60 minute period.</p> <p>Each audible event shall not exceed three sound emissions from any single device within a 1 minute period and no such events are permitted during the period between sunset and sunrise the following day.</p> <p>The number of devices shall not exceed one device per 4 hectares of land in any single land holding, except that in the case of a single land holding less than 4 hectares in area, one device shall be permitted.</p>	<p>36.5.7.1 At any point within a Residential Zone or the notional boundary of any residential unit, other than on the property in which the device is located.</p> <p>36.5.7.2 In any public place.</p>	<p>Hours of daylight but not earlier than 0600h</p> <p>At any time</p>	<p>65 dB L_{AE} shall apply to any one event</p> <p>90 dB L_{AE} is received from any one noise event</p>	NC
36.5.8	<p>Frost fans</p> <p>Sound from frost fans.</p>	At any point within the notional boundary of any residential unit, other than residential units on the same site as the activity.	At any time	55 dB L _{Aaeg} (1.5 min)	NC

Rule Number	Specific Standards			Assessment location	Time	Noise Limits	Non-compliance Status
	Activity or sound source						
36.5.9	<p>Vibration</p> <p>Vibration from any activity shall not exceed the guideline values given in DIN 4150-3:1999 Effects of vibration on structures at any buildings on any other site.</p>	<p>On any structures or buildings on any other site.</p>		<p>Refer to relevant standard</p>	<p>Refer to relevant standard</p>	<p>NC</p>	
36.5.10	<p>Helicopters</p> <p>Sound from any helicopter landing area must be measured and assessed in accordance with NZ 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.</p> <p>Sound from helicopter landing areas must comply with the limits of acceptability set out in Table 1 of NZS 6807.</p> <p>In assessing noise from helicopters using NZS 6807: 1994 any individual helicopter flight movement, including continuous idling occurring between an arrival and departure, shall be measured and assessed so that the sound energy that is actually received from that movement is conveyed in the Sound Exposure Level (SEL) for the movement when calculated in accordance with NZS 6801: 2008.</p> <p>For the avoidance of doubt this rule does not apply to Queenstown Airport and Wanaka Airport.</p> <p>Advice Note: See additional rules in Rural Zone Chapter at 21.10.1 and 21.10.2.</p>	<p>At any point within the notional boundary of any residential unit, other than residential units on the same site as the activity.</p> <p><i>*Note: The applicable noise limit in this rule and in rule 36.5.11 below for informal airports/landing strips used by a combination of both fixed wing and helicopters shall be determined by an appropriately qualified acoustic engineer on the basis of the dominant aircraft type to be used.</i></p>		<p>At all times</p>	<p>50 dB L_{dn}</p>	<p>NC</p>	
36.5.11	<p>Fixed Wing Aircraft</p> <p>Sound from airports/landing strips for fixed wing aircraft must be measured and assessed in accordance with NZS 6805:1992 Airport Noise Management and Land Use Planning.</p> <p>For the avoidance of doubt this rule does not apply to Queenstown and Wanaka Airports.</p> <p>Advice Note: See additional rules in Rural Zone Chapter at 21.10.1 and 21.10.2.</p>	<p>At any point within the notional boundary of any residential unit and at any point within a residential site other than residential units on the same site as the activity.</p> <p><i>*Note: The applicable noise limit in this rule and in rule 36.5.10 above for informal airports/landing strips used by a combination of both fixed wing and helicopters shall be determined by an appropriately qualified acoustic engineer on the basis of the dominant aircraft type to be used.</i></p>		<p>At all times</p>	<p>55 dB L_{dn}</p>	<p>NC</p>	

Rule Number	Specific Standards				Non-compliance Status
	Activity or sound source	Assessment location	Time	Noise Limits	
36.5.12	<p>Construction Noise</p> <p>Construction sound must be measured and assessed in accordance with NZS 6803:1999 Acoustics - Construction Noise. Construction sound must comply with the recommended upper limits in Tables 2 and 3 of NZS 6803. Construction sound must be managed in accordance with NZS 6803.</p>	At any point within any other site.	Refer to relevant standard	Refer to relevant standard	D
36.5.13	<p>Commercial Motorised Craft</p> <p>Sound from motorised craft must be measured and assessed in accordance with ISO 2922:2000 and ISO 14509-1:2008.</p>	25 metres from the craft.	0800 to 2000h 2000h to 0800h	77 dB $L_{A,5max}$ 67 dB $L_{A,5max}$	NC
36.5.14	<p>Sound from the Airport Zone - Queenstown received in the Residential Zones, and the Rural Zone, excluding sound from aircraft operations that are subject to the Queenstown Airport Designation No.2.</p>	At any point within the Residential Zone and at any point within the notional boundary in the Rural Zone.	0700h to 2200h 2200h to 0700h	55 dB $A_{eq}(15 \text{ min})$ 45 dB $A_{eq}(15 \text{ min})$ 70 dB A_{Fmax}	RD Discretion is restricted to the extent of effects of noise generated on adjoining zones.

36.6 Airport Noise

36.6.1 Sound Insulation Requirements for the Queenstown and Wanaka Airport - Acceptable Construction Materials (Table 4).

The following table sets out the construction materials required to achieve appropriate sound insulation within the airport Air Noise Boundary (ANB) as shown on the planning maps.

Table 4

Building Element	Minimum Construction	
External Walls	Exterior Lining	Brick or concrete block or concrete, or 20mm timber or 6mm fibre cement
	Insulation	Not required for acoustical purposes
	Frame	One layer of 9mm gypsum or plasterboard (or an equivalent combination of exterior and interior wall mass)
Windows/Glazed Doors	Double-glazing with 4 mm thick panes separated by a cavity at least 12 mm wide	
Pitched Roof	Cladding	0.5mm profiled steel or masonry tiles or 6mm corrugated fibre cement
	Insulation	100mm thermal insulation blanket/batts
	Ceiling	1 layer 9mm gypsum or plaster board
Skillion Roof	Cladding	0.5mm profiled steel or 6mm fibre cement
	Sarking	None Required
	Insulation	100mm thermal insulation blanket/batts
	Ceiling	1 layer 1mm gypsum or plasterboard
	Solid core door (min 24kg/m ²) with weather seals	

Note: The specified construction materials in this table are the minimum required to meet the Indoor Design Sound Level. Alternatives with greater mass or larger thicknesses of insulation will be acceptable. Any additional construction requirements to meet other applicable standards not covered by this rule (eg fire, Building Code etc) would also need to be implemented.

36.6.2 Ventilation Requirements for the Queenstown and Wanaka Airport

The following applies to the ventilation requirements within the airport Outer Control Boundary (OCB) and Air Noise Boundary (ANB).

Critical Listening Environments must have a ventilation and cooling system(s) designed, constructed and maintained to achieve the following:

- a. an outdoor air ventilation system. The ventilation rate must be able to be controlled by the occupant in increments as follows:
 - i. a low air flow setting that provides air at a rate of between 0.35 and 0.5 air changes per hour. The sound of the system on this setting must not exceed 30dB LAeg(30s) when measured 2m away from any grille or diffuser;
 - ii. a high air flow setting that provides at least 5 air changes per hour. The sound of the system on this setting must not exceed 35 dB LAeg(30s) when measured 2m away from any grille or diffuser.

- b. the system must provide, either by outdoor air alone, combined outdoor air and heating/cooling system or by direct room heating / cooling:
 - i. cooling that is controllable by the occupant and can maintain the temperature within the Critical Listening Environment at no greater than 25°C; and
 - ii. heating that is controllable by the occupant and can maintain the temperature within the Critical Listening Environment at no less than 18°C; and
 - iii. the sound of the system when in heating or cooling mode must not exceed 35 dB LAeq(30s) when measured 2m away from any grille or diffuser.
 - c. a relief air path must be provided to ensure the pressure difference between the Critical Listening Environments and outside is never greater than 30Pa;
 - d. if cooling is provided by a heat pump then the requirements of (a)(ii) and (c) do not apply.
- Note: Where there is an existing ventilation, heating and/or cooling system, and/or relief air path within a Critical Listening Environment that meets the criteria stated in the rule, the existing system may be utilised to demonstrate compliance with the rule.

36.7 Ventilation Requirements for other Zones (Table 5)

The following table (Table 5) sets out the ventilation requirements in the Wanaka and Queenstown Town Centre Zones, the Local Shopping Centre Zone and the Business Mixed Use Zone.

Table 5

Room Type	Outdoor Air Ventilation Rate (Air Changes Room Type per Hour, ac/hr)	
	Low Setting	High Setting
Bedrooms	1-2 ac/hr	Min. 5 ac/hr
Other Critical Listening Environments	1-2 ac/hr	Min. 15 ac/hr
Noise from ventilation systems shall not exceed 35 dB LAeq(1 min), on High Setting and 30 dB LAeq(1 min), on Low Setting. Noise levels shall be measured at a distance of 2 m from any diffuser.		
Each system must be able to be individually switched on and off and when on, be controlled across the range of ventilation rates by the occupant with a minimum of 3 stages.		
Each system providing the low setting flow rates is to be provided with a heating system which, at any time required by the occupant, is able to provide the incoming air with an 18 °C heat rise when the airflow is set to the low setting. Each heating system is to have a minimum of 3 equal heating stages.		
If air conditioning is provided to any space then the high setting ventilation requirement for that space is not required.		

Appendix 4: Recommendations on Submissions and Further Submissions

Part A: Submissions

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
19.15	Kain Fround	Accept in part	2.1
19.18	Kain Fround	Accept in part	13.2
20.1	Aaron Cowie	Reject	5.4
21.61	Alison Walsh	Accept in part	12.2
52.1	Graeme Lester	Accept	17.1
72.6	Kelvin Peninsula Community Association	Accept	5.3
80.1	David Jerram	Accept in part	17.10
80.2	David Jerram	Accept in part	17.10
115.6	Florence Micoud	Reject	Part B
115.9	Florence Micoud	Reject	13.2
117.11	Maggie Lawton	Reject	3
126.4	Hunter Leece / Anne Kobienia	Reject	3.4
126.5	Hunter Leece / Anne Kobienia	Accept in part	5.3
126.9	Hunter Leece / Anne Kobienia	Accept in part	5.4
143.2	Richard Bowman	Accept	17.7
159.8	Karen Boulay	Reject	13.2
165.1	Maggie Lawton	Reject	2.1
179.15	Vodafone NZ	Accept	2.1
179.16	Vodafone NZ	Accept in part	3.5
179.17	Vodafone NZ	Accept	3.5
179.18	Vodafone NZ	Accept	3.5
179.19	Vodafone NZ	Accept in part	3.6
179.20	Vodafone NZ	Accept in part	3.6
179.21	Vodafone NZ	Accept	3.6
179.22	Vodafone NZ	Accept in part	3.6
179.23	Vodafone NZ	Accept in part	3.7
179.24	Vodafone NZ	Accept in part	3.7
179.25	Vodafone NZ	Reject	3.7
179.26	Vodafone NZ	Accept	3.7
179.27	Vodafone NZ	Accept	4.2
179.28	Vodafone NZ	Accept in part	5
179.29	Vodafone NZ	Reject	5.24
179.30	Vodafone NZ	Reject	5.25
179.31	Vodafone NZ	Accept	5.26
191.13	Spark Trading NZ Limited	Accept	2.1
191.14	Spark Trading NZ Limited	Accept in part	3.5
191.15	Spark Trading NZ Limited	Accept	3.5
191.16	Spark Trading NZ Limited	Accept	3.5
191.17	Spark Trading NZ Limited	Accept in part	3.6
191.18	Spark Trading NZ Limited	Accept in part	3.6
191.19	Spark Trading NZ Limited	Accept	3.6

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
191.20	Spark Trading NZ Limited	Accept in part	3.6
191.21	Spark Trading NZ Limited	Accept in part	3.7
191.22	Spark Trading NZ Limited	Accept in part	3.7
191.23	Spark Trading NZ Limited	Reject	3.7
191.24	Spark Trading NZ Limited	Accept	3.7
191.25	Spark Trading NZ Limited	Accept	4.2
191.26	Spark Trading NZ Limited	Accept in part	5
191.27	Spark Trading NZ Limited	Reject	5.24
191.28	Spark Trading NZ Limited	Reject	5.25
191.29	Spark Trading NZ Limited	Accept	5.26
197.28	Jeffrey Hylton	Accept in part	14
230.6	Loris King	Reject	2.3
238.11	NZIA Southern and Architecture + Women Southern	Reject	2.3
238.117	NZIA Southern and Architecture + Women Southern	Accept	2.3
238.118	NZIA Southern and Architecture + Women Southern	Reject	2.3
238.119	NZIA Southern and Architecture + Women Southern	Reject	3.8
243.20	Christine Byrch	Reject	17.7
243.45	Christine Byrch	Accept in part	12.3
243.46	Christine Byrch	Reject	12.4
251.11	PowerNet Limited	Reject	2.3
251.12	PowerNet Limited	Reject	3.5
251.13	PowerNet Limited	Accept in part	3.6
251.14	PowerNet Limited	Accept in part	3.6
251.15	PowerNet Limited	Reject	3.6
251.16	PowerNet Limited	Accept in part	3.6
251.17	PowerNet Limited	Accept in part	3.7
251.18	PowerNet Limited	Reject	3.7
251.19	PowerNet Limited	Accept	3.7
251.20	PowerNet Limited	Accept	3.7
251.21	PowerNet Limited	Accept in part	5.13
251.22	PowerNet Limited	Accept	5.14
251.23	PowerNet Limited	Accept in part	5.17
251.24	PowerNet Limited	Accept in part	5.17
251.25	PowerNet Limited	Accept in part	5.20
251.26	PowerNet Limited	Accept	5.20
251.27	PowerNet Limited	Accept	5.21
251.28	PowerNet Limited	Reject	5.23
251.29	PowerNet Limited	Accept in part	5.24
251.30	PowerNet Limited	Accept	5.25
251.31	PowerNet Limited	Reject	5.26
263.1	Angela Martin	Reject	5.3
290.2	Christine Ryan	Accept in part	3.4
292.7	John Walker	Reject	3.7
292.8	John Walker	Reject	3.7

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
310.7	Jon Waterston	Accept in part	17.10
368.10	Anna-Marie Chin Architects and Phil Vautier	Reject	5.10
368.11	Anna-Marie Chin Architects and Phil Vautier	Reject	5.11
368.12	Anna-Marie Chin Architects and Phil Vautier	Reject	5.25
368.17	Anna-Marie Chin Architects and Phil Vautier	Reject	5.23
368.7	Anna-Marie Chin Architects and Phil Vautier	Accept	5.4
368.8	Anna-Marie Chin Architects and Phil Vautier	Accept in part	5.20
368.9	Anna-Marie Chin Architects and Phil Vautier	Reject	5.3
373.16	Department of Conservation	Accept	3.3
373.17	Department of Conservation	Accept in part	3.3
383.59	Queenstown Lakes District Council	Reject	2.3
383.60	Queenstown Lakes District Council	Accept in part	3.6
383.61	Queenstown Lakes District Council	Accept	5
383.62	Queenstown Lakes District Council	Accept	5.18
383.63	Queenstown Lakes District Council	Accept	5
383.64	Queenstown Lakes District Council	Accept	5
383.65	Queenstown Lakes District Council	Accept	5.26
383.66	Queenstown Lakes District Council	Reject	5.3
383.67	Queenstown Lakes District Council	Reject	5.15
383.68	Queenstown Lakes District Council	Accept in part	5.28
383.72	Queenstown Lakes District Council	Accept in part	17.10
391.20	Sean & Jane McLeod	Reject	17.1
421.12	Two Degrees Mobile Limited	Accept in part	2.1
421.13	Two Degrees Mobile Limited	Accept in part	3.5
421.14	Two Degrees Mobile Limited	Accept in part	3.6
421.15	Two Degrees Mobile Limited	Reject	3.6
421.16	Two Degrees Mobile Limited	Accept	3.6
421.17	Two Degrees Mobile Limited	Accept in part	3.6
421.18	Two Degrees Mobile Limited	Accept in part	3.7
421.19	Two Degrees Mobile Limited	Accept	4.2
421.20	Two Degrees Mobile Limited	Accept in part	5
421.21	Two Degrees Mobile Limited	Reject	5.24
421.22	Two Degrees Mobile Limited	Reject	5.25
421.23	Two Degrees Mobile Limited	Accept	5.26
424.1	David Pickard	Accept in part	2.1
424.2	David Pickard	Accept	2.1
433.110	Queenstown Airport Corporation	Accept in part	13.3
433.111	Queenstown Airport Corporation	Accept	15.2
433.112	Queenstown Airport Corporation	Accept	16.1
433.113	Queenstown Airport Corporation	Accept in part	17.2
433.114	Queenstown Airport Corporation	Accept	17.4

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
433.115	Queenstown Airport Corporation	Accept	17.7
433.116	Queenstown Airport Corporation	Accept	17.8
433.117	Queenstown Airport Corporation	Accept	17.10
433.118	Queenstown Airport Corporation	Accept in part	17.10
433.33	Queenstown Airport Corporation	Reject	12.3
438.41	New Zealand Fire Service	Accept	16.1
475.1	Arthurs Point Protection Society	Reject	17.7
475.2	Arthurs Point Protection Society	Reject	17.7
496.4	House Movers Section of New Zealand Heavy Haulage Association (Inc)	Accept in part	12.2
510.8	Wayne L Blair	Reject	5.3
511.8	Helen Blair	Reject	5.3
519.61	New Zealand Tungsten Mining Limited	Reject	3.7
519.7	New Zealand Tungsten Mining Limited	Reject	12.3
571.4	Totally Tourism Limited	Accept in part	17.7
574.3	Skyline Enterprises Limited	Reject	17.7
580.10	Contact Energy Limited	Accept in part	5.17
580.13	Contact Energy Limited	Accept	17.5
580.7	Contact Energy Limited	Accept	3.3
580.8	Contact Energy Limited	Reject	5.5
580.9	Contact Energy Limited	Accept	5.6
600.108	Federated Farmers of New Zealand	Accept in part	3.6
600.109	Federated Farmers of New Zealand	Reject	3.6
600.110	Federated Farmers of New Zealand	Reject	3.6
600.111	Federated Farmers of New Zealand	Accept	4.2
600.112	Federated Farmers of New Zealand	Accept in part	5.15
600.113	Federated Farmers of New Zealand	Accept in part	5.15
607.38	Te Anau Developments Limited	Reject	2.1
607.39	Te Anau Developments Limited	Accept in part	5.21
607.40	Te Anau Developments Limited	Accept in part	5.18
607.41	Te Anau Developments Limited	Reject	5.18
607.44	Te Anau Developments Limited	Reject	12.3
607.57	Te Anau Developments Limited	Reject	16.1
607.58	Te Anau Developments Limited	Reject	17.7
607.59	Te Anau Developments Limited	Reject	17.8
615.36	Cardrona Alpine Resort Limited	Reject	2.1
615.37	Cardrona Alpine Resort Limited	Accept in part	5.21
615.38	Cardrona Alpine Resort Limited	Accept in part	5.18
615.39	Cardrona Alpine Resort Limited	Reject	5.18
615.42	Cardrona Alpine Resort Limited	Reject	12.3
621.113	Real Journeys Limited	Reject	12.3
621.126	Real Journeys Limited	Reject	17.9
621.128	Real Journeys Limited	Reject	17.8
621.129	Real Journeys Limited	Accept in part	17.9

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
632.68	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in part	17.3
635.47	Aurora Energy Limited	Accept	2.3
635.48	Aurora Energy Limited	Accept	3.3
635.49	Aurora Energy Limited	Reject	3.5
635.50	Aurora Energy Limited	Accept in part	3.6
635.51	Aurora Energy Limited	Reject	3.6
635.52	Aurora Energy Limited	Accept in part	3.6
635.53	Aurora Energy Limited	Accept in part	3.7
635.54	Aurora Energy Limited	Reject	3.7
635.55	Aurora Energy Limited	Reject	3.7
635.56	Aurora Energy Limited	Reject	3.7
635.57	Aurora Energy Limited	Accept	3.7
635.58	Aurora Energy Limited	Accept	4.2
635.59	Aurora Energy Limited	Reject	5.7
635.60	Aurora Energy Limited	Accept in part	5.14
635.61	Aurora Energy Limited	Reject	2.2
635.62	Aurora Energy Limited	Accept in part	5.17
635.63	Aurora Energy Limited	Accept in part	5.17
635.64	Aurora Energy Limited	Accept	5.20
635.65	Aurora Energy Limited	Reject	5.20
635.66	Aurora Energy Limited	Accept in part	5.23
635.67	Aurora Energy Limited	Accept	5.25
635.68	Aurora Energy Limited	Reject	5.15
635.69	Aurora Energy Limited	Accept in part	5.15
635.70	Aurora Energy Limited	Reject	2.2
635.71	Aurora Energy Limited	Reject	2.2
635.8	Aurora Energy Limited	Accept in part	12.3
635.80	Aurora Energy Limited	Accept in part	15.2
635.81	Aurora Energy Limited	Accept in part	16.1
649.10	Southern District Health Board	Accept in part	17.1
649.11	Southern District Health Board	Accept	17.5
649.12	Southern District Health Board	Accept in part	17.10
649.13	Southern District Health Board	Accept in part	17.9
649.4	Southern District Health Board	Accept in part	13.3
649.5	Southern District Health Board	Accept in part	13.3
649.6	Southern District Health Board	Accept in part	13.3
649.7	Southern District Health Board	Accept in part	14.1
649.8	Southern District Health Board	Accept	15.2
649.9	Southern District Health Board	Accept	16.1
660.6	Andrew Fairfax	Reject	17.7
662.6	I and P Macauley	Reject	17.7
708.1	NZ Fire Service	Accept	16.1
713.3	Heli Tours Limited	Reject	17.7
714.15	Kopuwait Investments Limited	Accept in part	13.3
717.19	The Jandel Trust	Accept in part	14.1
717.20	The Jandel Trust	Reject	14.1
717.21	The Jandel Trust	Reject	15.2

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
719.147	NZ Transport Agency	Accept in part	2.3
719.148	NZ Transport Agency	Reject	3.4
719.149	NZ Transport Agency	Reject	3.4
719.150	NZ Transport Agency	Accept in part	3.6
719.154	NZ Transport Agency	Accept in part	14.1
719.155	NZ Transport Agency	Accept	14.1
719.156	NZ Transport Agency	Accept	16.1
719.170	NZ Transport Agency	Accept in part	3.7
746.7	Bunnings Limited	Accept	17.1
752.11	Michael Farrier	Reject	5.4
758.12	Jet Boating New Zealand	Reject	17.9
762.8	Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley D	Reject	17.3
762.9	Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley D	Accept in part	17.3
781.14	Chorus New Zealand Limited	Accept	2.1
781.15	Chorus New Zealand Limited	Accept in part	3.5
781.16	Chorus New Zealand Limited	Accept	3.5
781.17	Chorus New Zealand Limited	Accept	3.5
781.18	Chorus New Zealand Limited	Accept in part	3.6
781.19	Chorus New Zealand Limited	Accept in part	3.6
781.20	Chorus New Zealand Limited	Accept	3.6
781.21	Chorus New Zealand Limited	Accept in part	3.6
781.22	Chorus New Zealand Limited	Accept in part	3.7
781.23	Chorus New Zealand Limited	Reject	3.7
781.24	Chorus New Zealand Limited	Accept	3.7
781.25	Chorus New Zealand Limited	Accept	4.2
781.26	Chorus New Zealand Limited	Accept in part	5
781.27	Chorus New Zealand Limited	Reject	5.24
781.28	Chorus New Zealand Limited	Reject	5.25
781.29	Chorus New Zealand Limited	Accept	5.26
792.24	Patricia Swale	Reject	5.3
792.25	Patricia Swale	Reject	5.3
792.26	Patricia Swale	Reject	5.3
792.27	Patricia Swale	Reject	5.3
805.69	Transpower New Zealand Limited	Reject	2.3
805.70	Transpower New Zealand Limited	Reject	2.3
805.71	Transpower New Zealand Limited	Accept in part	3.8
805.72	Transpower New Zealand Limited	Reject	3.5
805.73	Transpower New Zealand Limited	Reject	3.5

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
805.74	Transpower New Zealand Limited	Accept in part	3.6
805.75	Transpower New Zealand Limited	Accept in part	3.6
805.76	Transpower New Zealand Limited	Accept	3.6
805.77	Transpower New Zealand Limited	Accept	3.6
805.78	Transpower New Zealand Limited	Accept in part	3.6
805.79	Transpower New Zealand Limited	Reject	3.6
805.80	Transpower New Zealand Limited	Reject	3.7
805.81	Transpower New Zealand Limited	Accept in part	3.7
805.82	Transpower New Zealand Limited	Reject	3.7
805.83	Transpower New Zealand Limited	Reject	3.7
805.84	Transpower New Zealand Limited	Accept	4.2
805.85	Transpower New Zealand Limited	Accept in part	4.2
805.86	Transpower New Zealand Limited	Accept	4.2
805.87	Transpower New Zealand Limited	Accept in part	4.3
805.88	Transpower New Zealand Limited	Accept	4.3
805.89	Transpower New Zealand Limited	Accept	5.14
805.90	Transpower New Zealand Limited	Accept in part	5.15
805.91	Transpower New Zealand Limited	Accept in part	5.15
805.92	Transpower New Zealand Limited	Accept in part	5.17
805.93	Transpower New Zealand Limited	Accept in part	5.15
805.94	Transpower New Zealand Limited	Accept in part	5.16
806.204	Queenstown Park Limited	Reject	3.4
806.205	Queenstown Park Limited	Accept in part	5.21
806.226	Queenstown Park Limited	Reject	3.7
817.6	Te Ao Marama Inc	Accept in part	2.1
847.18	FII Holdings Limited	Accept in part	14.1
847.19	FII Holdings Limited	Reject	14.1
847.20	FII Holdings Limited	Reject	15.2
1365.1	New Zealand Defence Force	Accept in part	12.3
1365.10	New Zealand Defence Force	Accept in part	14.1
1365.11	New Zealand Defence Force	Accept	14.1
1365.12	New Zealand Defence Force	Accept	15.2
1365.13	New Zealand Defence Force	Accept	16.1
1365.8	New Zealand Defence Force	Accept in part	13.3
1365.9	New Zealand Defence Force	Accept in part	14.1
1366.9	Moraine Creek Limited	Accept	17.7

Part B: Further Submissions

Further Submission No	Original Submission Number	Further Submitter	Commissioners' Recommendation	Report Reference
FS1015.23	373.17	Straterra	Accept in part	3.3
FS1015.43	519.7	Straterra	Reject	12.3
FS1015.97	519.61	Straterra	Reject	3.7
FS1024.1	126.9	Hunter Leece and Anne Kobienia	Accept in part	5.4

Further Submission No	Original Submission Number	Further Submitter	Commissioners' Recommendation	Report Reference
FS1029.25	717.19	Universal Developments Limited	Accept in part	14.1
FS1029.26	717.20	Universal Developments Limited	Accept	14.1
FS1029.27	717.21	Universal Developments Limited	Accept	15.2
FS1034.108	600.108	Upper Clutha Environmental Society (Inc.)	Accept in part	3.6
FS1034.109	600.109	Upper Clutha Environmental Society (Inc.)	Accept in part	3.6
FS1034.110	600.110	Upper Clutha Environmental Society (Inc.)	Accept	3.6
FS1034.111	600.111	Upper Clutha Environmental Society (Inc.)	Reject	4.2
FS1034.112	600.112	Upper Clutha Environmental Society (Inc.)	Accept in part	5.15
FS1034.113	600.113	Upper Clutha Environmental Society (Inc.)	Accept in part	5.15
FS1040.30	580.8	Forest and Bird	Accept	5.5
FS1040.8	373.16	Forest and Bird	Accept	3.3
FS1063.21	574.3	Peter Fleming and Others	Accept	17.7
FS1077.6	80.1	Board of Airline Representatives of New Zealand (BARNZ)	Reject	17.10
FS1085.16	251.24	Contact Energy Limited	Accept in part	5.17
FS1093.3	143.2	T R Currie	Reject	17.7
FS1097.100	251.17	Queenstown Park Limited	Accept in part	3.7
FS1097.101	251.26	Queenstown Park Limited	Accept	5.20
FS1097.396	433.110	Queenstown Park Limited	Reject	13.3
FS1097.397	433.111	Queenstown Park Limited	Reject	15.2
FS1097.398	433.112	Queenstown Park Limited	Reject	16.1
FS1097.399	433.113	Queenstown Park Limited	Reject	17.2
FS1097.400	433.114	Queenstown Park Limited	Reject	17.4
FS1097.401	433.115	Queenstown Park Limited	Reject	17.7
FS1097.402	433.116	Queenstown Park Limited	Reject	17.8
FS1097.403	433.117	Queenstown Park Limited	Reject	17.10
FS1097.404	433.118	Queenstown Park Limited	Reject	17.10
FS1097.53	179.16	Queenstown Park Limited	Accept in part	3.5
FS1097.54	179.17	Queenstown Park Limited	Reject	3.5
FS1097.55	179.20	Queenstown Park Limited	Reject	3.6
FS1097.56	179.23	Queenstown Park Limited	Accept in part	3.7
FS1097.561	607.38	Queenstown Park Limited	Accept	2.1
FS1097.563	607.57	Queenstown Park Limited	Reject	16.1
FS1097.57	179.24	Queenstown Park Limited	Accept in part	3.7
FS1097.63	191.14	Queenstown Park Limited	Accept in part	3.5
FS1097.64	191.15	Queenstown Park Limited	Reject	3.5
FS1097.65	191.21	Queenstown Park Limited	Accept in part	3.7
FS1097.66	191.22	Queenstown Park Limited	Accept in part	3.7
FS1097.698	719.149	Queenstown Park Limited	Reject	3.4
FS1097.9	20.1	Queenstown Park Limited	Accept	5.4
FS1097.98	251.11	Queenstown Park Limited	Reject	2.3

Further Submission No	Original Submission Number	Further Submitter	Commissioners' Recommendation	Report Reference
FS1097.99	251.12	Queenstown Park Limited	Reject	3.5
FS1105.36	615.36	Cardrona Valley Residents and Ratepayers Society Inc	Reject	2.1
FS1105.37	615.37	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	5.21
FS1105.38	615.38	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	5.18
FS1105.39	615.39	Cardrona Valley Residents and Ratepayers Society Inc	Reject	5.18
FS1105.42	615.42	Cardrona Valley Residents and Ratepayers Society Inc	Reject	12.3
FS1106.11	805.93	Chorus New Zealand Limited	Accept in part	5.15
FS1106.2	292.7	Chorus New Zealand Limited	Accept	3.7
FS1106.3	292.8	Chorus New Zealand Limited	Accept	3.7
FS1106.4	383.64	Chorus New Zealand Limited	Reject	5
FS1107.122	238.117	Man Street Properties Ltd	Reject	2.3
FS1107.123	238.118	Man Street Properties Ltd	Accept in part	2.3
FS1107.124	238.119	Man Street Properties Ltd	Accept in part	3.8
FS1107.16	238.11	Man Street Properties Ltd	Accept in part	2.3
FS1117.156	433.110	Remarkables Park Limited	Reject	13.3
FS1117.157	433.111	Remarkables Park Limited	Reject	15.2
FS1117.158	433.112	Remarkables Park Limited	Reject	16.1
FS1117.159	433.113	Remarkables Park Limited	Reject	17.2
FS1117.160	433.114	Remarkables Park Limited	Reject	17.4
FS1117.161	433.115	Remarkables Park Limited	Reject	17.7
FS1117.162	433.116	Remarkables Park Limited	Reject	17.8
FS1117.163	433.117	Remarkables Park Limited	Reject	17.10
FS1117.164	433.118	Remarkables Park Limited	Reject	17.10
FS1117.20	251.26	Remarkables Park Limited	Accept	5.20
FS1121.22	179.16	Aurora Energy Limited	Accept in part	3.5
FS1121.23	191.14	Aurora Energy Limited	Accept in part	3.5
FS1121.24	179.20	Aurora Energy Limited	Accept in part	3.6
FS1121.25	191.18	Aurora Energy Limited	Accept in part	3.6
FS1121.26	600.109	Aurora Energy Limited	Accept in part	3.6
FS1121.27	179.24	Aurora Energy Limited	Accept in part	3.7
FS1121.28	191.22	Aurora Energy Limited	Accept in part	3.7
FS1121.29	20.1	Aurora Energy Limited	Accept	5.4
FS1121.30	251.21	Aurora Energy Limited	Accept in part	5.13
FS1121.31	251.26	Aurora Energy Limited	Accept	5.20
FS1121.32	251.29	Aurora Energy Limited	Accept in part	5.24
FS1121.33	421.21	Aurora Energy Limited	Reject	5.24
FS1121.34	781.27	Aurora Energy Limited	Reject	5.24
FS1121.35	421.22	Aurora Energy Limited	Reject	5.25
FS1121.36	421.23	Aurora Energy Limited	Accept	5.26
FS1121.37	805.86	Aurora Energy Limited	Accept in part	4.2
FS1121.38	805.90	Aurora Energy Limited	Accept in part	5.15
FS1121.39	805.92	Aurora Energy Limited	Accept in part	5.17

Further Submission No	Original Submission Number	Further Submitter	Commissioners' Recommendation	Report Reference
FS1121.40	805.93	Aurora Energy Limited	Accept in part	5.15
FS1132.12	191.20	Federated Farmers of New Zealand	Accept in part	3.6
FS1132.16	251.11	Federated Farmers of New Zealand	Accept	2.3
FS1132.17	251.15	Federated Farmers of New Zealand	Accept	3.6
FS1132.43	635.51	Federated Farmers of New Zealand	Accept	3.6
FS1132.44	635.61	Federated Farmers of New Zealand	Accept	2.2
FS1132.45	635.70	Federated Farmers of New Zealand	Accept	2.2
FS1132.46	635.71	Federated Farmers of New Zealand	Accept	2.2
FS1132.6	179.20	Federated Farmers of New Zealand	Reject	3.6
FS1132.65	805.69	Federated Farmers of New Zealand	Accept	2.3
FS1132.66	805.77	Federated Farmers of New Zealand	Reject	3.6
FS1132.67	805.78	Federated Farmers of New Zealand	Reject	3.6
FS1132.68	805.79	Federated Farmers of New Zealand	Reject	3.6
FS1132.69	805.91	Federated Farmers of New Zealand	Accept in part	5.15
FS1132.7	179.22	Federated Farmers of New Zealand	Accept in part	3.6
FS1132.70	805.93	Federated Farmers of New Zealand	Accept in part	5.15
FS1137.37	615.36	Kay Curtis	Reject	2.1
FS1137.38	615.37	Kay Curtis	Accept in part	5.21
FS1137.39	615.38	Kay Curtis	Accept in part	5.18
FS1137.40	615.39	Kay Curtis	Reject	5.18
FS1137.43	615.42	Kay Curtis	Reject	12.3
FS1157.48	238.117	Trojan Helmet Ltd	Reject	2.3
FS1157.49	238.118	Trojan Helmet Ltd	Accept in part	2.3
FS1157.50	238.119	Trojan Helmet Ltd	Accept in part	3.8
FS1159.5	805.69	PowerNet Ltd	Reject	2.3
FS1159.6	805.73	PowerNet Ltd	Accept in part	3.5
FS1159.7	600.110	PowerNet Ltd	Accept	3.6
FS1160.24	719.170	Otago Regional Council	Accept in part	3.7
FS1186.1	251.11	Contact Energy Limited	Accept	2.3
FS1186.10	719.150	Contact Energy Limited	Accept in part	3.6
FS1186.11	805.70	Contact Energy Limited	Accept	2.3
FS1186.12	805.72	Contact Energy Limited	Reject	3.5
FS1186.13	805.73	Contact Energy Limited	Reject	3.5
FS1186.14	805.74	Contact Energy Limited	Accept in part	3.6
FS1186.15	805.75	Contact Energy Limited	Accept in part	3.6
FS1186.16	805.76	Contact Energy Limited	Reject	3.6
FS1186.17	805.78	Contact Energy Limited	Reject	3.6
FS1186.18	805.80	Contact Energy Limited	Reject	3.7
FS1186.19	805.81	Contact Energy Limited	Accept in part	3.7
FS1186.2	251.12	Contact Energy Limited	Reject	3.5
FS1186.3	251.13	Contact Energy Limited	Accept in part	3.6
FS1186.4	251.16	Contact Energy Limited	Accept in part	3.6
FS1186.5	251.17	Contact Energy Limited	Accept in part	3.7
FS1186.6	251.18	Contact Energy Limited	Accept	3.7
FS1186.8	719.147	Contact Energy Limited	Accept in part	2.3
FS1186.9	719.148	Contact Energy Limited	Reject	3.4
FS1208.11	805.93	Vodafone New Zealand Limited	Accept in part	5.15

Further Submission No	Original Submission Number	Further Submitter	Commissioners' Recommendation	Report Reference
FS1208.2	292.7	Vodafone New Zealand Limited	Accept	3.7
FS1208.3	292.8	Vodafone New Zealand Limited	Accept	3.7
FS1208.4	383.64	Vodafone New Zealand Limited	Reject	5
FS1209.108	600.108	Richard Burdon	Accept in part	3.6
FS1209.109	600.109	Richard Burdon	Reject	3.6
FS1209.110	600.110	Richard Burdon	Reject	3.6
FS1209.111	600.111	Richard Burdon	Accept	4.2
FS1209.112	600.112	Richard Burdon	Accept in part	5.15
FS1209.113	600.113	Richard Burdon	Accept in part	5.15
FS1211.10	649.8	New Zealand Defence Force	Accept	15.2
FS1211.11	649.9	New Zealand Defence Force	Accept	16.1
FS1211.32	805.70	New Zealand Defence Force	Reject	2.3
FS1211.6	433.110	New Zealand Defence Force	Accept in part	13.3
FS1211.7	649.7	New Zealand Defence Force	Accept in part	14.1
FS1211.8	717.19	New Zealand Defence Force	Accept in part	14.1
FS1211.9	717.20	New Zealand Defence Force	Reject	14.1
FS1219.69	632.68	Bravo Trustee Company	Reject	17.3
FS1226.122	238.117	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	2.3
FS1226.123	238.118	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	2.3
FS1226.124	238.119	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	3.8
FS1226.16	238.11	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	2.3
FS1234.122	238.117	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	2.3
FS1234.123	238.118	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	2.3
FS1234.124	238.119	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	3.8
FS1234.16	238.11	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	2.3
FS1239.122	238.117	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	2.3
FS1239.123	238.118	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	2.3
FS1239.124	238.119	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	3.8
FS1239.16	238.11	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	2.3

Further Submission No	Original Submission Number	Further Submitter	Commissioners' Recommendation	Report Reference
FS1241.122	238.117	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	2.3
FS1241.123	238.118	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	2.3
FS1241.124	238.119	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	3.8
FS1241.16	238.11	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	2.3
FS1242.145	238.117	Antony & Ruth Stokes	Reject	2.3
FS1242.146	238.118	Antony & Ruth Stokes	Accept in part	2.3
FS1242.147	238.119	Antony & Ruth Stokes	Accept in part	3.8
FS1242.39	238.11	Antony & Ruth Stokes	Accept in part	2.3
FS1245.14	475.1	Totally Tourism Limited	Accept	17.7
FS1245.15	475.2	Totally Tourism Limited	Accept	17.7
FS1245.16	243.20	Totally Tourism Limited	Accept	17.7
FS1245.18	310.7	Totally Tourism Limited	Accept in part	17.10
FS1248.122	238.117	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	2.3
FS1248.123	238.118	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	2.3
FS1248.124	238.119	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	3.8
FS1248.16	238.11	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	2.3
FS1249.122	238.117	Tweed Development Limited	Reject	2.3
FS1249.123	238.118	Tweed Development Limited	Accept in part	2.3
FS1249.124	238.119	Tweed Development Limited	Accept in part	3.8
FS1249.16	238.11	Tweed Development Limited	Accept in part	2.3
FS1252.69	632.68	Tim & Paula Williams	Reject	17.3
FS1253.11	805.93	Spark New Zealand Trading Limited	Accept in part	5.15
FS1253.2	292.7	Spark New Zealand Trading Limited	Accept	3.7
FS1253.3	292.8	Spark New Zealand Trading Limited	Accept	3.7
FS1253.4	383.64	Spark New Zealand Trading Limited	Reject	5
FS1254.2	373.17	Allenby Farms Limited	Accept in part	3.3
FS1270.125	717.19	Hansen Family Partnership	Accept in part	14.1
FS1270.126	717.20	Hansen Family Partnership	Reject	14.1
FS1270.127	717.21	Hansen Family Partnership	Reject	15.2
FS1270.24	847.18	Hansen Family Partnership	Accept in part	14.1
FS1270.25	847.19	Hansen Family Partnership	Reject	14.1
FS1270.26	847.20	Hansen Family Partnership	Reject	15.2
FS1275.242	632.68	"Jacks Point" (Submitter number 762 and 856)	Reject	17.3

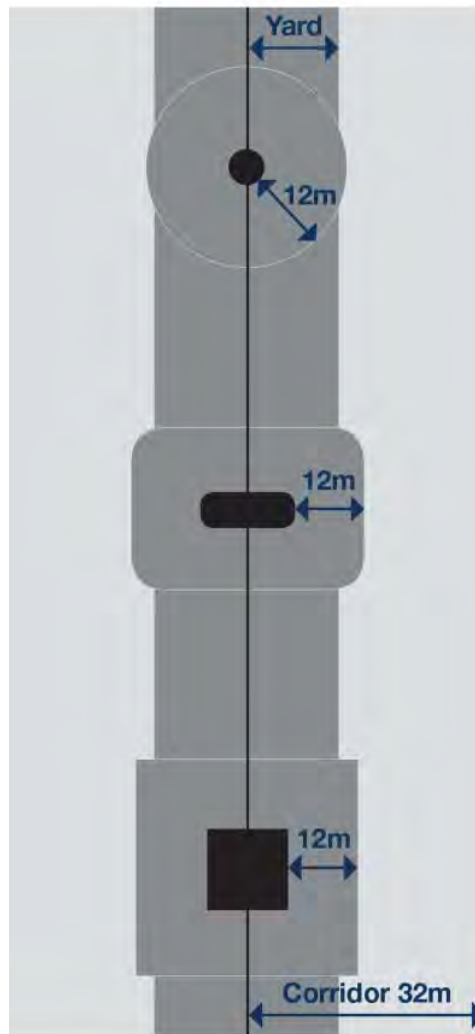
Further Submission No	Original Submission Number	Further Submitter	Commissioners' Recommendation	Report Reference
FS1277.72	632.68	Jacks Point Residents and Owners Association	Reject	17.3
FS1283.182	632.68	MJ and RB Williams and Brabant	Reject	17.3
FS1294.1	615.37	Shotover Country Limited	Reject	5.21
FS1301.13	635.51	Transpower New Zealand Limited (Transpower)	Accept in part	3.6
FS1301.14	635.61	Transpower New Zealand Limited (Transpower)	Accept in part	2.2
FS1301.15	635.71	Transpower New Zealand Limited (Transpower)	Accept	2.2
FS1301.16	635.70	Transpower New Zealand Limited (Transpower)	Accept	2.2
FS1301.17	179.28	Transpower New Zealand Limited (Transpower)	Reject	5
FS1301.18	191.26	Transpower New Zealand Limited (Transpower)	Reject	5
FS1301.19	781.26	Transpower New Zealand Limited (Transpower)	Reject	5
FS1316.135	762.8	Harris-Wingrove Trust	Accept in part	17.3
FS1316.136	762.9	Harris-Wingrove Trust	Accept in part	17.3
FS1316.68	632.68	Harris-Wingrove Trust	Reject	17.3
FS1340.49	383.72	Queenstown Airport Corporation	Reject	17.10
FS1341.22	806.205	Real Journeys Limited	Accept in part	5.21
FS1342.10	781.28	Te Anau Developments Limited	Reject	5.25
FS1342.11	781.27	Te Anau Developments Limited	Reject	5.24
FS1342.13	806.205	Te Anau Developments Limited	Accept in part	5.21
FS1342.26	373.17	Te Anau Developments Limited	Accept in part	3.3
FS1342.9	781.14	Te Anau Developments Limited	Accept in part	2.1
FS1345.47	433.116	Skydive Queenstown Limited	Accept	17.8
FS1352.19	72.6	Kawarau Village Holdings Limited	Accept	5.3
FS1356.61	519.61	Cabo Limited	Accept	3.7
FS1356.7	519.7	Cabo Limited	Accept	12.3

Appendix 5: Recommendations to Stream 10 Panel on Definitions

<p>Electricity Distribution</p>	<p>Means the conveyance of electricity via electricity distribution lines, cables, support structures, substations, transformers, switching stations, kiosks, cabinets and ancillary buildings and structures, including communication equipment, by a network utility operator.</p>
<p>Energy Activities</p>	<p>means the following activities:</p> <ul style="list-style-type: none"> a. Small and Community-Scale Distributed Electricity Generation and Solar Water Heating; b. Renewable Electricity Generation; c. Non-renewable Electricity Generation; d. Wind Electricity Generation; e. Solar Electricity Generation; f. Solar Water Heating; g. Stand-Alone Power Systems (SAPS); h. Biomass Electricity Generation; i. Hydro Generation Activity; j. Mini and Micro Hydro Electricity Generation.
<p>Minor Upgrading (For the purposes of Chapter 30 only)</p>	<p>Means an increase in the carrying capacity, efficiency or security of electricity transmission and distribution or telecommunication lines utilising the existing support structures or structures of a similar character, intensity and scale-and includes the following:</p> <ul style="list-style-type: none"> a. addition of lines, circuits and conductors; b. reconducting of the line with higher capacity conductors; c. re-sagging of conductors; d. bonding of conductors; e. addition or replacement of longer or more efficient insulators; f. addition of electrical fittings or ancillary telecommunications equipment; g. addition of earth-wires which may contain lightning rods, and earth-peaks; h. support structure replacement within the same location as the support structure that is to be replaced; i. addition or replacement of existing cross-arms with cross-arms of an alternative design; j. replacement of existing support structure poles provided they are less or similar in height, diameter and are located within 2 metres of the base of the support pole being replaced; k. addition of a single service support structure for the purpose of providing a service connection to a site, except in the Rural zone;

	<p>l. the addition of up to three new support structures extending the length of an existing line provided the line has not been lengthened in the preceding five year period.</p>
National Grid	<p>Means the same as in the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.</p>
National Grid Sensitive Activities	<p>Means those activities within the National Grid Corridor that are particularly sensitive to the risks associated with electricity transmission lines because of either the potential for prolonged exposure to the risk or the vulnerability of the equipment or population that is exposed to the risk. Such activities include buildings or parts of buildings used for, or able to be used for the following purposes:</p> <ul style="list-style-type: none"> a. Day Care facility; b. Educational facility; c. Healthcare facility; d. Papakainga; e. Any residential activity; or f. Visitor accommodation.

Diagram relevant to the definitions of National Grid Corridor and National Grid Yard:



- Centreline
- Single Pole
- ▭ Pi Pole
- Tower

Notional boundary	means a line 20 m from any side of any residential unit or the legal boundary whichever is closer to the residential unit.
Relocated/Relocatable Building	means a building which is removed and re-erected on another site, but excludes any newly prefabricated building which is delivered to a site for erection on that site. This definition excludes Removal and Re-siting
Relocation	In relation to a building, means the removal of any building from any site to another site.
Removal of a Building	means the shifting of a building off a site.
Re-siting of a Building	means shifting a building within a site.
Small Cell Unit	means a device:

	<ul style="list-style-type: none"> a. that receives or transmits radiocommunication or telecommunication signals; and b. the volume of which (including any ancillary equipment, but not including any cabling) does not exceed 0.11m³.
Temporary Activities	<p>Means the use of land, buildings, vehicles and structures for the following listed activities of short duration, limited frequency, and are outside the regular day-to-day use of a site:</p> <ul style="list-style-type: none"> a. temporary events b. temporary filming c. temporary activities related to building and construction d. temporary military training e. temporary storage f. temporary utilities g. temporary use of a site as an informal airport as part of a temporary event
Temporary Events	<p>Insert following note:</p> <p style="padding-left: 40px;">Note - The following activities associated with Temporary Events are not regulated by the PDP:</p> <ul style="list-style-type: none"> a. Food and Beverage b. Sale of Alcohol
Temporary Military Training Activity (TMTA)	<p>Means a temporary military activity undertaken for defence purposes. Defence purposes are those in accordance with the Defence Act 1990.</p>
Utility	<p>Means the systems, services, structures and networks necessary for operating and supplying essential utilities and services to the community including but not limited to:</p> <ul style="list-style-type: none"> a. substations, transformers, lines and necessary and incidental structures and equipment for the transmissions and distribution of electricity; b. pipes and necessary incidental structures and equipment for transmitting and distributing gas; c. storage facilities, pipes and necessary incidental structures and equipment for the supply and drainage of water or sewage; d. water and irrigation races, drains, channels, pipes and necessary incidental structures and equipment (excluding water tanks); e. structures, facilities, plant and equipment for the treatment of water; f. structures, facilities, plant, equipment and associated works for receiving and transmitting telecommunications and radio communications (see definition of telecommunication facilities); g. structures, facilities, plant, equipment and associated works for monitoring and observation of meteorological activities and natural hazards; h. structures, facilities, plant, equipment and associated works for the protection of the community from natural hazards.

	<ul style="list-style-type: none">i. structures, facilities, plant and equipment necessary for navigation by water or air;j. waste management facilities;k. flood protection works; andl. Anything described as a network utility operation in s166 of the Resource Management act 1991m. Utility does not include structures or facilities used for electricity generation, the manufacture and storage of gas, or the treatment of sewage.
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Appendix 6: Recommendations on Submission to Stream 10 Panel

Part A: Submissions

Submission Number	Submitter	Recommendation to Stream 10 Panel	Report Reference
179.3	Vodafone NZ	Reject	6.2
179.4	Vodafone NZ	Accept	6.1
179.5	Vodafone NZ	Accept in part	5.14
179.6	Vodafone NZ	Reject	6.3
179.7	Vodafone NZ	Reject	6.4
191.2	Spark Trading NZ Limited	Reject	6.2
191.3	Spark Trading NZ Limited	Accept	6.1
191.4	Spark Trading NZ Limited	Accept in part	5.14
191.5	Spark Trading NZ Limited	Reject	6.3
191.6	Spark Trading NZ Limited	Reject	6.4
243.40	Christine Byrch	Reject	18.2
243.45	Christine Byrch	Accept in part	12.3
243.46	Christine Byrch	Reject	12.4
251.32	PowerNet Limited	Accept in part	5.14
383.2	Queenstown Lakes District Council	Accept	6.5
383.4	Queenstown Lakes District Council	Accept	6.4
383.6	Queenstown Lakes District Council	Accept	5.15
421.2	Two Degrees Mobile Limited	Reject	6.2
421.3	Two Degrees Mobile Limited	Accept	6.1
421.4	Two Degrees Mobile Limited	Accept in part	5.14
421.5	Two Degrees Mobile Limited	Reject	6.3
421.6	Two Degrees Mobile Limited	Reject	6.4
433.33	Queenstown Airport Corporation	Reject	12.3
496.4	House Movers Section of New Zealand Heavy Haulage Association (Inc)	Accept in part	12.2
519.7	New Zealand Tungsten Mining Limited	Reject	12.3
607.44	Te Anau Developments Limited	Reject	12.3
615.42	Cardrona Alpine Resort Limited	Reject	12.3
621.113	Real Journeys Limited	Reject	12.3
635.1	Aurora Energy Limited	Reject	2.2
635.2	Aurora Energy Limited	Accept	6.1
635.3	Aurora Energy Limited	Accept in part	6.1
635.4	Aurora Energy Limited	Reject	6.1
635.5	Aurora Energy Limited	Accept in part	5.14
635.6	Aurora Energy Limited	Accept in part	6.7
635.7	Aurora Energy Limited	Reject	6.8
635.8	Aurora Energy Limited	Accept in part	12.3
635.9	Aurora Energy Limited	Accept in part	6.2
649.20	Southern District Health Board	Accept	18.3
719.3	NZ Transport Agency	Reject	6.4
781.3	Chorus New Zealand Limited	Reject	6.2
781.4	Chorus New Zealand Limited	Accept	6.1

Submission Number	Submitter	Recommendation to Stream 10 Panel	Report Reference
781.5	Chorus New Zealand Limited	Accept in part	5.14
781.6	Chorus New Zealand Limited	Reject	6.3
781.7	Chorus New Zealand Limited	Reject	6.4
805.11	Transpower New Zealand Limited	Accept in part	6.2
805.12	Transpower New Zealand Limited	Accept	5.15
805.13	Transpower New Zealand Limited	Accept	5.15
805.14	Transpower New Zealand Limited	Accept	5.15
805.15	Transpower New Zealand Limited	Accept	5.15
805.16	Transpower New Zealand Limited	Accept in part	6.7
805.17	Transpower New Zealand Limited	Reject	6.9
805.18	Transpower New Zealand Limited	Reject	5.15
805.19	Transpower New Zealand Limited	Accept in part	5.15
805.20	Transpower New Zealand Limited	Accept	6.1
805.21	Transpower New Zealand Limited	Accept in part	6.2
805.4	Transpower New Zealand Limited	Accept	6.1
805.5	Transpower New Zealand Limited	Reject	5.15
805.6	Transpower New Zealand Limited	Reject	5.15
805.7	Transpower New Zealand Limited	Reject	5.15
836.9	Arcadian Triangle Limited	Accept in part	5.15
1365.1	New Zealand Defence Force	Accept in part	12.3

Part B: Further Submissions

Further Submission No	Original Submission Number	Further Submitter	Recommendation to Stream 10 Panel	Report Reference
FS1015.43	519.7	Straterra	Reject	12.3
FS1077.56	635.6	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	6.7
FS1077.64	805.16	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	6.7
FS1077.65	805.17	Board of Airline Representatives of New Zealand (BARNZ)	Accept	6.9
FS1097.279	421.2	Queenstown Park Limited	Accept	6.2
FS1097.51	179.3	Queenstown Park Limited	Reject	6.2
FS1097.58	191.2	Queenstown Park Limited	Reject	6.2
FS1097.59	191.4	Queenstown Park Limited	Accept	5.14
FS1097.60	191.6	Queenstown Park Limited	Reject	6.4
FS1097.640	635.6	Queenstown Park Limited	Reject	6.7
FS1097.693	719.3	Queenstown Park Limited	Reject	6.4
FS1105.42	615.42	Cardrona Valley Residents and Ratepayers Society Inc	Reject	12.3
FS1106.10	805.16	Chorus New Zealand Limited	Accept in part	6.7
FS1117.55	421.2	Remarkables Park Limited	Accept	6.2
FS1121.1	179.5	Aurora Energy Limited	Accept in part	5.14
FS1121.2	191.4	Aurora Energy Limited	Accept in part	5.14

Further Submission No	Original Submission Number	Further Submitter	Recommendation to Stream 10 Panel	Report Reference
FS1121.3	781.5	Aurora Energy Limited	Accept in part	5.14
FS1121.5	191.6	Aurora Energy Limited	Reject	6.4
FS1121.6	805.16	Aurora Energy Limited	Accept in part	6.7
FS1132.2	179.5	Federated Farmers of New Zealand	Reject	5.14
FS1132.3	179.7	Federated Farmers of New Zealand	Accept	6.4
FS1132.37	635.1	Federated Farmers of New Zealand	Accept	2.2
FS1132.38	635.3	Federated Farmers of New Zealand	Reject	6.1
FS1132.39	635.4	Federated Farmers of New Zealand	Accept	6.1
FS1132.40	635.5	Federated Farmers of New Zealand	Accept in part	5.14
FS1132.41	635.6	Federated Farmers of New Zealand	Reject	6.7
FS1132.42	635.7	Federated Farmers of New Zealand	Accept	6.8
FS1132.8	191.4	Federated Farmers of New Zealand	Reject	5.14
FS1132.9	191.6	Federated Farmers of New Zealand	Reject	6.4
FS1137.43	615.42	Kay Curtis	Reject	12.3
FS1159.1	805.16	PowerNet Ltd	Accept in part	6.7
FS1208.10	805.16	Vodafone New Zealand Limited	Accept in part	6.7
FS1211.14	635.6	New Zealand Defence Force	Accept in part	6.7
FS1211.19	805.16	New Zealand Defence Force	Accept in part	6.7
FS1211.20	805.17	New Zealand Defence Force	Reject	6.9
FS1253.10	805.16	Spark New Zealand Trading Limited	Accept in part	6.7
FS1255.17	179.3	Arcadian Triangle Limited	Accept	6.2
FS1255.18	191.2	Arcadian Triangle Limited	Accept	6.2
FS1301.1	635.1	Transpower New Zealand Limited (Transpower)	Accept in part	2.2
FS1301.2	635.3	Transpower New Zealand Limited (Transpower)	Accept in part	6.1
FS1301.3	635.4	Transpower New Zealand Limited (Transpower)	Accept in part	6.1
FS1301.4	635.5	Transpower New Zealand Limited (Transpower)	Accept in part	5.14
FS1301.5	179.5	Transpower New Zealand Limited (Transpower)	Reject	5.14
FS1301.6	191.4	Transpower New Zealand Limited (Transpower)	Reject	5.14
FS1301.7	635.9	Transpower New Zealand Limited (Transpower)	Accept in part	6.2

Further Submission No	Original Submission Number	Further Submitter	Recommendation to Stream 10 Panel	Report Reference
FS1301.8	635.7	Transpower New Zealand Limited (Transpower)	Reject	6.8
FS1340.1	243.40	Queenstown Airport Corporation	Accept	18.2
FS1340.7	805.16	Queenstown Airport Corporation	Accept in part	6.7
FS1342.6	781.6	Te Anau Developments Limited	Reject	6.3
FS1342.7	781.5	Te Anau Developments Limited	Accept in part	5.14
FS1342.8	781.7	Te Anau Developments Limited	Reject	6.4
FS1356.7	519.7	Cabo Limited	Accept	12.3

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Report 9A

Report and Recommendations of Independent Commissioners Regarding
Chapter 7, Chapter 8, Chapter 9, Chapter 10 and Chapter 11

COMMISSIONERS

Denis Nugent (Chair)

Mel Gazzard

Ian Munro

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Attachments

Appendix 1: Chapter 7 – Lower Density Suburban Residential Zone, as Recommended

Appendix 2: Chapter 8 – Medium Density Residential Zone, as Recommended

Appendix 3: Chapter 9 – High Density Residential Zone, as Recommended

Appendix 4: Chapter 10 – Arrowtown Residential Historic Management Zone, as Recommended

Appendix 5: Chapter 11 – Large Lot Residential Zone, as Recommended

Appendix 6: Recommendations on Submissions and Further Submissions

Appendix 7: Definitions Recommended to be Included in Chapter 2

Appendix 8: Recommendations to Stream 10 Panel

PART A: INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Terminology in this Report

1. Throughout this report, we use the following abbreviations:

Act	Resource Management Act 1991 as it was prior to the enactment of the Resource Legislation Amendment Act 2017, unless otherwise stated
ANB	Airport Noise Boundary
ARHMZ	Arrowtown Residential Historic Management Zone
BARNZ	Board of Airline Representatives New Zealand Incorporated
Clause 16(2)	Clause 16(2) of the First Schedule to the Resource Management Act 1991
Council	Queenstown Lakes District Council
NPSET 2008	National Policy Statement for Electricity Transmission 2008
NPSREG 2011	National Policy Statement for Renewable Electricity Generation 2011
NPSFM 2011	National Policy Statement for Freshwater Management 2011
NPSFM 2014	National Policy Statement for Freshwater Management 2014
NZIA	NZIA Southern and Architecture + Women Southern
OCB	Outer Control Boundary
ODP	The Operative District Plan for the Queenstown Lakes District as at the date of this report
ONF	Outstanding Natural Feature(s)
ONL	Outstanding Natural Landscape(s)
PDP	Stage 1 of the Proposed District Plan for Queenstown Lakes District as publicly notified on 26 August 2015
Proposed RPS	The Proposed Regional Policy Statement for the Otago Region Decisions Version dated 1 October 2016, unless otherwise stated
QAC	Queenstown Airport Corporation

Reply version	The revised / changed version of the S.42A version of the relevant PDP chapter(s) recommended in the Council's reply at the conclusion of the hearing
RMA	Resource Management Act 1991 as it was prior to the enactment of the Resource Legislation Amendment Act 2017, unless otherwise stated
RPS	The Operative Regional Policy Statement for the Otago Region dated October 1998
S.42A version	The revised / changed version of the relevant PDP chapter(s) recommended in response to the submissions and further submissions by the Council through its Section 42A Reports to us
Stage 2 variations	The variations, including changes to the existing text of the PDP, notified by the Council on 23 November 2017.
Stream 6	The hearings group that included submissions to PDP chapters 7, 8, 9, 10 and 11
Stream 6A	The hearings that considered submissions to Variation 1
UGB	Urban Growth Boundary
Variation 1	Variation 1 to the PDP as publicly notified on 20 July 2016.

1.2. Topics Considered

2. The subject matter of Stream 6 was Chapters 7, 8, 9, 10 and 11 of the PDP (Hearing Stream 6). These are, collectively, the residential chapters of the PDP. It is noted that residential activities are proposed to be provided for, and have been also considered in, the hearings and reports relating to the Business and Rural zones. Hearing Stream 6A (Variation 1 – Arrowtown Design Guideline) was heard concurrently with Stream 6 but is the subject of a separate report (Report 9B).
3. The differentiation between the “residential” Chapters 7, 8, 9, 10 and 11 of the PDP and other chapters where residential activities are also provided for, is that within the residential zones, residential activities are intended to be the principal and predominant ones that eventuate. Non-residential activities are proposed, broadly, to be restricted to those that are compatible with and bring direct benefits to adjacent residents.
4. Chapter 7 seeks to manage development within the “Low Density Residential zone”. It contains objectives, policies and methods that would apply to the use and development of resources within that zone (to be spatially confirmed in subsequent mapping hearings). The notified version of Chapter 7 included the following in its explanation of the zone purpose¹:

“Fundamentally the zone provides for traditional suburban densities and housing forms. Houses will typically be detached and set on sections between 450 and 1000 square metres in area. However, the zone will also support some increased density, whether through smaller

¹ Page 7-1, PDP.

scale and low rise infill development, or larger comprehensively designed proposals, to provide more diverse and affordable housing options.”

5. Chapter 8 seeks to manage development within the “Medium Density Residential zone”. It contains objectives, policies and methods that would apply to the use and development of resources within that zone (to be spatially confirmed in subsequent mapping hearings). The notified version of Chapter 8 included the following in its explanation of the zone purpose²:

“The zone will enable a greater supply of diverse housing options for the District. The main forms of residential development anticipated are terrace housing, semi-detached housing and detached townhouses on smaller sections. The zone will realise changes to density and character over time to provide for the social, economic, cultural and environmental wellbeing of the District. In particular, the zone will provide a greater diversity of housing options for smaller households including single persons, couples, small young families and older people seeking to downsize. It will also enable more rental accommodation for the growing population of transient workers in the District.

While providing for a higher density of development than is possible in the Low Density Residential Zone, the zone utilises development controls to ensure reasonable amenity protection is maintained. Importantly, building height will be generally limited to two storeys.”

6. Chapter 9 seeks to manage development within the “High Density Residential zone”. It contains objectives, policies and methods that would apply to the use and development of resources within that zone (to be spatially confirmed in subsequent mapping hearings). The notified version of Chapter 9 included the following in its explanation of the zone purpose³:

“The High Density Residential Zone will provide for more intensive use of land within close proximity to town centres that is easily accessible by public transport, cycle and walk ways. In conjunction with the Medium Density Residential Zone, the zone will play a key planning role in minimising urban sprawl and consolidating growth in existing urban areas.

In Queenstown, buildings greater than two storeys in height are anticipated, subject to high design quality and environmental performance. In Wanaka, buildings of two storeys in height are anticipated, accounting for its less urban character, however relatively high densities are achievable. Such development will result in a greater diversity of housing supply, provide for the visitor accommodation required to respond to projected growth in visitor numbers, help support the function and vibrancy of town centres, and reduce reliance on private transport.”

7. Chapter 10 seeks to manage development within the ARHMZ. It contains objectives, policies and methods that would apply to the use and development of resources within that zone (to be spatially confirmed in subsequent mapping hearings). The notified version of Chapter 10 included the following in its explanation of the zone purpose⁴:

“The purpose of this zone is to allow for the continued sensitive development of the historic area of residential Arrowtown in a way that will protect and enhance those characteristics that make it a valuable part of the town for local residents and for visitors attracted to the town by its historic associations and unique character.

² Page 8-1, PDP.

³ Page 9-1, PDP.

⁴ Page 10-1, PDP.

In particular the zone seeks to retain the early subdivision pattern and streetscape, and ensure future development is of a scale and design sympathetic to the present character.”

8. Chapter 11 seeks to manage development within the “Large Lot Residential zone”. It contains objectives, policies and methods that would apply to the use and development of resources within that zone (to be spatially confirmed in subsequent mapping hearings). The notified version of Chapter 11 included the following in its explanation of the zone purpose⁵:

“The Large Lot Residential Zone provides low density living opportunities within defined Urban Growth Boundaries. The zone also serves as a buffer between higher density residential areas and rural areas that are located outside of Urban Growth Boundaries.

The zone generally provides for a density of one residence every 4000m². Identified areas have a residential density of one residence every 2000m² to provide for a more efficient development pattern to utilise the Council’s water and wastewater services while maintaining opportunities for a variety of housing options, landscaping and open space.”

9. As is evident from the above summary, the PDP has approached the management of residential-predominant development by way of a cascade or tier of specialised land use zones. It seems no coincidence that this is similar to the approach taken in the ODP and it thus enjoys a high level of familiarity with the community. This probably also explains the lack of submissions challenging this fundamental way of managing different types of residential activity.
10. The relevance of this approach as it relates to our decisions and recommendations is that each zone is only intended to provide for a specified range of residential activities. To this end a number of matters relating to what zone is the “best fit” for properties across the District were of recurrent interest to submitters we heard from, but are not addressed in the Stream 6 hearings. They sit properly in the separate mapping hearings and the justifications relating to the resultant zone allocation will be provided in those reports.
11. The focus of Stream 6 was therefore the ‘toolbox’ of zone provisions that would apply to each residential zone but not the spatial extent or location of those zones (nonetheless we considered the PDP zone distribution relevant to our analysis of the PDP and submissions received especially, as will be explained later, in respect of the Large Lot Residential zone at Wanaka).
12. It is also noted that subdivision activities would relate very closely with the development outcomes provided for in the land use (residential) zones. The subdivision chapter of the PDP has been addressed in a separate report (Report 7), although through the Stream 6 hearings we were mindful of the relationship between the proposed land use and subdivision provisions, and considered them throughout our deliberations.

1.3. Hearing Arrangements

13. Stream 6 matters were heard on 10 and 11 October 2016 in Queenstown, 12 October 2016 in Wanaka, and 25-27 October 2016 in Queenstown. The hearing combined all of Chapters 7, 8, 9, 10 and 11 and in consequence we heard evidence from submitters across all of the zones at the same time.
14. The parties heard from on Stream 6 matters were:

⁵ Page 11-1, PDP.

Queenstown Lakes District Council

- Sarah Scott, Legal Counsel
- Ulrich Glasner, Engineer
- Stephen Chiles, Acoustician
- Philip Osborne, Economist
- Garth Falconer, Urban Designer
- Amanda Leith, Planner and author of the Section 42A Reports for Chapters 7, 8, and 11
- Kimberly Banks, Planner and author of the Section 42A Report for Chapter 9
- Rachel Law, Planner and author of the Section 42A Report for Chapter 10

David Barton⁶

- Ian Greaves, Planner

Plaza Investments Ltd⁷

- Ian Greaves, Planner

Varina Propriety Ltd⁸

- Ian Greaves, Planner

New Zealand Transport Agency⁹

- Tony MacColl, Planner

Matt Suddaby¹⁰ and C Hughes and Associates Ltd¹¹

- Matt Suddaby, Surveyor

Peter Bullen¹²

Loris King¹³

Nic Blennerhassett¹⁴, Blennerhassett Family Trust¹⁵

- Nic Blennerhassett

Universal Developments Ltd¹⁶

- Dan Curly
- Tim Williams, Planner and Urban Designer
- Warwick Goldsmith, Counsel

Land and Infrastructure Management Ltd¹⁷

⁶ Submission 269
⁷ Submission 551
⁸ Submission 591
⁹ Submission 719
¹⁰ Submission 33
¹¹ Submission 448
¹² Submission 47
¹³ Submission 230
¹⁴ Submission 335/Further Submission 1285
¹⁵ Submission 487
¹⁶ Submission 177
¹⁷ Submission 812

- Duncan White, Planner

Nick Mills¹⁸, Bridget Rennie¹⁹, Myffie James²⁰, Jo Mills²¹, Anna Mills²², and John Coe²³

- Duncan White, Planner

MR & SL Burnell Trust²⁴

- Julie Rickman

Pounamu Body Corporate Committee²⁵

- Rebecca Wolt, Counsel
- Tim Walsh, Planner

Panorama Trust / Gordon Sproule (Trustee)²⁶

- Gordon Sproule

Southern District Health Board²⁷

- Warren Taylor
- Julie McMinn, Planner

Willum Richards Consulting Ltd²⁸ and Deborah Richards²⁹

- Willum Richards

Queenstown Airport Corporation³⁰

- Rebecca Wolt, Counsel
- John Kyle, Planner

Otago Foundation Trust Board³¹

- Alyson Hutton, Planner

Arcadian Triangle Ltd³²

- Warwick Goldsmith, Counsel

New Zealand Fire Service³³

- Keith McIntosh
- Ainsely McLeod, Planner

18 Further Submission 1332
 19 Further Submission 1207
 20 Further Submission 1198
 21 Further Submission 1140
 22 Further Submission 1126
 23 Further Submission 1110
 24 Submission 427
 25 Submission 208/Further Submission 1148
 26 Submission 64
 27 Submissions 649 and 678
 28 Submission 55
 29 Submission 92
 30 Submission 433/Further Submission 1340
 31 Submission 408
 32 Submission 836
 33 Submission 438/Further Submission 1125

Middleton Family Trust³⁴

- Nicholas Geddes, Planner

Body Corporate 22362³⁵, **Sean and Jane McLeod**³⁶

- Sean McLeod

Lynn Campbell³⁷

Sue Knowles, Angela Waghorn and Diane Dever³⁸

Board of Airline Representatives New Zealand Incorporated³⁹

- Gill Chappell, Counsel
- John Beckett
- Eric Morgan, Aviation Consultant

Antony and Ruth Stokes⁴⁰

- Antony Stokes

Estate of Normal Kreft⁴¹; **Wanaka Trust**⁴²

- Vanessa Robb, Counsel
- Jane Rennie, Urban Designer

Scott Freeman & Bravo Trustee Company Ltd⁴³

- Scott Freeman

Erna Spijkerbosch⁴⁴

NZIA Southern and Architecture + Women⁴⁵

- Gillian McLeod

DJ and EJ Cassells, The Building Family, The Bennett Family, M Lynch⁴⁶; **Friends of Wakatipu Gardens and Reserves**⁴⁷

- Rosie Hill, Counsel
- Jay Cassells

³⁴ Submission 336
³⁵ Submission 389
³⁶ Submission 391
³⁷ Submission 420
³⁸ Submissions 7, 76, 77, and 193
³⁹ Submission 271/ Further Submission 1077
⁴⁰ Submission 575
⁴¹ Submission 512/Further Submission 1300
⁴² Submission 536
⁴³ Submission 555
⁴⁴ Submission 392/Further Submission 1059
⁴⁵ Submission 238
⁴⁶ Submission 503/Further Submission 1265
⁴⁷ Submission 506

Mount Crystal Ltd⁴⁸

- Sean Dent, Planner
- Tim Williams, Planner and Urban Designer

15. In addition, the following parties tabled evidence but did not appear at the hearing:
- Coherent Hotels Ltd⁴⁹
 - Fritz and Heather Kaufmann⁵⁰
 - Sue Wilson⁵¹
16. A substantial number of written submissions and further submissions were also made on the various residential chapters and have also been considered in our deliberations.
17. We note that a number of the above attendees presented information that on occasion related to the separate mapping hearings. These submitters were advised that they would have opportunity to present their arguments in support of the relief they sought during those hearings.

1.4. Procedural Steps and Issues

18. The hearing of Stream 6 proceeded on the basis of the general pre-hearing directions made in the memoranda summarised in the Introductory Report. We note that these directions were generally followed.
19. Due to the pre-circulated evidence, the Council’s experts had the opportunity in discussion with us to provide further analysis or comments. On this basis, some experts called by submitters used their time before us to provide supplementary or additional commentary. The most explicit such analysis came from Sean Dent and Tim Williams on behalf of Mount Crystal Ltd⁵². We accepted this further discussion as it was helpful to narrow down areas of disagreement or technical assumption between experts.
20. We refer readers of this report to the Council website which has full written copies and electronic recordings of the hearings. All information presented to us, including the answers provided by attendees and expert witnesses to our questions, are available. We also refer to the minutes and decisions associated with the mapping hearings, which included discrete matters proposed within the residential zones that were deferred to those hearings.

1.5. Stage 2 Variations

21. On 23 November 2017 the Council notified the Stage 2 variations. This included provisions relating to visitor accommodation to be included in each zone, plus Chapters 25 (Earthworks), 29 (Transport) and 31 (Signs), being part of Stage 2 of the District Plan Review.
22. As, in terms of Clause 16B of the First Schedule to the Act, the variations are merged with the PDP from the date of notification, we have incorporated the relevant provisions into text appended to this recommendation report. In each case we have shown the amendments in italics to distinguish them from our recommended text. These amendments do not form part of our recommendations.

⁴⁸ Submission 150
⁴⁹ Submission 699/Further Submission 1172
⁵⁰ Submission 68
⁵¹ Submission 58
⁵² Submission 150

2. STATUTORY CONSIDERATIONS

23. The Hearing Panel's Report 1 contains a general discussion of the statutory framework within which submissions and further submissions on the PDP have to be considered, including matters that have to be taken into account, and the weight to be given to those matters. We have had regard to that report when approaching our consideration of submissions and further submissions on the matters before us.
24. While the legal obligations discussed in Report 1 are on the Council in its capacity as the decision maker on the final form of the PDP, we have put ourselves in the Council's shoes, as if we were subject to those same obligations, when determining what recommendations we should make to Council. Our report is framed on that basis, both for convenience, and to avoid confusion regarding the various roles the Council has in the process.
25. The Section 42A Reports provided us with a general overview of the matters of relevance to our deliberations, including summaries of the provisions of the RPS and the Proposed RPS. Planning witnesses appearing on behalf of submitters were also asked questions in respect of the statutory considerations relevant to their client(s) that we should consider.
26. Two particularly important sections of the Act relevant to our work are sections 32 and 32AA. These set out requirements for the analysis and reporting of our evaluation of planning options. In Report 1 we set out our overall approach to these sections. In summary, for the residential sections we have taken the Council's reports, all submissions and further submissions, and associated evidence provided to us at the hearings including the Council's right of reply, as part of the body of section 32 analysis and evaluation.
27. While the commentary that follows in this report will provide our overall findings and reasons, we refer to the body of information we received in its totality as evidence of the work undertaken to identify the most appropriate objectives to achieve the purpose of the act, and the most appropriate policies and methods (including rules) to implement the objectives.

3. COMMENTARY ON SUBMISSIONS, EVIDENCE AND ISSUES RAISED

28. We heard submitters on the basis of their availability and time needs. We did not hear all submissions relevant to each chapter sequentially.
29. The Section 42A Reports formed the basis for our approach to and consideration of the submissions and further submissions as a whole. Each of Chapters 7, 8, 9, 10 and 11 had a different Section 42A Report prepared. Each Section 42A Report had an analysis and discussion of submissions and further submissions with reference to the additional conclusions of subject matter experts as required, recommended decisions, and of key note a track-change version of the notified chapter with recommended text changes (these formed Appendix 1 to all of the Section 42A Reports). The reports also included section 32 and section 32AA analysis to support, in the view of the Section 42A Report authors, their recommendations. In turn, the commentary and evidence provided to us via pre-circulation and at the hearings responded to the Section 42A Report and in particular what we have termed the 'S.42A version' of the PDP.
30. We also acknowledge that at the conclusion of the hearing the Council provided a written reply. The reply included further recommendations to us including further section 32AA analyses. We have referred to this as the 'Reply version' of the PDP.

31. The S.42A and Reply versions of the provisions do not have the statutory status of the notified PDP provisions, however given the extent of renumbering and new provisions proposed by the Council to us across the hearings we have found it necessary to make these distinctions so that users can track our analysis and findings. To complete this matter, we lastly note our distinction of the provisions and numbering we recommend as 'our recommended version' of the PDP provisions. These are the provisions attached to this notice as **Appendices 1, 2, 3, 4 and 5**.
32. We note at the outset that we heard from, in the context of the PDP and its significance, a very small number of submitters. The overall tenor of the written submissions and the submitters that attended the hearings, was one of general acceptance or agreement with the PDP approach to the residential zones. There was limited reference to case law or other legal argument put to us; most technical debate was related to potential effects and opinions on grammatical preference. We surmised that because the PDP is a Plan review, rather than attempt to 'reset' a new plan from scratch (such as occurred recently with the Auckland Unitary Plan), the fundamental principle of residential zones was regarded as working well and not in need of fundamental overhaul.
33. The issues raised in the written submissions and at the hearings were, on the whole, issue-specific or site-specific, and often provision-specific. In this respect, we record our appreciation to the submitters for being so explicit.
34. The relevance of this is to note that the absence of a serious challenge to the fundamental residential zone framework (Chapters 7, 8, 9, 10 and 11 as a whole), or evidence that the proposed framework was defective or missing anything significant, were key factors in our deliberations and the conclusions we ultimately reached.
35. The closest consistent potential omission raised was whether or not the PDP residential zones, notably the medium and high density residential zones, should include development design guidelines. Our findings on that matter will be discussed below, but even on this issue we consider that the question raised was not whether or not the PDP had or had not identified all relevant resource management issues and environmental effects through the proposed policy framework; it was a question of whether the proposed methods to implement the framework were the most appropriate. That is ultimately a matter of, at most, refinement to the PDP's core direction rather than one of fundamental reconsideration. We note on this particular matter that the Council has advised us that it intends to introduce design guideline provisions to the Residential zones by way of a separate Variation.
36. We also made inquiries relating to the Council's withdrawal of visitor accommodation provisions (particularly in relation to the written submission of Totally Tourism Ltd⁵³), however the consequence of this for the PDP was helpfully clarified by the Council in its written reply at the conclusion of the hearing. We note that the Council has now introduced visitor accommodation provisions to the residential zones by way of the Stage 2 variations.
37. But overall, our approach to the residential chapters became one of largely editing and balancing the discrete issues raised by the individual submitters than of weighting a more fundamental issue of supporting or opposing the broad framework.

⁵³ Submission 571

38. Our first principal finding is therefore that we accept and agree that the Plan should contain a series of chapters providing for and managing tiers or groupings of residential-predominant activities on the basis of a Large Lot Residential, Low Density, Medium Density, High Density, and Arrowsmith Residential Historic Management zone framework proposed by the Council, but subject to individual refinements set out below. We find that the Council's justification for this approach is well-grounded in the ODP and will most appropriately enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety.
39. We find that the lack of concerted or consistent opposition to this fundamental framework for managing the residential areas of the District (including the question of whether there should even be residential-predominant areas or dedicated land use zones within the district) reflects a high degree of community acceptance with the Council's approach.

3.1. Scope of Submissions

40. The written submissions and further submissions made on Chapters 7, 8, 9, 10 and 11 varied substantially in terms of comprehensiveness, explicitness, and detail. Some submissions identified specific provisions of concern and proposed specific changes to those provisions. Others addressed more generalised effect categories or principles either without direct reference to particular provisions, or without being limited to just the provisions identified as examples.
41. We have considered how to address the question of scope for us to recommend changes to the provisions in response to the submissions and further submissions. The demands of natural justice and accepted principles for determining scope require us to consider whether or not a reasonably informed person could anticipate the extent of changes that could result to the PDP provisions as a result of a submission or further submission. But we find that this would be too rigidly and inappropriately interpreted as only allowing changes to provisions that were explicitly identified within a submission or further submission. We are also mindful that it would be unreasonable, and exclusionary in a manner that would not be consistent with the promotion of sustainable management, to expect each submitter to be able to articulate sophisticated resource management expertise as a pre-requisite to participation.
42. In the context of a whole-of-Plan review, where all submitters are plainly informed of the opportunity for any and all aspects of the Plan to be revisited, we find that submissions and further submissions that identify general but clear issues and/or outcomes sought but do not identify explicit provisions that should be changed or explicit changes to those provisions, have given us scope to make consequential or other changes to the notified provisions on the basis of our analysis of the facts and evidence before us.
43. We have applied this on a case by case basis and there are a number of instances where we have identified a lack of scope for us to make the changes we would have otherwise recommended.
44. We also acknowledge that many recommendations we have made do not relate to specific submissions, but are minor and can be made under Clause 16(2). These recommendations are, for the most part, necessary clarifications to improve the consistency and coherence of the Plan provisions.
45. Where we recommend a change that would qualify under either or both of the scope of submissions or further submissions, or Clause 16(2), we have identified each authority. This is

on the basis of our finding that a notified Plan provision can be justified simultaneously for each of these reasons rather than only requiring or being allowed by either one.

3.2. Background to Residential Zones

46. As noted earlier, the ODP contains a number of residential zones that manage different ‘tiers’ of residential-predominant development largely on the basis of dwelling density and spatial location within broader settlement patterns. A hallmark of the ODP is the principle of a low density, medium density and high density zone framework to manage the majority of dwellings in the district (measured primarily by dwelling numbers, not necessarily land area). The distribution of these zones adheres generally to the “centres-based” approach to urban planning predominant in all of the major urban areas of New Zealand. This approach underpins the PDP, although as noted earlier the specific spatial allocation of the different zones was not the purpose of this stream of hearings.
47. The PDP has been quite clearly premised on a ‘revise and streamline’ approach to the ODP (our words), and in our view this is a reasonable approach given how much of the proposed residential zones relate to land that has already been subject to residential development. Changing the planning basis on which the majority of the population has already adapted to and made significant household investment decisions on should be approached with some caution as we see the section 5 goal of helping people to provide for their social and economic wellbeing. One could liken it to the principle of pulling the rug from under one’s feet.
48. The planning witnesses called on behalf of the Council and who wrote the Section 42A Reports (and subsequent Council reply recommendations), namely Ms Amanda Leith (Chapters 7, 8, and 11), Ms Kimberly Banks (Chapter 9) and Ms Rachel Law (Chapter 10) were not involved in the drafting of the PDP. While this limited their ability to describe to us the rationale or assumptions behind many of the proposed provisions we found that this did not significantly impair our ability to make decisions on the submissions. We also appreciate that their lack of previous involvement gave them a possibly greater degree of separation and impartiality than might have otherwise been the case when they considered the merits of submissions to change the notified provisions. In that regard we found Ms Leith’s approach particularly, and very helpfully, fresh.

3.3. Format of Our Report

49. As we explain below, there is a commonality of section numbering, and of objectives, policies and rules across all five chapters. Rather than considering each chapter separately, in this Report we consider the matters before us section by section, and within each section, by chapter. This enables us, when the same provision occurs in more than one chapter, to ensure and demonstrate a consistent approach across all chapters, unless the context requires a different approach.
50. The attached Appendices include our recommended chapters (Appendices 1 to 5) and a list of submission and further submission points with our recommendations.

PART B: CHAPTERS 7, 8, 9, 10 AND 11 – OVERVIEW

4. PURPOSE AND POLICY FRAMEWORK

51. Chapters 7, 8, 9, 10 and 11 follow a common drafting template, which we understand is to provide consistency and aid the interpretation and use of the Plan. As will be seen in the detail of many of our recommendations, we have found that the certainty and reliability benefits that consistent and horizontally integrated zone chapters provide the community are substantial.
52. As notified, Chapters 7, 8, 9, 10 and 11 contain a Zone Purpose (in X.1, where 'X' is a placeholder for 7.1, 8.1, 9.1, 10.1 and 11.1 respectively). From there, section X.2 sets out the objectives and supporting policies for each chapter. The PDP has organised policies against individual objectives rather than as a collective set. The objectives and policies are followed at X.3 by reference to other rules and chapters of the PDP relevant to development within each zone.

5. RESOURCE CONSENT RULES

53. Notified Chapter X.4 sets out "activity rules", which amounts to an allocation of resource consent activity status (pursuant to section 77A of the Act) for different land use activity categories. The number of such rules varies between the chapters. For controlled and restricted discretionary activities, the rules include, as appropriate, reservations of control and matters of discretion.
54. Chapter X.5 then sets out "activity standards" whereby in general a parameter for permitted activities is provided, such as maximum building height, followed by a resource consent activity status where the standard is proposed to be contravened. For controlled and restricted discretionary activities, the rules include, as appropriate, reservations of control and matters of discretion. Chapter X.6 lastly provides rules governing non-notification of specified activities.
55. Unlike many 'generation 1' resource management plans, the notified Chapters 7, 8, 9, 10, and 11 propose to dispense with numerous explanations, assessment matters or criteria to help guide the consideration of resource consent applications. We have no inherent view on this and note that while the Act specifies the instruments of objectives, policies and rules, nowhere does it mention 'assessment criteria' (or any variant). We understand that the Council's intent has been to craft objectives, policies, reservations of control and matters of discretion that are sufficiently clear and focused that applications can be considered directly against them without the need for an additional tier of guidance.
56. Overall, the structure and content of each zone is otherwise unremarkable. While specific to the District, the notified provisions strike a familiar note with how many other district plans have been constructed.

PART C: SECTIONS 7.1, 8.1, 9.1, 10.1 AND 11.1 – ZONE PURPOSE

6. PREAMBLE

57. The zone purpose, which is similar to that provided at the start of every PDP chapter, is effectively a form of explanation summarising the objectives, policies and rules that follow. The purpose statements do not, as far as we can ascertain, have any resource management status as either an objective, policy, or rule; and are subordinate to those provisions that follow. The key consequence of this is that the content of the zone purpose statements should change dependent on and to match the content of the objectives, policies and/or rules we find most appropriate – not the other way around.
58. The zone purpose therefore amounts to an administrative aid for plan users akin to an advice note that summaries the key role(s) played by each zone in the context of the Plan as a whole. The purpose statements could be considered in a regulatory sense (but we suspect only to a very limited extent), under the broad umbrella of s.104(1)(b) when considering the merit of resource consent applications for discretionary and non-complying activities – but not s. 104D(1)(b) in respect of the latter status. But overall, we find that the zone purpose summaries must be treated as an “other method” for the purposes of a section 32 and section 32AA analysis. One consequence of this is that we must consider the zone purpose statements in terms of the extent to which they achieve the Plan’s objectives (and policies) - not the extent to which they achieve the purpose of the Act. To that end, although this report has been written to follow the front-to-back sequence of each chapter, we considered the zone purpose for each zone after we had concluded our consideration of objectives, policies and rules.
59. We accept that a short summary outlining what the zone is seeking to achieve is helpful to plan users. Although not a requirement within district plans under Part 5 of the Act, we agree that in consideration of each chapter and its place within a broader and complex planning document, the zone purpose section is an appropriate inclusion. They also help plan users very quickly ascertain the key differences between the residential zones without having to dwell on what may at times be subtle nuances of activity status or technical rule requirement between those zones. We find that including the purpose statements, provided that they accurately and evenly summarise the outcomes enabled in each zone, will make administration of the District Plan more effective and efficient primarily through enhanced ease of use and simplicity. We emphasise the direct consequence of our previous sentence: the zone purpose statements should describe the outcomes that the provisions enable, not what may characterise the existing environment today.
60. We lastly note that very few submissions related to the proposed zone purpose statements.

7. Section 7.1 Purpose

61. In Ms. Leith’s Section 42A Report, she agreed with points made by Southern District Health Board⁵⁴ and the Ministry of Education⁵⁵ in terms of clarifying the phrase “community activities and facilities” to simply state “community activities” (on the basis that the word ‘activities’ inherently includes facilities). This was a matter that flowed through the objectives and policies also.

⁵⁴ Submission 678

⁵⁵ Submission 524

62. The only other change to the purpose recommended by Ms Leith was a clarification, changing the word “sections” to “sites”.
63. In our evaluation of the zone purpose we find that the changes recommended by Ms Leith are logical improvements to the notified text and we agree with them. We also consider that the final sentence in the section, which is a note advising that rule 7.5.14 has immediate legal effect (from the date the draft plan was notified), should not sit in the zone purpose as it is not related to the zone purpose. But in any event, when the notified Plan becomes an operative Plan, the sentence would become redundant and should be removed.
64. We had some difficulty, across all of the residential zones, appreciating what was meant by the phrase “low density”, given that it has been used to describe the Chapter 7 zone but also the Large Lot Residential zone (Chapter 11)⁵⁶. Ms Leith’s response through the Council’s reply was to propose removing reference to ‘low density’ from the Chapter 11 zone purpose and replacing it with ‘peri-urban’⁵⁷, and leaving the Low Density Residential zone wording as it stood on the matter in Chapter 7.
65. We do not agree that the densities provided for within the Chapter 7 Low Density Residential zone can in many cases be factually described as what a typical and reasonably informed person would associate with “low density”. Through the zone’s proposed consent pathways densities similar to that proposed to be enabled by the Medium Density Residential zone would be possible. For example, notified Rule 7.5.6 provides for individual dwelling densities of 1 unit per 300 square metres. While that rule has exceptions, it is still a general rule that would apply across the zone; it cannot be interpreted as being intended to only apply to a small minority of sites within the zone or otherwise be a ‘special case’.
66. Furthermore, the interrelationship with the recommended subdivision controls (Chapter 27) is that if a land use consent was first granted for such a 300 square metre site density, then subdivision around that smaller site area was a relatively straight forward process⁵⁸. In addition, on those potential 300 square metre sites, the PDP also enables an additional residential flat (although subject to exceptions). While not subdividable from the residential unit, such residential flats could accommodate a compact 2-bedroom unit that could be independently occupied. This would achieve a net household density of up to 1:150 square metres within a subdivision title density of 1:300 square metres. To reiterate, we do not agree that this outcome can be reasonably said to be a low density outcome. To that end we consider that the notified zone purpose incorrectly references the typical densities of the existing environment that predominates today rather than the wider range of outcomes the zone provisions seek to enable over the life of the Plan. This is not helpful from the point of view of soundly administering the new Plan.
67. We accept that there is an intended striation between the three ‘principal’ residential zones, being the Low Density, Medium Density and High Density zones, and that the Low Density zone provides for, overall, the lowest densities of these. On consideration of how the Plan can be understood and administered by the community, we have come to the view that the most appropriate outcome would be for the zone to be re-named to more accurately depict the outcomes that it is intended to accommodate (also being mindful of the “low density” promoted separately in the Large Lot Residential zone, and which we do consider can and should be described as “low density”).

⁵⁶ See the notified zone purpose for the Large Lot Residential zone at chapter 11.1

⁵⁷ See the Reply version of chapter 11 text, chapter 11.1

⁵⁸ See subdivision [Rule 27.7.14.1](#)

68. We find that on the basis of the provisions we find are most appropriate, the zone should be re-named “Lower Density Suburban Residential zone”. This is a more accurate depiction of the full range of outcomes the zone is intended to provide for or manage. The word “lower” has a relativistic dimension that the more absolute word “low” did not in comparison to the other zones, and which allows the relatively higher density outcomes enabled within the zone to still be respected within the purpose. The word “suburban” in our view helps give a context to what “lower” might refer to (compared to the uniformly low density Large Lot Residential zone), and in our view relates well to the everyday description of the existing predominantly detached dwellings the zone enables. We find that this change qualifies as a Clause 16(2) change and needs no further justification. This follows through to changes to the first and second paragraphs becoming necessary and we have made these changes to ensure the explanation is consistent in reflecting both the existing and future environment enabled within the zone.

69. In overall consideration of the zone purpose, we find that on the basis of the above, the third and fourth paragraphs are suitable and no further changes are justified other than a minor correction that the zone does not “discourage” commercial activity; it enables residential-compatible, small-scale outcomes that help residents meet their daily needs.

70. Our recommended changes to the zone purpose are:

The Lower Density Suburban Residential Zone is the largest residential zone in the District. The District Plan includes such zoning that is within the urban growth boundaries, and includes land that has already been developed as well as areas that will continue to be developed over time.

Fundamentally the zone provides for both traditional and modern suburban densities and housing forms. Houses will typically be one to two storeys in height, detached and set on sites between 450 and 1000 square metres in area. In addition, and to help meet the needs of the community, the zone also enables increased density by allowing sites down to 300 square metres in area and larger comprehensively designed developments. In addition, non-subdividable residential flats that can be occupied by an independent household are enabled. The overall range of net household densities (including residential flats) could be as high as 1 unit per 150 square metres or as low as 1 unit per 1,000 square metres (or even less). The zone will help to provide a more diverse and affordable housing stock within the District.

Community activities are anticipated in the zone provided adverse effects can be suitably addressed, as these activities are often best located within the residential communities they serve. Home occupations are also provided for.

Commercial activities are generally not anticipated other than those that are residential-compatible and small-scale, however may be accommodated where necessary to address a demonstrated local need provided residential amenity is not compromised.

71. We find that the changes to the notified and S.42A versions of the section described above will be the most appropriate overall way to ‘set the scene’ for the statutory provisions that follow.

8. Section 8.1 Purpose

72. In Ms. Leith’s Section 42A Report, limited changes to the notified zone purpose were recommended. These related to submissions made from Reddy Group Ltd⁵⁹, P Roberts⁶⁰, R Jewell⁶¹, P Winstone⁶², D & V Caesar⁶³, M Lawton⁶⁴, Dato Tan Chin Nam⁶⁵, and Hurtell Holdings Ltd, Landeena Holdings Ltd, and Shellmint Proprietary Ltd⁶⁶. In summary, the changes amounted to a removal from the purpose of a sentence relating to environmental performance and sustainable design; a change in emphasis on urban design outcomes from “adhering” to “achieving” (intended to remove emphasis on rule compliance without removing the proposed policy emphasis); and to recognise planned infrastructure networks in addition to those that may exist at the time of a development.
73. In our consideration of the zone purpose, and taking into account the changes we have determined are most appropriate to the objectives, policies and rules that follow, we find that the changes proposed by Ms Leith are the most appropriate on the basis that they better reflect the content of the objectives, policies and rules and are hence more administratively effective.
74. We have furthermore recommended other minor text changes to better highlight the outcomes enabled by the zone. We have also recommended reference be made to the re-named Chapter 7 for consistency. We have recommended these changes as Clause 16(2) clarifications.
75. Of note, we have recommended changing the fourth paragraph. As notified and proposed to remain unchanged in Ms Leith’s S.42A version, the Plan described that development controls were used in the zone to, amongst other things, “*ensure reasonable amenity protection is maintained.*”⁶⁷ We find that this is a muddled statement that is not factual. The zone rules provide for the reasonable maintenance of amenity values for users of neighbouring properties around a development site, with any rule contraventions to be tested by way of an application for land use consent. We find that the word “protect” (even when prefaced by the undefined quantifier “reasonable”) strongly implies that new development will have very limited or no adverse effects on the amenity values currently enjoyed by neighbours and is in this respect likely to lead to administrative uncertainty.
76. The rules, policies and objectives we have found are the most appropriate provide for substantial change on sites within the zone. For neighbours adjacent to sites undergoing this change, and in potentially many cases, there will be a diminishment of the amenity values enjoyed by those neighbours today, and which those neighbours will often perceive as being adverse. This in turn places too great an emphasis on the meaning of the word “reasonable” when a Plan administrator is seeking to identify exactly what qualities should be “protected” (which then becomes close to a requirement that adverse effects be avoided or substantially mitigated) in the face of change.

⁵⁹ Submission 699
⁶⁰ Submission 172
⁶¹ Submission 300
⁶² Submission 264
⁶³ Submission 651
⁶⁴ Submission 117
⁶⁵ Submission 61
⁶⁶ Submission 97
⁶⁷ Notified PDP Chapter 8.1

77. The word “protect” should be limited to circumstances where the degree of change anticipated by the Plan is negligible such that the existing environment is intended to be conserved.
78. We have recommended these changes as Clause 16(2) clarifications. We are otherwise in agreement with Ms Leith’s Section 42A Report recommendation that the balance of the zone purpose statement is suitable.
79. Our recommended changes to the zone purpose are:

The Medium Density Residential Zone has the purpose of providing land for residential development at greater density than the Lower Density Suburban Residential Zone. In conjunction with the High Density Residential Zone and Lower Density Suburban Residential Zone, this zone will play a key role in minimising urban sprawl and increasing housing supply.

The zone will primarily accommodate residential land uses, but may also support limited non-residential activities where these enhance residential amenity or support an adjoining Town Centre, and do not impact on the primary role of the zone to provide housing supply.

The zone is situated in locations in Queenstown, Frankton, Arrowtown and Wanaka that are within identified urban growth boundaries, and easily accessible to local shopping zones, town centres or schools by public transport, cycling or walking. The Medium Density Residential Zone provides for an increased density of housing in locations that are supported by adequate existing or planned infrastructure.

The zone will enable a greater supply of diverse housing options for the District. The main forms of residential development anticipated are terrace housing, semi-detached housing and detached townhouses on small sites of 250m² or greater. The zone will undergo changes to existing densities and built form characteristics over time to provide for the social, economic, cultural and environmental wellbeing of the District’s community. In particular, the zone will provide a greater diversity of housing options for smaller households including single persons, couples, small young families and older people seeking to downsize. It will also enable more rental accommodation for the growing population of transient workers in the District.

While providing for a higher density of development than is anticipated in the Lower Density Suburban Residential Zone, the zone incorporates development controls to ensure that the reasonable maintenance of amenity values is maintained. Building height will be generally two storeys.

Development will be required to achieve high standards of urban design, providing site-responsive built forms and utilising opportunities to create vibrant public spaces and active transport connections (walking and cycling). In Arrowtown, particular consideration will need to be given to the town’s special character, and the design criteria identified by the Arrowtown Design Guidelines 2016.

Community activities are anticipated, given the need for such activities within residential areas and the high degree of accessibility of the zone for residents.

80. We find that the changes to the notified and S.42A versions of the section described above will be the most appropriate overall way to ‘set the scene’ for the statutory provisions that follow.

9. Section 9.1 Purpose

81. In Ms Banks’ S.42A version, no changes to the zone purpose statement were proposed (noting that text in the notified version relating to visitor accommodation had been removed by way of Council withdrawal of those provisions⁶⁸). However, throughout her Section 42A Report reference was made in the evaluation of submissions to the zone’s “purpose”.

82. We wish to comment on the phrasing used by Ms Banks in her s. 42A report. In numerous cases her analysis⁶⁹ described how changes to the provisions sought by submitters could result in the “zone purpose” being compromised. As has been previously discussed, the zone purpose statements are not objectives or policies or rules for each zone and cannot as such be literally “compromised”. We have interpreted from the overall content of Ms Banks’ analysis that where she has made such comments, she is referring to outcomes that would undermine the zone objectives and policies as a whole, rather than the zone purpose statement at Section 9.1.

83. Notwithstanding Ms Banks’ recommendation that the Chapter 9 zone purpose remain unchanged, we have identified a number of changes that would improve the directness and clarity of the statement. For example, a sentence in the notified third paragraph states that:

“development in the zone will facilitate good non-vehicular connections and access to high quality public open space”⁷⁰. We do not find the word “good” to be useful and recommend it be replaced with “effective”.

84. We also consider it necessary to bring the statement into line with the other residential zones by being clearer in its description of the higher-density types of housing enabled within the zone (notably low-rise apartments and terraced housing).

85. Our recommended changes to the zone purpose are:

The High Density Residential Zone provides for the efficient use of land within close proximity to town centres that is easily accessible by public transport, cycle and walk ways. In conjunction with the Medium Density Residential Zone, the zone plays a key planning role in minimising urban sprawl and consolidating growth in existing urban areas.

In Queenstown, the High Density Residential zone enables taller buildings than in the other residential zones, subject to high design quality. In Wanaka, lower building heights are anticipated, accounting for its distinctive character, however relatively high densities are still achievable. Such development will result in a greater diversity of housing supply, provide for the visitor accommodation required to respond to projected growth in visitor numbers, help support the function and vibrancy of town centres, and reduce reliance on private transport. Over time, low-rise apartments and terraced housing are envisaged to become commonplace within the zone.

Development in the zone will facilitate effective non-vehicular connections and access to high quality public open space.

⁶⁸ On 25 November 2015

⁶⁹ For example, at paragraph 9.2 of the s.42A report

⁷⁰ Notified PDP Chapter 9.1

Development controls provide minimum protections for existing amenity values, and are otherwise prioritised towards enabling the community's wellbeing by promoting growth and development. Given the focus on intensification, moderate to substantial change is anticipated including to both public and private views as the character of land within the zone develops into one that is characteristically urban.

Small scale commercial activities are enabled, either to support larger residential and visitor accommodation developments, or to provide low impact local services.

Small-scale community facilities are anticipated, given the need for community activities within residential areas. However, large scale community facilities are not anticipated as this will reduce the effectiveness of the zone at its primary purpose of accommodating housing.

86. Our justification for the changes above is that for the zone purpose statements to be effective it is imperative that they are correct in summarising the essence of the objectives, policies and rules. We find that the changes we recommend are necessary to ensure that this occurs. We also, therefore, find that the changes to the notified and S.42A versions of Section 9.1 identified above will be the most appropriate overall way to 'set the scene' for the statutory provisions that follow.
87. We have recommended these changes as Clause 16(2) clarifications.

10. Section 10.1 Purpose

88. In Ms Law's Section 42A Report she recommended no changes to the notified zone purpose (noting that notified visitor accommodation provisions had been removed by way of Council withdrawal⁷¹). Our review of the submissions is that the zone purpose was not the focus of any submission and was accepted by the substantial majority of submitters as appropriate.
89. We find that given the specialised nature of this zone the notified purpose is largely adequate. We have however recommended changes to the fourth paragraph to be clearer about the role of residential flats within the zone on the basis of changes proposed by the Council to provide for these as a 'sub-activity' inherently part of a residential unit.
90. Our recommended changes to the zone purpose are:

This zone covers the older part of the residential settlement of Arrowtown. The area has a distinctive character and atmosphere which has evolved from the development pattern set at the time of early gold mining in the District.

The purpose of this zone is to allow for the continued sensitive development of the historic area of residential Arrowtown in a way that will protect and enhance those characteristics that make it a valuable part of the town for local residents and for visitors attracted to the town by its historic associations and unique character.

In particular the zone seeks to retain the early subdivision pattern and streetscape, and ensure future development is of a scale and design sympathetic to the present character.

⁷¹ On 25 November 2015

Unlike other residential zones, infill housing is not anticipated. However, as with the remainder of the District's residential zones, Residential Flats are provided for as a fundamental part of a standard residential unit to increase the diversity of residential accommodation in the zone as well as recognise the diverse household types and preferences within the District.

The Town Centre Transition Overlay provides for limited expansion of commercial activities in an identified location adjoining the town centre. Any modifications to existing buildings or properties are expected to retain the historical character and qualities of the Old Town Residential Area.

91. We have recommended these changes as Clause 16(2) clarifications that do not change the meaning or consequence of the provisions or Plan. We find that the changes to the notified and S.42A versions of the section identified above will be the most appropriate overall way to 'set the scene' for the statutory provisions that follow.

11. Section 11.1 Purpose

92. In Ms Leith's S.42A version, the notified zone purpose was proposed to remain largely intact. She recommended deletion of the third paragraph, which discussed opportunities to achieve higher density outcomes where it would 'fit in' with existing development and infrastructure network capacity. On the basis of the changes to the zone framework to be discussed later, we find that the paragraph should be deleted. This is primarily on the basis that the rules do not provide any such framework for higher density in specific locations. The land use density provisions we have come to recommend are based on environmental characteristics, allow for the efficient use of all land within the zone, and will allow individuals to seek consent for higher density outcomes on the basis of the merit of each individual proposal.
93. We also find that the note included at the conclusion of the zone purpose statement "*pursuant to Section 86(b)(3) of the RMA, Rule 11.5.5 has immediate legal effect*" should be deleted.
94. We have otherwise reached our own conclusions on the zone provisions and in light of this the zone purpose should be changed to simplify it as well as reinforce what we consider to be the more defensible approach to density, including through the evidence of the Council's urban design expert Mr Falconer⁷² and a number of submissions seeking a minimum lot size of 2,000 square metres be the norm rather than the notified 4,000 square metres minimum⁷³. In summary, the zone should enable development at a density of 1 unit per 2,000 square metres site area except where environmental characteristics justify a lower density of 1 unit per 4,000 square metres (such as we find is the case at Mr Iron in Wanaka). These changes are consequential to our findings on the matters raised by submissions (discussed below) and otherwise qualify as Clause 16(2) corrections or clarifications.
95. Our recommended changes to the zone purpose are:

The Large Lot Residential Zone provides low density living opportunities within defined Urban Growth Boundaries. The zone also serves as a buffer between higher density residential areas and rural areas that are located outside of Urban Growth Boundaries.

⁷² Verbal responses of Mr Garth Falconer to Commissioner questions, Stream 6 hearing.

⁷³ Submissions 322 (supported by FS1110, FS1126, FS1140, FS1198, FS1207 and FS1332), 687 (supported by FS1111 and FS1207), 166 (supported by FS1110, FS1111, FS1126, FS1140, FS1198, FS1207 and FS1332), 293 (supported by FS1110, FS1111, FS1126, FS1140, FS1198, FS1207, FS1332;), 299, 335 and 812 (supported by FS1110, FS1111, FS1126, FS1140, FS1198, FS1207, FS1332)

The zone generally provides for a density of one residence every 2000m² to provide for a more efficient development pattern to utilise the Council's water and wastewater services while maintaining opportunities for a variety of housing options, landscaping and open space. Identified areas have a residential density of one residence every 4000m² reflecting landscape or topographical constraints such as around Mt Iron in Wanaka. The potential adverse effects of buildings are controlled by bulk and location, colour and lighting standards and, in respect of the lower density (4,000m²) part of the zone, design and landscaping controls imposed at the time of subdivision.

Community activities and low intensity forms of visitor accommodation may be appropriate provided the low-density development character and amenity for residents is maintained and there is a demonstrated need to locate in the zone.

While development is anticipated in the zone, some areas are subject to natural hazards and, where applicable, it is anticipated that development will recognise and manage the risks of natural hazards at the time of subdivision.

96. We find that the changes to the notified and S.42A versions of the section identified above will be the most appropriate overall way to 'set the scene' for the statutory provisions that follow.

PART D: SECTIONS 7.2, 8.2, 9.2, 10.2 AND 11.2 – OBJECTIVES AND POLICIES

12. CHAPTER 7 OBJECTIVES AND POLICIES

12.1. Objective 7.2.1 and Policies 7.2.1.1 and 7.2.1.2

97. The notified objective is worded:

“Objective - The zone provides for low density residential living within the District’s urban areas.”

98. The notified policies are worded:

“7.2.1.1 Low density zoning and development is located in areas that are well serviced by public infrastructure, and is designed in a manner consistent with the capacity of infrastructure networks.

7.2.1.2 The zone is suburban in character and provides for a low density housing development on larger urban allotments primarily comprising dwellings up to two storeys in height.

7.2.1.3 The zone may support low intensity forms of visitor accommodation (such as peer to peer accommodation) to meet anticipated visitor demand, where this can be sensitively integrated with existing residential premises.”

99. Subsequent to public notification of the PDP, the provisions relating to visitor accommodation within the residential zones were withdrawn by the Council⁷⁴. For these provisions, this had the effect of deleting proposed policy 7.2.1.3, and we have given no further consideration to the matter.

100. In Ms Leith’s Section 42A Report a reasonably substantial re-wording of the objective was proposed, however the justification for this was to make the original intent clearer and simpler rather than on the basis of a submission seeking a change of tone or emphasis.

101. She recommended minimal changes to the two policies, reflecting only administrative changes or corrections.

102. In terms of the fundamental outcomes to be enabled within the zone, Ms Leith summarised that there were submissions received that were in support or partial support⁷⁵, and opposition or partial opposition⁷⁶ to the increased density proposed within this zone. Ms Leith herself was not in complete agreement with the notified provisions on the basis that she interpreted the analysis and section 32 report as promoting a more limited increase in density (what she described as an intention for “gentle” density down to 300 square metre sites⁷⁷). Having read the section 32 report, we disagree with Ms Leith’s conclusion.

103. We find the analysis undertaken by the Council, including the evidence prepared by Mr Philip Osborne, convincing in terms of the housing issues facing the District. We find that there is effectively no reliable evidence before us that there is not a serious housing issue facing the

⁷⁴ 25 November 2015

⁷⁵ Submissions 32, 33, 34, 335, FS1251, 110, 144, 169, 371, 372, 374, 435, 206, 358, 501, 72, FS1352

⁷⁶ Submissions 9, FS1012, 309, 159, 230, 89, 202, 752

⁷⁷ For example at paragraph 9.23 of the Chapter 7 Section 42A Report

District and that there is a reasonably urgent need for more houses of all types - with a particular need for more affordable houses. We also accept the assumption that the existing proportion of vacant sites and second or holiday homes is likely to continue into the reasonably foreseeable future, and that this places further pressure on housing supply.

104. Our agreement with Mr Osborne leads us to favour the increased density promoted within the zone (compared to its equivalent in the ODP) as notified. To that end, the focus then becomes how to ensure that the amenity and character values within the zone and in particular the areas within it that have already been developed can be maintained. In this respect, we are in general agreement with the urban design evidence of Mr Falconer that provided that the design, scale and form of development can be managed, subdivided lots down to 300 square metres, and effective or net densities of 1:150 square metres once residential flats are taken into account, will be appropriate. In reaching this conclusion, and although we accept that issues of amenity values involve an inherently subjective element of personal opinion and taste, we received no expert evidence that opposed the densities proposed (as will be discussed later, there was however wide support for an increased use of design guidelines to help manage this and other design issues within the zone).
105. As will become clearer as we move into the activity and development control rules, we find that the proposed approach to density is fundamentally correct and indeed necessary. We find that Ms Leith's conservative interpretation of the Council's intent based on her reading of the s.32 report does not lead to the most appropriate outcome for the District and, in agreement with the submissions that support the densities notified, we prefer the policy framework give a more balanced representation of the need to accommodate more housing within the zone.
106. Turning to the changes we have determined for the objective and policies, we have identified a number of changes that should be made. We have found that the changes we prefer, as with the earlier zone purpose, are focused on making the provisions plainer and more accurate depictions of the outcomes that are sought. These are:

7.2.1 Objective

Development within the zone provides for a mix of compatible suburban densities and a high amenity living environment for residents as well as users of public spaces within the zone.

Policies

7.2.1.1 *Ensure the zone and any development within it is located in areas that are well serviced by public infrastructure, and is designed in a manner consistent with the capacity of infrastructure networks.*

7.2.1.2 *Encourage an intensity of development that maximises the efficient use of the land in a way that is compatible with the scale and character of existing suburban residential development, and maintains suburban residential amenity values including predominantly detached building forms, and predominantly one to two storey building heights.*

107. Overall, we consider that the changes we have recommended will make administration of the Plan more effective and efficient. On this basis, we find the objective will most appropriately implement Part 2 of the Act and the policies will most appropriately implement this and the other zone objectives.

12.2. Objective 7.2.2 and Policies 7.2.2.1 and 7.2.2.2

108. The notified objective is worded:

“Objective – Ensure protection of amenity values in recognition of the zone’s lower intensity character, whilst providing for subtle and low impact change.”

109. The notified policies are worded:

“7.2.2.1 Enable residential development on allotments of a size consistent with a low density character, which are typically larger than 450 square metres, but enable infill development at a higher density where it is low scale and discrete, and relates well to existing land use.

7.2.2.2 Apply height, building coverage, and bulk and location controls as the primary means of retaining the lower intensity character of the zone and ensuring protection of amenity values in terms of privacy, access to sunlight, and impacts arising from building dominance.”

110. In Ms Leith’s S.42A version of the zone, she recommends deleting the objective and policy 1, and (with amendments) attaching policy 7.2.2.2 to objective 7.2.1 as a new policy 7.2.1.3 for that objective.

111. The reasons for this follow on from the discussion made around objective 7.2.1. The changes recommended by Ms Leith have been made to reduce unnecessary repetition within the notified provisions as well as simplify and clarify them.

112. We find that the key issue that Ms Leith has struggled with, having agreed with the general thrust of the PDP to provide higher density development within both new and the existing suburban areas of Queenstown, is to reconcile within the policy framework the maintenance and enhancement of existing residential amenity values with the need to accommodate higher density development than has often occurred on the land.

113. We agree with Ms Leith insofar as objective 7.2.2 is not necessary in light of the other proposed objectives. We also agree with the deletion of policy 7.2.2.1 and, with modifications, the retention of policy 7.2.2.2 as policy 7.2.1.3.

114. Turning to the modifications to be made to policy 7.2.2.2, we note that the changes recommended by Ms Leith have the effect of changing the notified policy from being purely ‘administrative’ (our term) to being ‘outcome’ focussed. The notified policy simply directed that there would be development control rules as the primary means of enabling appropriate development. The shortcoming of that approach is that the policy would have no assessment value when considering applications for consent to contravene any of those standards. Ms Leith’s proposed changes would allow the policy to:

- Still justify the use of rules for permitted activities;
- Reduce the presumption that the ‘rules were always right’ by giving less emphasis on their role as the “primary means” of managing development effects; and
- Be used to help assess the appropriateness of applications for consent based on bulk and location rule contraventions.

115. We find that the approach taken by Ms Leith is more effects-based, effective and efficient than the notified policy and we support it. However, we consider that the wording used by Ms Leith can be further simplified. We also disagree with her use of the word “protect” relative to

neighbours' amenity values as this is not at all compatible with the overall provisions of the zone to enable additional development than now exists; the zone plainly promotes change across the zone and in many cases substantial change is proposed to be a permitted activity.

116. Ms Leith also agreed with the submission of Pounamu Body Corporate Committee⁷⁸ in proposing to add "views" to the amenity values that in her view should be protected. Notwithstanding our disagreement with her word "protect", we disagree that existing views are a relevant matter at a policy level within a development zone where, subject to yard and other bulk and location controls, buildings are anticipated to locate relatively closely to one another. This is not compatible with the practical retention of existing views (which tend to rely on (often privately owned) vacant land between the viewer and the view). While we accept that visual amenity is a matter relevant to amenity values, we consider that views should not be promoted as highly as Ms Leith has preferred. We also note that when we heard from Pounamu Body Corporate Committee, it presented no evidence to support or justify Ms Leith's position as a zone-wide proposition.

117. For these reasons, we recommend that the policy be worded as set out below, relying on Clause 16(2) and those submissions referred to earlier that discussed the importance of amenity and character values within the zone.

7.2.1.3 Ensure that the height, bulk and location of development maintains the suburban-intensity character of the zone, and maintains the amenity values enjoyed by users of neighbouring properties, in particular, privacy and access to sunlight."

118. We also find that the revised policy 7.2.2.2 can sit comfortably under objective 7.2.1 as proposed by Ms Leith as policy 7.2.1.3, because 7.2.1 is directly focused on the issue of the scale, form and density of development within the zone.

119. Overall, we find that the revised S.42A version of these provisions set out above is the most appropriate.

12.3. Objective 7.2.3 and Policies 7.2.3.1, 7.2.3.2 and 7.2.3.3

120. The notified objective is worded:

"Objective - Allow higher housing densities than typical in the zone provided that it retains a low rise built form and responds appropriately and sensitively to the context and character of the locality."

121. The notified policies are worded:

"7.2.3.1 Ensure any higher density residential development is planned and designed to fit well within its immediate context, paying particular attention to the way the development:

- Relates to neighbouring properties, through employing larger setbacks, sensitive building orientation and design, and landscaping to mitigate dominance and privacy impacts*
- Avoids large continuous building facades that are not articulated or broken down into smaller elements*
- Provides street activation through connection between front doors and the street.*

⁷⁸ Submission 208

7.2.3.2 *Landscaped areas shall be well designed and integrated into the design of developments, providing high amenity spaces for recreation and enjoyment, with particular regard to the street frontage of developments.*

7.2.3.3 *Encourage initiatives to reduce water demand and water use, such as roof rain water capture and use and greywater recycling.”*

122. Ms Leith’s Section 42A Report proposed substantial change to these provisions on the basis of specific submissions as well as her interpretation of the general intent of the PDP through its s.32 report and more general submissions on the topics of growth and development within the zone. Of note, based on her other recommendations, the objective would be re-numbered 7.2.2.

123. These provisions focus on the higher density provisions proposed for the zone and provide a more focused and issue-specific fleshing out of the general policy framework set out through objectives 7.2.1.

124. Before discussing the details of these provisions, there are several issues related to increased density that we must consider first.

12.4. Airport Noise Boundary and Outer Control Boundary

125. The matter of additional residential development and density within the Queenstown ANB or OCB was of keen interest to QAC⁷⁹ and BARNZ⁸⁰. They each presented evidence and legal submissions to us, with the primary planning witness called by QAC being Mr Kyle, an experienced planner who has worked on airport-related matters previously in the District. In summary, the evidence presented by and on behalf of QAC and BARNZ, which the Council’s witnesses agreed with, was that the matter of how to best manage the land around the airport was to effectively limit further development rights to those conferred by the previously completed Plan Change 35 to the ODP. That Plan Change, we were told, included a lengthy stakeholder conversation and widely-accepted compromise position.

126. We also heard from a local resident, Mr Scott Freeman⁸¹ (an experienced planner who submitted as a resident and, we note, very professionally volunteered that he was not appearing as an expert witness). Mr Freeman advised us that he had been involved on behalf of residents in working with QAC and BARNZ on this and related issues to the airport’s ongoing operation. Although Mr Freeman might benefit from additional development rights for his land, he further reiterated to us the history of this topic around the airport and why he effectively agreed with what was a generally uniform position between QAC, BARNZ and the Council.

127. While this amounted to, overall, a consistent and convincing position, we were mindful that Plan Change 35, for all of its merit, did not appear to have been prepared in the context of a housing problem as pronounced as we now find it. We are also mindful that the PDP Chapter 7 provisions are intended to give effect to the objectives and policies of the PDP’s district-wide priorities, not the ODP ones.

⁷⁹ Submission 433 and Further submission 1340

⁸⁰ Submission 271

⁸¹ Submission 555

128. In our consideration of the matter there were two critical issues to be addressed. The first was to understand the nature of the environment within the ANB and OCB not only as it is today but in the reasonably foreseeable future. The second related to the significance of the land within the ANB / OCB and its potential for accommodating future growth to help address housing issues.
129. In terms of the former, we accept the evidence that the Queenstown airport is very busy today, but is predicted and has been planned to become significantly busier within the reasonably foreseeable future (the order of 30 years). We understand that the ODP and PDP provisions for the airport both provide for those predicted changes to occur. While the operating environment today may not be overtly hostile to residential amenity within the ANB and OCB, it is likely that in the future it will not be a comfortable environment to live or spend time in, including when outdoors. We consider that one direct consequence of this is that the Plan should make this high likelihood explicit.
130. We also accept the evidence presented by experts on behalf of both QAC and BARNZ, specifically Mr Kyle⁸² (QAC) and in particular Mr Morgan⁸³ (BARNZ) regarding New Zealand Standard 6805:1992. This standard is relevant insofar as it gives guidance on how to best manage the development of activities sensitive to aircraft noise. The thrust of this aspect of the submitters' case was that people living close to the airport and subject to high levels of aircraft noise could be subject to unacceptable noise levels relative to their health and wellbeing. This has been a contributor to our findings on the most appropriate extent of further development that should be enabled close to the airport.
131. In terms of the latter, we find that although the District has a very challenging geography for settlement planning and growth, there are a number of alternatives available where any growth prevented from occurring within the ANB or OCB could adequately locate. In this respect, we accept Mr Kyle's verbal evidence to us on this point⁸⁴ and acknowledge his experience and familiarity with the District made him reasonably authoritative on the matter. We also note that, while the calculations of the different witnesses varied, the maximum additional development potential of the land within the ANB and OCB is not significant and very likely to be less than 50 new residential units maximum (were we to find the zone's general density allowances should apply)⁸⁵.

12.5. Density and Residential Flat

132. Related to this matter of density was the question of residential flats. In the PDP, residential flats were provided for as permitted activities. The Council through its section 42A process has sought to retain this but shift the 'home' of the residential flat rule into the definition of residential unit. This would have the effect of meaning that the definition of a residential unit included both a principal unit and an additional flat without need for a separate activity rule. This is in our view an unusual means of providing for residential flats and we remain unclear on why the Council seeks to do this rather than maintain a simple and clear rule for residential flats within the residential zones. We note that there are also potentially troubled waters with the principle of using definitions to provide development rules (for instance the approach of providing for family flats in a definition removes the opportunity for a clear consent path to be provided should the terms of the definition not be met – such as through an oversized residential flat). Our understanding is that if a residential flat cannot meet the terms specified

⁸² J Kyle, EiC

⁸³ E Morgan, EiC

⁸⁴ J Kyle, response to Commissioner questions at the Stream 6 hearing

⁸⁵ E Morgan, EiC

in the proposed definition, it would fall to be considered as a second principal dwelling on the site (we are not convinced that activity rule 7.4.1 (activities not otherwise provided for) would apply given that residential units, including more than one per site, are provided for in the 7.4 rule table.

133. In our view, residential flats have been well justified by the growth and development data provided to us by the Council and should be provided for as permitted activities within the zone. We note our general comfort with the parameters for family flats proposed by the Council, irrespective of whether they form part of a definition or a stand-alone rule.

12.6. Density and Development Quality

134. Completing our discussion related to density within the zone it is also appropriate to summarise a discussion shared with numerous submitters regarding the adequacy of the proposed (and varied S.42A version) provisions to ensure an appropriate design quality would eventuate. This was of greatest importance for the High and Medium Density Residential zones, but was also relevant to us in terms of the proposed wording of policies supporting objective 7.2.3, and the management of the densities to be enabled in the zone.

135. We record that there was widespread support and agreement for the use of design guidelines incorporated into the Plan to help guide the design of development. Theoretically a guideline could apply to permitted activities via a permitted activity condition requiring developers to have (unsupervised) regard to any guidelines. But it is more likely that any guidelines would mostly apply to proposals needing resource consent as an additional matter of consideration. We were helped in our understanding of how any future design guidelines may work with the Plan through the Variation 1 process, which was to add a guideline to the Plan for the purpose of Arrowtown's unique historic heritage.

136. We discussed potential guidelines with design experts that appeared before us on behalf of a number of submitters including Mr Garth Falconer (for the Council) Mr Tim Williams (for Universal Developments Ltd⁸⁶ and Mount Crystal Ltd⁸⁷), Ms Rennie (for Estate of Normal Kreft⁸⁸ and Wanaka Trust⁸⁹), and Ms McLeod (for NZIA⁹⁰). Interrelated with the issue was a suggestion for design professionals to have a greater influence in resource consent decision making (this included the role of the Urban Design Panel, which by all accounts provides a well-regarded and respected service to the District) to, in summary, account for the limitations of non-designers working under the Act. We must record that several submitters and some of the design advocates supporting design guidelines seemed unclear on how any guidelines would work and be applied, including the role or standing of design advisors in the resource consent decision making process. This was in our view indicative of a deeper, and problematic misunderstanding of the Act and consent process by those parties and experts. The inability of any advocate of design guidelines to coherently advise us exactly how the PDP was deficient; or what the guidelines would contain, how they would be administered (including weighting compared to other provisions), what specific objectives or policies they would implement, how they were superior to other methods (such as the retention of assessment matters such as are within the ODP), and what costs and benefits they might bring with them, proved fatal to us finding in support of the various relief sought. It also reduced the strength of some arguments to superficial moral principle rather than logic or factual evidence.

⁸⁶ Submission 177

⁸⁷ Submission 150

⁸⁸ Submission 512/Further Submission 1300

⁸⁹ Submission 536

⁹⁰ Submission 238

137. We asked questions of those submitters promoting greater involvement of designers to test how reliable such a designer-led process might be at improving alleged shortcomings in the resource management planning process. From the hearing venue we were able to take in views of a recently completed construction adjoining the historic Eichardt's Private Hotel in Queenstown. Widely reported in the media at the time of the hearing was also a proposal for a contemporary "Olive Leaf" building in Arrowtown adjacent to the existing Church of St Patrick. We received very mixed responses from designers and design advocates regarding the merit of each example described above and, in particular, whether a design-led Plan would promote or prevent such outcomes in the future.
138. Ultimately we were left with the impression that the district's design community lacks a shared or even majority position on what constitutes good or successful design, including who should police it or how. This substantially eroded our confidence in what was communicated as a "designers know best" message, especially once we considered the tension whereby, in acknowledgement that landscape architecture, architecture and urban design are different fields of expertise, it may be possible that a proposal could be exemplary in one field of design (for instance landscape architecture), but badly defective in another (for instance urban design).
139. We were not convinced that design guidelines would be as reliable or necessary as their advocates believed and we struggled to understand the legal basis that the non-statutory Urban Design Panel or other bodies such as the Arrowtown Planning Advisory Group might rely on if encouraged to become more involved as quasi or full decision makers on resource consents. We lastly note our rejection of the principle that a resource consent activity status or a decision on an application for resource consent can be mandated to the support of a design body, group, or institution including the Council's Urban Design Panel.
140. We also note that we have substantial doubts as to whether or not the current Urban Design Panel could be readily up-scaled to provide a substantially expanded role in the district, including whether or not there are sufficient qualified, skilled, independent and amenable design experts available to sit on it.
141. Lastly, we address the submissions made by Pounamu Body Corporate Committee⁹¹ seeking that the existing design criteria within the ODP be retained in the new Plan. Assessment criteria within plans are akin to guidelines inasmuch as they lack the legal force of rules that must be complied with. They must be considered to the extent specified within a Plan's rules but there is no expectation that all or even a majority of them must be satisfied before a consent could be granted. We see practical challenges in design-based assessment criteria, especially if they seek to show 'acceptable solutions' rather than just list potentially relevant considerations. If very aspirational or idealised outcomes were represented, there is a likelihood that many applicants will fail to meet them and the criteria could be discredited as unrealistic. If more practical or pragmatic design outcomes were represented, applicants that could do better might settle for the lower-bar implied as adequate within the Plan's criteria. Criteria that seek to cover off every possible eventuality might become so unworkably extensive as to create significant user inefficiencies and administrative ineffectiveness. These concerns are in our view serious, and the evidence provided to us through the hearings did little to address them.

⁹¹ Submission 208

142. All of the above issues would need to be compellingly addressed before a shift to a more designer-centric planning regime could be taken any further.
143. We instead prefer the more studied analysis of Mr Falconer, who supported the addition of design guidelines in the future on the basis that they are a “nice to have, not a must have”⁹². In our view Mr Falconer demonstrated a sound understanding of the Act and the resource consent process, and saw a design guideline as a support reference that could help give developers practical ideas rather than a form part of a paint-by-numbers ‘rule book’ detailing a ‘Queenstown style’ to be complied with. He remained of the view that the S.42A version of the Plan (for all residential zones) had sufficient design requirement and guidance that, with skilled expert input as is typically provided by both applicants and the Council, developments would achieve an adequate design quality.

12.7. Findings

144. We find that clear outcome-focused objectives and policies remain the superior resource management instruments to ensure high quality design outcomes eventuate in a manner that can be enforced by way of the refusal of consent where necessary.
145. We are comfortable that we can recommend approval of the PDP without design guidelines, and have no opinion on what material might go into any potential future design guideline or why. On design matters more generally, we strongly prefer that the Plan continue a pragmatic non-regulatory approach given the subjectivity of the matter and obvious disagreement surrounding which sub-group of local design experts should have their preferred aesthetic endorsed in a regulatory sense.
146. On the basis of the evidence we received and our own analysis, we find that there is a sound and desirable basis to limit development within the ANC / ONB further than would otherwise be the case (which includes the opportunity to establish residential flats). In this respect, we fundamentally agree with the position set out within Ms Leith’s Section 42A Report to enable residential flats but otherwise limit additional density within land very close to the airport. We disagree with QAC and BARNZ that any further changes are necessary to integrate PC35’s main points into the PDP, subject to the changes we have outlined in this decision and introduced below that give greater clarity around land close to the airport. We also refer to complementary subdivision Rule 27.7.14.2, which would exclude from the area within the Queenstown Airport Air Noise Boundary and Outer Control Boundary provision for subdivision of lots smaller than 450 square metres.
147. The Council, through its own submission⁹³, sought additions to these provisions to explicitly acknowledge privacy between units and sites. Ms Leith agreed with this relief and her s. 42A recommendations included this as part of the suite of revisions she put forward. There was limited analytical evidence to substantiate the nature of the privacy problem that needed to be rectified.
148. Turning to the provisions themselves, we find that the issue of development around the airport should be the subject of its own objective and policies, and we find that using the now-vacant 7.2.2 place holder is the most appropriate location. The principal reason for doing this is that we consider the Plan would be clearer and simpler if the long-term constraint on development that the airport creates was better acknowledged.

⁹² G Falconer, Verbal responses to Commissioner questions, Stream 6 hearing

⁹³ Submission 383

149. We also consider that, of the remaining provisions, the wording put forwards by Ms Leith is appropriate however we find that additional reference to the reduced building height of 5.5m that the Council seeks to require in the higher density outcomes of the zone should be more clearly justified in the zone policies. We also consider some minor wording changes remain desirable and recommend these changes under Clause 16(2).
150. In terms of policies 7.2.3.1 and 7.2.3.2, we have preferred the word “encourage” to commence the policies rather than “ensure” as proposed by Ms Leith, primarily because the rules provide for permitted activity outcomes that would not allow the Council any consent requirement or opportunity to “ensure” particular design outcomes favoured by the Council eventuated. We are satisfied that potential effects can be managed through Council encouragement, such as by way of development guidelines that we were told the Council is seeking to add to the Plan by way of future variation. We have preferred “limit” to commence policy 7.2.3.2 because there is a proposed rule that requires this (notified rules 7.5.1 and 7.5.2).
151. Our recommended changes to these provisions are:

7.2.3 Objective

Encourage higher density development where it responds sensitively to the context and character of the locality and is designed to maintain local amenity values.

Policies

- 7.2.3.1 *Encourage densities higher than 1:450 square metres per residential unit where this is designed to fit well with the immediate context, with particular significance attached to the way the development:*
- a. *Manages dominance effects on neighbours, through measures such as deeper boundary setbacks, sensitive building orientation and design, use of building articulation, and landscaping.*
 - b. *Achieves a reasonable level of privacy between neighbours through measures such as deeper boundary setbacks, offsetting habitable room windows that face each other, or the use of screening devices or landscaping.*
 - c. *Provides activation of streets through the placement of doors, windows and openings that face the street.*
- 7.2.3.2 *Limit building height on sites smaller than 900 square metres that are proposed to be developed for two or more principal units (i.e. excluding residential flats) so as to mitigate a reduction in spaciousness around and between buildings that otherwise forms part of suburban residential amenity values.*
- 7.2.3.3 *Encourage landscaped areas to be well-designed and integrated into the development layout and design, providing high amenity spaces for recreation and enjoyment, having particular regard to the visual amenity of streets and street frontages.*

152. Overall, we find that the recommended wording above will be the most appropriate having regard to the importance of additional density within the zone, the limitations of the land affected by airport noise and operations to accommodate additional density, and the need for the Plan to be clear on the form and scale that additional density should take. We note that further changes to these notified provisions have also been recommended as a result of our findings on proposed objective 7.2.10, later in this report.

12.8. Objective 7.2.4 and Policy 7.2.4.1

153. The notified objective is worded:

“Objective - Allow low rise, discrete infill housing as a means of providing a more diverse and affordable housing stock.

154. The notified policy is worded:

“Policies

7.2.4.1 Provide for compact, low rise infill housing that does not fundamentally compromise the integrity of the zone’s low density character and amenity values.”

155. In her Section 42A Report, Ms Leith recommended deleting this objective on the basis that it was unnecessary and repetitive. We agree; it is not necessary given objective 7 2.3.

156. Ms Leith also sought to revise the wording of and retain policy 7.2.4.1, but renumber it and attach it to Objective 7.2.3 (as policy 7.2.3.4)⁹⁴. On consideration of the revised policy, we note that it seeks to restrict building height so as to ensure infill development is compatible with local character and amenity zones. We consider that policy 7.2.1.3 (as per our previous recommendations) already provides guidance as to when building height should be limited. While we have agreed with a specific policy relating to higher density development on sites smaller than 900 square metres, this is on the basis of rules that provide a lower height limit than the zone standard. In the case of infill housing, there is no such requirement.

157. On this basis, we recommend deleting Policy 7.2.4.1 (proposed in the S.42A version to be renumbered as 7.2.2.3).

158. Ms Leith has also sought, in general recognition of the submissions that support additional development choice and opportunity, to add a new policy, that would sit under Objective 7.2.3. It would generally encourage development that promotes housing diversity and affordability. We do not agree with this policy, especially given that Ms Leith has proposed no parameters around when the Council might not wish to encourage choice and opportunity (such as if proposed units were likely to result in significant adverse effects due to a severe lack of user amenity). Hence it could be used by any applicant seeking to contravene any relevant zone rules and expect the Council to encourage that development on the basis of the policy.

159. We find that the plan policy framework sufficiently promotes housing diversity and affordability (notably through Objective 7.2.3), and that no additional policy steer is justified or appropriate.

160. In conclusion, we recommend that these provisions be deleted.

12.9. Objective 7.2.5 and Policies 7.2.5.1, 7 2.5.2 and 7.2.5.3

161. The notified objective is worded:

“Objective - In Arrowtown residential development responds sensitively to the town’s character”

162. The notified policies are worded:

“Policies

⁹⁴ Section 42A Report for Chapter 7

7.2.5.1 *Development is of a form that is sympathetic to the character of Arrowtown, including its building design, scale, layout and building form in accordance with the Arrowtown Design Guidelines 2006.*

7.2.5.2 *Flat roofed housing forms are avoided.*

7.2.5.3 *Infill housing development responds sensitively to the existing character of the area.”*

163. In Ms Leith’s Section 42A Report she recommended a number of changes to these provisions, but only one change related to a submission (NZTA⁹⁵). Other changes related to editorial changes she identified on the basis of guidance from the Panel to the Council and submitters⁹⁶.

164. The most material change proposed was to change the Arrowtown Design Guidelines 2006 to the Variation 1 edition dated 2016. While our decision on Variation 1 is contained in a separate report, we note at this point our agreement that for the purposes of Objective 7.2.5 reference should be made to the 2016 guidelines. Our decision on Variation 1 contains details on our findings in relation to the 2016 guidelines (Report 9B).

165. Overall and subject only to very minor Clause 16(2) changes, we have agreed with Ms Leith’s Section 42A Report recommendations and consider that they are the most appropriate provisions. Of note, we consider that proposed Policy 7.2.5.3 largely repeats 7.2.5.1 and on that basis can be deleted, with reference to infill housing added to 7.2.5.1.

166. We find that subject to the further revisions to the S.42A version outlined below, (noting that 7.2.5 now becomes 7.2.4), the provisions will be simpler and more effective than the notified text, and will as such be the most appropriate. The recommended text is:

7.2.4 Objective

Residential development in Arrowtown is compatible with the town’s existing character.

Policies

7.2.4.1 *Ensure development, including infill housing, community activities and commercial development is of a form that is compatible with the existing character of Arrowtown, and as described within the Arrowtown Design Guidelines 2016, with particular regard given to:*

- a. *Building design and form*
- b. *Scale, layout and relationship of buildings to the street frontage(s)*
- c. *Materials and landscape response(s)*

7.2.4.2 *Avoid flat-roofed dwellings in Arrowtown.*

12.10. Objective 7.2.6 and Policies 7.2.6.1, 7.2.6.2 and 7.2.6.3

167. The notified objective is worded:

“7.2.6 Objective - Provide for community activities and facilities that are generally best located in a residential environment close to residents.

168. The notified policies are currently worded:

⁹⁵ Submission 719

⁹⁶ The Panel’s 4th Procedural Minute, dated 8 April 2016

“Policies

7.2.6.1 *Enable the establishment of community facilities and activities where adverse effects on residential amenity values such as noise, traffic, lighting, glare and visual impact can be avoided or mitigated.*

7.2.6.2 *Ensure any community uses occur in areas which are capable of accommodating traffic, parking and servicing to a level which maintains residential amenity.*

7.2.6.3 *Ensure any community uses or facilities are of a design, scale and appearance compatible with a residential context.”*

169. In Ms Leith’s Section 42A Report, she recommended minimal changes to these provisions. Editorial changes were recommended on the basis of the Panel’s 4th Procedural Minute, and changes discussed previously relating to the submissions of Southern District Health Board⁹⁷ and Ministry of Education⁹⁸ seeking the phrase “community facilities and activities” to be renamed “community activities”. We accept this change for the same reason we changed the phrase in the zone purpose at Section 7.1 (and in the other residential zones).

170. We find that it is necessary to enable community activities within the zone and note the lack of material objection to this from submitters. Community activities enable the social, economic and cultural wellbeing of communities in a way that is convenient and accessible due to those activities being located within residential areas. While there are some community activities that, due to their scale or operating requirements, may not be appropriate for co-location within the zone, we find that the provisions are generally appropriate and on a case by case basis resource consents can be sought to determine these acceptable operational limits.

171. The text changes we recommend are:

7.2.5 Objective

Community activities serving the needs of people within the zone locate within the zone on sites where adverse effects are compatible with residential amenity values.

Policies

7.2.5.1 *Enable the establishment of community activities where adverse effects on residential amenity values including noise, traffic, lighting, glare and visual impact can be avoided or mitigated.*

7.2.5.2 *Ensure any community activities occur in areas which are capable of accommodating traffic, parking and servicing to a level which maintains residential amenity values.*

7.2.5.3 *Ensure any community activities are of a design, scale and appearance compatible with a residential context.*

172. We find that the amended wording outlined above is the most appropriate means of enabling community activities within the zone (noting that 7.2.6 now becomes 7.2.5). We have adopted the words proposed by Ms Leith in her Section 42A Report subject to minor Clause 16(2) improvements. These will be the most appropriate provisions on the basis of being clearer and more readily administrable.

⁹⁷ Submission 678

⁹⁸ Submission 524

12.11. Objective 7.2.7 and Policies 7.2.7.1, 7.2.7.2 and 7.2.7.3

173. The notified objective is worded:

“Objective - Ensure development efficiently utilises existing infrastructure and minimises impacts on infrastructure and roading networks.

174. The notified policies are worded:

“Policies

7.2.7.1 Access and parking is located and designed to optimise efficiency and safety and minimise impacts to on-street parking.

7.2.7.2 Development is designed consistent with the capacity of existing infrastructure networks and seeks low impact approaches to storm water management and efficient use of potable water supply.

7.2.7.3 Development is integrated with, and improves connections to, public transport services and active transport networks (tracks, trails, walkways and cycleways).”

175. In her Section 42A Report, Ms Leith recommended minimal changes, subject only to editorial improvements based on the Panel’s 4th Procedural Minute and a change to policy 7.2.5.3 in agreement with the submission from NZTA⁹⁹ clarifying that development should integrate with all transport networks.

176. In consideration of these provisions we accept that optimising the transport network is a key issue for districts like Queenstown. Not only is the physical space to accommodate networks constrained by geographical and landscape issues, the seasonal population surge places a peak period pressure on transport and other systems. Related to this, we accept that development within the district, at both the individual and cumulative levels, has the potential to significantly affect the transport network. These effects include safety (our paramount concern), ecological effects related to noise, emissions and storm water, and the admittedly theoretical, but in our view probable economic costs related to travel time (especially for work-related trips).

177. In terms of other infrastructure networks, we accept that there are fundamental health and safety issues arising from development proceeding in a way that is not coordinated with infrastructure. For the Council’s part (and also the Regional Council) under the Local Government Act, it is responsible for an ongoing planning and provision role and, other than acknowledging this, we have no further comment.

178. Although the spatial extent of the zone will be determined having regard to infrastructure capacity, it is possible that through applications for resource consent, proposals are made that may be beyond local capacity to manage and it is appropriate that the Plan recognises this.

179. We find that Ms Leith’s proposed S.42A version amendments are largely appropriate and subject to minor Clause 16(2) clarifications we adopt them. These provisions will in our view be the most appropriate. Our preferred text is outlined below (noting that 7.2.7 now becomes 7.2.6).

⁹⁹ Submission 719

7.2.6 Objective

Development efficiently utilises existing infrastructure and minimises impacts on infrastructure networks

Policies

- 7.2.6.1 *Ensure access and vehicle parking is located and designed to optimise safety and efficiency of the road network and minimises impacts on on-street vehicle parking.*
- 7.2.6.2 *Ensure development is designed consistent with the capacity of existing infrastructure networks and, where practicable, incorporates low impact approaches to storm water management and efficient use of potable water.*
- 7.2.6.3 *Integrate development with all transport networks and in particular, and where practicable, improve connections to public transport services and active transport networks (tracks, trails, walkways and cycleways).*

12.12. Objective 7.2.8 and Policies 7.2.8.1, 7.2.7.2 and 7.2.7.3

180. These provisions were withdrawn from the PDP by the Council on 25 November 2015. We have given them no further consideration, although we have considered the submissions relevant to visitor accommodation, particularly that of Totally Tourism Ltd¹⁰⁰ relating to the activity status of visitor accommodation, as appropriate elsewhere in this report.

12.13. Objective 7.2.9 and Policies 7.2.9.1, 7.2.9.2, 7.2.9.3 and 7.2.9.4

181. The notified objective is worded:

“Objective - Generally discourage commercial development except when it is small scale and generates minimal amenity impacts.”

182. The notified policies are worded:

“Policies

- 7.2.9.1 *Commercial activities that directly serve the day-to-day needs of local residents, or enhance social connection and vibrancy of the residential environment may be supported, provided these do not undermine residential amenity or the viability of a nearby centre.*
- 7.2.9.2 *Ensure any commercial development is low scale and intensity (100m² or less gross floor area) and does not adversely affect the local transport network and the availability of on-street parking.*
- 7.2.9.3 *Commercial activities that generate adverse noise effects are not supported in the residential environment.*
- 7.2.9.4 *Ensure any commercial development is of a design, scale and appearance compatible with its surrounding residential context.”*

183. We find that there is an appropriate, and desirable, role for commercial activities within the zone for the same basic reasons that we support community activities within the zone.

184. These provisions attracted some interest from submissions. Ms Leith’s Section 42A Report proposed relative modest changes, in response to the Panel’s 4th Procedural Minute and also

¹⁰⁰ Submission 571

submitter Dave Barton¹⁰¹. Mr Barton sought clarity around how resource consent applications for commercial activities would be assessed, including a stronger position on the generation of noise effects. Ms Leith agreed with Mr Barton in respect of a change to Policy 7.2.9.2 (to remove reference to 100 square metres of commercial activity gross floor area), but only agreed in part with Mr Bartons's other request that the policy framework discourage commercial activities that generated *any* adverse noise effects.

185. We find that the policy framework is sufficiently broad to justify rules enabling home occupations, but consider that this should be made clearer. To that end under Clause 16(2) we have added such.
186. We also find that the Council's Reply version of these provisions is generally appropriate, but we have determined that for clarity, reference to the word "amenity" such as in the objective, should be changed to "amenity values" given that the latter is a statutory term supported by a definition within the Act.
187. The recommended text for these provisions (noting also that 7.2.9 becomes 7.2.7) is outlined below. We find that the above provisions will be the most appropriate means of providing for commercial activity within the zone, particularly because they better relate to the key amenity values effects of concern.

7.2.7 Objective

Commercial development in the zone is small scale and generates minimal amenity value impacts.

Policies

- 7.2.7.1 *Provide for commercial activities, including home occupation activities, that directly serve the day-to-day needs of local residents, or enhance social connection and vibrancy of the residential environment, provided these do not undermine residential amenity values or the viability of any nearby centre.*
- 7.2.7.2 *Ensure that any commercial development is of low scale and intensity, and does not undermine the local transport network or availability of on-street vehicle parking for non-commercial use.*
- 7.2.7.3 *Ensure that the noise effects from commercial activities are compatible with the surrounding environment and residential amenity values.*
- 7.2.7.4 *Ensure that commercial development is of a design, scale and appearance that is compatible with its surrounding residential context.*

12.14. Objective 7.2.10 and Policies 7.2.10.1, 7.2.10.2 and 7.2.10.3

188. The notified objective is worded:

"Objective - Ensure residential amenity is maintained through pleasant living environments within which adverse effects are minimised while still providing the opportunity for community needs."

189. The notified policies are worded:

"Policies

- 7.2.10.1 *Require, as necessary, mechanical ventilation of any Critical Listening Environment within new and alterations and additions to existing buildings containing an*

¹⁰¹ Submission 269

Activity Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary.

7.2.10.2 *Require, as necessary, sound insulation and mechanical ventilation for any Critical Listening Environment within any new and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary.”*

190. In Ms Leith’s Section 42A Report, and primarily in response to the submissions made by QAC¹⁰² and NZTA¹⁰³, a reasonably substantial change was recommended. She proposed further recommendations in the Reply version including creating a new objective (Reply version Objective 7.2.7B). We note that the submission of BARNZ¹⁰⁴ also addressed reverse sensitivity effects relative to the operation of Queenstown Airport.
191. QAC and NZTA both operate strategic infrastructure that generates noise and could in turn be subjected to potential reverse sensitivity effects. We agree that the planning framework should recognise this, in two respects. The first is that the Plan should recognise that these parts of the environment will become increasingly unpleasant to live near into the future (especially the airport) as the intensity of use, and inherently the noise generated, increases in line with the operative designations both have in place within the ODP. The second is that development should in consequence be subjected to appropriate limitation so as to avoid or mitigate the potential effects that may arise.
192. Reverse sensitivity effects are problematic to manage inasmuch as that to occur in reality, a neighbour or other parties must first complain about the effects of a lawfully operating activity (the probability of which is difficult to predict), and then the activity being complained about must in turn be pressured to make a change in their activity that results in a material but ultimately unjustified loss of utility. We have used the term ‘material loss’ because we consider that a reasonable adaptation to one’s activity (possibly including a reduction in site utility) for the purposes of simply being neighbourly falls under the general duty imposed on all parties by s.17 of the Act to avoid, remedy or mitigate adverse effects, whether or not those effects are provided for in a Plan rule or a resource consent. So in that respect a reverse sensitivity effect must involve a level of constraint on a party over and above what it should be reasonably imposing on itself to meet the purposes of the Act (and any other Acts). This is not a straight forward line to define. The consequence of this is that we consider any provisions that seek to manage reverse sensitivity effects must not have the unintended purpose of preventing operators of activities from still having to meet the requirements of s. 17, and any other relevant sections, of the Act relative to their neighbours or the community in general.
193. At this time, there is no evidence of a reverse sensitivity effect having occurred in Queenstown relative to either the Queenstown Airport or NZTA’s strategic roads. We find that we are considering potential future reverse sensitivity effects and are in essence being asked to predetermine the likelihood of (a) complaints, and (b) an inability to resist those by either or both of the QAC or NZTA. We find that, in general, the mere prospect that a party or parties may complain at some point in the future being a basis to restrict the opportunity for those parties to use or develop their own land in the first instance is speculative and, ultimately, weak. In that respect, we consider that no complaints-type covenants are able sufficient to

¹⁰² Submission 433 / Further submission 1340

¹⁰³ Submission 719

¹⁰⁴ Submission 271

address any actual reverse sensitivity effects from occurring. We are comfortable that the QAC and NZTA have clear legal permission to undertake the activities they do and we find it improbable that their lawfully established operations would be easily curtailed as a result of baseless complaints. We also find that there is no limitation under any New Zealand legislation that prevents either NZTA or QAC proactively using market mechanisms to achieve an outcome satisfactory to either (such as by purchasing at un-doctored market prices any adjacent property they wish).

194. Overall, we find the arguments made by QAC and NZTA before us in support of their need to be protected from reverse sensitivity effects to be poorly substantiated; there is no convincing evidence in support of their concern and ultimately, although not being presented in this way, their respective cases are each ultimately a combination of moral utilitarianism and largely theoretical risk. Most lacking was evidence that there was a history of high-volume unreasonable complaints, examples of curtailed operations, or a track record of the Council investigating alleged operations beyond the terms of a designation, resource consent, or other authorisation in Queenstown without any factual basis. The evidence presented in fact achieved the opposite; that the agencies – especially the QAC – have developed very constructive working groups and other relationships with the Council and community, and that these are proving effective at informing and including neighbours¹⁰⁵.
195. However, and despite our dissatisfaction with the arguments presented to us in support of additional restrictions, we find that the concerns of QAC and NZTA that the community could be harmed by disruption to their activities by way of reserve sensitivity effects are not so far-fetched as to be fanciful. Although we consider the risk of an actual reverse sensitivity effect eventuating for either the QAC or NZTA to be remotely low, we accept that the potential social and economic effects that could result could be especially and disproportionately severe. Effects of a low probability but a high severity are a category that is expressly defined in s.3 of the Act in the definition of “effect”.
196. Having accepted that there is a legitimate resource management issue to be managed, we have then considered the burden proposed to be transferred from the QAC, NZTA (and wider community) onto those landowners in proximity to the Queenstown Airport or a state highway by way of restricted development rights compared to other landowners. We find that the proposed provisions would still enable reasonable use of all private land and will, overall, most appropriately promote the sustainable management of natural and physical resources for the whole community.
197. Turning to the wording and structure of the Council reply-version provisions, we find that there is no need for the new objective 7.2.7B. Reverse sensitivity effects can be managed by way of policies sitting under existing objectives.
198. All matters pertaining to Queenstown Airport should be re-located to Objective 7.2.2 (as amended earlier in this report), with additional policies added as 7.2.2.2 and 7.2.2.3.
199. In terms of the balance of the provisions, we find that there is insufficient need for the objective. It repeats the content of previous objectives and serves no purpose other than to provide a ‘home’ for the remaining one Policy (7.2.7.3). We find that our revised Objective 7.2.1, which includes policies addressing amenity values within the zone as well as infrastructure capacity, is capable of accommodating Policy 7.2.7.3 and we have made this change accordingly.

¹⁰⁵ S Freeman, Verbal responses to Commissioner questions at the Stream 6 hearing

200. On this basis, proposed Policy 7.2.7.3 (introduced through the Section 42A Report), should be renumbered 7.2.1.4 . We set out the wording of those policies below:

7.2.2 Objective

Development is limited within the Queenstown Airport Air Noise Boundary and Outer Control Boundary in recognition of the severe amenity (noise) constraints now and also likely in the foreseeable future as a result of its increasing intensity of operation and use.

Policies

7.2.2.1 Discourage the creation of any new sites or infill development for Activities Sensitive to Aircraft Noise within the Air Noise Boundary and between the Air Noise Boundary and the Outer Control Boundary on land around Queenstown Airport.

7.2.2.2 Require, as necessary, mechanical ventilation of any Critical Listening Environment within new buildings, relocated buildings, and any alterations and additions to existing buildings that contain an Activity Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary.

7.2.2.3 Require, as necessary, sound insulation and mechanical ventilation of any Critical Listening Environment within new buildings, relocated buildings, and any alterations and additions to existing buildings that contain an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary.

7.2.1.4 Require, as necessary, all new buildings, relocated buildings and additions and alterations to existing buildings that contain an Activity Sensitive to Road Noise located adjacent to a State Highway to be designed to maintain internal residential amenity values and, in particular, to provide protection to sleeping occupants from road noise.

201. We find that the above changes to the plan will make it more efficient and administratively simple. We find that they will be the most appropriate means of managing health and wellbeing in relation to the Queenstown Airport and state highways.
202. We have also considered the extent to which the overall framework of objectives and policies will promote the sustainable management of natural and physical resources. We find that the provisions we have recommended in **Appendix 1** are more coherent and comprehensive than the notified provisions and will, overall, be the most appropriate to manage the use and development of resources and the resulting environmental effects.

13. Chapter 8 Objectives and Policies

13.1. Objective 8.1 and Policies 8.2.1.1, 8.2.1.2, 8.2.1.3, 8.2.1.4 and 8.2.1.5

203. The notified objective is as follows:

“Objective - Medium density development will be realised close to town centres, local shopping zones, activity centres, public transport routes and non-vehicular trails in a manner that is responsive to housing demand pressures.”

204. The notified policies are as follows:

“8.2.1.1 The zone accommodates existing traditional residential housing forms (dwelling, residential flat), but fundamentally has the purpose to provide land close to town centres, local shopping zones, activity centres and public transport routes that is appropriate for medium density housing or visitor accommodation uses.

- 8.2.1.2 *Medium density development is anticipated up to two storeys in varying building forms including terrace, semi-detached, duplex, townhouse and small lot detached housing.*
- 8.2.1.3 *More than two storeys may be possible on some sloping sites where the development is able to comply with all other standards (including recession planes, setbacks, density and building coverage).*
- 8.2.1.4 *The zone provides compact development forms that provide a diverse housing supply and contain the outward spread of residential areas.*
- 8.2.1.5 *Higher density development is incentivised to help support development feasibility, reduce the prevalence of land banking, and ensure greater responsiveness of housing supply to demand.”*

205. This objective and its policies are intended to govern the distribution of the zone across the District, although the policies also cross over into the built form outcomes that are envisaged (we consider this to be problematic, as will be discussed later). In her Section 42A Report and recommendations, Ms. Leith proposed substantial changes to the notified provisions largely on the basis of Clause 16(2) clarifications to improve the text.
206. In terms of submissions, the key submitter was Reddy Group Ltd¹⁰⁶. Reddy Group Ltd sought a number of changes on the basis that alternative wording could result in clearer and more effective promotion of medium density housing. For this and other provisions, Ms Leith stated of her own recommendations: “I have adopted much of the amended wording recommended by submitter 699”¹⁰⁷. Other submitters to these provisions included M Lawton¹⁰⁸, P Roberts¹⁰⁹, R Jewell¹¹⁰, P Winstone¹¹¹, and D & V Caesar¹¹². We find in agreement with Ms Leith that Reddy Group Ltd, and other submitters, have proposed numerous improvements to the notified text.
207. We found the Council’s urban design expert, Mr Falconer, and its economic advisor, Mr Osborne, especially helpful in our consideration of the Medium Density Residential Zone provisions and in particular this objective and its policies. Mr Osborne confirmed to us the severity of Queenstown’s growth issues and this, in our view, directly relates to the ability of the community to provide for its social, economic and cultural wellbeing as described in s. 5 of the Act.
208. Mr Falconer described to us the need for this particular zone as a key means of accommodating growth in comparison to alternatives. Of particular interest to Mr Falconer was the economics of development and that in many cases medium density housing could strike a ‘sweet spot’ (our paraphrasing) in terms of development scale, cost and risk, that high density housing could struggle to match. As one example, we discussed with him the differences between timber-construction terraced housing with parking ‘at grade’ beside or behind the units, and concrete-construction low-rise apartments including elevators and car parking in an excavated

¹⁰⁶ Submission 699

¹⁰⁷ Section 42A Report for Chapter 8, page 85

¹⁰⁸ Submission 117

¹⁰⁹ Submission 172

¹¹⁰ Submission 300

¹¹¹ Submission 264

¹¹² Submission 651

basement. In his view, the medium density housing solution would often be more viable for a developer and more affordable (for purchasers) despite resulting in less units on the site. We accept his analysis that, in the absence of a very significant difference in unit yield achievable to overcome what could be substantial cost differentials (such as by way of additional building height), the Medium Density Residential zone may over time prove more effective in providing much needed affordable housing than the High Density Residential zone. We note that across all of the evidence we heard in the Stream 6 hearing, we heard nothing that came close to rebutting Mr Falconer's analysis.

209. We also note here that this discussion had reasonably obvious ramifications on our conclusions for the High Density Residential zone, to be outlined later.
210. Mr Falconer's support of the Medium Density Residential Zone went as far as him identifying that it was likely to be more significant than the more constrained (in terms of locational distribution) High Density Residential zone in addressing the District's housing issues. Although much of his commentary remains more applicable to the separate mapping hearings, we find that the need to provide for greater housing intensification including change to the existing character of some neighbourhoods to be both desirable and necessary.
211. In this respect, we recognise the extent of submissions made addressing medium density housing and higher densities generally (see paragraphs 9.21 and 9.22 of the Section 42A Report for a summary). We record our finding that there is a very compelling resource management basis to 'up zone' land when appropriate to enable more intensive and efficient use of land and, as is the case for the District, to address what has become a serious social and economic problem. We also find that opposition to such 'up zoning' requires convincing counter-argument based on the issues being addressed. Few submissions seeking a retention of previous lower density and more restrictive land use management controls offered such analysis and this weakened the case against the Medium Density Residential zone.
212. In summary, the principal argument in support of limiting intensification within existing developed areas relates to a loss of amenity values for existing residents, as well as various other adverse environmental effects including noise, shading, traffic and a loss of openness or views. We accept that these adverse effects could at times be substantial on those residents. The principal argument in support of enabling intensification within existing developed areas relates to the needs of new residents; the efficiencies of concentrating development in well-serviced and located areas; the inferiority of alternative locations to accommodate new growth; and the adverse effects that could eventuate from such an alternative settlement pattern (landscape effects, transport effects, social dislocation amongst others). We accept that the adverse effects of not enabling appropriate intensification could also be substantial on new residents and the environment. Although our above summary risks oversimplifying many nuances of the arguments on each side, we do find that there is an inevitable need to balance the interests of current residents against those of new and future residents when considering urban intensification.
213. We also note that wherever new growth is located it is likely to cause offence to some existing residents who feel they are losing some aspect of their quality of life and in this respect there is no 'silver bullet' for how and where future growth can be managed.
214. In terms of the objective, we find that the text can be substantially simplified to refer to employment centres on the basis that this will best promote non-vehicular travel (other than passenger transport). This best encapsulates the technical justification offered by the Council

for the zone and the need to limit opportunities for substantial intensification to where it can be accommodated such as by generating less demand for car travel on already busy roads. It also then better sets in train policy 8.2.1.1, which can describe in detail the locations most appropriate to implement the objective without being as repetitive as it had been when notified.

215. We find that the policies otherwise require substantial amendment, although mostly to make them clear and legible without changing their fundamental intent. In terms of policies 8.2.1.2 and 8.2.1.3 we find that these are not justified by the objective and should be removed given that different objectives and policies address the form and quality expected of development within the zone.

216. We find that policy 8.2.1.5 should be removed. The reference to incentivising higher density housing was inadequately substantiated and was not, in our view, reflected in any proposed rules. We also consider that incentivising higher density housing remains a matter that would be best promoted through non-Resource Management Act means, such as reduced development contributions or rates under the LGA, should the community determine to take such action.

217. The amended text we recommend is:

8.2.1 Objective

Medium density development occurs close to employment centres which encourage travel via non-vehicular modes of transport or via public transport.

Policies

8.2.1.1 *Provide opportunities for medium density housing close to town centres, local shopping zones, activity centres and public transport routes.*

8.2.1.2 *Provide for compact development forms that encourage a diverse housing supply and contribute toward containing the outward spread of residential growth away from employment centres.*

8.2.1.3 *Enable increased densities where they are located within easy walking distance of employment centres and public transport routes, subject to environmental constraints including local topography, stability and waterways, that may justify a limitation in density or the extent of development.*

8.2.1.4 *Enable medium density development through a variety of different housing forms including terrace, semi-detached, duplex, townhouse, or small lot detached housing.*

218. We find that the recommended text is clearer and more direct in its language than the notified version, although retains the key thrust of what had been proposed by the Council.

219. Policies 8.2.1.1 and 8.2.1.2 relate to the allocation of the land use zone. Policies 8.2.1.3 and 8.2.1.4 then relate to the land use outcomes, broadly, that should be enabled within the zone and which might otherwise be used to more directly guide applications for discretionary or non-complying activity resource consent.

220. We find that our recommended text is the most appropriate for reasons of administrative effectiveness and efficiency, and that as notified some of the policies (notably 8.2.1.2 and 8.2.1.3) were not convincingly drawn from the objective they purported to implement.

13.2. Objective 8.2.2 and Policies 8.2.2.1, 8.2.2.2, 8.2.2.3, 8.2.2.4, 8.2.2.5, 8.2.2.6 and 8.2.2.7

221. The notified objective is as follows:

“Objective - Development provides a positive contribution to the environment through quality urban design solutions which complement and enhance local character, heritage and identity.”

222. The notified policies are as follows:

“8.2.2.1 Buildings shall address streets and provide direct connection between front doors and the street, with limited presentation of unarticulated blank walls or facades to the street.

8.2.2.2 Where street activation (by the methods outlined by the Policy above) is not practical due to considerations or constraints such as slope, multiple road frontages, solar orientation, aspect and privacy, as a minimum buildings shall provide some form of visual connection with the street (such as through the inclusion of windows, outdoor living areas, low profile fencing or landscaping).

8.2.2.3 Street frontages shall not be dominated by garaging, parking and accessways.

8.2.2.4 The mass of buildings shall be broken down through variation in facades and materials, roof form, building separation and recessions or other techniques to reduce dominance on streets, parks, and neighbouring properties.

8.2.2.5 Landscaped areas shall be well designed and integrated into the design of developments, providing high amenity spaces for recreation and enjoyment, and to soften the visual impact of development, with particular regard to the street frontage of developments.

8.2.2.6 Development must take account of any design guide or urban design strategy applicable to the area.

8.2.2.7 The amenity and/or environmental values of natural features (such as topography, geology, vegetation, waterways and creeks) are taken into account by site layout and design, and integrated as assets to the development (where appropriate).”

223. Complementing objective 8.2.1, this objective and its policies seek to focus on the built form and spatial qualities that development within the zone should achieve. It is clear that the Council has sought to enable intensification only where the quality of resultant development will be high. We find that this, at a very general level, resonated very positively amongst the submitters and enjoyed widespread support across all of the residential zones.

224. In Ms Leith’s S.42A version, substantial changes were proposed, largely in response to alternative wording proposed by Reddy Group Ltd¹¹³. Other submitters were also interested in these provisions, including M Lawton¹¹⁴, The Jandel Trust¹¹⁵ and FII Holdings Ltd¹¹⁶. The changes were largely in terms of the language used so as to make the provisions clearer.

¹¹³ Submission 699

¹¹⁴ Submission 117

¹¹⁵ Submission 717

¹¹⁶ Submission 847

225. In consideration of these provisions we have considered carefully the submissions made in opposition to the zone¹¹⁷ and its potential density enablement – especially where the land is currently zoned for lesser intensity in the ODP. These submissions can be seen to focus on two key issues of concern. The first relates to infrastructure capacity and we will address that later. The second relates to amenity values and the adverse effects that medium density development could give rise to on the immediate locality.
226. While we have found broad support for the Medium Density Residential zone and, noting that the separate mapping hearings will consider site-specific submissions relating to what zone or zones should apply to land, we agree with those submissions that express concern that, if not well managed medium density housing may result in unacceptable adverse effects. To this end the proposed objective and its policies are an essential plank of the zone’s justification.
227. We do not however accept that densification will inherently or necessarily lead to adverse environmental effects, nor do we consider that any adverse effects will be inherently unacceptable. But we consider that the potential for adverse effects is sufficient that the zone policy framework needs to be clear that a minimum level of quality is to be required.
228. Turning to the provisions themselves, we find that medium density development will often occur in or near neighbourhoods that have been historically developed to a lower density. To that end, we do not consider the blanket maintenance or enhancement of those existing character or amenity values to be justifiable (or achievable). Given that over time a different set of amenity values and built form character qualities will eventuate, the policy target should be that new development contributes to that new high quality character.
229. Our recommended wording for the objective further clarifies the direction we consider Ms Leith was aiming for in her S.42A version. In this respect, we find in agreement with those submissions that support medium density housing in the District¹¹⁸ and the evidence of Mr Falconer on behalf of the Council.
230. In terms of the policies, we agree with Ms Leith and Mr Falconer that the emphasis of new built form character should be public spaces (streets and parks) and this has been made clearer in our recommended provisions. We recommend deletion of notified Policy 8.2.2.6 on the basis that, if the Council determines to progress with design guidelines for the residential zones, it can propose changes to the add policies as part of any future plan variation or change. We also recommend deleting Policy 8.2.2.7. We find that incorporating existing features on a site is not inherently necessary or required, especially if it leads to an inefficient use of land purposefully zoned to accommodate housing. Likewise, we have not been convinced that there is any inherent risk of adverse effects from environmental modification given how urban and modified the character of the zone ins planned to become. In this respect, we consider that the best means of considering very constrained sites where reduction in development

¹¹⁷ Identified in Ms Leith’s Section 42A Report as being Submissions 8 (opposed by FS1029, FS1061, FS1167, FS1189, FS1195, FS1270), 9, 19, 22, 25, 37, 61, 99, 132, 140 (opposed by FS1189 and FS1195), 154, 155, 164, 173 (opposed by FS1251), 181, 190, 199, 204, 210, 221, 244, 261, 264, 265, 269, 304, 317, 341, 423, 479 (opposed by FS1271), 503 (supported by FS1063, opposed by FS1315), 506 (opposed by FS1315 and FS1260, supported by FS1063), 569, 578, 597, 599 (supported by FS1265 and FS1268), 618, 646, 648, 717, 752, 814, 821 (supported by FS1265, FS1268 and FS1063), 824, 847, 130

¹¹⁸ Including submissions 88, 110 (with exception of Scurr Heights), 177 (supported by FS1061), 290 (supported by FS1061), 335, 445 (supported by FS1061), 470, 668 (opposed by FS1271 and 1331), 682, 737 (opposed by FS1276 and FS1251), 751, 773, C Ryan 290 (supported by FS1061), and also as further elaborated in A Leith, Chapter 8 Section 42A Report, Section 10

may be suitable is by way of land use zoning (i. e. to not apply a zone that then cannot be readily developed to its maximum).

231. Our recommended text changes are:

8.2.1 Objective

Development contributes to the creation of a new, high quality built character within the zone through quality urban design solutions which positively respond to the site, neighbourhood and wider context.

Policies

8.2.2.1 *Ensure buildings address streets and other adjacent public spaces, with limited presentation of unarticulated blank walls or facades to the street(s) or public space(s).*

8.2.2.2 *Require visual connection with the street through the inclusion of windows, outdoor living areas, low profile fencing or landscaping.*

8.2.2.3 *Ensure street frontages are not dominated by garaging through consideration of their width, design and proximity to the street boundary.*

8.2.2.4 *Ensure developments reduce visual dominance effects through variation in facades and materials, roof form, building separation and recessions or other techniques.*

8.2.2.5 *Ensure landscaped areas are well designed and integrated into the design of developments, providing high amenity spaces for residents, and to soften the visual impact of development with particular regard any street frontage(s).*

232. Referring to the amended text above, we find that our recommendations are the most appropriate. The provisions have been simplified and reinforce that a high-quality outcome is required of every medium density housing development within the zone. This will avoid the worst potential adverse effects likely from allowing medium density housing to occur close to lower density housing.

13.3. Objective 8.2.3 and Policies 8.2.3.1, 8.2.3.2 and 8.2.3.3

233. The notified objective is as follows:

“Objective - New buildings are designed to reduce the use of energy, water and the generation of waste, and improve overall comfort and health.”

234. The notified policies are as follows:

8.2.3.1 *Enable a higher density of development and the potential for non-notification of resource consent applications where building form and design is able to achieve certification to a minimum 6-star level using the New Zealand Green Building Council Homestar™ Tool.*

8.2.3.2 *Encourage the timely delivery of more sustainable building forms through limiting the time period in which incentives apply for development which is able to achieve certification to a minimum 6-star level using the New Zealand Green Building Council Homestar™ Tool.*

8.2.3.3 *Development considers methods to improve sustainable living opportunities, such as through the inclusion of facilities or programs for efficient water use, alternative waste management, edible gardening, and active living.”*

235. These provisions sought to incentivise sustainable building practices by providing a variety of rule exemptions (most notably density) for applicants that could meet requirements.
236. Ms Leith, in her Section 42A Report and recommendations, proposed that these provisions be deleted. In support of this she referred to a number of submitters including P Roberts¹¹⁹, R Jewell¹²⁰, P Winstone¹²¹, D & V Caesar¹²², M Lawton¹²³, Dato Tan Chin Nam¹²⁴, Shellmint Proprietary Ltd¹²⁵, Reddy Group Ltd¹²⁶, R & L Kane¹²⁷, and NZIA and Architecture + Women Southern¹²⁸.
237. We identified a number of concerns with these provisions and, in summary, support their deletion.
238. First, in terms of proposed Policy 8.2.3.1, we do not see the nexus between a Homestar rating and the potential environmental effects of a proposal, particularly on any affected parties (given the potential for non-notification identified in the policy). Second, we have been given no meaningful analysis or evidence to demonstrate what actual sustainability benefit would result if the provisions were put in place. Third, we accept and prefer the Council's strategic evidence, to the effect that the most sustainable possible land use pattern, of promoting higher density around nodes that can make a meaningful reduction in daily transport needs, remains the key strategy around which a less energy-intensive way of life could be achieved.
239. In her Section 42A Report, Ms Leith referred to a similar initiative proposed by Auckland Council as part of its Proposed Auckland Unitary Plan process (at her paragraphs 9.31 and 9.32). Whereas Ms Leith disagreed with some of the commentary made by the Auckland Independent Hearings Panel's finding (which was against inclusion of the Homestar tool within the AUP), we do not. Matters relating to the sustainability of construction including materials used and Homestar-type initiatives, sit properly under the Building Act.
240. We do accept and agree with the remaining analysis provided by Ms Leith in her Section 42A Report at paragraphs 9.27 to 9.34, including the concern of submitters that the Homestar incentive approach could unintentionally enable an inappropriate density within the zone, potentially undermining the role of the High Density Residential zone.
241. We consider that removal of these provisions is the most appropriate way of promoting sustainable management within the zone as a whole.

13.4. Objective 8.2.4 and Policies 8.2.4.1, 8.2.4.2 and 8.2.4.3

242. The notified objective is as follows:

¹¹⁹ Submission 172
¹²⁰ Submission 300
¹²¹ Submission 264
¹²² Submission 651
¹²³ Submission 117
¹²⁴ Submission 61
¹²⁵ Submission 97
¹²⁶ Submission 699
¹²⁷ Submission 130
¹²⁸ Submission 238

“Objective - Provide reasonable protection of amenity values, within the context of an increasingly intensified suburban zone where character is changing and higher density housing is sought.”

243. The notified policies are as follows:

“8.2.4.1 Apply recession plane, building height, yard setback, site coverage, and window sill height controls as the primary means of ensuring reasonable protection of neighbours’ privacy and amenity values.

8.2.4.2 Ensure buildings are designed and located to respond positively to site context through methods to maximise solar gain and limit energy costs.

8.2.4.3 Where compliance with design controls is not practical due to site characteristics, development shall be designed to maintain solar gain to adjoining properties.”

244. The purpose of these provisions is to provide a framework to allow intensification to occur while managing adverse effects on neighbours (although in this light policy 8.2.4.2 does not sit comfortably).

245. Ms Leith’s Section 42A Report recommendations broadened the scope of the provisions to also include the amenity values of residents within medium density housing developments in addition to those of neighbours – which would amongst other things address the anomaly of Policy 8.2.4.2 identified above. In arriving at her conclusions, she agreed with points made by Reddy Group Ltd¹²⁹, NZIA and Architecture + Women Southern¹³⁰, The Jandel Trust¹³¹, FII Holdings Ltd¹³², and the Council¹³³.

246. In terms of the objective, we agree that the amenity values of neighbours and locals within the Medium Density Residential zone should be “reasonably maintained” rather than “reasonably protected” given the purpose of the zone to enable change in the built environment by way of intensification and more density. In our view an objective to “protect” is inherently restrictive and in favour of a status quo. We have also agreed with Ms Leith’s use of the words “high quality living environments for residents”, noting that “residents” includes those living in new developments *and* those living around them.

247. We have recommended substantial changes to the policies to make them more clearly focussed on applications for resource consent, and also added a new policy (8.2.3.3 in our Appendix 2, noting that notified Objective 8.2.4 has become 8.2.3 in our recommendations). That policy relates to a specific matter raised in submissions and discussed at the hearing, at Scurr Heights in Wanaka. That is a public access way (Designation 270 in the PDP) and submissions relating primarily to the development control rules (building height) that should apply were received from M Prescott¹³⁴, W Richards¹³⁵ and D Richards¹³⁶. Their preferred relief would be to limit development on the land adjacent to the public walkway.

¹²⁹ Submission 699
¹³⁰ Submission 238
¹³¹ Submission 717
¹³² Submission 847
¹³³ Submission 383
¹³⁴ Submission 73
¹³⁵ Submission 55
¹³⁶ Submission 92

248. The developer of the land in question, Universal Developments Ltd¹³⁷ called evidence from Mr Dan Curly and Mr Tim Williams, and legal submissions from Mr Warwick Goldsmith. In summary Universal Developments Ltd disagreed with Ms Leith's recommended height limitation and considered that there was no need for a restriction on building height.
249. Having considered the matter in light of all evidence, and having visited the most potentially affected part of the walkway ourselves, we find in agreement that development on land immediately adjoining Designation 270 could adversely detract from the very high quality public views down to and across Lake Wanaka in a manner that was not appropriate. To that end, it is not appropriate to introduce rules arbitrarily and instead the policy framework should be the key means of providing for the management of effects. We find that a policy is required to manage the amenity values (public view quality) of people using Designation 270. Having considered the alternative rules packages that might apply, we have determined that the basic zone development control rules are adequate to balance the efficient and reasonable use of Medium Density Residential zoned land with the public amenity and benefits of the walkway's views out over the township. Related to this, we find that the difference between the options we identified, including Ms Leith's and Mr Williams', was not significant once the undulating nature of the land was taken into account. None of the options convincingly addressed the matter of how any land use consent that sought to contravene any first-line rule would be managed (i. e. all suggestions ignored the scenario of development that did not comply with the rules being proposed), and this ultimately led to the need for a specific policy to govern the matter.
250. The text changes we recommend are:

8.2.3 Objective

Development provides high quality living environments for residents and provides reasonable maintenance of amenity values enjoyed on adjoining sites taking into account the changed future character intended within the zone.

Policies

- 8.2.3.1 Apply permitted activity and resource consent requirements based on recession plane, building height, setbacks and site coverage controls as the primary means of ensuring reasonable maintenance of neighbours' privacy and amenity values.
- 8.2.3.2 Where a resource consent is required for new development, reasonably minimise the adverse effects of the new development on the amenity values enjoyed by occupants of adjoining sites, and have particular regard to the maintenance of privacy for occupants of the development site and neighbouring sites through the application of setbacks, offsetting of habitable room windows from one another, screening or other means.
- 8.2.3.3 Ensure development along the western side of Designation 270¹³⁸ has the least possible impact on views from the formed walkway to the west toward Lake Wanaka and beyond, and generally limit development on land immediately adjoining the western side of Designation 270 to the permitted building height, recession plane, site coverage and setback limits (including between units) to achieve this.

¹³⁷ Submitter 177.

¹³⁸ Running south from Aubrey Road, Wanaka

251. We find that the text proposed above is the most appropriate and will ensure that the maintenance of amenity values will be ensured within the zone and between new development and its neighbours in a way that still provides for change and new growth to occur, including in respect of Designation 270.

13.5. Objective 8.2.5 and Policies 8.2.5.1, 8.2.5.2, 8.2.5.3 and 8.2.5.4

252. The notified objective is as follows:

“Objective - Development supports the creation of vibrant, safe and healthy environments.”

253. The notified policies are as follows:

“8.2.5.1 Promote active living through providing or enhancing connections to public places and active transport networks (walkways and cycleways).

8.2.5.2 Design provides a positive connection to the street and public places, and promotes ease of walkability for people of all ages.

8.2.5.3 Walking and cycling is encouraged through provision of bicycle parking and, where appropriate for the scale of activity, end-of-trip facilities (shower cubicles and lockers) for use by staff, guests or customers.

8.2.5.4 Public health and safety is protected through design methods to increase passive surveillance and discourage crime, such as through the provision of security lighting, avoidance of long blank facades, corridors and walkways; and good signage.”

254. These provisions sought to promote walking and cycling, and that development integrates with public spaces.

255. In her Section 42A Report, Ms Leith proposed a relatively minor series of corrections and clarifications to the provisions, including additions in response to the submissions made by Varina Propriety Ltd¹³⁹ relating to non-residential activities.

256. We find that these provisions are unnecessary and duplicate matters specified elsewhere in the chapter. Specifically, Objective 8.2.2 and its policies relate to the visual integration and quality of development adjacent to public spaces. Policy 8.2.2.2 (our version) directly relates to the qualities that promote passive surveillance and positively connecting developments with streets.

257. Overall, we find that these provisions should be deleted from the Plan. Their imprecision and unnecessary repetition muddles the policy framework and would lead to inefficiencies in the District Plan’s implementation. We also have doubt as to how the policies would function in practice, for example Policy 8.2.4.3 describes end-of-trip facilities such as shower cubicles. But there are no rules or general matters of discretion (or reservations of control) proposed that would ever require these, meaning they would function as an additional Council request or point of negotiation for discretionary or non-complying activity applications. This does not in our view seem effective.

¹³⁹ Submission 591

13.6. Objective 8.2.6 and Policies 8.2.6.1, 8.2.6.2 and 8.2.6.3

258. The notified objective is as follows:

“Objective - In Arrowtown medium density development responds sensitively to the town’s character.”

259. The notified policies are as follows:

“8.2.6.1 Notwithstanding the higher density of development anticipated in the zone, development is of a form that is sympathetic to the character of Arrowtown, including its building design and form, scale, layout, and materials in accordance with the Arrowtown Design Guidelines 2006.

8.2.6.2 Flat roofed housing forms are avoided.

8.2.6.3 Medium density housing development responds sensitively to the street and public spaces through the inclusion of landscaping (including small trees and shrubs) to soften increased building mass.”

260. These provisions sought to ensure development in Arrowtown was compatible with the historic character values of the settlement.

261. Ms Leith recommended no changes to these provisions other than an updated reference from the 2006 Arrowtown Design Guidelines to the 2016 version.

262. While submissions were made to Chapter 10 (Arrowtown Residential Historic Management zone) and Variation 1 (Arrowtown Design Guidelines), no specific text-changes were identified in the submissions for these provisions, although P Winstone¹⁴⁰ did challenge whether or not the provisions would be adequate for Arrowtown (and elsewhere).

263. We find, in partial agreement with P Winstone, that these provisions should be clearer and in conjunction with Clause 16(2) clarifications we have proposed a number of changes to the objective and its policies. The effect of the changes we recommend is to make the provisions clearer that new development should be compatible with the town’s existing character. We have also identified that as a part of this, Policy 8.2.6.1 (renumbered 8.2.4.1 in our recommendations) should place greater emphasis on building design and form, and the scale and layout of buildings relative to street frontages. We find that these changes do not materially change the notified provisions, but make them clearer in response to the concerns identified by P Winstone.

264. Our recommended text changes are included below (noting that 8.2.6 becomes 8.2.4). We find that these will be the most appropriate inasmuch as greater clarity in how to manage medium density housing in Arrowtown will result in more effective plan administration. Our recommended text changes are:

8.2.4 Objective

In Arrowtown medium density development occurs in a manner compatible with the town’s existing character.

Policies

¹⁴⁰ Submission 264

- 8.2.4.1 *Ensure development, including infill housing, community activities and commercial development is of a form that is compatible with the existing character of Arrowtown, and as described within the Arrowtown Design Guidelines 2016 with particular regard given to:*
- a. *Building design and form*
 - b. *Scale, layout and relationship of buildings to the street frontage(s)*
 - c. *Materials and landscape response(s) including how landscaping softens the building mass*
 - d. *relative to any street frontage(s).*
- 8.2.4.2 *Avoid flat roofed dwellings in Arrowtown.*

13.7. Objective 8.2.7 and Policies 8.2.7.1, 8.2.7.2, 8.2.7.3, 8.2.7.4 and 8.2.7.5

265. The notified objective is as follows:

“Objective - Ensure medium density development efficiently utilises existing infrastructure and minimises impacts on infrastructure and roading networks.”

266. The notified policies are as follows:

“8.2.7.1 Medium density development is provided close to town centres and local shopping zones to reduce private vehicle movements and maximise walking, cycling and public transport patronage.

8.2.7.2 Medium density development is located in areas that are well serviced by public transport and infrastructure, trail/track networks, and is designed in a manner consistent with the capacity of infrastructure networks.

8.2.7.3 Access and parking is located and designed to optimise efficiency and safety and minimise impacts to on-street parking.

8.2.7.4 A reduction in parking requirements may be considered in Queenstown and Wanaka where a site is located within 400 m of either a bus stop or the edge of a town centre zone.

8.2.7.5 Low impact approaches to storm water management, on-site treatment and storage / dispersal approaches are enabled to limit demands on public infrastructure networks.”

267. These provisions sought to promote the efficient use of infrastructure within the zone. A number of submitters sought changes to the provisions, including Reddy Group Ltd¹⁴¹, JWA and DV Trust¹⁴², NZTA¹⁴³, P Thoreau¹⁴⁴, P Fleming¹⁴⁵, Otago Foundation Trust Board¹⁴⁶, and Ministry of Education¹⁴⁷.

¹⁴¹ Submission 699
¹⁴² Submission 505
¹⁴³ Submission 719
¹⁴⁴ Submission 668
¹⁴⁵ Submission 599
¹⁴⁶ Submission 408
¹⁴⁷ Submission 524

268. Ms Leith’s S.42A version included deleting outright Policies 8.2.7.1 and 8.2.7.4. We agree with this. In terms of Policy 8.2.7.1, it addresses and unnecessarily repeats the matters outlined in Objective 8.2.1 and its policies. In terms of Policy 8.2.7.4, we consider that this is a matter that, if appropriate, should sit in the District Plan’s transportation provisions. As it stands, it is a policy that does not link to any rules or assessment matters within Chapter 8. In respect of the above, we find that the notified provisions are inefficient and ineffective.
269. For the balance of the provisions Ms Leith’s analysis of the submissions led her to propose a number of clarifications and changes. We largely agree with her recommendations including the changes made in recognition of improvements identified by the submitters. However, we have recommended further modifications under Clause 16(2) to further improve their clarity.
270. Our recommended text changes are:

8.2.5 Objective

Development efficiently utilises existing infrastructure and minimises impacts on infrastructure networks.

Policies

- 8.2.5.1 *Ensure access and vehicle parking is located and designed to optimise safety and efficiency of the road network and minimise adverse effects on on-street vehicle parking.*
- 8.2.5.2 *Ensure development is designed consistent with the capacity of existing infrastructure networks and where practicable incorporates low impact approaches to storm water management and efficient use of potable water.*
- 8.2.5.3 *Integrate development with all transport networks and in particular, and where practicable, improve connections to public transport services and active transport networks (tracks, trails, walkways and cycleways).*

†

271. We find that the provisions we recommend above (noting that 8.2.7 is now to be renumbered as 8.2.5) will be both effective and efficient. Changes recommended to (re-numbered) Policies 8.2.5.2 and 8.2.5.3 now distinguish between requirements that are expected to be achieved, followed by proactive opportunities that may or may not be possible on a case by case basis. This in our view offers a balance between minimum acceptable baselines and the more sustainability-based regime supported by the Council. As such, we find that the provisions we recommend to be the most appropriate.

13.8. Objective 8.2.8 and Policies 8.2.8.1, 8.2.8.2 and 8.2.8.3

272. The notified objective is as follows:

“Objective - Provide for community activities and facilities that are generally best located in a residential environment close to residents.”

273. The notified policies are as follows:

“8.2.8.1 Enable the establishment of community activities and facilities where adverse effects on residential amenity in terms of noise, traffic, hours of operation, lighting, glare and visual impact can be suitably avoided or mitigated.

8.2.8.2 *Ensure any community uses or facilities are of limited intensity and scale, and generate only small volumes of traffic.*

8.2.8.3 *Ensure any community uses or facilities are of a design, scale and appearance compatible with a residential context.”*

274. These provisions seek to enable community activities within the zone. Key submitters with an interest in these included Ministry of Education¹⁴⁸, and Otago Foundation Trust Board¹⁴⁹. As a result of these submissions and her own editorial suggestions using Clause 16(2), Ms Leith proposed minor changes to these provisions, consistent with those also recommended and discussed for Chapter 7 (see paragraphs 139-141 above).

275. We largely agree with Ms Leith’s recommendation for the objective and first policy, although we recommend changing the ambiguous term “amenity” to “amenity values” given that is a term defined by the Act. In terms of the second policy, Ms Leith recommended deleting this, however we disagree. The policy forms a key means by which proposals for larger-scale community activities can be considered, based on the locality having the ability to absorb the activity and its operational effects. To that end, we recommend it be retained by re-wording it so as to achieve the relief sought by the Otago Foundation Trust Board¹⁵⁰, i. e. a recognition that some community activities within the zone may be neither of limited scale or generate a small amount of traffic, but still be appropriate. In terms of the third policy, we agree with Ms Leith’s recommendation.

276. The text changes we recommend are:

8.2.6 Objective

Community activities serving the needs of people within the zone locate within the zone on sites where adverse effects are compatible with residential amenity values.

Policies

8.2.6.1 *Enable the establishment of community activities where adverse effects on residential amenity values including noise, traffic, lighting, glare and visual impact can be avoided or mitigated.*

8.2.6.2 *Ensure any community activities occur in areas which are capable of accommodating traffic, parking and servicing to a level which maintains residential amenity values.*

8.2.6.3 *Ensure any community activities are of a design, scale and appearance compatible with a residential context.*

277. Overall, we find that the provisions we recommend above (renumbered from 8.2.8 to 8.2.6) to be the most appropriate. They will be efficient inasmuch as they will enable the greatest possible diversity and (albeit by way of consent) opportunity for community activities to occur within the zone, and effective inasmuch as they will limit community activities based on local environmental constraints and adverse effects on residential amenity values.

13.9. Objective 8.2.9 and Policies 8.2.9.1, 8.2.9.2 and 8.2.9.3

278. These provisions were withdrawn from the PDP by the Council on 25 November 2015. We have given them no further consideration.

¹⁴⁸ Submission 524

¹⁴⁹ Submission 408

¹⁵⁰ Ibid

13.10. Objective 8.2.10 and Policies 8.2.10.1, 8.2.10. 2, 8.2.10. 3, 8.2.10. 4, 8.2.10. 5 and 8.2.10.6

279. The notified objective is as follows:

“Objective - Provide for limited small-scale commercial activities where such activities:

- *contribute to a diverse residential environment;*
- *maintain residential character and amenity; and*
- *do not compromise the primary purpose of the zone for residential use.”*

280. The notified policies are as follows:

“8.2.10.1 Commercial activities that directly serve the day-to-day needs of local residents, or enhance social connection and vibrancy of the residential environment may be supported, provided these do not undermine residential amenity, the viability of the zone or a nearby Town Centre.

8.2.10.2 Ensure any commercial development is low scale and intensity and generates small volumes of traffic.

8.2.10.3 Commercial activities which generate adverse noise effects are not supported in the residential environment.

8.2.10.4 Commercial activities are suitably located and designed to maximise or encourage walking, cycling and public transport patronage.

8.2.10.5 Commercial activities are located at ground floor and provide a quality built form which activates the street, and adds visual interest to the urban environment.

8.2.10.6 Ensure any commercial development is of a design, scale and appearance compatible with its surrounding residential context.”

281. These provisions seek to enable commercial activities within the zone provided that they are able to be residentially-compatible and otherwise sit most appropriately within a residential, rather than a commercial centre, location.

282. Although the matter of residential amenity values was of interest to a significant number of submissions generally, few submitters sought specific changes to the proposed text of the objective or its policies. Key submitters were The Jandel Trust¹⁵¹ and FII Holdings Ltd¹⁵². We also note that so some submitters, notably P Winstone¹⁵³, P Swale¹⁵⁴, and L King¹⁵⁵ considered that there should be no commercial activities enabled at all within the zone.

283. We find that commercial activities are appropriate for residential zones generally and the Medium Density Residential zone specifically. They are so commonplace that the idea of a ‘corner dairy’ or café is iconic and inherently forms a part of, in our view, the reasonable and every day conception of residential amenity values (along with periodic construction or traffic noise, visual change as properties are developed or redeveloped, and seasonal changes in

¹⁵¹ Submission 717

¹⁵² Submission 847

¹⁵³ Submission 264

¹⁵⁴ Submission 792

¹⁵⁵ Submission 230

vegetation cover and shading from trees). We do not support those submissions that seek to effectively prohibit or exclude commercial activities entirely from the zone.

284. However, we qualify this by affirming our agreement with Ms Leith and the notified PDP provisions themselves that commercial activities, to be compatible with a residential scale, do need to be effectively managed including by limiting the scale and quantity of such activities.
285. Ms Leith recommended retention of the objective and all six policies, subject to numerous refinements and changes (most in response to Clause 16(2) clarifications and the Panel's own 4th Procedural Minute).
286. We find that the community's wellbeing will be best served by enabling commercial activities within the zone for the reasons that they will help make daily life easier and more convenient, provide local employment opportunities, promote social interaction between residents, and provide additional reasons for residents to walk and cycle in their neighbourhood (a public health benefit). We find that the benefits of appropriately located and scaled commercial activity within the zone are such that slight diminishment of some local amenity values, provided that the full balance of amenity values are, overall, maintained, would be acceptable.
287. To this end, we have considered the submissions, further submissions, notified provisions and Ms Leith's recommendations. We find that the proposed objective is too directive and includes matters that are in our view better suited to a policy level. We have therefore recommended simplifying the objective to focus on commercial activities being of small scale and otherwise having minimal adverse amenity value effects.
288. In terms of the policies, we agree with the first policy and have recommended only minor Clause 16(2) amendments, including the addition of a reference to home occupation activities given that they are a form of commercial activity provided for by the rules framework that should be governed by these provisions. In terms of the second policy we find that it is appropriate to limit the scale of commercial activity. We disagree with the proposed words "small volumes of traffic". This reflects in our view an example of a reasonably clear policy intention (to avoid problematic traffic effects on residential streets) but a use of words that is very ambiguous. For example, "small" could be measured in absolute terms of the number of vehicle trips likely to be generated by an activity, or in a relative sense – such as a "small" percentage of the number of vehicles typically using a given road (allowing a large number of vehicle trips to be generated if the commercial activity was located next to a busy road). Another complicating factor is if the commercial activity in question only generated a very small number of "new" vehicle trips, and otherwise relied on a large number of 'pass by' customers who were already making a vehicle trip elsewhere and hence already going to be using the road - the classic example being a commuter going to work who stops at a corner café to purchase a takeaway cup of coffee.
289. In our overall consideration of this problem we considered whether or not the proposed zone rules helped give meaning to what "small" might mean. No rules are proposed based on traffic generation.
290. We find that, using Clause 16(2) it is possible to clarify the policy, without changing its meaning, to better reflect the Council's intent. To that end we have recommended that the policy be re-worded to focus on the traffic and car parking effects of commercial activity rather than an undefined and difficult to administer benchmark.

291. In terms of the third policy, we find that noise effects from commercial activities are potentially very adverse and need to be well managed. To this end, we recommend further changes under Clause 16(2) to benchmark noise effects to be compatible with the locality and residential amenity values. We find that our recommended wording will be clearer than Ms Leith's more generic preference that commercial noise effects simply be mitigated. As such we also find our recommendations are closer to the notified policy wording than Ms Leith's amended version.
292. We do not support the fourth and fifth policies. These are not supported by any proposed rules and are, in our view unnecessary. In terms of Policy 8.2.10.4, we find that any operator looking to establish a commercial activity within a residential zone will inherently need to carefully consider location based on accessibility, exposure to passing traffic, and customer attraction so as to maximise the likelihood that they will be commercially successful. To this end, we consider the policy to be both ineffective and inefficient. In terms of Policy 8.2.10.5, we consider that this is, in part, repeating the visual and design quality expectations of Policy 8.2.10.6, and is otherwise unnecessary given that a commercial operator would always prefer the commercial advantage of a ground floor location unless, such as in a home occupation, the nature of the operation does not require regular customer access or public interaction. It is as such both repetitive and unnecessary.
293. We agree with the sixth policy as recommended by Ms Leith and find that it is essential in managing the majority of potential effects likely to be generated by commercial activity within the zone.
294. Overall, we therefore recommend simplifying the policies from six to four, and renumbering the objective from 8.2.10 to 8.2.7, all as set below.

8.2.7 Objective

Commercial development is small scale and generates minimal adverse effects on residential amenity values.

Policies

- 8.2.7.1 *Provide for commercial activities, including home occupation activities, that directly serve the day-to-day needs of local residents, or enhance social connection and vibrancy of the residential environment, provided these do not undermine residential amenity values or the viability of any nearby Town Centre.*
- 8.2.7.2 *Ensure that any commercial development is of low scale and intensity, and does not undermine the local transport network or availability of on-street vehicle parking for non-commercial use.*
- 8.2.7.3 *Ensure that the noise effects from commercial activities are compatible with the surrounding environment and residential amenity values.*
- 8.2.7.4 *Ensure that commercial development is of a design, scale and appearance that is compatible with its surrounding residential context.*
295. We find that the revised provisions above are the most appropriate from the point of view of enabling the community's wellbeing, focusing on the adverse effects that are of key potential concern, and ensuring a policy framework that avoids unnecessary repetition. As such, we find our recommended provisions are more effective and efficient than the notified and s. 42A recommended versions.

13.11. Objective 8.2.11 and Policies 8.2.11.1, 8.2.11. 2, 8.2.11. 3, 8.2.11. 4, 8.2.11. 5, 8.2.11.6 and 8.2.11.7

296. These provisions were deferred to the mapping hearings and were not considered further in Stream 6. The text recommended by the Stream 13 Panel is shown in Appendix 2.

13.12. Objective 8.2.12 and Policies 8.2.12.1, 8.2.12.2 and 8.2.12.3

297. These provisions were deferred to the mapping hearings and were not considered further in Stream 6. The text recommended by the Stream 12 Panel is shown in Appendix 2.

13.13. Objective 8.2.13 and Policies 8.2.13.1 and 8.2.13.2

298. The notified objective is as follows:

“Objective – Manage the development of land within noise affected environments to ensure mitigation of noise and reverse sensitivity effects.”

299. The notified policies are as follows:

“8.2.13.1 All new and altered buildings for residential and other noise sensitive activities (including community uses) located within 80 m of the State Highway shall be designed to meet internal sound levels of AS/NZ 2107:2000.

8.2.13.2 Encourage all new and altered buildings containing an Activity Sensitive to Aircraft Noise (ASAN) located within the flight paths of the Queenstown Airport (identified by Figure 1 - Airport Approach and Protection Measures) to be designed and built to achieve an internal design sound level of 40 dB Ldn.”

300. These provisions sought to ensure that land likely to accommodate activities that would be subject to potentially loud noise was being managed so as to ensure the health and wellbeing of any site occupants. Key submissions were from Otago Foundation Trust Board¹⁵⁶, Universal Developments Ltd¹⁵⁷ and NZTA¹⁵⁸. The issues raised in the submissions relates to the rules more than the policies, but are of note focused on the first policy proposed. We also record the assistance of Dr Chiles on behalf of the Council in helping us understand the different qualities of sound effects and acoustic transmission.

301. Ms Leith recommended changes to the first policy, and no changes to either the objective or second policy. Her recommended changes amounted to clarifications of the notified provisions.

302. We find that the objective is appropriate and we support it. In terms of the policies, we consider that both should be retained but be modified. In terms of the first policy and in light of the submitter concerns raised, we find that there is no basis to benchmark an 80m setback distance within the policy itself; that is properly the subject of a rule (proposed Rule 8.5.2 to be precise). We prefer “close to” within the policy itself. We also find that the words “maintain appropriate amenity” recommended by Ms Leith would be better expressed as “maintain reasonable amenity values for occupants”, and have recommended this as a Clause 16(2) clarification. In terms of the second policy, we have recommended a number of minor Clause 16(2) clarifications to bring the language into line with that we have elsewhere determined to be the most appropriate.

¹⁵⁶ Submission 408

¹⁵⁷ Submission 177

¹⁵⁸ Submission 719

303. We have included our recommended text changes below (note that Objective 8.2.13 has been renumbered as 8.2.10). We find that these will be the most appropriate for the reasons that they are clearer and more direct than the notified text and will as such be more effective.

8.2.10 Objective

Manage the development of land within noise affected environments to ensure mitigation of noise and reverse sensitivity effects.

Policies

8.2.10.1 *Require as necessary all new and altered buildings for Activities Sensitive to Road Noise located close to any State Highway to be designed to provide protection from sleep disturbance and to otherwise maintain reasonable amenity values for occupants.*

8.2.10.2 *Require all new and altered buildings containing an Activity Sensitive to Aircraft Noise (ASAN) located within the Queenstown Airport Air Noise Boundary or Outer Control Boundary to be designed and built to achieve an internal design sound level of 40 dB Ldn.*

13.14. Overall Chapter 8 Objectives and Policies

304. We have lastly considered our recommended objectives and policies as a whole and confirm our finding that as a package they will be the most appropriate to promote sustainable management within the Medium Density Residential zone.

14. CHAPTER 9 OBJECTIVES AND POLICIES

14.1. Objective 9.2.1 and Policy 9.2.1.1

305. The notified objective is:

“Objective – High-density housing development and visitor accommodation will occur in urban areas close to town centres, to provide greater housing diversity and respond to strong projected growth in visitor numbers.”

306. The notified policy is:

“9.2.1.1 Provide sufficient high density zoned land with the potential to be developed to greater than two storeys in Queenstown and two storeys in Wanaka to enable diverse housing supply and visitor accommodation close to town centres.”

307. In Ms Banks’ Section 42A Report, no changes were recommended to the provisions. Our own review of the submissions likewise identified no specific changes to the text notified by the Council. We note that those parts of the provisions relating to visitor accommodation were removed by function of Council withdrawal of all visitor accommodation provisions on 25 November 2015.

308. We find that it is desirable that the zone, like the other residential zones, commences with an objective and policies speaking to the distribution and allocation of the zone itself (akin to an instruction for any future plan changes).

309. Having considered the provisions, we propose minor amendments to clarify and improve both the objective and policy under Clause 16(2). Of note, we recommend removing reference from

the policy of the built form outcomes that are expected; that is the subject of different objectives.

310. We have also recommended moving proposed policy 9.2.6.1 and adding it to Objective 9.2.1 as new policy 9.2.1.2. This is because the policy addresses locational matters for high density housing and we consider the Plan would be more legible and administrable if like provisions were grouped together.

311. The changes we recommend are included below:

9.2.1 Objective

High density housing development occurs in urban areas close to town centres, to provide greater housing diversity and respond to expected population growth.

Policies

9.2.1.1 *Provide sufficient high density zoned land that enables diverse housing supply and visitor accommodation close to town centres.*

9.2.1.2 *Promote high density development close to town centres to reduce private vehicle movements, maximise walking, cycling and public transport patronage and reduce the need for capital expenditure on infrastructure.*

312. Overall, we find that the changes we have recommended will be the most appropriate.

14.2. Objective 9.2.2 and Policies 9.2.2.1, 9.2.2.2, 9.2.2.3, 9.2.2.4, 9.2.2.5, 9.2.2.6 and 9.2.2.7

313. The notified objective is:

“Objective - High-density residential and visitor accommodation development will provide a positive contribution to the environment through design that demonstrates strong urban design principles and seeks to maximise environmental performance.”

314. The notified policies are:

“9.2.2.1 *Buildings shall address streets and other public spaces with active edges with limited presentation of blank and unarticulated walls or facades.*

9.2.2.2 *Street edges shall not be dominated by garaging, parking and accessways.*

9.2.2.3 *Where street activation is not practical due to considerations or constraints such as slope, multiple road frontages, solar orientation, aspect and privacy, as a minimum buildings shall provide some form of visual connection with the street (such as through the inclusion of windows, outdoor living areas, low profile fencing or landscaping).*

9.2.2.4 *The mass of buildings shall be broken down through variation in facades and roof form, building separation or other techniques to reduce dominance impacts on streets, parks and neighbouring properties, as well as creating interesting building forms.*

9.2.2.5 *Ensure well designed landscaped areas are integrated into the design of developments and add meaningfully to the amenity of the development for residents, neighbours and the wider public.*

9.2.2.6 *Ensure buildings are designed and located to respond positively to site context through methods to maximise solar gain and limit energy costs.*

9.2.2.7 *Incentivise greater building height where development is designed to achieve a high environmental performance.”*

315. The above provisions seek to ensure that high density housing achieves a suitable level of urban design quality. Policy 9.2.2.7 addresses building sustainability and building height. As such, these provisions are particularly important in the context of ensuring the environmental effects of larger-scaled and higher-density buildings be suitably managed.
316. As has been the case in the other residential zones, the matter of quality and amenity values was of keen interest to submitters. Key submitters relevant to these proposed provisions were NZIA¹⁵⁹ and Pounamu Body Corporate Committee¹⁶⁰. In Ms Banks’ recommendations, the objective and seventh policy would be subject to minor modification; the remaining policies were left unchanged.
317. We refer at this juncture to paragraphs 131-140 earlier, detailing our analysis of submissions seeking a greater role for design guidelines, criteria and the Council’s Urban Design Panel. This was a key issue of interest for submitters in the High Density Residential zone. In addition to that general discussion, in Ms Banks’ Section 42A Report she provided her opinion on the recommendation of Mr Falconer that all proposals of 6 or more units be required to be presented to the Council’s Urban Design Panel, with that Panel further supported by potential non-notification incentives for applications that have been to (and presumably are supported by) the Panel. Ms Banks did not agree with Mr Falconer.
318. We prefer Ms Banks’ analysis on these matters although note that we have no opinion on what applications the Council may wish to present to its Urban Design Panel. We do not support a greater role for the Urban Design Panel at this time and note that we have received no useful evidence on the Panel’s composition, expertise or training from the point of view of its ability to make resource management decisions instead of its current mandate.
319. In terms of the provisions, we find that the expectation that larger, higher density developments achieve a reasonably high standard of design quality, both visually and functionally, is well founded. It relates directly to the increased potential for problematic adverse effects that occurs when developments get larger, or the space between people reduced (or both). We also find that the locational quality of the High Density Residential zone, being closely associated with the District’s town centres, is a further justification for design quality due to the likelihood that visitors will be exposed to developments within the zone and how that exposure will contribute to their perceptions of Queenstown and/or Wanaka. To this end, we endorse Ms Banks’ agreement (in part) with NZIA¹⁶¹ that design quality should be more explicitly set out within the provisions.
320. In terms of the policies, we consider that they can be substantially simplified and we have recommended that this occur relying on Clause 16(2). In essence, we find that the provisions should be clear on what design outcomes are required within the zone including landscaping, modulation and articulation of building forms, activation and visual interest along streets and open spaces, and managing garages and parking areas along frontages. We note however that

¹⁵⁹ Submission 238

¹⁶⁰ Submission 208

¹⁶¹ Submission 238

the above is limited to design qualities that need to be achieved; we find that the Plan should not go so far as to specify a required means to achieve those qualities.

321. We also agree with NZIA¹⁶² in its submission that design quality should be a matter added to Policy 9.2.2.7 that could justify additional building height. In fact, we find that design quality is a more defensible and appropriate matter to relate with additional height (given the likelihood that environmental effects of each will directly relate to one another) than general environmental responsiveness. To this end, we recommend rewording the policy to reflect this. We also note our finding that the additional words “and effects can be avoided, remedied or mitigated” proposed by Ms Banks for the end of the policy in response to the Pounamu Body Corporate Committee¹⁶³ submission are not necessary. The Act already requires that adverse effects be avoided, remedied or mitigated and this is a key matter for consideration during the section 104 (and where applicable section 104D) tests that applications for resource consent are subjected to. There is in our view little need to repeat in the District Plan what the Act already requires, and, as discussed in other Reports, particularly Report 3 on the Strategic Chapters, it provides no assistance to a user of the Plan.
322. In terms of our recommendations, we have simplified the policies from seven to two, although have added four distinct matters to one of those. In our view the recommended changes have a similar effect to Ms Banks’ S42A version but are clearer and simplified. We consider that due to that simplification they are the most appropriate. The recommended wording is included below:

9.2.2 Objective

High density residential development provides a positive contribution to the environment through quality urban design.

Policies

- 9.2.2.1 *Require that development within the zone responds to its context, with a particular emphasis on the following essential built form outcomes:*
- *Achieving high levels of visual interest and avoiding blank or unarticulated walls or facades.*
 - *Achieving well-overlooked, activated streets and public open spaces, including by not visually or spatially dominating street edges with garaging, parking or access ways.*
 - *Achieving a variation and modulation in building mass, including roof forms.*
 - *Use landscaped areas to add to the visual amenity values of the development for on-site residents or visitors, neighbours, and the wider public.*
- 9.2.2.2 *Support greater building height where development is designed to achieve an exemplary standard of quality, including its environmental sustainability.*

14.3. Objective 9.2.3 and Policies 9.2.3.1 and 9.2.3.2

323. The notified objective is:

“Objective – A reasonable degree of protection of amenity values will be provided, within the context of an increasingly intensified and urban zone where character is changing.”

324. The notified policies are:

¹⁶² Submission 238

¹⁶³ Submission 208

“9.2.3.1 Apply recession plane, building height, floor area ratio, yard setback and site coverage controls as the primary means of limiting overly intensive development and ensuring reasonable protection of neighbours’ outlook, sunshine and light access, and privacy.

9.2.3.2 Ensure that where development standards are breached, impacts on the amenity values of neighbouring properties, and on public views (especially towards lakes and mountains), are no more than minor relative to a complying development scenario.”

325. These provisions seek to ensure that the environmental effects of High Density Residential development will be managed as they relate to neighbouring sites. Key submitters included Pounamu Body Corporate Committee¹⁶⁴, Fred van Brandenburg¹⁶⁵, and the Council¹⁶⁶. In response to the submissions, as well as the Panel’s 4th Procedural Minute, Ms Banks recommended no changes to the objective, changes to the two policies, and addition of a new third policy.

326. We find that, as has been the case with the Low Density and Medium Density Residential zones, objectives and policies focused on managing the effects of development at its edges, including neighbours, is well-grounded and appropriate. However, our evaluation of these specific provisions has identified a number of concerns with the proposed text.

327. In terms of the objective, we find that there is an incompatibility between the protection of amenity values for existing neighbours and substantial change within the zone around them. This is analogous with the issue discussed in Chapter 8 around notified objective 8. 2. 4 (see paragraphs 241-250 above). “Protection” is furthermore undermined by the words “reasonable degree”, which effectively means that “protection” in what we consider to be its plain and everyday meaning of the word is not what is actually sought from the objective.

328. We find that an alternative wording, as set out below, to be the clearer and more accurate depiction of what is sought.

9.2.3 Objective

High density residential development maintains a minimum level of existing amenity values for neighbouring sites as part of positively contributing to the urban amenity values sought within the zone.

329. Following on from this we find that the objective should be clearer that, in the zone, substantial change is anticipated and that as this change occurs a new urban character will be established. This will result in some amenity values being enhanced and others being diminished. We find that those being diminished should be safeguarded to a minimum acceptable level so as to maintain, overall, the amenity values of neighbours.

330. In terms of the first policy, we do not consider it has been correctly written. The Act provides for development control rules as means to differentiate different activity status categories. While it is possible to use rules to demarcate the limit of tolerable adverse effects we have been given no evidence to demonstrate that the proposed development control rules will

¹⁶⁴ Submission 208

¹⁶⁵ Submission 520

¹⁶⁶ Submission 383

achieve this or how. We prefer the interpretation of the rules as an indicator of potential adverse effects, but primarily a means to determine what process should be followed to evaluate the merits of a development proposal by way of a permitted activity or a resource consent application.

331. We also consider that there is an inherent effects trade-off between the proposed rules. A deliberate contravention of, for instance, building height so as to achieve a much greater horizontal building setback than otherwise required, may result in a notably better outcome for a neighbour than simply designing to the rule with less height but buildings closer to boundaries. A policy approach that simply required rule compliance would not enable such a practical effects-based outcome.
332. For these reasons, we consider that 'effects based management' does not in any reliable way relate to 'rules based management'. To this end we have recommended a number of Clause 16(2) revisions to the policy so as to correctly cast it against the objective. These changes would recognise that while the development control rules are important to ensure a minimum acceptable level of amenity values are maintained for neighbours, they are not the only acceptable or even the best solution.
333. In terms of the second policy, we find that the policy should be substantially reworded. First, there is no need to refer to instances where rules are being breached; this is self-evident. Second, the overall requirement of "adequately mitigated" is very ambiguous in terms of how much "mitigation" is warranted (whereby 100% mitigation amounts to avoidance of any effect, and 1% mitigation amounts to a significant diminishment of the view in question). Lastly, the onus on height contraventions to be tested against public views, when this is not so in any of the other residential zones, is anomalous as well as unjustified in terms of the importance of the zone to accommodate substantial growth in the District. We find that where significant public views are worthy of recognition and possible retention, specific provisions should be in place for this such as has occurred in the Medium Density Residential zone in the context of Scurr Heights / Designation 270 (see paragraphs 241-250 above). We find that the policy should be revised to focus on its key message, being the need to ensure that the amenity values of neighbours (which could include a street or park and users of those) are adequately maintained.
334. In terms of the additional third policy recommended by Ms Banks, we find that there is a strong case for its inclusion given the purpose of the objective and how important privacy is to assure residential amenity values. However, we find that the recommended wording be revised to sharpen it (for example, privacy is ultimately a quality enjoyed by people, not 'sites' or 'units' generically).
335. Our recommended wording for the policies is set out below.

Policies

- 9.2.3.1 *Apply recession plane, building height, yard setback and site coverage controls as the primary means of ensuring a minimum level of neighbours' outlook, sunshine and light access, and privacy will be maintained, while acknowledging that through an application for land use consent an outcome superior to that likely to result from strict compliance with the controls may well be identified.*
- 9.2.3.2 *Ensure the amenity values of neighbours are adequately maintained*
- 9.2.3.3 *Ensure built form achieves privacy for occupants of the subject site and neighbouring residential sites and units, including through the use of building*

setbacks, offsetting habitable windows from one another, screening, or other means.

336. We find that they are the most appropriate inasmuch as they will ensure an adequate maintenance of amenity values is provided for in a way that will still support the primary purpose of the zone to accommodate substantial growth around the District's Town Centres.

14.4. Objective 9.2.4 and Policy 9.2.4.1

337. The notified objective is:

"Objective – Provide for community facilities and activities that are generally best located in a residential environment close to residents."

338. The notified policy is:

"9.2.4.1 Enable the establishment of community facilities and activities where adverse effects on residential amenity values such as noise, traffic and visual impact can be avoided or mitigated."

339. These provisions seek to provide for community activities within the zone. They were not the subject of any particular submission (although similar provisions on the (renamed) Lower Density Suburban Residential and Medium Density Residential zones were subject to submissions). In her Section 42A Report, Ms Banks recommended changes to the provisions on the basis of the Panel's 4th Procedural Minute, as well as a Clause 16(2) revision, to bring the provisions into alignment with what the reporting officers had recommended for the other residential zones.
340. We find that we have scope to make limited changes to these provisions on the basis of the general submissions made seeking that the zone's ability to accommodate growth be maximised, and also those submissions seeking changes to how community activities and facilities were treated in the (renamed) Lower Density Suburban Residential and Medium Density Residential zones.
341. In terms of the change from "community facilities and activities", we note that while the submissions made by Ministry of Education¹⁶⁷ and Otago Foundation Trust Board¹⁶⁸ made specific reference to the notified Low and Medium Density Residential zones, their submissions were cast more at how these activities should be classified in the Plan generally. We furthermore consider that Clause 16(2) can also be used to justify a change to "community activities" as a consequential clarification that does not change the practical meaning of the Plan's provisions.
342. Of greater substance, we have reflected on the open-ended nature of the provisions in light of the importance of the zone to accommodate high density residential development. We find that the provisions should specify "small scale" so as to reinforce that it is not anticipated, for instance, that a substantial community activity occupying most of a block should locate within the zone. We consider that this change, in the context of a blanket discretionary activity requirement for community activities, will better serve the zone and bring community activities into line with the same approach taken for commercial activities.

¹⁶⁷ Submission 524

¹⁶⁸ Submission 408

343. We have included our recommended wording below. We find that it is the most appropriate for reasons of clarity, effectiveness and to support the broader zone framework of the Plan.

9.2.4 Objective

Small-scale community activities are provided for where they are best located in a residential environment close to residents.

Policies

9.2.4.1 *Enable the establishment of small-scale community activities where adverse effects on residential amenity values such as noise, traffic and visual impact can be avoided or mitigated.*

14.5. Objective 9.2.5 and Policies 9.2.5.1 and 9.2.5.2

344. The notified objective is:

“Objective – Generally discourage commercial development except when it is small scale and generates minimal amenity impacts.”

345. The notified policies are:

“9.2.5.1 Ensure any commercial development is low scale, is of limited intensity, and generates small volumes of traffic.

9.2.5.2 Ensure any commercial development is of a design, scale and appearance compatible with its context.”

346. The provisions seek to enable limited commercial activity within the zone. In her s. 42A report Ms Banks recommended no changes to the provisions on the basis of submissions, and a minor change to the objective arising from the Panel’s 4th Procedural Minute.

347. We find that the provisions are generally appropriate however we have recommended minor rewording under Clause 16(2) to improve their clarity and bring them into line with similar provisions within the Medium Density Residential Zone (renumbered Objective 8.2.7 in our recommendations).

348. Our preferred wording is included below. We find that it is the most appropriate on the basis that it improves the S.42A version and is more consistent with the approach recommended for the Medium Density Residential Zone.

9.2.5 Objective

Commercial development is small scale and generates minimal amenity value impacts.

Policies

9.2.5.1 *Ensure that any commercial development is of low scale and intensity, and does not undermine the local transport network or availability of on-street vehicle parking for non-commercial use.*

9.2.5.2 *Ensure that any commercial development is of a design, scale and appearance compatible with its surrounding context.*

14.6. Objective 9.2.6 and Policies 9.2.6.1, 9.2.6.2, 9.2.6.3, 9.2.6.4, 9.2.6.5, 9.2.6.6 and 9.2.6.7

349. The notified objective is:

“Objective - High-density residential development will efficiently utilise existing infrastructure and minimise impacts on infrastructure and roading networks.”

350. The notified policies are:

“9.2.6.1 Promote high-density development close to town centres to reduce private vehicle movements, maximise walking, cycling and public transport patronage and reduce the need for capital expenditure on infrastructure.

9.2.6.2 Development supports active living through providing or enhancing connections to public places and active transport networks (walkways, trails and cycleways).

9.2.6.3 Development provides facilities to encourage walking and cycling, such as provision of bicycle parking spaces and, where appropriate for the scale of activity, end-of-trip facilities (shower cubicles and lockers).

9.2.6.4 Ensure access and parking is located and designed to optimise connectivity, efficiency and safety.

9.2.6.5 Enable development to provide a lower provision of on-site parking than would otherwise be anticipated, where the activity has characteristics that justify this, or travel plans can adequately demonstrate approaches that mitigate a lower parking provision.

9.2.6.6 Site layout and design provides low impact approaches to storm water management through providing permeable surface on site and the use of a variety of stormwater management measures.

9.2. 67 A reduction in parking requirements may be considered in Queenstown and Wanaka where a site is located within 400 m of a bus stop or the edge of a town centre zone.”

351. The above provisions seek to ensure that development within the zone makes efficient use of network infrastructure and contributes to improvements (particularly to transport networks) where practicable. Key submissions relevant to the text were from Otago Regional Council¹⁶⁹, NZTA¹⁷⁰, E Spijkerbosch¹⁷¹, P Greg¹⁷², Villa Del Lago¹⁷³, and Transpower¹⁷⁴. In response to the submissions, further submissions and Panel’s Minutes, Ms Banks recommended changes be made to the objective and two of the policies.

352. As noted earlier, we find that Policy 9.2.6.1 relates better to Objective 9.2.1 and we have recommended relocating it. We also find that Policy 9.2.6.7 is not appropriate. It is not supported by any other provisions within the zone and while possibly justifiable within the Chapter 29 (Transport), we do not agree that it relates to the land use issues addressed in the High Density Residential zone. We also note that in the Medium Density Residential zone, Ms

¹⁶⁹ Submission 798

¹⁷⁰ Submission 719

¹⁷¹ Submission 1059

¹⁷² Submission 1288

¹⁷³ Submission 380

¹⁷⁴ Submission 805

Leith recommended deletion of a policy analogous to Policy 9.2.6.7 (notified Policy 8.2.7.4) and we agreed with that. It is in our view desirable to promote a consistent approach to like issues across a Plan and this is another factor that led us to not support Policy 9.2.6.7. However no submissions sought any changes to this policy. In addition, the Council proposes varying this policy in the Stage 2 variations to extend the distance within which parking requirement reductions may be considered. Thus we have left it unaltered, but renumbered.

353. In terms of the remaining provisions, we largely find in agreement with Ms Banks, although we recommend deleting policy 9.2.6.5 because it can be amalgamated with policy 9.2.6.4. We have however recommended minor editorial revisions to make the policies clearer.
354. Our recommended changes are included below. These represent what we find at the most appropriate provisions, subject to our comments on recommended Policy 9.2.6.5.

92.6 Objective

High density residential development will efficiently utilise existing infrastructure and minimise impacts on infrastructure and transport networks.

Policies

- 9.2.6.1 *Require development to provide or enhance connections to public places and active transport networks (walkways, trails and cycleways) where appropriate.*
- 9.2.6.2 *Require development to provide facilities to encourage walking and cycling where appropriate.*
- 9.2.6.3 *Ensure access and parking is located and designed to optimise the connectivity, efficiency and safety of the district's transport networks, including the consideration of a reduction in required car parking where it can be demonstrated that this is appropriate. [*
- 9.2.6.4 *Require the site layout and design of development provides low impact approaches to storm water management through providing permeable surface areas on site and the use of a variety of stormwater management measures.*
- 9.2.6.5 *A reduction in parking requirements may be considered in Queenstown and Wanaka where a site is located within 400¹⁷⁵ m of a bus stop or the edge of a Town Centre Zone.*

14.7. Objective 9.2. 7 and Policy 9.2.7.1

355. Through the section 42A process, Ms Banks recommended addition of a new objective and policy relating to development within noise-affected environments in response to the submission of NZTA¹⁷⁶. This is assessed in detail in paragraphs 11.11-11.15 in Ms Banks Section 42A Report.
356. We note that in the Medium Density Residential zone notified Objective 8.2.13 and its policies had an effect similar to that now recommended in the High Density Residential zone by Ms Banks.
357. We find that the new provisions are appropriate although we have recommended that the wording be amended to match what we determined was most appropriate for Policy 8.2.10.1 (our recommended numbering). These are set out below and are in our view the most appropriate for reasons or providing for the acoustic health, safety and amenity values of persons living close to State Highways.

¹⁷⁵ Varied by Variation 2 and not part of our recommendation

¹⁷⁶ Submission 719

9.2.7 Objective

Manage the development of land within noise affected environments to ensure mitigation of noise and reverse sensitivity effects.

Policies

9.2.7.1 *Require as necessary all new and altered buildings for Activities Sensitive to Road Noise located close to any State Highway to be designed to provide protection from sleep disturbance and to otherwise maintain reasonable amenity values for occupants.*

14.8. Overall Chapter 9 Objectives and Policies

358. We have lastly considered our recommended objectives and policies as a whole and confirm our finding that as a package they will be the most appropriate to promote sustainable management within the High Density Residential Zone.

15. CHAPTER 10 OBJECTIVES AND POLICIES

15.1. Objective 10.2.1 and policies 10.2.1.1, 10.2.1.2 and 10.2.1.3

359. The notified objective is:

“Objective – Ensure development retains or enhances the historic character of the zone, which is characterised by larger section sizes, low scale and single storey buildings, the strong presence of trees and vegetation and limited hard paving.”

360. The notified policies are:

“10.2.1.1 Apply particular development controls around building location, scale and appearance, and landscaped areas, to ensure the special character of the area is retained or enhanced.

10.2.1.2 Ensure that any buildings are located and designed in a manner that complements and respects the character of the area and are consistent with the outcomes sought by the Arrowtown Design Guidelines 2006.

10.2.1.3 Control the subdivision of land and regulate density to ensure the character resulting from the existing large lot sizes and historical subdivision pattern is retained.”

361. In Ms Law’s Section 42A Report, no changes to the above provisions were recommended on the basis of submissions received. She recommended minor changes on the basis of the Panel’s 4th Procedural Minute and to otherwise improve the clarity of Policy 10.2.1.1.

362. We find that Ms Law’s recommendations are appropriate and subject to minor modification under Clause 16(2) we adopt them (including the addition of the words “amenity values” to the objective.) However, we also find that, as will be discussed later, Objective 10.25 is overly repetitive of this objective and should be deleted, with notified policies 10.5.2 and 10.2.5.3 relocated to sit under objective 10.2.1 as new policies 10.2.1.3 and 10.2.1.4. This is also the justification for adding the words “amenity values” to objective 10.2.1.

363. Our recommended text changes are:

10.2.1 Objective

Development retains or enhances the historic character and amenity values of the zone, which is characterised by larger site sizes, low scale and single storey buildings, the presence of trees and vegetation and limited hard paving.

Policies

10.2.1.1 *Apply development controls around building location, scale and appearance, and landscaped areas, to ensure the special character of the area is retained or enhanced.*

10.2.1.2 *Ensure that buildings are located and designed in a manner that complements the character of the area, as described within the Arrowtown Design Guidelines 2016.*

10.2.1.3 *Control the subdivision of land and regulate density to ensure the character resulting from the existing large lot sizes and historical subdivision pattern is retained.*

10.2.1.5 *Ensure that any commercial and non-residential activities, including restaurants, maintain or enhance the amenity, quality and character of the zone and surrounding area.*

10.2.1.6 *Avoid non-residential activities that would undermine the amenity of the zone or the vitality of Arrowtown's commercial zone.*

364. With reference to the provisions set out above, we find that the changes we recommend are the most appropriate. They will set out a framework that will ensure the character and amenity values that the Arrowtown community derives substantial wellbeing from will be maintained or enhanced.

15.2. Objective 10.2.2 and Policy 10.2.2.1

365. The notified objective is:

"Objective - Enable residential flats as a means of providing affordable housing while generating minimal adverse effects on amenity values."

366. The notified policy is:

"10.2.2.1 Provide for residential flats of a compact size that do not compromise the integrity of the zone's special character."

367. In Ms Law's Section 42A Report, she identified no relevant submissions on these provisions and recommended only a minor grammatical change in response to the Panel's 4th Procedural Minute. Our own review of the submissions has also not identified any submissions specific to residential flats within this particular zone (we discussed residential flats in the context of Chapter 7 earlier).

368. However, in consideration of the other residential zones, no other objectives or policies specific to residential flats are proposed and we have no information why the Arrowtown Residential Historic Management zone should. **As is further discussed in the separate Definitions report (Report 14)**, the Council now proposes to provide for residential flats as an inherent part of the definition of a residential unit. On the basis that residential flats would therefore be provided for as a part of residential units, there is no need for separate objectives and policies addressing residential flats. We find that the objective and policy should be

deleted on the basis that the provisions have become obsolete, inefficient, and - due to a risk of creating user confusion, ineffective.

369. We consider the provisions can be deleted under Clause 16(2) as a consequential amendment to the recommendations made in the Stream 10 Report on definitions (Report 14), given that they do not change the actual meaning or effect of the Plan's provisions as a whole.

15.3. Objective 10.2.3 and Policy 10.2.3.1

370. The notified objective is:

"Objective - Provide for community activities and services that are generally best located in a residential environment close to residents."

371. The notified policy is:

"10.2.3.1 Enable the establishment of small scale community facilities and activities where adverse effects on the character and amenity values of the area in terms of noise, traffic and visual impact can be avoided or mitigated."

372. In Ms Law's Section 42A Report, she identified no relevant submissions on these provisions and recommended only a minor grammatical change in response to the Panel's 4th Procedural Minute. Our own review of the submissions has also not identified any submissions specific to community activities within this particular zone (we discussed the merits of "community facilities and activities" and "community activities" in the context of Chapter 7 and also Chapters 8 and 9 earlier).

373. We agree with Ms Law's recommendations and note our view that the Plan should be consistent in how it describes community activities. We find that these changes can be made under Clause 16(2) given that they do not materially change the District Plan's meaning or effect. Our recommended changes are proposed below (noting that notified Objective 10.2.3 becomes 10.2.2):

10.2.2 Objective

Community activities that are best suited to a location within a residential environment close to residents are provided for.

Policies

10.2.2.1 Enable the establishment of small scale community activities where adverse effects on the character and amenity values of the area in terms of noise, traffic and visual impact can be avoided or mitigated.

15.4. Objective 10.2.4 and Policies 10.2.4.1 and 10.2.4.2

374. The notified objective is:

"Objective - Ensure development efficiently utilises existing infrastructure and minimises impacts on infrastructure and roading networks."

375. The notified policies are:

"10.2.4.1 Ensure access and parking is located and designed to optimise efficiency and safety, and designed in sympathy with the character of the area."

10.2.4.2 *Seek low impact approaches to storm water management.*”

376. In Ms Law’s Section 42A Report, she identified no relevant submissions on these provisions and recommended only a minor grammatical change in response to the Panel’s 4th Procedural Minute. Our own review of the submissions has also not identified any submissions specific to community activities within this particular zone (we discussed the merits of infrastructure efficiencies in similar objectives and policies previously in the context of Chapters 7, 8 and 9).

377. We largely agree with Ms Law although we have made further recommendations to simplify the text as well as bring it into line with text recommended in the other residential zones. We have of note recommended that the word “encourage” be added at the commencement of the second policy given that the notified word “seek” is ambiguous in terms of whether it is intended to have a meaning closer to “require”, or one closer to “encourage”. We have determined the latter given that there are no rules or assessment matters proposed that would require low impact solutions. On this basis, we consider that the change qualifies as a Clause 16(2) change and no further analysis is required. Our recommended changes are set out below (noting that Objective 10.2.4 would now become Objective 10.2.3).

10.2.3 Objective

Development efficiently utilises existing infrastructure and otherwise minimises impacts on infrastructure and road networks.

Policies

10.2.3.1 *Ensure vehicle access and parking is located and designed to optimise efficiency and safety, and designed in sympathy with the character of the area.*

10.2.3.2 *Encourage low impact approaches to storm water management.*

15.5. Objective 10.2 5 and Policies 10.2.5.1, 10.2 5.2 and 10.2.5.3

378. The notified objective is:

“Objective – Maintain residential character and amenity.”

379. The notified policies are:

“10.2.5.1 The bulk, scale and intensity of buildings used for visitor accommodation activities are to be commensurate with the anticipated development of the zone and surrounding residential activities.

10.2.5.2 Ensure that any commercial and non-residential activities, including restaurants or visitor accommodation, maintain or enhance the amenity, quality and character of the zone and surrounding area.

10.2.5.3 Avoid non-residential activity that would undermine the amenity of the zone or the vitality of Arrowtown’s commercial zone.”

380. In Ms Law’s Section 42A Report, she identified no relevant submissions on these provisions and recommended only a minor grammatical change in response to the Panel’s 4th Procedural Minute. Our own review of the submissions has also not identified any submissions specific to these provisions, although we do acknowledge those more general submissions emphasising the importance of historic heritage, built character and amenity values within

Arrowtown. We note that Policy 10.2.5.1 was withdrawn by the Council on 25 November 2015 as part of its general withdrawal of Visitor Accommodation provisions. We have given that notified policy no further consideration.

381. We find that the objective substantially overlaps with objective 10.2.1 to the point that it is unnecessarily repetitious. As discussed earlier, we recommend merging this objective with Objective 10.2.1 and as part of this relocating its two remaining policies to also sit under Objective 10.2.1. These changes, set out earlier in paragraph 362 and in Appendix 4, will make the Plan more administratively efficient and concise. On that basis, we find they will be the most appropriate.

15.6. Objective 10.2.6 and Policies 10.2.6.1, 10.2.6.2 and 10.2.6.3

382. The notified objective is:

“Objective - The Arrowtown Town Centre Transition Overlay provides for non-residential activities that provide local employment and commercial services to support the role of the Town Centre Zone.”

383. The notified policies are:

“10.2.6.1 Provide for commercial activities that are compatible with the established residential scale, character and historical pattern of development within the Arrowtown Town Centre Transition Overlay.

10.2.6.2 Limit retailing in the Town Centre Transition Overlay to ensure that the Town Centre Zone remains the principal focus for Arrowtown’s retail activities.

10.2.6.3 Development is sympathetic to the historical pattern of development and building scale.”

384. In Ms Law’s Section 42A Report, she identified no relevant submissions on these provisions and recommended no changes to the text. Our own review of the submissions has also not identified any submissions specific to these provisions, although we do acknowledge those more general submissions emphasising the importance of historic heritage, built character and amenity values within Arrowtown.

385. We find that the provisions are appropriate however the third policy unnecessarily repeats the first and on that basis it should be deleted as a Clause 16(2) clarification. As we have effectively adopted the Council’s recommendation for these provisions, no further analysis under section 32AA is required.

386. Our recommended text changes are below (noting that notified Objective 10.2.6 becomes Objective 10.2.4 in our recommendations).

10.2.4 Objective

The Arrowtown Town Centre Transition Overlay provides for non-residential activities that provide local employment and commercial services to support the role of the Town Centre Zone.

Policies

10.2.4.1 *Provide for commercial activities that are compatible with the established residential scale, character and historical pattern of development within the Arrowtown Town Centre Transition Overlay.*

10 2 4.2 *Limit retailing in the Town Centre Transition Overlay to ensure that the Town Centre Zone remains the principal focus for Arrowtown’s retail activities.*

15.7. Overall Chapter 10 Objectives and Policies

387. We have lastly considered our recommended objectives and policies as a whole and confirm our finding that as a package they will be the most appropriate to promote sustainable management within the Arrowtown Residential Historic Management Zone.

16. CHAPTER 11 OBJECTIVES AND POLICIES

16.1. Objective 11.2.1 and Policies 11.2.1.1, 11.2.1.2, 11.2.1.3, 11.2.1.4 and 11.2.1.5

388. The notified objective is:

“Objective - High levels of residential amenity within the Large Lot Residential Zone.”

389. The notified policies are:

“11.2.1.1 Maintain character and amenity through minimum allotment sizes, with particular emphasis on maintaining the character and amenity of established areas.

11.2.1.2 Recognise opportunities for infill and subdivision to higher densities providing the amenity, open character and privacy of established neighbourhoods are not degraded and opportunities for garden and landscape plantings are retained.

11.2.1.3 Maintain and enhance residential character and high amenity values by controlling the colour, scale, location and height of buildings, and in certain locations or circumstances require landscaping and vegetation controls.

11.2.1.4 Control lighting to avoid glare to other properties, roads, public places and the night sky.

11.2.1.5 Have regard to fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision, development and any landscaping.”

390. The above provisions sought to ensure that the amenity values of the zone were maintained through enabling a management framework based on development requirements.

391. As discussed earlier at the zone purpose, a number of submitters sought a reasonably substantial change to the zone by way of a change to the required minimum lot size from 4,000 square metres to 2,000 square metres¹⁷⁷. Our discussions with the Council’s witnesses identified that the urban design expert Mr Falconer agreed with this change primarily on the basis that it would most efficiently utilise the land within the zone in a way that would still achieve the character and amenity values that were in his view sought¹⁷⁸. In her Section 42A

¹⁷⁷ Submissions 322 (supported by FS1110, FS1126, FS1140, FS1198, FS1207 and FS1332), 687 (supported by FS1111 and FS1207), 166 (supported by FS1110, FS1111, FS1126, FS1140, FS1198, FS1207 and FS1332), 293 (supported by FS1110, FS1111, FS1126, FS1140, FS1198, FS1207, FS1332), 299, 335, 812 (supported by FS1110, FS1111, FS1126, FS1140, FS1198, FS1207, FS1332)

¹⁷⁸ G Falconer, Verbal answers to the Panel, Stream 6 Hearing.

Report and recommendations, Ms Leith did not agree with this change, and instead recommended that the zone could be split into two sub-zones.

392. We agree with Ms Leith's sub-zone method but find that the balance of evidence supports the 'principal' zone standard should be 2,000m² minimum area per site (sub-zone 'Area A'), with the larger 4,000m² minimum applying to those parts of the zone subject to particular environmental constraints (sub-zone 'Area B'). The disposition of the two sub-zones is shown on the recommended Planning Maps.
393. This has allowed us to retain the framework proposed by Ms Leith subject to necessary revisions to 'switch' the emphasis she had recommended. We have also recommended a number of other refinements under Clause 16(2) to simplify the provisions. Notified Policy 11.2.1.2 is recommended for deletion on the basis that our preferred Area A sub-zone inherently provides this outcome in a more effective and efficient manner.
394. Our recommended provisions are outlined below:

11.2.1 Objective

A high quality of residential amenity values are maintained within the Large Lot Residential Zone.

Policies

- 11.2.1.1 *Maintain low density residential character and amenity values primarily through minimum allotment sizes that efficiently utilise the land resource and infrastructure (Area A), and require larger allotment sizes in those parts of the zone that are subject to significant landscape and/or topographical constraints (Area B).*
- 11.2.1.2 *Maintain and enhance residential character and high amenity values by controlling the colour, scale, location and height of buildings, and, in Area B, require landscaping and vegetation controls.*
- 11.2.1.3 *Control lighting to avoid glare to other properties, roads, public places and views of the night sky.*
- 11.2.1.4 *Have regard to hazards and human safety, including fire risk, from vegetation and the potential risk to people and buildings, when assessing subdivision, development and any landscaping in Area B.*

395. We find that the recommended provisions above will be the most appropriate including because they will enable the most efficient possible use of land within the zone in a way that will maintain amenity values and the integrity of the 'centres-centric' (our term) residential zone framework set out within the PDP.

16.2. Objective 11.2.2 and Policies 11.2.2.1, 11.2.2.2, 11.2.2.3, 11.2.2.4 and 11.2.2.5

396. The notified objective is:

"Objective - Ensure the predominant land uses are residential and where appropriate, community and recreational activities."

397. The notified policies are:

"11.2.2.1 Provide for residential and home occupation as permitted activities, and recognise that depending on the location, scale and type, community activities may be compatible with and enhance the environment."

11.2.2.2 *Commercial development located on the periphery of residential and township areas shall avoid undermining the integrity of the town centres, urban rural edge and where applicable, the Urban Growth Boundaries.*

11.2.2.4 *Ensure that any commercial and non-residential activities, including restaurants or visitor accommodation maintain or enhance the amenity, quality and character of the Large Lot Residential Zone and surrounding areas.*

11.2.2.5 *Avoid non-residential activity that would undermine the viability of the District's commercial zones."*

398. The purpose of these provisions is to manage land use activities within the zone. They propose the encouragement of residential activity and restrict non-residential activities. In Ms Leith's S.42A version, changes were recommended only in respect of the Panel's 4th Procedural Minute and a consequential re-numbering arising out of the Council's 25 November 2015 withdrawal of the Visitor Accommodation provisions Policies 11.2.2.3 and 11.2.2.4 (of which we note we have given no regard to).

399. In our evaluation of the provisions, we find that Policy 11.2.2.5 should be deleted, with the words "non-residential activity" added to Policy 11.2.2.2. This effectively merges the two policies together and is a more efficient means of implementing the objective.

400. We have otherwise recommended a number of revisions under Clause 16(2) to simplify the policies. Our recommended provisions are included below.

11.2.2 Objective

Predominant land uses are residential. Where appropriate, community and recreational activities also occur.

Policies

11.2.2.1 *Provide for residential and home occupations as permitted activities, and recognise that, depending on the location, scale and type, community activities may be compatible with and enhance the zone's amenity values.*

11.2.2.2 *Commercial or other non-residential activity located on the periphery of residential and township areas shall avoid undermining the integrity of the town centres, urban rural edge and where applicable, the Urban Growth Boundaries.*

11.2.2.3 *Ensure that any commercial and non-residential activities, including restaurants, maintain or enhance the amenity, quality and character of the zone.*

16.3. Overall Chapter 11 objectives and policies

401. We have lastly considered our recommended objectives and policies as a whole and confirm our finding that as a package they will be the most appropriate to promote sustainable management within the Large Lot Residential Zone.

17. OVERALL EVALUATION OF CHAPTERS 7, 8, 9, 10 and 11 OBJECTIVES AND POLICIES

402. Having considered the objectives and policies in notified Chapters 7, 8, 9, 10 and 11 of the PDP we have also considered the residential zone framework as a whole in terms of the District-wide provisions. We find that overall:

- a. Our recommended objectives in Chapters 7, 8, 9, 10 and 11 will be the most appropriate to achieve the purpose of the Act.
- b. Our recommended objectives in policies 7, 8, 9, 10 and 11 will also be the most appropriate to implement the District-wide objectives of the District Plan recommended in Decision Reports 2 and 3, and beyond that Part 2 of the Act.
- c. Our recommended policies in Chapters 7, 8, 9, 10 and 11 will be the most appropriate to implement the objectives we have recommended for Chapters 7, 8, 9, 10 and 11 respectively.
- d. Our recommended provisions are horizontally integrated inasmuch as they reinforce each other as part of a specific 'residential' sub-set of land use zones.
- e. Our recommended provisions, as a whole, reflect a simplified, more consistent and rational framework for managing development within the residential zones. They are both more effective and efficient than the notified PDP provisions and will be easier to administer.

PART E
SECTIONS 7.3, 8.3, 9.3, 10.3 and 11.3 – OTHER PROVISIONS AND RULES

18. SECTION 7.3

18.1. 7.3.1 District Wide

403. Following on from the objectives and policies is a cross reference table drawing plan users’ attention to the other relevant chapters of the Plan that should be considered. Through the submissions, Section 42A Reports, and hearings process, no discussion or changes to this rule have been sought. However, the Council in its reply has proposed some minor clarifications in response to comments and questions we asked of its staff and through our procedural minutes.

404. We agree that it is helpful to include such a cross reference, however we find that it contains a number of minor errors that we have corrected under Clause 16(2). These are set out in **Appendix 1** which contains our recommended provisions for Chapter 7. For convenience, it is also reproduced below. We have also incorporated reference to the chapters included in the PDP by the Stage 2 variations and show those in italics.

7.3.1 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
<i>25 Earthworks</i>	26 Historic Heritage	27 Subdivision
28 Natural Hazards	<i>29 Transport</i>	30 Energy and Utilities
<i>31 Signs</i>	32 Protected Trees	33 Indigenous Vegetation
34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings	36 Noise
37 Designations	Planning Maps	

18.2. 7.3.2 Interpreting and Applying the Rules

405. Rule 7.3.2 outlines a number of additional provisions which have been unhelpfully titled “clarification” followed by the title “advice notes”. We find that this should be re-titled “interpreting and applying rules” to make it clear to users that they are administrative or procedural requirements to be followed (including by the Council). We have also made a number of Clause 16(2) corrections and clarifications to the rule and its clauses. These are set out below:

7.3.2 Interpreting and Applying the Rules

7.3.2.1 *A permitted activity must comply with all the rules listed in the activity and standards tables, and any relevant district wide rules, otherwise a resource consent will be required.*

7.3.2.2 *Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the Non-Compliance Status column shall apply.*

7.3.2.3 *Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.*

7.3.2.4 *Proposals for development resulting in more than one (1) residential unit per site shall demonstrate that each residential unit is fully contained within the identified net area for each unit.*

7.3.2.5 *Each residential unit may include a single residential flat and any other accessory buildings.*

7.3.2.6 *The following abbreviations are used within this Chapter.*

<i>P</i>	<i>Permitted</i>	<i>C</i>	<i>Controlled</i>
<i>RD</i>	<i>Restricted Discretionary</i>	<i>D</i>	<i>Discretionary</i>
<i>NC</i>	<i>Non-Complying</i>	<i>PR</i>	<i>Prohibited</i>

406. We find that the above changes are necessary to maintain the integrity of the Plan including coherent cross references and consistent chapter numbering. They are the most appropriate planning provisions and no further analysis is required.

19. SECTIONS 8.3, 9.3, 10.3 and 11.3

407. These sections mirror the content of Section 7.3 and we have made changes that correspond accordingly in **Appendices 2, 3, 4** and **5** for the purposes of plan consistency and efficient administration. Given how similar they are to the above recommended provisions for 7.3.1 and 7.3.2 of Chapter 7, they have not been reproduced here.

408. Overall, we find that the changes made to Sections 7.3, 8.3, 9.3, 10.3 and 11.3 are the most appropriate inasmuch as they enable correct and ready administration of the Plan. Providing cross references between plan chapters serves to help assure horizontal integration across the Plan.

PART F: RULES 7.4, 8.4, 9.4, 10.4 and 11.4 – RULES FOR ACTIVITIES

20. RULE 7.4

409. Rule 7.4 is a table that contains three columns: rule reference numbers, the names of activities to be subjected to management by way of an activity status under s.77A of the Act, and the activity status for each activity. Pursuant to s.77B of the Act, the table also includes, for controlled and restricted discretionary activities, reservations of control and matters of discretion respectively.
410. First and most fundamentally, we accept and agree with the nature of this method and find that it is necessary to implement the objectives and policies of the zone. Our consideration is focused on the contents of the table, namely the activities to be controlled and the activity status' proposed.
411. There were relatively few submissions seeking explicit changes to this table, with most submitter interest related to commercial activities, community activities, and development close to the airport. This reflected, overall, the tenor of submissions made to the objectives and policies.
412. Section 9 of the Act is often described as being inherently permissive inasmuch as the use of land for any purpose is, as a presumption, generally a permitted activity unless a rule in a plan requires a resource consent to be obtained. However, there is nothing in the Act to suggest that Councils should limit such rules. Many plans in practice operate on a fundamentally restrictive manner insofar as permitted activities are strictly prescribed, with all other activities requiring resource consent. This comes as a consequence of policy frameworks that typically emphasise existing amenity values and other constraints, as is the case with the Queenstown ODP and PDP.
413. The proposed framework, in contradistinction to the ODP, is that a catch-all activity status for activities that are not otherwise provided for is a non-complying activity. We do not see this as indicative of an inherent antagonism between such activities and the proposed policy framework, nor that such non-complying activities should be seen as inherently inferior or less desirable than those activities that are otherwise provided for in Rule 7.4. We find that it reflects that there are a number of activities that can be reasonably well anticipated and provided for through the zone policy framework, and many others that may or may not be appropriate but which cannot be efficiently catered to by such a customised, one-by-one fashion. We find that the proposed non-complying activity catch-all simply acts as a safeguard by requiring any such activities that may be proposed to be subject to all of the tests of a discretionary activity and in addition the tests of section 104D of the Act. These are, in summary, that an application can only be considered on its merits under sections 104 and 104B of the Act if either its adverse effects on the environment are no more than minor; or it is not contrary to the objectives and policies of the Plan. We find that this will still enable reasonable use by those wishing to undertake activities that have not been expressly enabled within the policy framework. This is consistent with the view of the Hearing Panel that heard the 'whole of plan' submissions (Report 14), where overall default status was considered.
414. We consider that this approach appears to be accepted inasmuch as we received no submissions seeking to change this, other than one by Totally Tourism Ltd¹⁷⁹. The submitter

¹⁷⁹ Submission 571

sought, in its written submission, that the default non-complying activity status that would apply in the absence (since the Council withdrawal) of visitor accommodation activities (notably Rules 7.4.21 and 7.4.22) was not appropriate. The submitter sought a discretionary activity status. The Council has now notified a variation to address visitor accommodation in the residential zones.

415. Relying on the rationale we have outlined above, we find that the catch-all non-complying activity rule that may apply to any visitor accommodation activities caught in the time lag between the PDP becoming operative and the additional visitor accommodation activity provisions also becoming operative, will not be prejudicial or onerous. In making this decision we have disregarded what we see as a faulty preconception that we interpreted commonly from the submissions that the Act's activity status hierarchy is indicative of activity appropriateness or potential adverse effects. It is not; it is a mechanism to identify the appropriate process that should be followed to consider an application for resource consent for a given activity based on a wider consideration of the community's needs and how to best promote sustainable management. It is entirely silent on the question of case-by-case merit. Consequently, we find that many permitted activities within the PDP create or contribute to substantial adverse effects, and likewise that many potential non-complying activities that could be sought as a result of the PDP framework will likely create or contribute negligible problematic adverse effects. That is not the primary purpose or point of allocating different activity status. As such we have rejected the submission by Totally Tourism Ltd.
416. Rules 7.4.2 (informal airports for emergency landings, rescues and fire fighting), 7.4.3 (airports not otherwise listed), 7.4.5 (bulk material storage), 7.4.7 (commercial recreation), 7.4.12 (factory farming), 7.4.13 (fish or meat processing), 7.4.14 (forestry), 7.4.17 (retirement village), 7.4.19 (manufacturing and/or product assembling activities), 7.4.20 (mining), 7.4.23 (panel beating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motor body building) and 7.4.24 (any activity requiring an Offensive Trade License under the Health Act 1956), were not subject to any explicit submission and are not proposed to be changed by the Council as a result of correction or procedural clarification. We find that these rules are the most appropriate means to implement the zone objectives and policies, and no further analysis is required.
417. In terms of rule 7.4.5 (bulk material storage), we note our observation to the Council that the rule may – unintentionally we surmise – prevent construction materials being deposited on construction sites (such as brick or timber stacks, roof tiles etc.). The Council could consider a future variation to clarify the distinction between general bulk material storage and the necessary deposition of construction materials on construction sites.
418. Rules 7.4.4 (buildings within a Building Restriction Area), 7.4.15 (home occupations within specified limits) and 7.4.16 (other home occupations) were subject to change or deletion in Ms Leith's S42A version and/or the Reply version of the provisions, on the basis of correction or clarification including as a result of the Panel's administrative minutes. We have considered these in terms of Clause 16(2) as well as those more general submissions that encourage the Plan to be as streamlined, direct and efficient as possible. We agree with the changes proposed to these rules in the Reply version and consider they will be the most appropriate to implement the zone objectives and policies. However, we record at this point our disagreement with the home occupation limits identified in the Plan for Chapters 7, 8 and 11 (they are absent from Chapters 9 and 10), however as no submitter expressly sought their deletion we are unable to recommend that. The limits do not relate to any definitively or inappropriate adverse effects but bring with them clear social and economic limitations. We

recommend the Council consider a variation to reconsider its position on home occupations, and otherwise bring the residential zones into alignment, one way or the other.

419. Rules 7.4.6 (commercial activities), 7.4.9 (dwelling units), 7.4.10 (dwelling units), and 7.4.11 (dwelling units) are subject to change in Ms Leith's S.42A version and/or the Reply version of the provisions, on the basis of agreement or partial agreement with submitters. We have considered the merits of these and find as follows:
420. In terms of Rule 7.4.6 (commercial activities), Ms Leith recommended introducing a first-instance limit of 100 square metres of gross floor area for commercial activities within the zone. Such activities of 100 or less square metres would be a restricted discretionary activity, with activities larger than this becoming a non-complying activity. To support the proposed restricted discretionary activity status, Ms Leith proposed matters of discretion as required by s.77B of the Act. This recommendation came as a consequential response to the issues raised in the submission of David Barton¹⁸⁰. Mr Barton sought changes to the policies to remove reference to 100 square metres which had been notified (in Policy 7.2.9.2).
421. We previously described our agreement that notified policy 7.2.9.2 should not include a quantitative threshold. In consideration of the notified rule, we agree with Ms Leith that requiring all commercial activities to be non-complying activities will not implement the policy framework and the reference to 100 square metres gross floor area should sit in the rule framework to give effect to what we have re-numbered Policy 7.2.7.
422. We have recommended further refinement of the matters of discretion proposed by Ms Leith. In particular we have revised the matter of discretion relating to natural hazards so that it administratively functions as a matter of discretion rather than an information requirement rule.
423. We consider that providing for commercial activities up to 100 square metres gross floor area as a restricted discretionary activity will most appropriately implement the zone objectives and policies. It will ensure that all relevant effects are considered but do so in a way that will not discourage or inefficiently (in an administrative sense) burden applications.
424. In terms of Rules 7.4.9, 7.4.10 and 7.4.11, these work collectively to manage dwellings depending on the quantity and/or location proposed. As notified, Rule 7.4.9 set out the standards for permitted activities. Rule 7.4.10 set a higher threshold for restricted discretionary activities and included matters of discretion. Rule 7.4.11 set out the requirements for non-complying activities (limited spatially to the Queenstown Airport's Air Noise Boundary). A number of changes were proposed by Ms Leith, including through the Reply version of the provisions. Many changes were proposed to correct drafting errors or to clarify the provisions under Clause 16(2) and we generally agree with these.
425. Of most substance, Ms Leith recommended that Rule 7.4.11 be deleted, with more than one dwelling per site in the Queenstown Airport Air Noise Boundary remaining a non-complying activity as a consequence of changes proposed to Rules 7.4.9 and 7.4.10, in reliance on Rule 7.4.1. We agree that this is the more efficient approach.

¹⁸⁰ Submission 269

426. Relevant to these rules, the Council¹⁸¹ and Arcadian Triangle¹⁸² had both submitted that the notified approach to residential units and residential flats should be changed but that the essence of the rules should remain. This was different from Aurum Survey Consultants¹⁸³, which sought a simpler and more permissive approach: 1 unit per 300m² as a permitted activity and density higher than this as a controlled activity. The submitter did not present any evidence at the hearing in support of its submission, nor did it provide convincing analysis to substantiate the relief sought in terms of s.32AA of the Act.
427. We find that the Council’s Section 42A / Reply version approach is the most appropriate framework. The basic rule of permitting one unit per 450 square metres of site area is a compatible fit with the existing developed part of the zone, and development down to 300 square metres can be appropriately managed as a restricted discretionary activity. We accept the evidence of Ms Leith and Mr Falconer that densities higher than this do create the potential for a variety of inappropriate adverse effects and the non-complying activity requirement of Rule 7.4.1 would ensure that any such applications are carefully scrutinised. While there will be some instances where such densities may be suitable, we find that in general this is unlikely to be the case and that such densities are more compatible with the medium density zone provisions. We also refer to our earlier discussion on residential flats and development within the airport noise boundary.
428. We therefore find that Rules 7.4.9 and 7.4.10 should be subject of minor redrafting, with rule 7.4.11 deleted. These changes reflect the most appropriate means of implementing the zone objectives and policies on the basis that they are simpler to use and administer, and more effective at achieving the outcomes described within the zone policy framework than alternatives including that identified by Aurum Survey Consultants¹⁸⁴.
429. We note that we can understand the Council’s desire for simplification by removing reference to residential flat within these rules, given that the definition of residential unit includes a residential flat. However, we consider that to assist the ordinary plan user, rather than expert users, an additional provision be included in Section 7.3.2 clarifying that each residential unit may contain a residential flat and also have accessory building associated with it. We consider this to be a non-substantive change that can be made under Clause 16(2). We have set the wording out above in Section 18.2 and also recommend it be inserted in each of the other residential chapters for the same reason.
430. For the purposes of administrative simplicity, we have re-ordered and where appropriate re-numbered the activity table by activity status, commencing with permitted activities and concluding with prohibited activities. The changes we recommend are set out below. We have included spaces in the table for the provisions inserted by the Stage 2 variations in the location we consider appropriate given our discussion above about rule order. These are shown in italics and do not form part of our recommendations.

	Activities located in the Low Density Residential Zone	Activity status
7.4.1	Home occupations	P

181 Submission 383
182 Submission 836
183 Submission 166
184 Submission 836

	Activities located in the Low Density Residential Zone	Activity status
7.4.2	Informal airports for emergency landings, rescues and fire fighting	P
7.4.3	Residential units, where the density of development does not exceed one residential unit per 450m² net area.	P
7.4.4		
7.4.5		
7.4.6	<p>Commercial activities – 100m² or less gross floor area</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Benefits of the commercial activity in servicing the day-to-day needs of local residents; b. Hours of operation; c. Parking, traffic and access; d. Noise; e. Design, scale and appearance; f. In Arrowtown, consistency with Arrowtown’s character, as described within the Arrowtown Design Guidelines 2016; and g. Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ul style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated. 	RD

	Activities located in the Low Density Residential Zone	Activity status
7.4.7	<p>Residential Units, where the density of development exceeds one residential unit per 450m² net area but does not exceed one residential unit per 300m² net area, excluding sites located within the Air Noise Boundary or located between the Air Noise Boundary and Outer Control Boundary of Queenstown Airport.</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. How the design advances housing diversity and promotes sustainability either through construction methods, design or function b. Privacy for occupants of the subject site and neighbouring sites c. In Arrowtown, consistency with Arrowtown’s character, as described within the Arrowtown Design Guidelines 2016 d. Street activation e. Building dominance f. Parking and access layout: safety, efficiency and impacts on on-street parking and neighbours g. Design and integration of landscaping h. Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ol style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated <p>Note – Additional rates and development contributions may apply for multiple units located on one site.</p>	RD
7.4.8	Commercial recreation	D
7.4.9	Community activities	D
7.4.10	Retirement villages	D
7.4.11	Activities which are not listed in this table	NC
7.4.12	Commercial activities – greater than 100m² gross floor area	NC
7.4.13		
7.4.14	Airports not otherwise listed in this Table	PR
7.4.15	Bulk material storage	PR
7.4.16	Factory Farming	PR
7.4.17	Fish or meat processing	PR

	Activities located in the Low Density Residential Zone	Activity status
7.4.18	Forestry	PR
7 4.19	Manufacturing and/or product assembling activities	PR
7 4.20	Mining	PR
7.4.21	Panel beating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motor body building	PR
7.4.22	Any activity requiring an Offensive Trade Licence under the Health Act 1956	PR

431. We have furthermore considered the amended provisions recommended above and also in **Appendix 1** in light of the Council’s original section 32 report, the section 32AA analysis provided by Ms Leith and through the information provided by the submitters (both through the written submissions and the hearings process). Overall, and as a package, we find that the provisions we recommend will be the most appropriate including by being the most effective and efficient means of addressing the matters raised in the zone objectives and policies.

21. RULE 8.4

432. The notified Chapter 8 had 29 activity rules, with 3 applying only to the proposed Wanaka Town Centre Transition Overlay. In Ms Leith’s S.42A version and subsequent Reply version these were proposed to be reduced to 24, largely due to the Council’s withdrawal of Visitor Accommodation provisions. Ms Leith recommended that, subject to renumbering, 18 of the rules should remain as notified. Of those recommended to be changed, 3 are on the basis of Plan clarification reasons and the remaining 3 on the basis of submissions received.

433. We find that, as we have recommended in the other residential chapters, the activity rules should be grouped by way of activity status. This results in a substantial re-numbering. Related to this, we have recommended not including a separate table for the proposed Wanaka Town Centre Transition zone on the basis that the nature of the additional rules lends themselves to being integrated into Table 1. However, our consideration of the Wanaka Town Centre Transition zone stopped at that point on the basis that it had been deferred to the mapping hearings.

434. Having considered the submissions and further submissions we find that the Council’s recommendations are generally the most appropriate from the alternatives we identified and we have agreed with them except as follows.

435. For notified Rule 8.4.4 (relating to buildings within a Building Restriction Area) we recommend it be re-located to sit in Rule 8.5. We have recommended this change for the other residential zones. We find that this change is an improvement to the Plan’s consistency and structure, and can be undertaken under Clause 16(2).

436. For notified Rule 8.4.5 (relating to bulk material storage) (our recommended Rule 8.4.16), we do not support the officer recommendation to change “Bulk material storage” to “Outdoor storage”. As discussed earlier in Chapter 7 for notified Rule 7.4.5, we find that this change

would have potentially significant ramifications that must be undertaken by way of a Plan Variation or Change.

437. For notified Rule 8.4.9 (relating to community facilities and activities) (our recommended Rule 8.4.11), we agree that the rule should be simplified from “Community facilities and/or activities” to “Community activities” in agreement with Ms Leith and the submission from Otago Foundation Trust Board¹⁸⁵. This is in line with recommendations we have made for the other residential zones, and will make the Plan simpler.
438. For notified Rule 8.4.10 (relating to dwellings, residential units and residential flats) (our recommended Rule 8.4.6), we recommend that the rule be simplified to be named “Residential unit” in line with the other residential zones and for the reasons outlined in the Chapter 7 recommendation above. We also recommend further revisions to simplify the rule and make it clearer. These are recommended under Clause 16(2) and on the basis of scope given by submissions including those from Arcadian Triangle Ltd¹⁸⁶, the Council¹⁸⁷, C Douglas¹⁸⁸, S Clark¹⁸⁹, P Winstone¹⁹⁰, N Ker¹⁹¹, and D Clarke¹⁹².
439. For notified rule 8.4.11 (relating to dwellings, residential units and residential flats) (our recommended 8.4.9), we note that this rule attracted considerable submitter interest. Ms Leith’s recommendation was to change the rule and, extensively, the matters of discretion. This was in support of a number of submissions including those from Arcadian Triangle Ltd¹⁹³, the Council¹⁹⁴, C Douglas¹⁹⁵, S Clark¹⁹⁶, P Winstone¹⁹⁷, N Ker¹⁹⁸, and D Clarke¹⁹⁹.
440. We agree with the thrust of the changes recommended by Ms Leith. However, we find that the matters of discretion are still unnecessarily convoluted. We have recommended further simplification of the matters of discretion, also in part to establish a more consistent expression of restrictions across this zone and between it and the other residential zones. These further simplifications are recommended under Clause 16(2).
441. For notified Rules 8.4.15 and 8.4.16 (both relating to home occupations), Ms Leith recommended shifting the proposed limitations on home occupations from Rule 8.4.15 into Rule 8.5, and deleting Rule 8.4.16 on the basis that it could also be provided for in Rule 8.5. Ms Leith’s recommendation is in line with the one she made for Chapter 7 (notified Rules 7.4.15 and 7.4.16), and we agree with her for the same reasons. We have renumbered Rule 8.4.15 as 8.4.3, and deleted Rule 8.4.16, although note our general disagreement with the proposed home occupation limits (no submissions explicitly sought their deletion). We note our recommendation that the Council consider a variation to remove these limits on the basis

¹⁸⁵ Submission 408.
¹⁸⁶ Submission 836
¹⁸⁷ Submission 383
¹⁸⁸ Submission 199
¹⁸⁹ Submission 306
¹⁹⁰ Submission 264
¹⁹¹ Submission 180
¹⁹² Submission 26
¹⁹³ Submission 836
¹⁹⁴ Submission 383
¹⁹⁵ Submission 199
¹⁹⁶ Submission 306
¹⁹⁷ Submission 264
¹⁹⁸ Submission 180
¹⁹⁹ Submission 26

that they do not reliably or definitively relate to any inappropriate adverse effects, and have social and economic restrictions that seem unjustifiable.

442. For notified Rule 8.4.25 (relating to buildings) (our recommended Rule 8.4.7), we have recommended revising the matters of discretion. As notified and recommended to us, subject to issues raised in the submissions of N Blennerhassett²⁰⁰ and the Council²⁰¹, the restrictions were worded too close to specific assessment criteria than we felt was justifiable. Our recommendations re-frame Ms Leith’s recommended wording as more neutral statements against which the Council’s discretion would be restricted.
443. For notified Rules 8.4.26 (relating to buildings) and 8.4.27 (relating to commercial activities) and 8.4.29 (relating to community activities), we recommend adding the words “in the Wanaka Town Centre Transition Overlay” for reasons of clarification and simplification. However, we otherwise left consideration of these rules to the mapping hearings as set out in the Panel’s Minutes. The Stream 12 Hearing Panel recommended no changes to any of the provisions relating to the Wanaka Town Centre Transition Overlay. Thus we include them as notified, albeit renumbered and reformatted to be consistent with the remaining provisions.
444. Our recommended text is included below and in Appendix 2. We find that the recommended provisions are the most appropriate inasmuch as they are more efficient than the alternatives and provide for a more consistent use of language and rule structure.
445. We have inserted spaces for the provisions inserted by the Stage 2 variations in the location we consider appropriate given our discussion above about rule order. These do not form part of our recommendations.

Table 1	Activities located in the Medium Density Residential Zone	Activity status
8.4.1	Commercial activities in the Wanaka Town Centre Transition Overlay	P
8.4.2	Community activities in the Wanaka Town Centre Transition Overlay	P
8.4.3	Home occupations	P
8.4.4	Informal airports for emergency landings, rescues and fire fighting	P
8.4.5	In the Wanaka Town Centre Transition Overlay, Licenced Premises for the consumption of alcohol on the premises between the hours of 8am and 11pm, and also to: <ul style="list-style-type: none"> a. any person who is residing (permanently or temporarily) on the premises. b. any person who is present on the premises for the purpose of dining up until 12am. 	P

²⁰⁰ Submission 335

²⁰¹ Submission 383

Table 1	Activities located in the Medium Density Residential Zone	Activity status
8.4.6	<p>Residential Unit</p> <p>8.4.6.1 One (1) per site in Arrowtown</p> <p>8.4.6.2 For all locations outside of Arrowtown, three (3) or less per site</p>	P
8.4.7		
8.4.8	<p>Buildings in the Wanaka Town Centre Transition Overlay</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. External design and appearance including the achievement of a development that is compatible with the town centre transitional context, integrating any relevant views or view shafts, b. The external appearance of buildings, including that the use of stone, schist, plaster or natural timber be encouraged c. Privacy for occupants of the subject site and neighbouring sites d. Street activation e. Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ul style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated. 	RD

Table 1	Activities located in the Medium Density Residential Zone	Activity status
8.4.9	<p>Commercial Activities in Queenstown, Frankton or Wanaka:100m² or less gross floor area</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Benefits of the commercial activity in servicing the day-to-day needs of local residents. b. Hours of operation c. Parking, traffic and access d. Noise e. Design, scale and appearance f. Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ul style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated 	RD

Table 1	Activities located in the Medium Density Residential Zone	Activity status
8.4.10	<p>Residential Unit</p> <p>8.4.10.1 One (1) or more per site within the Arrowtown Historic Management Transition Overlay Area</p> <p>8.4.10.2 Two (2) or more per site in Arrowtown</p> <p>8.4.10.3 For all locations outside of Arrowtown, four (4) or more per site</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Location, external appearance, site layout and design of buildings and fences and how the development addresses its context to contribute positively to the character of the area b. Building dominance relative to neighbouring properties and public spaces including roads c. How the design advances housing diversity and promotes sustainability either through construction methods, design or function d. Privacy for occupants of the subject site and neighbouring sites e. In Arrowtown, consistency with Arrowtown’s character, as described within the Arrowtown Design Guidelines 2016 f. Street activation g. Parking and access layout: safety, efficiency and impacts on on-street parking and neighbours h. Design and integration of landscaping i. For land fronting State Highway 6 between Hansen Road and the Shotover River: <ul style="list-style-type: none"> i. <u>safe and effective functioning of the State Highway network;</u> ii. <u>integration with other access points through the zone to link up to Hansen Road, the Hawthorne Drive/State Highway 6 roundabout and/or Ferry Hill Drive; and</u> iii. <u>integration with pedestrian and cycling networks, including to those across the State Highway.</u> j. Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ul style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated 	RD
8.4.11		
8.4.12	Commercial recreation	D

Table 1	Activities located in the Medium Density Residential Zone	Activity status
8.4.13	Community activities	D
8.4.14	Retirement villages	D
8.4.15	Activities which are not listed in this table	NC
8.4.16	Commercial Activities greater than 100m ² gross floor area	NC
8.4.17		
8.4.18	Airports not otherwise defined	PR
8.4.19	Bulk material storage	PR
8.4.20	Factory Farming	PR
8.4.21	Fish or meat processing	PR
8.4.22	Forestry	PR
8.4.23	Manufacturing and/or product assembling activities	PR
8.4.24	Mining	PR
8.4.25	Panel beating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motor body building.	PR
8.4.26	Any activity requiring an Offensive Trade Licence under the Health Act 1956	PR

22. RULE 9.4

446. The notified Chapter 9 had 26 activity rules. In Ms Banks' S.42A version and subsequent Reply version these were proposed to be reduced to 20, largely due to the Council's withdrawal of Visitor Accommodation provisions. Ms Banks recommended that, subject to renumbering, 17 of the rules should remain as notified. Of those recommended to be changed, the majority were based on clarifications or corrections. Issues raised by submitters were identified as a reason to change rules only in the case of notified Rules 9.4.3 and 9.4.4 (both relating to dwellings, residential units and residential flats).
447. We find that, as we have recommended in the other residential chapters, the activity rules should be grouped by way of activity status. This results in a substantial re-numbering.
448. Having considered the submissions and further submissions we find that the Council's recommendations are generally the most appropriate from the alternatives we identified and we have agreed with them except as follows.
449. For notified Rule 9.4.2 (relating to building within a Building Restriction Area) we find that this rule sits more appropriately in Rule 9.5. We have recommended this change for the other residential zones. We find that this change is an improvement to the Plan's consistency and structure, and can be undertaken under Clause 16(2).
450. For notified Rule 9.4.4 (relating to dwellings, residential units and residential flats) (our recommended Rule 9.4.4), we find that the recommended matters of discretion should be

further simplified and this can occur as a Clause 16(2) change although we also record our agreement with those submissions supporting high qualities of urban design in the zone, and which influenced our preferred wording.

451. For notified Rule 9.4.6 (relating to commercial activities) (our recommended Rule 9.4.1) we recommend that the rule be simplified to only relate to a 100m² maximum GFA limit. We can find no support for the linkage to 20 or more units in the objectives and policies we have determined are most appropriate, and find that small scale ground level shops could very successfully contribute to the urban design qualities sought within the zone (including safe and well overlooked, activated streets). Our recommendation is on the basis of Clause 16(2) and those submissions seeking high levels of urban design quality within the zone.
452. For notified Rule 9.4.15 (relating to community facilities and activities) (our recommended Rule 9.4.6), we recommend that this rule be simplified to state “Community Activities” in line with the other residential zones. To justify this, we have drawn scope from those submissions seeking that change in the other zones (notably Southern District Health Board²⁰² and Ministry of Education²⁰³), which in our view sought to change how the Plan managed community activities generally and was not restricted to some zones but not others.
453. For notified Rule 9.4.22 (relating to flood risk) we recommend that this be relocated to Rule 9.5 on the basis that it relates to an activity standard rather than an activity rule. We find that this relocation can be undertaken as a Clause 16(2) clarification as it will make the Plan more coherent.
454. For notified Rule 9.4.26 (relating to bulk material storage), we do not support the officer recommendation to change “Bulk material storage” to “Outdoor storage”. As discussed earlier in Chapter 7 in relation to notified Rule 7.4.5, we find that this change would have potentially significant ramifications that must be undertaken by way of a Plan Variation or Change.
455. Our recommended text is included below and in Appendix 3. We find that the recommended provisions are the most appropriate inasmuch as they are more efficient than the alternatives while maintaining a high and effective level of recognition of the sensitive amenity and character values within the zone.
456. We have included space for the provisions inserted by the Stage 2 variations in the location we consider appropriate given our discussion above about rule order. These do not form part of our recommendations.

	Activities located in the High Density Residential Zone	Activity Status
9.4.1	Commercial activities comprising no more than 100m ² of gross floor area.	P
9.4.2	Home occupation	P
9.4.3	Residential Unit comprising three (3) or less per site	P
9.4.4		

²⁰² Submission 671

²⁰³ Submission 524

	Activities located in the High Density Residential Zone	Activity Status
9.4.5	<p>Residential Unit comprising four (4) or more per site</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. Location, external appearance, site layout and design of buildings and fences and how the development addresses its context to contribute positively to the character of the area b. Building dominance and sunlight access relative to neighbouring properties and public spaces including roads c. How the design advances housing diversity and promotes sustainability either through construction methods, design or function d. Privacy for occupants of the subject site and neighbouring sites e. Street activation f. Parking and access layout: safety, efficiency and impacts on on-street parking and neighbours g. Design and integration of landscaping h. Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ol style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated 	RD
9.4.6		
9.4.7	Commercial recreation	D
9.4.8	Community activities	D
9.4.9	Retirement village	D
9.4.10	Activities which are not listed in this table	NC
9.4.11	Commercial Activities not otherwise identified	NC
9.4.12	Panel beating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motor body building.	PR
9.4.13	Manufacturing and/or product assembling activities	PR
9.4.14	Mining	PR
9.4.15	Factory Farming	PR
9.4.16	Fish or meat processing	PR
9.4.17	Forestry	PR

	Activities located in the High Density Residential Zone	Activity Status
9.4.18	Any activity requiring an Offensive Trade Licence under the Health Act 1956	PR
9.4.19	Airports other than the use of land and water for emergency landings, rescues and fire fighting	PR
9.4.20	Bulk material storage	PR

457. We note however that unlike Chapters 7, 8 and 11, the provisions for home occupations in Chapter 9 (and Chapter 10) specify no limits to the scale allowable for home occupations (our recommended Rule 9.4.2). We have no information to justify why such limitations have not been included within Chapters 9 and 10 although we support the proposal. We lack submissions or scope to introduce such a rule in Chapter 9 (or to remove it from Chapters 7, 8 and 11) and for this reason note to the Council that it may wish to review its approach to home occupations and consider a Plan Variation or Change if it deems it appropriate.

23. RULE 10.4

458. The notified Chapter 10 had 20 activity rules, although these were distributed across the Arrowtown Residential Historic Management zone itself and also a proposed Arrowtown Town Centre Transition overlay. We note that the notified Table 1 was not well drafted to delineate between these. In Ms Law’s S.42A version and subsequently the Reply version of the provisions, these were proposed to be reduced to 14 activities, largely due to the Council’s withdrawal of Visitor Accommodation provisions. Ms Law’s recommended changes largely reflected clarifications and corrections.

459. We find that it is appropriate to split Table 1 into two tables reflecting the differentiation between the underlying zone and the Town Centre Transition Overlay. We also find that, as we have recommended in the other residential chapters, the activity rules should be grouped by way of activity status. This results in a substantial re-numbering.

460. Having considered the submissions and further submissions we find that the Council’s recommendations are generally the most appropriate from the alternatives we identified and we have agreed with them except as follows.

461. Notified Rule 10.4.1 is potentially ambiguous. We recommend redrafting this and placing it in each Table so as to make it clear that in the part of the zone outside of the Town Centre Transition Overlay, any activity not listed in Table 1 is a non-complying activity (our Rule 10.4.9), and within the Transition Overlay, the non-complying activity rule applies to any activity not in either Table (our Rule 10.4.18).

462. For notified Rule 10.4.2 (relating to dwellings, residential units and residential flats) (our recommended Rule 10.4.4), we agree that the rule should be simplified to refer only to “Residential Unit” on the basis of submissions from Arcadian Triangle Ltd²⁰⁴ and the Council²⁰⁵, and as we have recommended for the other residential zones.

²⁰⁴ Submission 836

²⁰⁵ Submission 383

463. For notified Rule 10.4.4 (relating to the construction or alteration of any buildings) (our recommended Rule 10.4.6), we recommend that this rule be revised so as to be clearer and more administrable. We are concerned that the text recommended by the Council was onerous and unintentionally included internal alterations that would have no effect on any of the matters described within the policy framework we determined would be most appropriate, or any of the rule’s own proposed matters of discretion. For that reason we recommend adding the word “external” into the rule. We also recommend substantial simplification of the matters of discretion including a clearer reference to the Arrowtown Design Guidelines 2016. Our recommendations are made in terms of Clause 16(2).
464. For notified Rule 10.4.13 (relating to building within a Building Restriction Area), Ms Law recommended removing this rule from 10.4 and relocating it to Rule 10.5. We agree with this, for the reasons set out in respect of the other residential zones.
465. For notified Rule 10.4.16 (relating to retail activities) (our recommended 10.4.17) we recommend simplifying the rule to make it clearer. This change is recommended under Clause 16(2).
466. Our recommended text is included below and in Appendix 4. We find that the recommended provisions are the most appropriate inasmuch as they are more efficient than the alternatives while maintaining a high and effective level of recognition of the sensitive amenity and character values within the zone.
467. We have included space for the provisions inserted by the Stage 2 variations in the location we consider appropriate given our discussion above about rule order. These do not form part of our recommendations.

Table 1	Activities located in the Arrowtown Residential Historic Management Zone	Activity Status
10.4.1	Home occupation.	P
10.4.2	Minor Alterations and Additions to a Building.	P
10.4.3	Recreational Activity.	P
10.4.4	Residential Unit. Note: Refer to Rule 10.4.6 for construction of new and alterations and additions to existing buildings.	P
10.4.5		

Table 1	Activities located in the Arrowtown Residential Historic Management Zone	Activity Status
10.4.6	<p>The Construction or external alteration of any buildings.</p> <p>This rule does not apply to Minor Alterations and Additions to a Building provided for by Rule 10.4.2.</p> <p>Discretion is restricted to the following, with the Arrowtown Design Guidelines 2016 being the principal tool to be used in considering the merit of proposals (within the matters of discretion):</p> <ol style="list-style-type: none"> a. How new or altered buildings make a positive contribution to the heritage character of the zone b. Building form, appearance, scale and layout including the height to the eaves, ridge, roof shape and pitch. c. Exterior materials and colour. d. Landscaping and fencing. e. Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ol style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated <p>The following additional matter of discretion also applies within the Arrowtown Town Centre Transition Overlay:</p> <ol style="list-style-type: none"> f. Retention and enhancement of pedestrian linkages between Buckingham Street and Romans Lane 	RD
10.4.7		
10.4.8	Community activities.	D
10.4.9	Any Activity not listed in Table 1.	NC
10.4.10	Commercial activities.	NC
10.4.11		
10.4.12	Panel beating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motor body building.	PR

Table 2	Activities located in the Arrowtown Town Centre Transition Overlay Additional to or in Place of those in Table 1	Activity Status
10.4.13	Commercial activities (except where specified for retail activities).	P
10.4.14	Community Activities.	P
10.4.15	<p>Licensed Premises.</p> <p>Premises licensed for the consumption of alcohol on the premises between the hours of 8am and 11pm.</p>	P

Table 2	Activities located in the Arrowtown Town Centre Transition Overlay Additional to or in Place of those in Table 1	Activity Status
10.4.16	<p>Licensed Premises.</p> <p>Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor:</p> <ul style="list-style-type: none"> a. to any person who is residing (permanently or temporarily) on the premises; b. to any person who is present on the premises for the purpose of dining up until 12am. <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. The scale of the activity. b. Car parking and traffic generation. c. Effects on amenity values. d. Noise. e. Hours of operation. f. Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ul style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated 	RD
10.4.17	<p>Retail Activities.</p> <p>Retailing restricted to goods manufactured on site and ancillary products, and comprising no more than 10% of the gross floor area.</p>	D
10.4.18	Any Activity not listed in either Table 1 or Table 2.	NC

468. We note however that unlike Chapters 7, 8 and 11, the provisions for home occupations in Chapter 10 (and Chapter 9) specify no limits to the scale allowable for home occupations (our recommended Rule 10.4.1). We have no information to justify why such limitations have not been included within Chapters 9 and 10 although we support the proposal. We lack submissions or scope to introduce such a rule in Chapter 10 (or to remove it from Chapters 7, 8 and 11) and for this reason note to the Council that it may wish to review its approach to home occupations and consider a Plan Variation or Change if it deems it appropriate.

24. RULE 11.4

469. The notified Chapter 11 had 12 activity rules. In Ms Leith's S.42A version this had been reduced to 9 rules as a result of the Council's withdrawal of Visitor Accommodation provisions. She also recommended changing Rule 11.4.2 from "Dwelling, residential unit, residential flat" to "residential unit", relying on submitters Arcadian Triangle Ltd²⁰⁶ and the Council²⁰⁷; and as also

²⁰⁶ Submission 836

²⁰⁷ Submission 383

recommended in the other residential chapters. Ms Leith also recommended relocating Rule 11.4.11 (relating to buildings within a Building Restriction Area) into the activity standards Rule 11.5, which we agree with for the same reasons that applied in respect of Chapter 7.

470. We find, as discussed in the context of Rule 7.4, that the table should be re-ordered by activity status for ease of use. We also recommend changing Rule 11.4.10 “community recreation” to “community recreational activity” under Clause 16(2).
471. Otherwise, we find that the activity rules proposed by the Council and proposed to be modified by Ms Leith are the most appropriate. In making this recommendation we repeat the observation made in respect of the other residential chapters that there were limited submitter requests relating to the proposed activity status.
472. Our recommended text is included below and in Appendix 5, which sets out our recommended provisions.
473. We have included space for the provisions inserted by the Stage 2 variations in the location we consider appropriate given our discussion above about rule order. These do not form part of our recommendations.

Table 1	Activities located in the Large Lot Residential Zone	Activity Status
11.4.1	Residential Unit	P
11.4.2	Recreational Activity	P
11.4.3	Home occupation.	P
11.4.4		
11.4.5		
11.4.6	Community activities	D
11.4.7	Commercial recreational activity	D
11.4.8	Any other activity not listed in Table 1	NC
11.4.9	Licensed Premises	NC
11.4.10		
11.4.11	Panel beating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motor body building.	PR

PART G: RULES 7.5, 8.5, 9.5, 10.5 and 11.5 – STANDARDS FOR ACTIVITIES

25. RULES 7.5

25.1. Overview

474. As notified, there were 15 rules intended to manage the scale, intensity, and location of development. Generally, the rules are proposed to provide a permitted activity threshold based on enabling reasonable use of residential zoned sites, with development beyond those thresholds requiring a resource consent, with activity status and associated provisions as required under sections 77A and 77B of the Act also specified on a rule-by rule basis.

475. We note that the PDP rule thresholds are generally analogous with those set out within the ODP.

476. As has been previously canvassed in our decisions above, the key issues raised within the submissions related to managing density, commercial activity, and development in proximity to the airport and state highways.

477. We note that as a result of our deliberations, the numbering of rules has in some cases been proposed to change. This has arisen largely as a result of looking to group like rules together.

25.2. Rules 7.5.5, 7.5.7, 7.5.12, 7.5.13, and 7.5.14

478. In the Reply version of the rules, 7.5.5 (building coverage), 7.5.7 (landscaped permeable surface coverage), 7.5.12 (waste and recycling storage space, 7.5.13 (glare), and 7.5.14 (setback from water bodies) were not proposed to be changed from the notified version (although the rules would be renumbered as a result of other proposed changes).

479. We agree with the Ms Leith's recommendation in respect of Rule 7.5.5, and furthermore note that permitted site coverage greater than this would create potential conflict with the outcomes sought within the policy framework once other rules for site size / density (including provision for residential flats ancillary to a principal residential unit or dwelling) and bulk and location are considered. Building coverage greater than 40% is likely to lead to development with a more urban characteristic that is intended to be managed by the Medium and High Density Residential Zones.

480. In terms of Rule 7.5.7, we find that we have no scope to change the notified rule, however note our support for the non-complying activity status for contraventions. This rule will be a key means to implementing the policy framework we determined was most appropriate, including through reinforcing building height and site density requirements seeking to enable higher densities in a way that maintained suburban, predominantly detached-house amenity values and the presence of visually obvious planting and vegetation between and around buildings.

481. In terms of Rule 7.5.12, we find that we have no scope to change the notified rule, however we have not been convinced, including with reference to other residential zones where this rule has not been proposed, that Rule 7.5.12.1, which specifies a waste storage space to be provided is relevant or required. We recommend the Council undertake a variation to delete it on the basis that it is unnecessary and hence inefficient and ineffective.

482. In terms of Rules 7.5.13, and 7.5.14, we find that we have no scope to change the notified rules, and there is no reason to change Rule 7.5.13. However, we do recommend the Council

undertake a variation to change the contravention status of Rule 7.5.13 from non-complying to restricted discretionary. This is because we cannot see any basis for requiring a non-complying activity status, and likewise consider potential effects to be so specific they could be readily identified as matters of discretion.

483. We similarly recommend a variation to change the 7m setback distance specified within Rule 7.5.14 to 20m. Twenty metres is relevant inasmuch as it is the default width of an esplanade reserve requirement that is triggered once a subdivision application that adjoins or includes the bed of a river, lake or wetland. While at the land use consent stage a subdivision for an esplanade reserve may not be being sought, retaining the 20m setback will not foreclose future subdivision in light of the significance attached to public access to and along waterbodies within the Act (see section 6(a) and (d)). While we accept that esplanade requirements do not apply in all cases (primarily when a stream is less than 3m wide), we are satisfied that a 20m rule requirement instead of 7m would overall be the more appropriate.

484. Our recommended text for Rules 7.5.5 (building coverage), 7.5.7 (landscaped permeable surface coverage) 7.5.12 (waste and recycling storage space, 7.5.13 (glare), and 7.5.14 (setback from water bodies) are set out below.

7.5.5	Building Coverage A maximum of 40%.	D
7.5.6	Landscaped permeable surface coverage At least 30% of the site area shall comprise landscaped (permeable) surface.	NC
7.5.12	Waste and Recycling Storage Space 7.5.12.1 Residential and Visitor Accommodation activities shall provide, as a minimum, space for a 120 litre residential wheelie bin and 240 litres recycling wheelie bin per residential unit. 7.5.12.2 All developments shall suitably screen waste and recycling storage space from the road or public space, in keeping with the building development, or provide space within the development that can be easily accessed by waste and recycling collections.	NC
7.5.13	Glare 7.5.13.1 All exterior lighting shall be directed downward and away from the adjacent sites and roads. 7.5.13.2 No activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.	NC

7.5.14	<p>Setback of buildings from water bodies</p> <p>The minimum setback of any building from the bed of a river, lake or wetland shall be 7m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Indigenous biodiversity values; b. Visual amenity values c. Landscape character; d. Open space and the interaction of the development with the water body; e. Environmental protection measures (including landscaping and stormwater management); f. Whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the location of the building.
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25.3. Rules 7.5.1 and 7.5.2

485. Rules 7.5.1 and 7.5.2 (both relating to building height) have been proposed by Ms Leith to be largely retained although re-structured to be clearer for readers. These rules attracted a number of submissions, including particular interest on proposed additional controls on building height on sites smaller than 900m² proposed to accommodate more than 1 residential unit. The clearest submission in opposition to the Council’s approach was from Aurum Survey Consultants²⁰⁸, which was concerned with the Council’s over-complicated and over-controlling proposal.
486. Ms Leith agreed with a number of the points made by the submitters and proposed to change the status of more than 1 residential unit on sites smaller than 900m² a discretionary, rather than non-complying activity. A key part of her justification for retaining the essence of the proposed approach was her interpretation of the phrase “gentle density”.
487. As discussed previously, we did not agree with Ms Leith’s eventually discarded phrase “gentle density”, or Ms Leith’s interpretation of that as an important outcome for the zone. We are supportive of Mr Falconer’s view that the zone anticipates one to two storey units and consider that a clearer rules framework be in place to implement (our recommended) Objective 7.2.3 and its policies.
488. We find that contravention of proposed Rule 7.5.1.3 (an additional height restriction for higher density developments) should be a discretionary activity provided that the total height does not contravene the limits of Rules 7.5.1 or 7.5. 2 (the general zone height limits for flat or sloping sites respectively) as the case may be. Height above the limits of Rules 7.5.1 and 7.5.2 for the purposes of Rule 7.5.3 would then be a non-complying activity to avoid creating a reverse incentive for additional building height on the smallest sites.

²⁰⁸ Submission 166

489. We find that the most appropriate provisions to address the policy framework we recommend are as set out below. This in summary is to accept the Reply version that there should be three height rules (for flat sites, for sloping sites, and for more than 1 dwelling on a site 900m² or smaller) subject only to our own minor amendments using Clause 16(2). Separating the density-related height control from the other two also makes the plan simpler.

<p>7.5.1</p>	<p>Building Height (for flat sites) 7.5.1.1 Wanaka: Maximum of 7 metres. 7.5.1.2 Arrowtown: Maximum of 6. 5 metres. 7.5.1.3 All other locations: Maximum of 8 metres.</p>	<p>NC</p>
<p>7.5.2</p>	<p>Building Height (for sloping sites) 7.5.2.1 Arrowtown: Maximum of 6 metres. 7.5.2.2 In all other locations: Maximum of 7 metres.</p>	<p>NC</p>
<p>7 5.3</p>	<p>In addition to Rules 7.5.1 and 7.5.2, where a site is less than 900m² net area and more than 1 residential unit will result per site, the following height provisions apply: a. Where residential units are proposed in addition to an existing residential unit, then the additional residential unit(s) shall not exceed 5.5m in height; b. Where no residential units exist on the site, or where an existing residential unit is being demolished to provide for 2 or more new residential units on the site, then all proposed residential units shall not exceed 5.5m in height; c. Items (a) and (b) above do not apply where a second residential unit is being created within an existing residential unit that is taller than 5.5m.</p>	<p>D</p>

25.4. Rules 7.5.3 and 7.5.4

490. In terms of Rules 7.5.3 (airport noise) and 7.5 4 (airport noise), the key submission was from QAC²⁰⁹. We have previously discussed the resource management issues relevant to residential development within close proximity to the Queenstown Airport and our agreement with the need to manage development in light of very likely, and very adverse, future noise and amenity effects.

491. Ms Leith, through the Reply, proposed that rule 7.5.4 could be deleted and its substance rolled into an amended rule 7.5.3. We agree with this and consider it will make the plan more administratively efficient. We do note that Ms Leith’s Reply version needs a minor amendment to remove any ambiguity as to which buildings this rule applies to.

²⁰⁹ Submission 433

492. Overall, we find that subject to the amendments set out in the Reply version Rule 7.5.3 (renumbered to 7.5.4), including our clarification, is the most appropriate means of implementing the objectives and policies we identified earlier, in particular objective 7.2.2 and its policies. It is included below.

7.5.4	<p>Airport Noise – Queenstown Airport (excluding any non-critical listening environments)</p> <p><u>7.5.4.1 Buildings Within the Outer Control Boundary and Air Noise Boundary</u> 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.</p> <p><u>7.5.4.2 Compliance Within the Air Noise Boundary (ANB)</u> Compliance shall be demonstrated by either adhering to the sound insulation requirements in Rule 36.6.1 and 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.</p> <p><u>7.4.5.3 Compliance Between the Outer Control Boundary (OCB) and the Air Noise Boundary (ANB)</u> 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. Note – Refer to Chapter 2 Definitions for a list of activities sensitive to aircraft noise (ASAN)</p>	NC
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25.5. Rule 7.5.6

493. In terms of Rule 7.5.6 (density), the notified rule limited density to one residential unit (inclusive of any ancillary residential flat) per 300 square metres of net site area, with an exclusion for an area identified as the Queenstown Heights Overlay Area. This rule was proposed to be deleted in Ms Leith’s Section 42A Report and this recommendation was carried over to the Council’s reply.
494. A number of submissions addressed the matter of residential density, both for and against. This has been discussed previously, and our findings in respect of the objectives and policies (to enable and encourage additional density compatible with local amenity values) is referred to.
495. We consider that deletion of this rule has not been substantiated, and we do not agree with it. The proposed subdivision rule acts as the ‘first step’ in limiting development density with its minimum site requirement of 450 square metres. This applies in the case of a fee-simple vacant lot development. Where development is proposed first, or if no subdivision is actually sought (such as a developer constructing a number of units to maintain as rental properties in

one ownership), the Chapter 7 land use rules apply. If this rule were to be deleted, then the only other density control would be the height rule at 7.5.3 (introduced through the Council’s reply but agreed with in our evaluation above), which would limit densities greater than 1:450 square metres only insofar as building height would be in the first instance limited. No other density controls would apply, amounting to an unlimited density in the zone, with residential flats additional to this again.

496. We find that a land use density control is desirable and necessary to implement the objectives and policies we have determined as most appropriate, notably Objective 7.2.1, and in particular Objective 7.2.3, and their policies. We consider that the 1 unit per 300 square metres control is a helpful and relevant intermediary. Given that it is more generous than the basic subdivision control, it has the effect of offering a regulatory incentive for comprehensive “land use + subdivision” planning, which we consider is more effects based and in line with the optimal enablement of community wellbeing. We also consider that the notified non-complying activity status for contravention of this rule is the most appropriate, particularly the requirements of section 104D that would apply given the potential for unacceptable adverse effects and policy conflicts that densities higher than 1 per 300 square metres could give rise to.
497. In reaching this decision, we also note our view that a density of 1 (independently disposable) unit per 300 square metres, with an independently habitable residential flat as well, will deliver a maximum effective household density of 1 unit per 150 square metres. We find that this is approaching the absolute limit that can be described by the lower density, suburban residential character that the zone objectives and policies enable. Beyond this, we consider that the medium and high density zones become more appropriate.
498. Our recommended text, included below, includes the retained Rule 7.5.6 as notified, inasmuch as it relates to the 300 square metres minimum net site area.

7.5.11	Density The maximum site density shall be one residential unit or dwelling per 300m ² net site area.	NC
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499. Turning to the Queenstown Heights Overlay Area, and in terms of the evidence presented by The Middleton Family Trust²¹⁰, we note that this particular matter was dealt with by the Stream 13 Panel which is recommending deletion of the Overlay Area and the more restrictive density rule. This deletion is reflected above and in Appendix 1.

25.6. Rule 7.5.8

500. In terms of Rule 7.5.8 (recession plane), the key submission was from the Council²¹¹, which sought clarifications around the applicability of the rule on flat and sloping sites. Ms Leith, in her Section 42A Report and through the Council reply, agreed with the change sought. The recommended rule would see the plane apply on flat sites to all buildings, and on sloping sites only for accessory buildings.

501. We find that the recession plane is a critical control in the zone, as it helps to shape development along a predominantly detached, suburban character. In so doing, it also maintains the amenity values of adjacent sites by limiting building height close to boundaries where it would be most likely to impede sun and daylight, and result in visual privacy

²¹⁰ Submission 336
²¹¹ Submission 383

(overlooking) effects on or between neighbours. It complements the building height, and density controls already addressed and for that reason we also support the non-complying activity status proposed to apply to any contravention(s) of the rule so that the controls remain operating as an integrated package in support of the policy framework.

502. Our recommended text has been included below. We have made further refinements using Clause 16(2).

7.5.7	<p>Recession planes: On flat sites applicable to all buildings; On sloping sites only applicable to accessory buildings.</p> <p>7.5.7.1 Northern boundary: 2.5m and 55 degrees. 7.5.7.2 Western and eastern boundaries: 2.5m and 45 degrees. 7.5.7.3 Southern boundary: 2.5m and 35 degrees.</p> <p>Exemptions:</p> <p>a. Gable end roofs may penetrate the building recession plane by no more than one third of the gable height. b. Recession planes do not apply to site boundaries adjoining a Town Centre Zone, or fronting a road, or a park or reserve.</p>	NC
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25.7. Rule 7.5.9

503. In terms of Rule 7.5.9 (minimum boundary setbacks), Ms Leith recommended a number of additions to the rule (effectively all exclusions) through her Section 42A Report and also the Council’s reply, in agreement with issues raised by submitters NZIA²¹² and Aurum Survey Consultants Ltd²¹³. The effect of the amendments recommended to us would be to provide for minor parts of buildings, including eaves, all subject to specified limits, to extend into a setback area on the basis that it would bring greater benefits to the community, including visual design quality and weathertightness, and add negligible further adverse effects on the environment.

504. We agree with the submitters and Ms Leith, and find that Rule 7.5.9 as notified be changed as proposed in the Reply version of the provisions, subject only to our own further Clause 16(2) clarifications. Our recommended text is included below.

7.5.8	<p>Minimum Boundary Setbacks</p> <p>8.1.1.1 Road boundary: 4.5m 8.1.1.2 All other boundaries: 2.0m</p> <p>Exceptions to boundary setbacks:</p> <p>a. Accessory buildings for residential activities may be located within the boundary set back distances (other than from road boundaries), where they do not exceed 7. 5m in length, there are no windows or openings (other than for carports) along any walls within 1. 5m of an internal boundary, and they comply with rules for Building Height and Recession Plane;</p>	D
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²¹² Submission 238

²¹³ Submission 166 / Further Submission 1202

	<ul style="list-style-type: none"> b. Any building may locate within a boundary setback distance by up to 1m for an area no greater than 6m² provided the building within the boundary setback area has no windows or openings; c. Eaves may be located up to 600mm into any boundary setback distance along eastern, western and southern boundaries; d. Eaves may be located up to 1m into any boundary setback distance along northern boundaries. 	
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25.8. Rule 7.5.10

505. In terms of Rule 7.5.10 (building separation within sites), Ms Leith recommended to us through her Section 42A Report and the Reply version of the provisions that the rule threshold should reduce from 6m to 4m, and that contravention should elevate to a full discretionary activity rather than the notified restricted discretionary activity status.

506. The key submitters to this rule included Aurum Survey Consultants Ltd²¹⁴, Sean McLeod²¹⁵ and Sean and Jane McLeod²¹⁶. The principal argument in support of a reduced rule threshold from 6m to 4m was that this was equivalent to what two buildings on adjoining sites could result in, based on the 2.0m minimum yard requirement in (notified) Rule 7.5.9. Ms Leith agreed with this but considered the uncertainty of effects to be such that a full discretionary activity should be required to contravene that reduced standard.

507. We find that it is appropriate that the separation between residential units on a single site be managed by the rules. This directly relates to the scale, intensity and character of buildings within the zone and the identified priority of maintaining a suburban level of amenity values therein. We find that the requirement for separation should, on the basis of like-for-like environmental effects, be equivalent to what would be required for buildings separated by a legal boundary.

508. We therefore disagree with Ms Leith. That 4m is the effective separation that permitted activities on adjoining sites are proposed to enjoy, without any supervision, is difficult to reconcile with a potential for adverse effects arising from that same width being achieved between buildings on the same site. We find that the restricted discretionary status should remain, however disagree with T Proctor²¹⁷ that an additional matter of discretion relating to ground level changes is appropriate.

509. We also find, relying on the submission of J Harrington²¹⁸ that an additional matter of discretion that should be added relating to, for development within Arrowtown only, consistency with the Arrowtown Design Guidelines 2016.

510. Our recommended text is included below (including Clause 16(2) clarifications).

²¹⁴ Submission 166
²¹⁵ Submission 389
²¹⁶ Submission 391
²¹⁷ Submission 169
²¹⁸ Submission 309

7.5.9	<p>Building Separation Within Sites</p> <p>For detached residential units on the same site, a minimum separation distance of 4m between the residential units within the development site applies.</p> <p>Note: this rule does not apply to attached dwellings.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Whether site constraints justify an alternative separation distance; b. Whether an overall better amenity values outcome is being achieved, including for off-site neighbours; c. Design of the units, with particular regard to the location of windows and doors so as to limit the potential for adverse effects on privacy between units; d. In Arrowtown, consistency with Arrowtown’s character, as described within the Arrowtown Design Guidelines 2016
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25.9. Rule 7.5.11

511. In terms of Rule 7.5.11 (continuous building length), Ms Leith explained to us in her Section 42A Report that this rule has something of a genesis in the ODP²¹⁹. We were told that the operative rule is cumbersome and difficult to use, despite numerous explanatory diagrams being made available by the Council.

512. Key submitters to this rule were NZIA²²⁰ and Aurum Survey Consultants²²¹. These submitters did not oppose the rule, but sought clarifications. On analysis of these submissions, Ms Leith concluded that wording changes would be sufficient to make the rule clear, and that diagrams (sought by NZIA) were not necessary.

513. We find that Ms Leith’s recommendations are sound and we agree with them. We disagree that interpretative diagrams are necessary and as a general principle of rule drafting, we consider that if a diagram is required to make a rule legible then there is something amiss with the rule. On that basis, we have considered Ms Leith’s recommended text, consider it is legible and straight-forward, and recommend it be adopted.

514. Our recommended text is included below.

²¹⁹ A Leith, Chapter 7 Section 42A Report, paragraphs 10.15-10.19

²²⁰ Submission 238

²²¹ Submission 166

7.5.10	<p>Continuous Building Length</p> <p>The length of any building facade above the ground floor level shall not exceed 16m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. External appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties; b. In Arrowtown, consistency with Arrowtown’s character, as described within the Arrowtown Design Guidelines 2016.
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25.10. Rule 7.5.15

515. In terms of Rule 7.5.15 (parking – residential flat), Ms Leith, in her Section 42A Report, agreed with submitter Aurum Survey Consultants Ltd²²² that parking standards should reside in the District Plan’s transport chapter. We see no justification for this notified rule in the zone policy framework, and find in agreement that the rule should be deleted from this section.

25.11. New Rules Proposed to be Introduced by the Section 42A Report and/or Council Reply

516. Ms Leith, through her Section 42A Report, proposed to add two additional rules (road noise – state highway, and height restrictions along Frankton Road), and then through the Reply version two more were proposed (building restriction area, and home occupation).

517. In terms of proposed Rule 7.5.15: road noise state highway, this arose in response to Ms Leith agreeing with the submission of New Zealand Transport Agency²²³. Our analysis is that the rule is appropriate to implement Objective 7.2.1 and its Policy 7.2.1.4 (our recommended numbering) and we recommend this rule’s inclusion.

518. In terms of proposed Rule 7.5.16: height restrictions along Frankton Road, this rule was proposed by Ms Leith, however by the time of the Council’s Reply she had reversed this view and recommended it be deleted. Given that this rule was not notified, and has not enjoyed any section 32 or section 32AA analysis other than by Ms Leith, we are inclined to agree with her that the rule is not necessary or appropriate. We have further considered the submission of Pounamu Body Corporate Committee²²⁴ and find that there is insufficient justification to include a new height restriction.

519. In terms of recommended Rule 7.5.16: building restriction area, this was proposed by Ms Leith as an administrative clarification through the Reply version inasmuch as an equivalent rule was notified in Rule 7.4 (land use activities). We agree with Ms Leith that it is more appropriate that this rule sit in Rule 7.5 and find that it should be included as a Clause 16(2) clarification.

520. In terms of recommended Rule 7.5.17: home occupation, this was also proposed by Ms Leith as a clarification through the Council’s reply for what was originally proposed within Rule 7.4. We agree with Ms Leith and find that the rule should be added to Rule 7.5 as a Clause 16(2) clarification.

²²² Submission 166

²²³ Submission 719

²²⁴ Submission 208

521. Our recommended text for new rules relating to highway noise, buildings within a Building Restriction Area, and home occupations, are included below.

7.5.15	<p>Road Noise – State Highway Any new residential buildings or buildings containing Activities Sensitive to Road Noise, located within:</p> <ul style="list-style-type: none"> a. 80 metres of the boundary of a State Highway that has a speed limit of 70km/h or greater; or b. 40 metres of the boundary of a State Highway that has a speed limit less than 70km/h; <p>shall be designed, constructed and maintained to ensure that the internal noise levels do not exceed 40dB $L_{Aeq(24h)}$ for all habitable spaces including bedrooms.</p>	NC
7.5.16	<p>Building Restriction Area Where a building restriction area is shown on the District Planning Maps, no building shall be located within the restricted area</p>	NC
7.5.17	<p>Home Occupation</p> <p>7.5.16.1 No more than 1 full time equivalent person from outside the household shall be employed in the home occupation activity.</p> <p>7.5.16.2 The maximum number of two-way vehicle trips shall be:</p> <ul style="list-style-type: none"> a. Heavy vehicles: none permitted; b. Other vehicles: 10 per day. <p>7.5.16.3 Maximum net floor area of 60m².</p> <p>7.5.16.4 Activities and storage of materials shall be indoors.</p>	D

25.12. Overall Analysis

522. In terms of the above development rules, we record our finding that they, individually and collectively, are the most appropriate means of implementing the zone objectives and policies. We find that they will be more efficient and effective than the notified rules, and are soundly based on the management of effects and outcomes promoted within the zone policy framework.

26. RULE 8.5

26.1. Overview

523. In the notified PDP, there were 14 activity standards. In Ms Leith's Section 42A Report and subsequent Reply version she recommended increasing this to 16. She recommended a number of other changes on the basis of submissions and her own suggested clarifications.

26.2. Notified Rule 8.5.1 and Reply Version Rule 8.5.15

524. In terms of notified Rule 8.5.1 (the maximum height rule), Ms Leith recommended adding a height restriction on land adjacent to Designation 270, on the basis of submissions from M Prescott²²⁵, W Richards²²⁶, D Richards²²⁷, and Universal Developments Ltd²²⁸. By the time of

²²⁵ Submission 73

²²⁶ Submission 55

²²⁷ Submission 92

²²⁸ Submission 177

the Council reply, Ms Leith instead recommended that this be removed and be the subject of its own additional rule at 8.5.15 of the Reply version.

525. For the reasons outlined in our consideration of Policy 8.2.3.3 (our recommended numbering), our analysis of the issue and likely environmental effects led us to prefer the default zone rules applying to manage the maintenance of reasonable public views from Designation 270, taking into account its undulating landform and 20m width. Because of this, we agree with the Reply version of notified rule 8.5.1, but do not agree with Ms Leith’s (Reply version) additional Rule 8.5.14.
526. Notified Rule 8.5.1 is also numbered 8.5.1 in our recommendations. Our recommended text is provided below.

8.5.1	Building Height (for flat and sloping sites) 8.5.1.1 Wanaka and Arrowtown: A maximum of 7 metres. 8.5.2.2 All other locations: A maximum of 8 metres.	NC
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26.3. Notified Rules 8.5.2 and 8.5.3

527. Rule 8.5.3 (development fronting State Highway 6 between Hansen Road and Ferry Hill Road) has been dealt with in the mapping hearings and we have not considered it. We have included in Appendix 2 Rule 8.5.3 as recommended by the Stream 13 Hearing Panel.
528. In terms of Rule 8.5.2 (sound insulation and mechanical ventilation), Ms Leith recommended a number of clarifications to this rule on the basis of the submission from NZTA²²⁹. We find that Rule 8.5.2 is appropriate. Subject to our own further recommended Clause 16(2) simplifications it should be adopted and no further analysis beyond Ms Leith’s is required.
529. Notified Rule 8.5.2 is also numbered 8.5.2 in our recommendations and it is included below.

8.5.2	Sound insulation and mechanical ventilation Any residential buildings, or buildings containing an Activity Sensitive to Road Noise, and located within 80m of a State Highway shall be designed to achieve an Indoor Design Sound Level of 40dB L _{Aeq24h} . Compliance with this rule can be demonstrated by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level.	NC
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26.4. Notified Rules 8.5.4, 8.5.5, 8.5.6, 8.5.7 and 8.5.8

530. Rule 8.5.4 relates to building coverage. Rule 8.5.5 relates to density. Rule 8.5.6 relates to recession plane setbacks. Rule 8.5.7 relates to landscaped permeable surface. Rule 8.5.8 relates to minimum boundary setbacks.
531. In the Reply version, Ms Leith recommended, based on submissions from the Estate of Norma Kreft²³⁰, and Wanaka Trust²³¹ and the evidence presented at the hearing by their expert Ms Rennie, that contraventions of these rules should be a restricted discretionary activity rather

²²⁹ Submission 719
²³⁰ Submission 512
²³¹ Submission 536

than a full discretionary activity. She also recommended new matters of discretion and otherwise proposed clarifications and simplification in response to issues raised, on a rule-by-rule basis, by other submitters.

532. We find that the objectives and policies of the zone will be most appropriately served by enabling greater design flexibility within the zone and we agree with the evidence given by Ms Rennie at the hearing. Providing for restricted discretionary activities will provide greater encouragement to design outcomes based on the realities of development sites rather than to maximise rule compliance. We also note that as a restricted discretionary activity consent applications can still be refused. On the basis that the recommended restrictions are suitable to address all actual or potential environmental effects of concern we find that the changes will still ensure environmental effects bottom-lines are safeguarded.

533. We agree with and accept Ms Leith’s rationale for changing the rules that was explained in the reply she gave to us on the Council’s behalf. We have however made further recommendations under Clause 16(2) of the Act to simplify the matters of discretion and provide greater consistency between the rules such that the same categories of effects are subject to the same restrictions.

534. The notified rule numbers are unchanged in our recommendations, and are included below.

8.5.4	<p>Building Coverage A maximum of 45%.</p>	<p>RD Discretion is restricted to:</p> <ul style="list-style-type: none"> a. External appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties b. External amenity values for future occupants of buildings on the site c. Effects on views, sunlight and shading on adjacent properties d. Parking and access layout: safety, efficiency and impacts on on-street parking and neighbours e. In Arrowtown, consistency with Arrowtown’s character, as described within the Arrowtown Design Guidelines 2016
8.5.5	<p>Density The maximum site density shall be one residential unit per 250m² net site area.</p>	<p>RD Discretion is restricted to:</p> <ul style="list-style-type: none"> a. External appearance, location and visual dominance of the building(s) as viewed

		<p>from the street(s) and adjacent properties</p> <ul style="list-style-type: none"> b. Internal and external amenity values for future occupants of buildings on the site c. Privacy for occupants of the subject site and neighbouring sites, including cumulative privacy effects resulting from several household units enabling overlooking of another unit or units d. Parking and access layout: safety, efficiency and impacts on on-street parking and neighbours e. Noise f. Servicing including waste storage and collection g. In Arrowtown, consistency with Arrowtown's character, as described within the Arrowtown Design Guidelines 2016
8.5.6	<p>Recession planes: <u>On flat sites applicable to all buildings:</u> <u>On sloping sites only applicable to accessory buildings.</u></p> <p>8.5.6.1 Northern boundary: 2.5m and 55 degrees.</p> <p>8.5.6.2 Western and eastern boundaries: 2.5m and 45 degrees.</p> <p>8.5.6.3 Southern boundaries: 2.5m and 35 degrees.</p> <p>8.5.6.4 Gable end roofs may penetrate the building recession plane by no more than one third of the gable height.</p> <p>8.5.6.5 Recession planes do not apply to site boundaries adjoining a town centre zone, fronting the road, or a park or reserve.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants b. Effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan) c. External appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties

		d. In Arrowtown, consistency with Arrowtown’s character, as described within the Arrowtown Design Guidelines 2016
8.5.7	<p>Landscaped permeable surface At least 25% of site area shall comprise landscaped permeable surface.</p>	<p>RD Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Storm water-related effects including flooding and water nuisance b. Visual amenity and the mitigation of the visual effects of buildings and any vehicle parking areas, particularly in relation to any streets or public spaces c. In Arrowtown, consistency with Arrowtown’s character, as described within the Arrowtown Design Guidelines 2016
8.5.8	<p>Minimum Boundary Setback Road boundary setback: 3m minimum, except for:</p> <ul style="list-style-type: none"> a. State Highway boundaries, where the setback shall be 4.5m minimum; b. Garages, where the setback shall be 4.5m minimum; <p>All other boundaries: 1.5m.</p> <p>Exceptions to setback requirements other than any road boundary setback: Accessory buildings for residential activities may be located within the setback distances, where they do not exceed 7.5m in length, there are no windows or openings (other than for carports) along any walls within 1.5m of an internal boundary, and they comply with rules for Building Height and Recession Plane.</p>	<p>RD Discretion is restricted to:</p> <ul style="list-style-type: none"> a. External appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties b. Streetscape character and amenity c. Any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants d. Effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan) e. Parking and access layout: safety, efficiency

		and impacts on on-street parking and neighbours f. In Arrowtown, consistency with Arrowtown's character, as described within the Arrowtown Design Guidelines 2016
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26.5. Notified Rule 8.5.9

535. This rule relates to continuous building length. In Ms Leith's Section 42A Report, she recommended simplifying the continuous building length rule and changing its threshold from 16m length to 24m length. She also recommended simplifications to the matters of discretion. These changes were recommended on the basis of submissions from NZIA²³², and Reddy Group Ltd²³³.

536. After the hearing, Ms Leith had come to accept points made by submitters D Clarke²³⁴, S Zuschlag²³⁵, and M Kramer²³⁶ and recommended addition of a matter of discretion relating to the Arrowtown Design Guideline 2016 (in Arrowtown only).

537. We find that the rule should be changed from a maximum 16m length to the 24m length sought by the submitters. We also support inclusion of a reference, in Arrowtown, to the Arrowtown Design Guidelines 2016 in this and all other (restricted discretionary) activity standards. In respect of the latter, we find that the submissions in support of the Arrowtown Design Guideline have expressed that support across the whole zone, not solely in respect to a particular rule or rule sub-set.

538. We have however recommended simplifying the matters of discretion under Clause 16(2) so as to be clearer and more focused.

539. The notified rule number is unchanged in our recommendations, and is included below.

8.5.9	Building Length The length of any building facade above the ground floor level shall not exceed 24m.	RD Discretion is restricted to: a. External appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties b. In Arrowtown, consistency with Arrowtown's character, as described within the
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²³² Submission 238

²³³ Submission 699

²³⁴ Submission 26

²³⁵ Submission 304

²³⁶ Submission 268

		Arrowtown Design Guidelines 2016
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26.6. Notified Rule 8.5.10

540. This rule related to minimum window sill heights. In response to consistent submitter opposition²³⁷, Ms Leith recommended deletion of this rule.

541. We agree; although we can see how the rule relates to the policy framework in terms of both amenity values for residents (privacy) and activation of street edges, the rule is overly and unjustifiably prescriptive. We find that the suitability of a window shape that is visible from the street requires consideration beyond sill height and set back distance. Issues such as the window’s horizontal extent and the room or internal use behind it are equally relevant in determining whether a design outcome is successful or adverse. We therefore recommend that the rule be deleted.

26.7. Notified Rules 8.5.11, 8.5.12, 8.5.13, 8.5.14

542. Rule 8.5.11 related to waste and recycling storage space. Rule 8.5.12 related to glare. Rule 8.5.13 related to building setbacks from water bodies. Rule 8.5.14 related to building setbacks from electricity transmission infrastructure. In her Section 42A Report Ms Leith recommended largely retaining these rules as notified, subject to relatively minor renumbering or other refinement. Of note, Ms Leith relied on the submission of Aurum Survey Consultants Ltd²³⁸ to change Rule 8.5.14 (setbacks from electricity transmission infrastructure) so as to confirm that contravention would be a non-complying activity.

543. We find that we have no scope to delete Rule 8.5.11 but recommend the Council consider a variation that does such for the same reasons we disagreed with the equivalent rule in Chapter 7 (notified Rule 7.5.12). In summary, we disagree that the proposed waste storage rule has been adequately justified across the District. Similarly, we recommend the Council consider a variation to Rules 8.5.12 (changing a non-complying status for rule contravention to restricted discretionary status) and 8.5.13 (retaining a 20m setback opportunity) for the same reasons as we have presented in respect of notified Rules 7.5.13 and 7.5.14 respectively.

544. Overall however, we find that the rules are generally appropriate subject to our own minor renumbering and text changes to Rule 8.5.12 so as to bring it into line with its equivalent in the other residential zones.

545. In our recommendations Rule 8.5.11 becomes 8.5.10; Rule 8.5.12 becomes 8.5.11; Rule 8.5.13 becomes 8.5.12; and Rule 8.5.14 becomes 8.5.13. Our recommended text is provided below.

8.5.10	Waste and Recycling Storage Space 8.5.10.1 Residential and Visitor Accommodation activities shall provide, as a minimum, space for a 120 litre residential wheelie bin and 240 litres recycling wheelie bin per residential unit. 8.5.10.2 All developments shall suitably screen waste and recycling storage space from neighbours, a road or public space, in	NC
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²³⁷ Submissions included those from NZIA (238), Jandel Trust (717) and FII Holdings Ltd (847)
²³⁸ Submission 166

	keeping with the building development or provide space within the development that can be easily accessed by waste and recycling collections.	
8.5.11	<p>Glare</p> <p>8.5.11.1 All exterior lighting shall be directed downward and away from the adjacent sites and roads.</p> <p>8.5.11.2 No activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.</p>	NC
8.5.12	<p>Setback of buildings from water bodies</p> <p>The minimum setback of any building from the bed of a river, lake or wetland shall be 7m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> Indigenous biodiversity values Visual amenity values Landscape character Open space and the interaction of the development with the water body Environmental protection measures (including landscaping and stormwater management) Whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the location of the building.
8.5.13	<p>Setbacks from electricity transmission infrastructure</p> <p>National Grid Sensitive Activities are located outside of the National Grid Yard.</p>	NC

26.8. Reply Version Rule 8.5.14

546. Ms Leith relied on the submission from M Lawton²³⁹ to add new Rule 8.5.14 (as in her recommendations the notified 8.5.14 became 8.5.13) relating to the dominance effects of garage doors. In the Reply, Ms Leith then recommended changing her Section 42A text so as to make the rule clearer.

²³⁹ Submission 117

547. We find that this rule is appropriate and directly implements the policy framework seeking high quality, safe and attractive street edges. We support it and recommend it be adopted.

548. In our recommendations, this rule is also numbered 8.5.14 and is included below.

8.5.14	Garages Garage doors and their supporting structures (measured parallel to the road) shall not exceed 50% of the width of the front elevation of the building which is visible from the street.	D
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26.9. Reply Version Rule 8.5.16

549. Ms Leith recommended transferring the home occupation permitted activity standard from Rule 8.4 into Rule 8.5. We have discussed this previously and record our agreement with this structural change to the Plan. We also record our dissatisfaction with the limitations proposed, as has been previously identified. In our recommendations, this rule has been renumbered as Rule 8.5.15 and is included below.

8.5.15	Home Occupation 8.5.15.1 No more than 1 full time equivalent person from outside the household shall be employed in the home occupation activity. 8.5.15.2 The maximum number of two-way vehicle trips shall be: a. Heavy vehicles: none permitted b. Other vehicles: 10 per day 8.5.15.3 Maximum net floor area of 60m ² 8.5.15.4 Activities and storage of materials shall be indoors	D
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26.10. New Rule 8.5.16

550. We lastly note comments made previously to relocate the ‘Building restriction area’ activity rule notified as Rule 8.4.4 into Rule 8.5 and we have added this as a new rule on the basis of a Clause 16(2) clarification that makes the plan more coherent. It is included below.

8.5.16	Building Restriction Area No building shall be located within a building restriction area as identified on the District Plan Maps.	NC
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26.11. Overall

551. Overall, the provisions we recommend are set out within our recommended provisions as part of **Appendix 2**. We find that they are the most appropriate to implement the settled objectives and policies and of note mediate the accommodation of substantial population growth in a way that will adequately maintain existing amenity and character values.

27. RULE 9.5

27.1. Overview

552. In the notified PDP, there were 11 activity standards. In Ms Banks’ Section 42A Report she recommended increasing this to 12. She recommended a number of other changes on the basis of submissions and her own suggested clarifications.

27.2. Notified Rule 9.5.1

553. As notified this rule provided for building height on flat sites within Queenstown and Wanaka. For Queenstown (with exceptions), it was proposed through the Section 42A Report to make extensive changes to the notified rule on the basis of several submissions²⁴⁰. Through the Council's reply at the conclusion of the hearing, Ms Banks proposed further refinements and clarifications. In summary Ms Banks recommended changes were to:
- a. Delete reference to the New Zealand Green Building Homestar Tool.
 - b. Provide for building height up to 12m as a permitted activity.
 - c. Provide for building height between 12m and 15m as a restricted discretionary activity.
 - d. Provide for building height above 15m as a non-complying activity.
 - e. Propose matters of discretion for the new restricted discretionary activity
 - f. Undertake other text simplifications, corrections and refinements.
554. The proposed height limits were of substantial submitter interest and became inseparable from related submissions focusing on urban design and visual quality, and general amenity values within the zone.
555. On consideration of the issue we accepted the evidence made by those submitters supporting greater development potential within the zone, and the Council's experts Ms Falconer and Mr Osborne. We find that the growth needs of the District, and the unique capability of residential zoned land close to the major town centres to sustainably accommodate this, to be a very compelling resource management priority.
556. However we accept that there needs to be a reasonable recognition given to existing residents and their amenity values; a carte-blanche growth approach would no better serve sustainable management than a conservation-centric adherence to the status quo.
557. We find as follows:
- a. Rule 9.5.1 should be split into two different rules, one for flat sites in Queenstown (our recommended 9.5.1) and one for flat sites in Wanaka (our recommended 9.5.2). This is in accordance with Ms Banks' S.42A version. It reflects that these are very different environments and the notified rule itself was unnecessarily lengthy because of this split.
 - b. In Queenstown, height should be permitted to 12m, then to 15m as a restricted discretionary activity then a discretionary activity above that. We were not convinced that a non-complying activity status was necessary or appropriate.
 - c. In Wanaka, height should be limited to 8m as a permitted activity, then up to 10m as a restricted discretionary activity, then a discretionary activity above 10m.
 - d. For both Queenstown and Wanaka restricted discretionary activities, the matters of discretion require substantial simplification and revision, and we have done this on the basis of the input from the submissions and under Clause 16(2) of the Act.
 - e. For both Queenstown and Wanaka, a number of exclusions apply and we have simplified these under Clause 16(2) of the Act to make the rules as a whole as concise as is reasonably achievable given the importance of the issue.
 - f. With the incorporation of the above changes, the rules will most appropriately balance the enablement of high density housing that can maximise the benefits of being very close to town centres, in a way that will still safeguard the minimum acceptable amenity values for existing residents. On an overall balance however, we find that the rules should tip slightly in favour of the needs of future generations than the current one inasmuch as the amenity value protections we agree with will still provide for substantial change within the zone.

²⁴⁰ Including Submissions 410, FS1059, FS1331, 238, FS1260, 208 and 520

558. In the Section 42A Report, Ms Banks also proposed to exceptions to the 12m height limit. The first, in the HDRZ immediately west of the Kawarau Falls Bridge, responded to a submission by Lakes Edge Development Ltd²⁴¹ which sought to retain a bespoke solution reached in the ODP. We agree with Ms Banks’ reasoning and include that as Rule 9.5.1.2.
559. The second exception responded to submissions by Pounamu Body Corporate²⁴² and Fred van Brandenburg²⁴³ which sought to protect views of the lake from along Frankton Road (SH6A). Mr Falconer agreed that such a restriction would be beneficial to ensure views of the lake could be maintained, but he and Ms Banks had concerns with the rules as proposed by the submitters. We accept their reasoning and have included this exception as Rule 9.5.1.3 (with some minor drafting improvements) and identified on the Planning Maps the stretch of road to which it applies.
560. Our recommended rules are included below and also in **Appendix 3**.

9.5.1	<p>Building Height – Flat Sites in Queenstown</p> <p>9.5.1.1 A height of 12 metres except where specified in Rules 9.5.12, 9.5.1.3 or 9.5.1.4.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Building design and appearance, including roof form articulation and the avoidance of large, monolithic building forms b. Building dominance and sunlight access relative to neighbouring properties and public spaces including roads c. How the design advances housing diversity and promotes sustainability either through construction methods, design or function d. Privacy for occupants of the subject site and neighbouring sites e. Effects on significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan) f. The positive effects of enabling additional development intensity
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²⁴¹ Submission 529
²⁴² Submission 208
²⁴³ Submission 520

		within close proximity to town centres
	<p>9.5.1.2 In the High Density Residential Zone immediately west of the Kawarau Falls Bridge the maximum building height shall be 10m provided that in addition no building shall protrude above a horizontal line orientated due north commencing 7m above any given point along the required boundary setbacks at the southern zone boundary</p> <p>9.5.1.3 Within the area specified on the planning maps on the south side of Frankton Road (SH6A), the highest point of any building shall not exceed the height above sea level of the nearest point of the SH6A carriageway centreline.</p> <p>9.5.1.4 Maximum building height of 15m</p>	<p>D</p> <p>D</p> <p>D</p>
9.5.2	<p>Building Height – Flat Sites in Wanaka</p> <p>9.5.2.1 A height of 8m except where specified below.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. Building design and appearance, including roof form articulation and the avoidance of large, monolithic building forms b. Building dominance and sunlight access relative to neighbouring properties and public spaces including roads c. How the design advances housing diversity and promotes sustainability either through construction methods, design or function d. Privacy for occupants of the subject site and neighbouring sites e. Effects on significant public views, in particular from Lismore Park (based on an assessment of public views undertaken at the time of the proposal, in

	9.5.2.2 Maximum building height of 10m	<p>addition to any specified significant public views identified within the District Plan)</p> <p>f. The positive effects of enabling additional development intensity within close proximity to town centres</p> <p>D</p>
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27.3. Notified Rules 9.5.2 and 9.5.3

561. Rules 9.5.2 and 9.5.3 related to building height on sloping sites. The sloping height rule intends to manage building bulk on sites that have different characteristics and potential for adverse effects than flat sites. In the notified PDP, Rule 9.5.2 provided for permitted heights up to 7m, then heights up to 10m as a restricted discretionary activity. Rule 9.5.3 then specified that heights above 10m would be a non-complying activity.
562. The rule attracted a number of submissions, including from Lakes Edge Development Ltd²⁴⁴, Pounamu Body Corporate Committee²⁴⁵, and Fred van Brandenburg²⁴⁶.
563. In her S.42A version and subsequent Reply version, Ms Banks effectively supported the notified approach however recommended a number of clarifications including condensing notified Rules 9.5.2 and 9.5.3 into one rule (Rule 9.5.3 in both the S.42A and Reply versions).
564. We find that the Reply version of the rule is largely sound, however we have recommended a number of further clarifications and simplifications under Clause 16(2). Of greatest note, we find that a non-complying activity for building height above 10m is not appropriate, and that a discretionary activity is the more efficient and effective given the balance of policy direction for the zone in favour of growth and intensification.
565. In our recommendations, notified Rules 9.5.2 and 9.5.3 become Rule 9.5.3. Our recommended text is included below. Rules 9.5.3.2 (building height West of Kawarau Falls Bridge) and 9.5.3.3 (building height on the south side of Frankton Road) have been included for the same reasons we recommended they be included in Rule 9.5.1.

9.5.3	<p>Building Height – Sloping sites in Queenstown and Wanaka</p> <p>9.5.3.1 A height of 7m, except as specified below.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. Building design and appearance, including roof form articulation and the avoidance of large,</p>
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²⁴⁴ Submission 529

²⁴⁵ Submission 208

²⁴⁶ Submission 520

	<p>9.5.3.2 Immediately west of the Kawarau Falls Bridge the maximum building height shall be 10m provided that in addition no building shall protrude above a horizontal line orientated due north commencing 7m above any given point along the required</p>	<p>monolithic building forms</p> <ul style="list-style-type: none"> b. Building dominance and sunlight access relative to neighbouring properties and public spaces including roads c. How the design advances housing diversity and promotes sustainability either through construction methods, design or function d. How the design responds to the sloping landform so as to integrate with it e. Privacy for occupants of the subject site and neighbouring sites f. Effects on significant public views, in particular from Lismore Park (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan) g. The positive effects of enabling additional development intensity within close proximity to town centres <p>D</p>
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	boundary setbacks at the southern zone boundary.	
9.5.3.3	Within the area specified on the planning maps on the south side of Frankton Road (SH6A), the highest point of any building shall not exceed the height above sea level of the nearest point of the road carriageway centreline.	D
9.5.3.4	Maximum building height of 10m	D

27.4. Notified Rules 9.5.4, 9.5.6, 9.5.7, 9.5.8, 9.5.9, 9.5.10 and 9.5.11

566. Rule 9.5.4 related to building coverage. Rule 9.5.6 related to recession plane setbacks. Rule 9.5.7 related to landscaped permeable surface coverage. Rule 9.5.8 related to continuous building length. Rule 9.5.9 related to minimum boundary setbacks. Rule 9.5.10 related to waste and recycling storage space. Rule 9.5.11 related to glare. These rules were the subject of minimal recommendation in Ms Banks' Section 42A Report or the Reply.

567. Key recommended changes from Ms Banks were:

- a. Changing notified Rule 9.5.4 (building coverage) to express a building coverage limit of 70% for both flat and sloping sites (relying on the submissions of Pounamu Body Corporate Committee²⁴⁷, Alps Investment Ltd²⁴⁸, Hurtell Proprietary Ltd²⁴⁹ and Mount Crystal Ltd²⁵⁰).
- b. Clarifying notified Rule 9.5.8 (continuous building length) based on the submission of NZIA²⁵¹ and to otherwise make the rule's matters of discretion consistent with the equivalent rule in Chapter 8 (Reply version Rule 8.5.9).
- c. Changing Rule 9.5.9 (minimum boundary setbacks) to require a minimum 4.5m setback for any state highway boundary on the basis of the submission of NZTA²⁵².

568. We agree with the rules as recommended by Ms Banks in the Reply version although have recommended further changes to their structure, numbering and in particular the wording of matters of discretion under Clause 16(2) of the Act. This is to make the rules simpler and otherwise ensure they are consistent with equivalent rules in other residential zones. We make the following comments in respect of each individual rule:

- a. We recommend adding a requirement to the building coverage exclusion in rule 9.5.4 that any underground structures being exempted are to be landscaped on their top so as to not appear to the viewer as a building. We have drawn scope for this change on the basis of the many submissions made emphasising the need for high quality and landscape amenity within the zone. In our recommendations, notified rule 9.5.4 remains so numbered. Our recommended text is included below.

²⁴⁷ Submission 551

²⁴⁸ Submission 612

²⁴⁹ Further submission 1271

²⁵⁰ Further submission 1331

²⁵¹ Submission 238

²⁵² Submission 719

9.5.4	<p>Building Coverage A maximum of 70% site coverage</p> <p>Exclusions:</p> <ul style="list-style-type: none"> • Building coverage does not include any veranda over public space and does not apply to underground structures, which are not visible from ground level and which are landscaped to appear as recreational or planted (including grassed) areas. 	NC
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- b. We recommend changing Rule 9.5.6 so that contravention of the recession plane shall be a restricted discretionary activity for boundaries where the adjoining land is also within the zone. We agree that, where the adjoining land is of a different zone and is not listed within the rule's exclusions, a non-complying activity status should apply. We have also recommended the addition of matters of discretion, based on those recommended for the MDRZ Rule 8.5.6 (our recommended version). We have found scope for this change on the basis of those submissions seeking high quality design-based outcomes, and within which, a consistent emphasis on the need for the Plan provisions to not punitively discourage design innovation, was convincing, most directly from Ms Rennie on behalf of Estate of Normal Kreft²⁵³; and Wanaka Trust²⁵⁴. Although Ms Rennie's evidence was presented in respect of Chapter 8 rules, her evidence and the submissions she spoke to were plainly expressed as more general principles applicable to all zones. Notified Rule 9.5.6 is numbered 9.5.5 in our recommendations. Our recommended text is included below.

9.5.5	<p>Recession plane (applicable to all buildings, including accessory buildings)</p> <p>9.5.5.1 For Flat Sites from 2.5 metres above ground level a 45 degree recession plane applies to all boundaries, other than the northern boundary of the site where a 55 degree recession plane applies.</p> <p>9.5.5.2 No recession plane for sloping sites</p> <p>Exclusions:</p> <ol style="list-style-type: none"> Gable end roofs may penetrate the building recession plane by no more than one third of the gable height Recession planes do not apply to site boundaries adjoining a Town Centre Zone, fronting a road, or adjoining a park or reserve. 	<p>RD – for boundaries where the High Density Residential zone applies on each side of the boundary</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> Any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants Effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan) External appearance, location and visual dominance of the building(s) as viewed from
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²⁵³ Submission 512/Further Submission 1300

²⁵⁴ Submission 536

		<p>the street(s) and adjacent properties.</p> <p>NC – for boundaries where there is a change of zone other than as specified in the exclusions.</p>
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- c. We recommend retaining a non-complying activity status for contraventions of the landscaped coverage rule notified as 9.5.7. Notwithstanding our general agreement with the benefits of a restricted discretionary activity status in terms of encouraging more innovative design solutions, we see the landscaping requirement as a critical bottom line to assure amenity value outcomes within the zone given the scale and intensity of buildings that are being otherwise enabled. Notified Rule 9.5.7 is renumbered as 9.5.6 in our recommendations. Our recommended text is included below.

9.5.6	<p>Landscaped permeable surface coverage At least 20% of site area shall comprise landscaped (permeable) surface.</p>	NC
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- d. We recommend changing notified Rule 9.5.8 so as to further simplify the rule and bring it into line with the equivalent rules in Chapters 7 (our recommended Rule 7.5.10) and 8 (our recommended Rule 8.5.9). In our recommendations notified Rule 9.5.8 becomes 9.5.7. Our recommended text is included below.

9.5.7	<p>Building Length The length of any building facade above the ground floor level shall not exceed 30m.</p>	<p>RD Discretion is restricted to: a. External appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties</p>
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- e. We recommend changing the contravention status of notified Rule 9.5.9 from full discretionary to restricted discretionary. We find that the potential effects relating to boundary setbacks can be very reliably predicted and on that basis adequate matters of discretion can be stated. We find that this will make the plan more efficient and is likely to encourage design innovation as previously discussed. We also find that garages should be set back a minimum of 4.5m from any road boundary to help implement the policy framework and allow a vehicle to park safely in front of a garage (Mr Falconer confirmed to us verbally²⁵⁵ that a 4.5m setback would be sufficient given that footpaths within a road reserve were not typically placed directly at the boundary line but 1m or more into the road reserve). We find we have scope to make this addition on the basis of the many submitters that sought high design quality within the zone. In our recommendations notified rule 9.5.9 becomes 9.5.8. Our recommended text is included below.

<p>[9.5.9] 9. 5. 8</p>	<p>Minimum Boundary Setbacks</p>	<p>RD Discretion is restricted to:</p>
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Verbal response of Garth Falconer to Commissioner questions at the Stream 6 hearing

	<p>9.5.8.1 All boundaries 2 metres except for state highway road boundaries where the minimum setback shall be 4.5m.</p> <p>9.5.8.2 Garages shall be at least 4.5m back from a road boundary</p> <p>Exceptions to setback requirements other than any road boundary setbacks: Accessory buildings for residential activities may be located within the setback distances, where they do not exceed 7.5m in length, there are no windows or openings (other than for carports) along any walls within 1.5m of an internal boundary, and comply with rules for Building Height and Recession Plane.</p>	<p>a. External appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties</p> <p>b. Streetscape character and amenity</p> <p>c. Any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants</p> <p>d. Effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan)</p> <p>e. Parking and access layout: safety, efficiency and impacts on on-street parking and neighbours</p>
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- f. We accept notified Rule 9.5.10 although as identified elsewhere we have struggled to see the justification or need for this rule and recommend the Council consider a Plan Variation or Change to delete it. In our recommendations notified Rule 9.5.10 becomes 9.5.9. Our recommended text is included below.

9.5.9	<p>Waste and Recycling Storage Space</p> <p>9.5.9.1 Residential activities of three units or less shall provide, as a minimum, space for a 120 litre residential wheelie bin and 240 litres recycling wheelie bin per unit.</p> <p>9.5.9.2 All developments shall screen waste and recycling storage space from neighbours, a road or public place, in keeping with the building development or, provide space within the development that can be easily accessed by waste and recycling collections.</p>	NC
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- g. We recommend minor clarification of notified Rule 9.5.11 on the basis of Clause 16(2), and as we have recommended for the other residential zones. In our recommendations, notified Rule 9.5.11 becomes 9.5.10. Our recommended text is included below. We note

again our recommendation that this rule be the subject of a variation to change the contravention activity status from non-complying to restricted discretionary.

9.5.10	<p>Glare</p> <p>9.5.10.1 All exterior lighting shall be directed downward and away from the adjacent sites and roads,</p> <p>9.5.10.2 No activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site</p>	NC
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27.5. Notified Rule 9.5.5

569. This rule was for a floor area ratio control (flat sites only). It was opposed by Aurum Survey Consultants Ltd²⁵⁶. Ms Banks agreed with the submitter and recommended in her Section 42A Report that the rule be deleted.

570. We agree, and consider the control to have no justification or demonstrable need in light of the other activity standards and design-based matters of discretion already recommended within the zone. As a consequential amendment we also recommend deleting the phrase “floor area ratio” from Policy 9.2.3.1 to ensure consistency between the policies and the rules.

27.6. Reply Version Rule 9.5.11

571. First introduced in Ms Banks Section 42A Report, new Rule 9.5.11 has arisen in response to the submission of NZTA²⁵⁷ which sought sound insulation and mechanical ventilation requirements for development close to a state highway. We agree with and accept this rule, and note we have supported similar rules in Chapters 7 and 8. In our recommendations Reply version Rule 9.5.11 remains so numbered. Our recommended text is included below.

9.5.11	<p>Sound Insulation and Mechanical Ventilation</p> <p>For buildings located within 80 m of a State Highway.</p> <p>Any residential buildings, or buildings containing an Activity Sensitive to Road Noise, and located within 80m of a State Highway shall be designed to achieve an Indoor Design Sound Level of 40dB LA_{eq24h}.</p> <p>Compliance with this rule can be demonstrated by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the internal design sound level.</p>	NC
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27.7. Reply Version Rule 9.5.12

572. In the her Reply statement, Ms Banks sought to introduce a rule specifying limits for home occupations, based on those proposed and which we have accepted with in Chapters 7 (our recommended Rule 7.5.16), 8 (our recommended Rule 8.5.15) and 11 (our recommended Rule 11.5.7). We have been unable to find scope to allow this change and in any event do not support it. For Chapters 9 and 10 the Council has notified home occupation provisions with unlimited parameters and this is, in our view, the most appropriate means of balancing the enabling aspect of each zone’s policy framework with that part focused on amenity and

²⁵⁶ Submission 166

²⁵⁷ Submission 719

character values. We find rules limiting activities within dwellings that have imperceptible external effects (especially the floor area limitation) difficult to justify. Because of this, and in addition to our support for the lack of home occupation limitations notified by the Council in Chapters 9 and 10, we recommend the Council undertake a variation to revise the Chapter 7, 8 and 11 home occupation rules to bring them into alignment with the Chapter 9 and 10 equivalents.

27.8. New rules 9.5.12 and 9.5.13

573. We recommend the addition of new Rules 9.5.12 and 9.5.13. These are relocations of notified Rules 9.4.2 and 9.4.22 respectively, which we find sit more appropriately in Rule 9.5. We recommend this change under Clause 16(2). Our recommended text for these rules is included below.

9.5.12	Building Restriction Area No building shall be located within a building restriction area as identified on the District Plan Maps.	NC
9.5.13	Flood Risk The construction or relocation of buildings with a gross floor area greater than 20m ² and having a ground floor level less than: RL 312.0 masl at Queenstown and Frankton. RL 281.9 masl at Wanaka.	PR

27.9. Overall

574. Overall, the provisions we recommend are set out within our recommended provisions as part of **Appendix 3**. We find that they are the most appropriate to implement the settled objectives and policies and, of note, mediate the accommodation of substantial growth in a way that will adequately maintain existing amenity and character values.

27.10. Other Matters

575. Ms Banks referred us to a submission²⁵⁸ seeking the removal of the minimum lot size set by notified Rule 27.5.1²⁵⁹. She referred us to Mr Falconer’s evidence that the lot size in this zone should be larger than the 450m² minimum set by Rule 27.5.1 to enable adequate space for landscaping, access and carparking requirements.

576. We accept that evidence and note that in this zone the activity rules are designed to enable multiple residential units on a site, rather than the single residential unit per site that could be expected in the Lower Density Suburban Residential Zone or the Large Lot Residential Zone.

28. RULE 10.5

28.1. Overview

577. In the notified PDP, there were 7 activity standards. In Ms Law’s Section 42A Report she recommended increasing this to 8 on the basis of relocating proposed Rule 10.4.13 (as has been the case in the other residential zones). She recommended a number of other changes on the basis of submissions and her own suggested clarifications.

²⁵⁸ Submission 166

²⁵⁹ K Banks, Section 42A Report, section 14

28.2. Rules 10.5.1, 10.5.2, 10.5.3, 10.5.4, and 10.5.7

578. Rule 10.5.1 related to building height. Rule 10.5.2 related to density. Rule 10.5.3 related to building coverage. Rule 10.5.4 related to combined building coverage and hard (impermeable) surface coverage. Rule 10.5.7 related to glare.
579. After considering the submissions, Ms Law recommended retaining Rules 10.5.1, 10.5.2, 10.5.3, 10.5.4 and 10.5.7 as notified. The key submitter relevant to Rules 10.5.1, 10.5.3 and 10.5.4 was the New Zealand Fire Service²⁶⁰. It sought exemptions for its fire station operations. We agree with Ms Law that there is no justifiable basis to provide the relief sought in light of the potential adverse environmental effects that could result. We consider that a land use consent remains the most appropriate means of accommodating fire stations, and their operational requirements, within the zone.
580. In terms of these proposed rules, we have considered them against the submissions and further submissions, and the settled objectives and policies. We agree that Rules 10.5.1 and 10.5.2 are the most appropriate and should not be subject to any further change.
581. However, for Rules 10.5.3, 10.5.4 and 10.5.7 we consider that minor rewording to bring the wording into line with our preferred text across the residential zones is required. These changes can occur under Clause 16(2).
582. The text we recommend is set out below and as part of **Appendix 4**.

10.5.1	Building Height A maximum height limit of 5 metres.	NC
10.5.2	Density Not more than one Residential Unit per 650 square metres of net site area.	NC
10.5.3	Building Coverage The Maximum building coverage shall be 30% of the net site area.	NC
10.5.4	Combined Building Coverage and Impervious Surfaces The total area covered by building coverage and impervious surfaces on any site shall not exceed 35% of the net site area.	NC
10.5.7	Glare a. All exterior lighting shall be directed downward and away from the adjacent sites and roads. b. No activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.	NC

583. We find that the provisions as worded above will be the most appropriate to implement the settled (our recommended) objectives and policies.

28.3. Rules 10.5.5 and 10.5.6

584. Rule 10.5.5 related to road (front) boundary setbacks. Rule 10.5.6 related to side and rear yard boundary setbacks.

²⁶⁰ Submission 438

585. Ms Law recommended retaining the rules as notified but rewording the matters of discretion. In the Reply version she further recommended that a reference to the Arrowtown 2016 guideline be added as a clarification to Rule 10.5.5 but, anomalously in our view, not also for Rule 10.5.6.

586. We find that the notified matters of discretion require substantial revision and we have recommended this below and in **Appendix 4**, under Clause 16(2) of the Act. We largely accept Ms Law's recommendations but consider more direct and concise language is possible and desirable. We also consider that reference to the 2016 Arrowtown Guideline is appropriate for both rules.

10.5.5	<p>Road Boundary Setbacks</p> <p>Where existing buildings (other than accessory buildings) are already located on the site - the shortest distance from the road boundary to the building (other than an accessory building) measured at right angles to the front boundary; or</p> <p>Where no existing buildings (other than accessory buildings) are located on the site the mean of the setback of any buildings (other than accessory buildings) located on the immediately adjoining lots or 6. 0m, whichever is the greater.</p>	<p>RD</p> <p>Discretion is restricted to the following, with the Arrowtown Design Guidelines 2016 being the principal tool to be used in considering the merit of proposals (within the matters of discretion):</p> <ul style="list-style-type: none"> a. Streetscape character and amenity values, including the extent to which the building(s) sit compatibly with neighbours to the side and across the street. b. Building dominance on neighbouring properties and the street c. Landscaping d. Parking and manoeuvring
10.5.6	<p>Side and Rear Boundary Setbacks</p> <p>10.5.6.1 Side and rear boundary setbacks: 3.0m</p> <p>10.5.6.2 Exceptions to side and rear boundary setbacks:</p> <ul style="list-style-type: none"> a. Accessory buildings for residential activities are permitted within the setback distance, providing they do not exceed 7. 5m in length and comply with the recession plane of 2.5m vertical measured at the boundary, and a 35 degree plane inward. b. Gable end roofs may penetrate the above building recession plane by no more than one third of the gable height. 	<p>RD</p> <p>Discretion is restricted to the following, with the Arrowtown Design Guidelines 2016 being the principal tool to be used in considering the merit of proposals (within the matters of discretion):</p> <ul style="list-style-type: none"> a. Effects on open space, privacy, sunlight access and amenity values of neighbouring properties. b. Building dominance.

	<p>c. Recession planes do not apply to site boundaries fronting the street or a reserve.</p> <p>Note: Refer to the recession planes interpretive diagram in Chapter 2 Definitions.</p>	
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28.4. Rule 10.5.8

587. To accommodate Rule 10.4.13 into Rule 10.5, Ms Law recommended inserting it as a new Rule 10.5.5, consequentially renumbering the notified Rules 10.5.5, 10.5.6 and 10.5.7 as 10.5.6, 10.5.7 and 10.5.8 respectively.

588. We find that the relocation should occur for the same reasons that we have supported it in the other residential zones. However, we see no reasons to justify the unnecessary disruption of inserting it into the middle, rather than at the end, of the notified rule table. For this reason we recommend that notified Rule 10.4.13 become a new Rule 10.5.8. This is included below for convenience.

10.5.8	<p>Building Restriction Area No building shall be located within a building restriction area as identified on the District Plan Maps.</p>	NC
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28.5. Overall analysis

589. In respect of the above analysis, we find that the simplification and revision of rules set out above and in **Appendix 4** are appropriate as Clause 16(2) clarifications, or otherwise as responses to matters raised within submissions to the PDP.

590. We also find that they reflect the most appropriate means of implementing the objectives and policies we have identified earlier including by way of making the plan more readily administrable. We also find that a more consistent reference to the Arrowtown Guidelines 2016 will better provide for the maintenance and enhancement of amenity values within the zone.

29. RULE 11.5

29.1. Overview

591. In the notified PDP, there were 11 proposed activity standards. By the time of the Reply version this was proposed by the Council to be increased by 1, being relocated Rule 11.4.11 (Building Restriction Area) discussed previously in respect of Chapters 7, 8, 9 and 10.

29.2. Rules 11.5.2, 11.5.4, 11.5.5, 11.5.7, 11.5.8, and 11.5.11

592. Rule 11.5.2 related to building coverage. Rule 11.5.4 related to building setbacks from road (front) boundaries. Rule 11.5.5 related to building setbacks from waterbodies. Rule 11.5.7 related to home occupations. Rule 11.5.8 related to glare. Rule 11.5.11 related to recession plane setbacks. By the time of the Council’s reply, proposed Rules 11.5.2, 11.5.4, 11.5.7, 11.5.8 and 11.5.11 were proposed to be retained unchanged from the notified version.

593. In terms of Rule 11.5.2, we agree with the rule although have recommended simplifications to the matters of discretion to make them clearer and also more consistent with matters we have

recommended elsewhere within this chapter and the other residential chapters. Our recommended text is included below.

11.5.2	<p>Building Coverage The maximum building coverage shall be 15% of the net site area.</p>	<p>RD Discretion is restricted to:</p> <ul style="list-style-type: none"> a. The effect on openness and spaciousness b. Effects on views and outlook from neighbouring properties c. Visual dominance of buildings d. Landscaping
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594. In terms of Rule 11.5.4, we are in agreement with the rule and recommend no further changes. Our recommended text is included below.

11.5.4	<p>Setback from roads The minimum setback of any building from a road boundary shall be 10m.</p>	NC
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595. In terms of Rule 11.5.5, we agree with the rule although recommend the addition of “and public access” to the restriction “open space” given that the purpose of the rule relates to waterbodies and in turn section 6(d) of the Act. We find that this change is a reasonable clarification under Clause 16(2) given that it clarifies the purpose of a matter of discretion, and does not create a new development standard or development imposition. Our recommended text is included below.

11.5.5	<p>Setback of buildings from water bodies The minimum setback of any building from the bed of a river, lake or wetland shall be 20m.</p>	<p>RD Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Any indigenous biodiversity values b. Visual amenity values c. Landscape character d. Open space including public access e. Whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the location of the building
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596. In terms of Rule 11.5.7, we agree with the rule although have recommended minor reformatting to bring the rule’s construction into line with the balance of rules in the chapter. We refer to earlier comments made in respect of our encouragement to the Council to reconsider the necessity of this particular rule in Chapters 7, 8 and 11 through a Plan Variation. Our recommended text is below.

11.5.7	<p>Home Occupation</p> <p>Home occupation activities shall comply with the following:</p> <p>11.5.7.1 No more than 1 full time equivalent person from outside the household shall be employed in the home occupation activity</p> <p>11.5.7.2 The maximum number of vehicle trips shall be:</p> <ul style="list-style-type: none"> • Heavy Vehicles: 2 per week • Other vehicles: 10 per day <p>11.5.7.3 Maximum net floor area of not more than 60m²</p> <p>11.5.7.4 Activities and the storage of materials shall be indoors</p>	D
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597. In terms of Rule 11.5.8, we agree with the rule although have recommended minor rewording to simplify the wording under Clause 16(2). Our recommended text is included below.

11.5.8	<p>Glare</p> <p>a. All exterior lighting shall be directed downward and away from the adjacent sites and roads.</p> <p>b. No activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.</p>	D
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598. In terms of Rule 11.5.11, we agree with this rule although have recommended minor rewording under Clause 16(2) to the reference to Chapter 2 Definitions in the rule's supporting note. Our recommended text is included below.

11.5.11	<p>Recession Plane</p> <p>The following applies to all sites with a net site area less than 4000m²:</p> <p>11.5.11.1 Northern boundary: 2.5m and 55 degrees.</p> <p>11.5.11.2 Western and eastern boundaries: 2.5m and 45 degrees.</p> <p>11.5.11.3 Southern boundary: 2. m and 35 degrees.</p> <p>Exemptions</p> <p>a. Gable end roofs may penetrate the building recession plane by no more than one third of the gable height.</p> <p>b. Recession planes do not apply to site boundaries fronting a road or a reserve.</p>	NC
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29.3. Rule 11.5.1

599. In terms of the maximum height rule, Ms Leith recommended changing Rule 11.5.1.3 from 5 metres to 5.5 metres, when above a floor level of 283 metres reduced level (RL), in response to The Anzac Trust²⁶¹. This sub-rule applies only to 361 Beacon Point Road, Wanaka and the submitter seeks that the rule align with a decision of the Environment Court (decision RMA 1090/00 and which has resulted in the same requirement being imposed as a Consent Notice on the property's title). We agree with Ms Leith that the rule should be so modified. We consider the wording of Rule 11.5.1.1 can be improved under Clause 16(2) but otherwise find that no further analysis is required.

600. In terms of the remainder of the height rule, we find that it is the most appropriate for the zone and its policy framework seeking for a low density residential character. In reaching this

²⁶¹ Submission 142

view we agree with Ms Leith’s analysis that the New Zealand Fire Service²⁶² submission seeking a height exemption for fire station drying towers should be rejected. Such towers could have unacceptable adverse amenity value effects and should be determined through a site-specific resource consent process. Our recommended text is included below.

11.5.1	<p>Building Height</p> <p>11.5.1.1 Except where limited by Rules 11.5.1.2 or 11.5.1.3, a maximum height limit of 8 metres.</p> <p>11.5.1.2 A maximum height of 7 metres:</p> <p>11.5.1.2.1 on sites located between Beacon Point Road and the margins of Lake Wanaka; and</p> <p>11.5.1.2.2 on sites located between Studholme Road and Meadowstone Drive.</p> <p>11.5.1.3 A maximum height of 5.5 metres above a floor level of 283 masl on the site(s) located at the northern end of Beacon Point Road (as identified on the District Plan maps).</p>	<p>NC</p> <p>NC</p> <p>NC</p>
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29.4. Rule 11.5.3

601. In terms of setbacks from internal boundaries, Ms Leith recommended changing this rule to differentiate between the sub zone areas A and B she recommended (that we have discussed previously). On the basis that we ‘reversed’ Ms Leith’s preferred approach²⁶³, this rule requires revision and we have recommended this. We have also recommended simplifying the matters of discretion under Clause 16(2) so as to use consistent phrases and ensure efficient Plan administration. We also find scope for our changes from the submission of N Blennerhassett²⁶⁴ who sought a 4m setback requirement on 2,000m² sites (which we agree with). Our recommended text is included below.

11.5.2	<p>Setback from Internal Boundaries</p> <p>11.5.3.1 Large Lot Residential Area A: the minimum setback of any building from internal boundaries shall be 4 metres</p> <p>11.5.3.2 Large Lot Residential Area B: the minimum setback of any building from internal boundaries shall be 6 metres.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. The effect on openness and spaciousness</p> <p>b. Effects on privacy, views and outlook from neighbouring properties</p> <p>c. Visual dominance of buildings</p> <p>d. Landscaping</p>
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29.5. Rule 11.5.6

602. In terms of the continuous building length rule, Ms Leith recommended a number of revisions on the basis of a submission from N Blennerhassett²⁶⁵ seeking the rule to be more restrictive. Ms Leith agreed with the submission in part inasmuch as she recommended changes to the

²⁶² Submission 348

²⁶³ Ms Leith favoured a standard minimum lot size of 4,000m² with exceptions down to 2,000m²; we favour a standard of 2,000m² with exceptions up to 4,000m²

²⁶⁴ Submission 335

²⁶⁵ Submission 335

matters of discretion so as to make them more consistent with other matters of discretion within the zone and also the other residential zones.

603. We find that the rule is generally sound and we disagree with N Blennerhassett²⁶⁶ that the rule should be more restrictive as there is no justification to reduce the notified building length allowance, given the site sizes provided for within the zone and the likely separation between viewers and buildings that will result. We also note that in the zone, larger, usually single-storey houses, are commonplace. On that basis, the rule threshold as notified will allow the more efficient use of land that will enable greater house design choice to developers, while appropriately maintaining amenity values for neighbours and the public. We do, however, recommend that the rule be revised so as to be clearer, including simplifying the matters of discretion. We find that our recommendations are possible under Clause 16(2). Our recommended text is included below.

11.5.6	<p>Building Length The length of any facade above the ground floor level shall not exceed 20m:</p>	<p>RD Discretion shall be restricted to: a. External appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties</p>
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29.6. Rule 11.5.9

604. This rule related to density. Ms Leith recommended through this rule to introduce the key control to differentiate the Area A and B sub-zones. She also recommended changing the non-compliance status from Discretionary to Non-Complying.

605. As has been previously discussed in respect of the zone policies, we agree with the sub-zone approach and have detailed our findings in that regard. In terms of the rule, we have recommended retaining the notified Discretionary activity status for non-compliance as it has not been demonstrated that a Non-Complying status is required. We have otherwise recommended changes to implement the Area A / 2,000m² and Area B / 4,000m² requirements we have settled on. We record our agreement with submitter Aurum Survey Consultants Ltd²⁶⁷ that the rule should not directly reference Studholme Road and Meadowstone Drive in the context of where a 2,000m² minimum is appropriate; our recommendations render that restriction redundant. Our recommended text is included below.

11.5.9	<p>Residential Density 11.5.9.1 Large Lot Residential Area A: a maximum of one residential unit per 2000m² net site area. 11.5.9.2 Large Lot Residential Area B: a maximum of one residential unit per 4000m² net site area.</p>	D
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²⁶⁶ Ibid

²⁶⁷ Submission 166

606. We also recommend, as a consequential amendment, that recommended Rule 27.6.1 set the minimum lot areas for subdivision in this zone as 2,000m² for Area A and 4,000m² for Area B.

29.7. Rule 11.5.10

607. This rule related to restrictions on building materials and colours. Ms Leith recommended retaining the rule as notified but changing the matters of discretion on the basis that they have been poorly worded, resembling assessment matters.

608. On the basis of the zone framework we have determined is most appropriate, this rule can only be justified within the more sensitive Area B (4,000m² minimum area) sub-zone and we have recommended this as a consequential change arising from our wider recommendations. We have also further revised the matters of discretion under Clause 16(2) to make them simpler and more consistent with like restrictions we have determined for other rules including in the other residential chapters. Our recommended text is included below.

11.5.10	<p>Building Materials and Colours For sites within Large Lot Residential Area B:</p> <ul style="list-style-type: none"> a. All exterior surfaces shall be coloured in the range of black, browns, greens or greys; b. Pre-painted steel, and all roofs shall have a reflectance value not greater than 20%; c. Surface finishes shall have a reflectance value of not greater than 30%. 	<p>RD Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Landscape and visual effects, including the extent to which the physical scale of the building(s) make a proposed building's materials and colours more or less visually prominent.
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29.8. Rule 11.5.12

609. This rule related to buildings within a Building Restriction Area. In the Reply version, Ms Leith recommended relocating notified Rule 11.4.11 to Rule 11.5. We have discussed this previously in terms of Chapters 7, 8, 9 and 10 and reiterate our agreement with this relocation. Our recommended text is included below.

11.5.12	<p>Building Restriction Area No building shall be located within a building restriction area as identified on the District Plan Maps.</p>	NC
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29.9. Overall Analysis

610. In respect of the above analysis, we find that the simplification and revision of rules set out and also in **Appendix 5** are appropriate as Clause 16(2) clarifications, or otherwise as responses to matters raised within submissions to the PDP.

611. We also find that they reflect the most appropriate means of implementing the objectives and policies we have identified earlier including by way of making the plan more readily administrable. We also find that by simplifying the rules we have made the plan both more effective and efficient (such as by way of the introduction of sub-zone Areas A and B).

PART H: RULES 7.6, 8.6, 9.6, 10.6 and 11.6 – NON NOTIFICATION OF APPLICATIONS

30. RULE 7.6

612. As notified, this rule would have precluded from public notification or limited notification any controlled activity or, somewhat ambiguously titled, restricted discretionary activities for “residential development”.
613. We have understood from notified Rule 7.6.2.1 that any restricted discretionary consent matter under rules 7.4 or 7.5 triggered by a residential development would be non-notified.
614. Key submitters were New Zealand Transport Agency²⁶⁸ and Arcadian Triangle Ltd²⁶⁹. Arcadian Triangle submitted that there was no definition of the term “residential development”, and to that end Ms Leith recommended tying the rule to notified activity Rule 7.4.10 (which provided for more than one residential unit per site). NZTA was interested in ensuring that any development requiring vehicle access from a state highway was required to be served notice on NZTA as an affected party.
615. We find that as notified “residential development” was an administratively unhelpful term and it should be replaced. We accept Ms Leith’s recommendation. Turning to the submission from NZTA, we agree that for the purposes of any reasonable notification decision it is likely that NZTA would be considered an adversely affected party if a development of multiple units sought to gain a new or materially different use of an existing vehicle crossing to a state highway given the potential safety and road management effects that could arise. On this basis, there is a sound rationale for a rule that requires this step rather than incurring the time and cost of notification decisions that will result in limited notification anyways.
616. On that basis, we partially accept the recommendation of Ms Leith (subject to our own Clause 16(2) clarification of the proposed wording). We consider the appropriate rule is to identify that where the proposal involves access from a state highway, the Council will need to apply the provisions of sections 95A to 95E of the Act inclusive. To specify NZTA as an affected party would be to hinder the Council’s discretion under those sections of the Act. We have applied this approach to Chapters 8 and 9 also.
617. Our recommended text is included below.
- 7.6.1 The following Restricted Discretionary activities shall not require the written approval of affected persons and shall not be notified or limited-notified:
- 7.6.1.1 Residential units pursuant to Rule 7.4.7, except where vehicle crossing or right of way access on or off a State Highway is sought.

31. RULE 8.6

618. As notified Rule 8.6 has 2 sub-rules: 1 for controlled activities and 1 for specified restricted discretionary activities. In her Section 42A Report Ms Leith recommended deleting the

²⁶⁸ Submission 719

²⁶⁹ Submission 836

controlled activity rule on the basis of a submission by P Swale²⁷⁰ and her own judgement that with no controlled activities left in the zone due to the Council's withdrawal of Visitor Accommodation provisions there was no justification for the rule. We agree, and note that insofar as it relates to the other residential chapters, we have also relied on P Swale's submission as a more general point that we agree with.

619. Ms Leith also recommended changing the restricted discretionary rule on the basis of a number of submissions. First, she recommended removing the notified reference to the Homestar rating tool (as previously discussed, we agree that this has no place in the District Plan). The submitters who sought this removal (or opposed the Homestar tool being included within the Plan more generally) included C Douglas²⁷¹, Universal Developments Ltd²⁷², P Thoreau²⁷³, P Winstone²⁷⁴, Wakatipu Gardens and Reserves Incorporated²⁷⁵, P & J Sanford²⁷⁶, and M Lynch²⁷⁷. Having determined that Rule 8.6.2.1 should be deleted, it follows that Rule 8.6.2.2 also needs to be deleted as it is inherently linked and subordinate to Rule 8.6.1.1.
620. Ms Leith finally sought addition of a new non notification provision being for residential units that can comply with rule 8.4.11 and all of the standards in Rule 8.5. This clause arose as a result of submissions from Otago Foundation Trust Board²⁷⁸ (supported by further submissions from Hansen Family Partnership²⁷⁹), C Douglas²⁸⁰, Universal Developments Ltd²⁸¹, P Thoreau²⁸², and P Winstone²⁸³. We find that this new rule is appropriate and we support it. Compliance with the activity standards will very likely mean that any environmental effects will be manageable without the need for further public commentary. This will in turn make the enablement of medium density housing more efficient through reduced risk, uncertainty and consent processing time / cost.
621. Overall, our recommended provisions are set out below and in Appendix 2. We find that they will be the most appropriate means of implementing the settled objectives and policies.

8.6.1 The following Restricted Discretionary activities shall not require the written approval of affected persons and shall not be notified or limited-notified except where vehicle crossing or right of way access on or off a State Highway is sought:

8.6.1.1 Residential units which comply with Rule 8.4.10 and all of the standards in Rule 8.5.

32. RULE 9.6

622. The notified plan identified this rule as 9.7, although this was a simple numbering error and the Council recommended it be changed to 9.6. We agree with this.

²⁷⁰ Submission 792
²⁷¹ Submission 199
²⁷² Submission 177
²⁷³ Submission 362
²⁷⁴ Submission 264
²⁷⁵ Submission 506
²⁷⁶ Submission 676
²⁷⁷ Submission 503
²⁷⁸ Submission 408
²⁷⁹ Further submission 1270
²⁸⁰ Submission 199
²⁸¹ Submission 177
²⁸² Submission 362
²⁸³ Submission 264

623. The notified rule provides three categories: 1 for controlled activities, 1 for restricted discretionary activities (no notification or limited notification), and 1 for restricted discretionary activities (no notification but potential limited notification). Ms Banks recommended retaining but revising all of these.
624. In terms of Rule 9.6.1, Ms Banks sought to include reference to NZTA where access to a State Highway was proposed as an exclusion to the blanket non notification rule. This was in response to NZTA's request²⁸⁴ for that outcome.
625. We find that, like the other residential zones, this rule should be removed from the Plan on the basis that there are no controlled activities within the zone that would ever trigger the rule²⁸⁵. We find retention as proposed by Ms Banks to be ineffective and inefficient.
626. In terms of Rule 9.6.2, Ms Banks recommended including the same exclusion from non-notification in favour of NZTA that she recommended for Rule 9.6.1. She also recommended changing the wording of the rule as a consequential amendment to a change in wording of "residential unit" across the residential zones proposed by the Council.
627. As we noted in relation to Rule 7.6 above, we find that NZTA would be inherently affected by new connections to its state highway network and would, in any event under its own legislation, need to provide approval to any new connections or material changes to existing connections to a state highway. However, this rule needs to be framed so as to not hinder the Council's future exercise of its discretion.
628. We also find that Rule 9.6.2.1 requires clarification that residential developments of 4 or more units (as per Rule 9.4) will only be subjected to non-notification where compliance has been achieved with all of the relevant standards in Rule 9.5. Otherwise, unlimited height control contraventions would be non-notified. We find that this is a plain and unintended error in plan drafting and can be corrected as a Clause 16(2) correction (i.e. the rule was only intended to relate to section 9.4 of the Plan, not 9.5 as well). In reaching this position we also refer to the approach taken in Chapter 8 by Ms Leith in a like circumstance (Rule 8.6.1), and we reiterate that we see consistency between the residential chapters in like circumstances to be an important outcome.
629. In terms of rule 9.6.3, Ms Banks recommended a number of changes in response to submissions from Fred van Brandenburg²⁸⁶ and Aurum Survey Consultants Ltd²⁸⁷. The effect of the changes was to remove 'restricted discretionary' from the rule (so that in theory it could apply to any activity type specified in the sub-rules), and provide for boundary setbacks up to 0.6m to also be non-notified (but potentially limited notified).
630. We find that these changes are appropriate subject to text revisions to make them clearer. We also find that contraventions of the recession plane should also be subject to the rule on the basis that the effects of recession plane contraventions raise the same potential environmental effects as building height. We consider this is an acceptable Clause 16(2) amendment to clarify that the Plan seeks to manage like effects (especially on affected parties) on a like basis.

²⁸⁴ Submission 719

²⁸⁵ Due to the Council's withdrawal of Visitor Accommodation provisions on 25 November 2015.

²⁸⁶ Submission 520

²⁸⁷ Submission 166

631. Our recommended provisions are set out below and in Appendix 3. We find that they are the most appropriate to implement the settled objectives and policies.

~~[9.7.1]~~

- 9.6.1 The following Restricted Discretionary activities shall not require the written approval of affected persons and shall not be notified or limited-notified except where vehicle crossing or right of way access on or off a State Highway is sought:
 - 9.6.1.1 Residential development involving the development of 4 or more residential units where the standards in Rule 9.5 are complied with.
- 9.6.2 The following Restricted Discretionary activities will not be publicly notified but notice will be served on those persons considered to be adversely affected if those persons have not given their written approval:
 - 9.6.2.1 Restricted Discretionary building height and recession plane contraventions.
 - 9.6.2.2 Boundary setback contraventions of up to 0.6m into the required setback depth of the yard (for an unlimited length of the boundary).

33. RULE 10.6

632. The notified PDP provided for non-notification of controlled activities. However within the notified Chapter 10 the only controlled activities were visitor accommodation under activity rules 10.4.8 and 10.4.20. Visitor Accommodation provisions were withdrawn by the Council on 25 November 2015 meaning that there were no controlled activities within the zone to which rule 10.6 would apply.

633. In the Council's reply Ms Law confirmed a recommendation that the rule be deleted.

634. We find that the rule has no place in the scheme of a Plan that has no controlled activities and for this reason we consider it would be confusing and unjustifiable to retain the notified rule. We agree that it should be deleted and that this can be undertaken as a Clause 16(2) correction.

34. RULE 11.6

635. The notified PDP provided for non-notification of controlled activities. However within the notified Chapter 11 the only controlled activities were visitor accommodation under activity rule 11.4.6. Visitor Accommodation provisions were withdrawn by the Council on 25 November 2015 meaning that there were no controlled activities within the zone to which Rule 11.6 would apply.

636. In the Council's reply Ms Leith confirmed a recommendation that the rule be deleted.

637. We find that the rule has no place in the scheme of a Plan that has no controlled activities and for this reason we consider it would be confusing and unjustifiable to retain the notified rule. We agree that it should be deleted and that this can be undertaken as a Clause 16(2) correction.

PART I: DEFINITIONS – RECOMMENDATIONS TO STREAM 10 PANEL

35. Preliminary

638. Several submissions on definitions relevant to the subject matter of this Hearing Stream were heard consistent with our directions in the Second Procedural Minute. Having heard those submissions and further submissions we make recommendations on them to the Stream 10 Panel to enable that Panel to consider any conflicting evidence or recommendations.
639. We make it clear that where we make recommendations below (with a single exception), those recommendations are to the Stream 10 Hearing Panel, not the Council. The exception is the recommendation made in relation to notes in certain rules defining how flat and sloping sites are determined discussed below in Section 37.1.
640. Submissions were received in respect of the following definitions:
- a. Activities Sensitive to Aircraft Noise;
 - b. Building;
 - c. Character of Arrowtown;
 - d. Community Activity;
 - e. Community Facility;
 - f. Day Care Facility;
 - g. Dwelling;
 - h. Educational Activity;
 - i. Educational Facility;
 - j. Emergency Service Facilities;
 - k. Floor Area Ratio;
 - l. Ground level;
 - m. Minor Alterations and Additions to a Building;
 - n. Residential Activity;
 - o. Residential Flat;
 - p. Residential Unit.

36. Submissions Concerning Notified Definitions

36.1. Activities Sensitive to Aircraft Noise

641. Submissions on this definition sought:
- Include outdoor spaces associated with residential, visitor accommodation, community and day care facilities²⁸⁸;
 - Include educational classrooms, educational buildings and educational playgrounds²⁸⁹;
 - Delete “community activity’ with respect to the submitter’s site²⁹⁰.
642. Ms Leith considered to include outdoor spaces within the definition could potentially render all the land in the LDRZ incapable of development as outdoor spaces could not be insulated in the same way indoor spaces can²⁹¹. She considered the definition of ‘community activity’

²⁸⁸ Submission 243

²⁸⁹ Submission 271

²⁹⁰ Submission 408, supported by FS1270, FS1097, opposed by FS1167, FS1340, FS1077

²⁹¹ A Leith, Chapter 7 Section 42A Report, pages 60-61

covered the use of land for education purposes, and thus the relief sought by Submission 271 was already provided for²⁹².

643. None of the submitters provided any evidence on this definition. Based on the evidence we received, being that of Ms Leith, we recommend these three submissions be deleted.

644. As a consequential amendment, Ms Leith recommended that this definition also apply to road noise sensitive activities²⁹³. We recommend that amendment be made for the reasons provided by Ms Leith.

36.2. Building

645. Submission 170 sought that the final bullet point in the notified definition of Building be deleted.

646. Ms Leith explained to us the reasons she considered that provision to be an important part of the definition²⁹⁴. The submitter did not appear or provide any additional evidence.

647. We agree with Ms Leith's reasoning and recommend this submission be rejected.

36.3. Character of Arrows town

648. Submission 752 sought that a definition of the 'Character of Arrows town' be included. Mr Farrier did not attend the hearing or provide any evidence beyond his original submission.

649. Ms Law considered that the Arrows town Design Guidelines 2016 provided a comprehensive statement regarding the character of Arrows town and that a definition was unnecessary²⁹⁵.

650. We agree with Ms Law for the reasons she provided and recommend this submission be rejected.

36.4. Community Activity and Community Facility

651. These two definitions need to be considered together. The Ministry of Education sought the deletion of 'community facility' and the retention of 'community activity' with that definition including the term 'education activities'²⁹⁶. Southern District Health Board supported the definition of 'community activity' and sought the deletion of 'community facility'²⁹⁷. New Zealand Fire Service supported the definition of 'community activity'²⁹⁸.

652. Ms Leith concurred with the submitters that the definition of 'community facility' was unnecessary in the context of the residential chapters, but considered the definition should remain in the PDP in case 'community facility sub-zones' were to be included in the Plan.

653. Our view is that if a term is not defining something in the PDP it need not be included in the definitions. It is always open to the Council to include a new defined term by way of variation or plan change at the time a provision requiring that defined term is included in the Plan²⁹⁹.

²⁹² Ibid, page 61

²⁹³ Ibid

²⁹⁴ Ibid, pages 59-60

²⁹⁵ R Law, Chapter 10 Section 42A Report, page 13

²⁹⁶ Submission 524, supported by FS1061, opposed by FS1117

²⁹⁷ Submission 678

²⁹⁸ Submission 438

²⁹⁹ A Leith, Chapter 7 Section 42A Report, paragraph 11.16

We agree with those submitters seeking the deletion of the definition of “community facility” and recommend it be deleted.

654. Ms Leith, having recommended that a new definition of ‘education activity’ be included (see below), further recommended that the definition of ‘community activity’ be amended to include that term³⁰⁰. In her Reply Statement, Ms Leith also recommended the inclusion of ‘day care facilities’ in this definition as that term was excluded from the definition of education activity³⁰¹.

655. Her recommended wording was³⁰²:

Community Activity	Means the use of land and buildings for the primary purpose of health, welfare, care, safety, education, culture and/or spiritual well being. Excludes recreational activities. A community activity includes schools day care facilities, education activities, hospitals, doctors surgeries and other health professionals, churches, halls, libraries, community centres, police stations, fire stations, courthouses, probation and detention centres, government and local government offices.
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656. For the reasons Ms Leith provided, we recommend the definition of ‘community activity’ be amended as recommended by Ms Leith in her Reply Statement.

36.5. Day Care Facility, Education Activity and Education Facility

657. The Ministry of Education sought:

- a. Deletion of the term ‘education facility’;
- b. Inclusion of a definition of ‘education activity’; and
- c. the definition of ‘day care facility’ be amended to specifically exclude early childhood education facilities³⁰³.

658. The Ministry’s proposed definition of ‘education facility’ was:

Education Activity	Means the use of land and buildings for the primary purpose of regular instruction or training including early childhood education, primary, intermediate and secondary schools, tertiary education and including ancillary administrative, cultural, recreational, health, social and medical services (including dental clinics and sick bays) and commercial facilities.
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659. Ms Leith considered this to be a more encompassing definition than that provided for ‘education facility’, and one that provided for more certainty. She recommended that the definition of ‘education activity’ replace the definition of ‘education facility’ in Chapter 2³⁰⁴.

660. Ms Leith did not consider there was any need to amend the definition of ‘day care facility’³⁰⁵. In her Reply Statement, Ms Leith recommended an amendment to the definition of ‘community activity’ to ensure day care facilities providing for the aged were not excluded from that definition, but she did not reconsider the definition of ‘day care facility’³⁰⁶.

³⁰⁰ A Leith, Chapter 7 Section 42A Report, Appendix 1

³⁰¹ A Leith, Reply Statement, paragraph 22.2

³⁰² Ibid, Appendix 1

³⁰³ Submission 524, opposed by FS1117

³⁰⁴ A Leith, Chapter 7 Section 42A Report, paragraph 11.23

³⁰⁵ Ibid, paragraph 11.24

³⁰⁶ A Leith, Reply Statement, paragraph 22.2

661. We received no evidence from the Ministry and no representative attended the hearing.
662. We agree with Ms Leith's recommendation in respect of 'education activity' and 'education facility' for the reasons she gave, and recommend the new definition of 'education activity' be inserted in the terms set out above, and that the definition of 'education facility' be deleted.
663. We cannot understand the point of the Ministry's submission on the definition of 'day care centre'. The submission states as the reason for the submission that the definition did not include 'Early Childhood Education', but the relief sought seems to attempt to reinforce that absence. We recommend this submission be rejected as it accepting it would be of no apparent benefit to the PDP.

36.6. Dwelling

664. One submission³⁰⁷ sought the deletion of this term as it was more appropriate to use the term 'residential unit', which was the term used in the ODP.
665. Ms Leith agreed as she considered that use of the terms 'residential activity', 'residential unit' and 'residential flat' were adequate to describe and regulate the provision of residential accommodation³⁰⁸. We agree and recommend the definition be deleted.

36.7. Emergency Service Facilities

666. The New Zealand Fire Service sought the inclusion of a definition of 'emergency service facilities' as follows: '*means the facilities of authorities that are responsible for the safety and welfare of people and property in the community, and includes fire stations, ambulance stations, police stations and emergency coordination facilities*'³⁰⁹.
667. Ms Leith did not consider this definition was necessary as the activities encompassed where provided for in the definition of 'community activity'³¹⁰. Ms McLeod, the planning witness for the Fire Service, considered the definition was not essential. She did note, however, that the proposed RPS included a definition of 'emergency services', and considered there could be sufficient benefits in terms of consistency, clarity and ease of use of the PDP, to justify the inclusion of a similar definition in the PDP.

668. On the basis that both experts agreed that the definition sought by the submitter was unnecessary, we recommend this submission be rejected. In terms of the proposed RPS definition, we consider that if ensuring the PDP gives effect to the proposed RPS when it is beyond challenge, the Council can initiate a variation to include such a definition.

36.8. Floor Area Ratio

669. One submission sought the deletion of this definition³¹¹.
670. Ms Banks undertook an extensive analysis of the effect on building form using the proposed floor area ratio rule (notified Rule 9.5.5) in the PDP³¹². She concluded that the potential outcomes were not as satisfactory as those resulting from the use of alternate rules. She

³⁰⁷ Submission 836

³⁰⁸ A Leith, Chapter 7 Section 42A Report, page 64

³⁰⁹ Submission 438

³¹⁰ A Leith, Chapter 7 Section 42A Report, paragraph 11.25

³¹¹ Submission 208

³¹² K Banks, Chapter 9 Section 42A Report, pages 19-23

recommended that rule be deleted from Chapter 9. Her consequential amendment was the deletion of the definition of 'floor area ratio'.

671. We have agreed with Ms Banks' recommendation to delete notified Rule 9.5.5. This definition is therefore redundant and can be deleted.

36.9. Ground Level

672. The one submission on this definition referred to us sought that this definition be retained³¹³. We recommend that submission be accepted.

36.10. Minor Alterations and Additions to a Building

673. Arcadian Triangle Ltd³¹⁴ sought that this definition be reconsidered. The submission questioned some of the precise language used in respect of exterior decks, and the imprecision of language.

674. Ms Law agreed with the submitter and recommended the definition read:

Minor Alterations and Additions to a Building	Means any of the following: <ul style="list-style-type: none">• Constructing an uncovered deck of natural or dark stained timber. The deck must comply with the applicable rules and standards for activities.• Changing or putting in <u>Replacing</u> windows or doors in an existing building that have the same profile, trims and external reveal depth as the existing.• Changing existing materials or cladding with other materials or cladding of the same texture, profile, materials and colour.
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675. We agree with Ms Law and recommend this definition be amended as set out above.

36.11. Residential Activity, Residential Flat and Residential Unit

676. Submissions on these definitions sought:

- Retain the definitions of 'residential activity' and 'residential unit' as notified³¹⁵;
- Rewrite all definitions to clarify whether they refer to the use or the building³¹⁶;
- Delete 'including a dwelling' from the definition of 'residential unit'³¹⁷;
- Amend the definition of 'residential flat' to clarify that the activity is limited to one per unit or site³¹⁸;
- Amend the definition of 'residential flat' by:
 - Replace 70m2 with 35% GFA;
 - Delete reference to leasing;
 - Delete notes or make clear not part of definition³¹⁹.

677. At the hearing the Chair transferred consideration of the definition of 'residential flat' to the Stream 10 Panel. We therefore do not discuss submissions on that definition any further.

³¹³ Submission 68

³¹⁴ Submission 836

³¹⁵ Submission 433, opposed by FS1117, FS1097

³¹⁶ Submission 243, opposed by FS1224

³¹⁷ Submission 836

³¹⁸ Submission 433, opposed by FS1117, FS1097

³¹⁹ Submission 836

678. Ms Leith considered that the definitions of ‘residential activity’ and ‘residential unit’ were clear. Ms Byrch did not appear in support of her submission.
679. We agree with Ms Leith. Subject to the deletion of the term ‘includes a dwelling’ from the definition of ‘residential unit’, which is a consequential amendment resulting from the deletion of the definition of ‘dwelling’, we recommend these two definitions be adopted as notified.

37. Proposed New Definitions

37.1. Flat and Sloping Sites

680. As notified, Rules 7.5.1, 7.5.2, 9.5.1, 9.5.2, 9.5.4 and 9.5.5 each contained a note stating: *Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation. Sloping sites are where the ground slope is greater than 6 degrees (i.e. greater than 1 in 9.5). Flat sites are where the ground slope is equal to or less than 6 degrees (i.e. equal to or less than 1 in 9.5).*

681. Submission 166 sought that this note/definition be removed from Rule 9.5.4. In her Section 42A Report, Ms Banks concluded that the most appropriate response to this submission was to insert definitions of ‘flat site’ and ‘sloping site’ in Chapter 2 and delete the notes from each of the relevant rules³²⁰. The definitions she recommended were:

Flat site	A flat site is where the ground slope is equal to or less than 6 degrees (i.e. equal to or less than 1 in 9.5). Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation.
Sloping site	A sloping site is where the ground slope is greater than 6 degrees (i.e. greater than 1 in 9.5). Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation.

682. As can be seen, these were derived directly from the terms used in the notified PDP.
683. At the hearing NZIA³²¹ highlighted an error in the proposed definitions (and also in the notes) in that the relevant rules would be applied on every elevation, with the potential for different elevations of the same building being classified both flat and sloping. Ms Banks explained that the intention of the definitions was to distinguish on a site by site basis whether they were flat or sloping³²². Ms Banks’ solution was to amend the definitions such that, if any elevation had a ground slope of greater than 6 degrees, the site would be classified as sloping. A flat site needed to have all elevations with a slope equal to or less than 6 degrees.
684. We consider the changes proposed by Ms Banks are changes which properly fall within the purview of Clause 16(2). The subtle change proposed in Ms Banks’ Reply Statement to avoid the multiple outcome possibility falls, in our view, into the category of error correction. It will not make a substantive difference to the application of rules where distinguishing between flat and sloping sites is required.
685. We consider that moving the definitions from the explanatory notes in the six rules listed above into Chapter 2 as definitions is of no substantive effect, but is more efficient and

³²⁰ K Banks, Chapter 9 Section 42A Report, page 46

³²¹ Submission 238

³²² K Banks, Reply Statement, paragraph 8.2

removes the need for duplicating the provision in every instance that it is relevant. Consequently, we recommend to the Stream 10 Panel that the following two additional definitions be included in Chapter 2:

<u>Flat site</u>	A flat site is where the ground slope is equal to or less than 6 degrees (i.e. equal to or less than 1 in 9.5). Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation. Where all elevations indicate a ground slope equal to or less than 6 degrees (i.e. equal to or less than 1 in 9.5), rules applicable to flat sites will apply.
Sloping site	A sloping site is where the ground slope is greater than 6 degrees (i.e. greater than 1 in 9.5). Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation. Where any elevation indicates a ground slope of greater than 6 degrees (i.e. greater than 1 in 9.5), rules applicable to sloping sites will apply.

686. Finally, we recommend to the Council that notes in recommended Rules 7.5.1, 7.5.2, 9.5.1, 9.5.2 and 9.5.4 be deleted (We are recommending Rule 9.5.5 be deleted in total) as a Clause 16(2) consequential change.

PART J: OVERALL RECOMMENDATIONS

38. SECTION 32AA ANALYSIS

687. We have considered the above objectives, policies, and rules individually and collectively in terms of s.32AA of the Act. Having undertaken an additional assessment, the key details of which have been interspersed into our discussion above, we are satisfied that the provisions we recommend for Chapters 7, 8, 8, 10 and 11 are the most appropriate. Key findings relevant to s.32AA are that:
- a. The objectives will implement Part 2 of the Act, and the policies and rules will implement the objectives.
 - b. The provisions will promote economic development and employment through a combination of commercial activity enabled within the zone, and the construction potential enabled by a higher density and further development on most sites (even if limited to an additional residential flat).
 - c. The provisions are more effective and efficient than the notified, s. 42A and Reply versions (as a whole) due to being simpler, clearer, more consistent and more concise.

39. CONSIDERATION OF PLAN VARIATIONS

688. On the basis of our evaluation and recommendations above, we consider a number of Plan Variations should be considered by the Council. They have been identified throughout our analysis and recommendations, however by way of overall summary they are:
- a. The limitations on home occupations (especially the limitation on internal floor area) should be reviewed in Chapters 7, 8 and 11. On the basis of the evidence we received, there has been no justification for these limitations either in terms of likely adverse environmental effects or in terms of conflict with the applicable policy frameworks.
 - b. The required building setback from water bodies should be reconsidered. Where a setback requirement is less than 20m, a land use consent for an activity could be granted in such a manner that a subsequent subdivision around that activity could not achieve the 20m esplanade reserve setback intended within the Act (as esplanade reserves can only be considered as part of a subdivision consent).
 - c. The glare rules trigger a non-complying activity consent that in our view should instead be a restricted discretionary activity on the basis that the likely environmental effects should be clearly predictable and be able to be expressed simply as matters of discretion.
 - d. We consider the waste and recycling storage requirements have been very poorly justified. In terms of Chapters 7, 10 and 11 the site sizes likely would clearly provide sufficient space for onsite storage and waste areas. In terms of Chapters 8 and 9 the higher densities provided for could result in a justification for waste collection areas and a justified restriction on the placement of these areas. However in any event, we consider a non-complying activity status for non-compliance to be overly onerous and unnecessary.
 - e. In terms of the bulk material storage rules in the zones, we are concerned by the applicable prohibited activity status. This may unintentionally make it impossible for any development to occur on the basis of building materials (such as bricks or roof tiles) being placed on the development site. It may be advisable to clarify that construction materials being used on the site are excluded from the ban on bulk material storage.

40. Detailed Recommendations

689. For the reasons we have set out above, we recommend to the Council that:
- a. Chapter 7, in the form set out in Appendix 1, be adopted;
 - b. Chapter 8, in the form set out in Appendix 2, be adopted;
 - c. Chapter 9, in the form set out in Appendix 3, be adopted;
 - d. Chapter 10, in the form set out in Appendix 4, be adopted;
 - e. Chapter 11, in the form set out in Appendix 5, be adopted; and
 - f. The relevant submissions and further submissions be accepted, accepted in part or rejected as set out in Appendix 6.
690. We recommend to the Stream 10 Hearing Panel that the definitions listed in Appendix 7 be included in Chapter 2 for the reasons set out in Part I above.
691. We further recommend that the Council consider initiating variations to deal with the matters set out in Section 39 above.

For the Hearing Panel

A handwritten signature in blue ink, appearing to read "Nugent", is written over a light blue circular stamp.

Denis Nugent, Chair
Date: 29 March 2018

Appendix 1: Chapter 7 – Lower Density Suburban Residential Zone, as Recommended

7 LOWER DENSITY SUBURBAN RESIDENTIAL

7.1 Zone Purpose

The Lower Density Suburban Residential Zone is the largest residential zone in the District. The District Plan includes such zoning that is within the urban growth boundaries, and includes land that has already been developed - as well as areas that will continue to be developed over time.

Fundamentally the zone provides for both traditional and modern suburban densities and housing forms. Houses will typically be one to two storeys in height, detached and set on sites between 450 and 1000 square metres in area. In addition, and to help meet the needs of the community, the zone also enables increased density by allowing sites down to 300 square metres in area and larger comprehensively designed developments. In addition, non-subdivisible residential flats that can be occupied by an independent household are enabled. The overall range of net household densities (including residential flats) could be as high as 1 unit per 150 square metres or as low as 1 unit per 1,000 square metres (or even less). The zone will help to provide a more diverse and affordable housing stock within the District.

Community activities are anticipated in the zone provided adverse effects can be suitably addressed, as these activities are often best located within the residential communities they serve. Home occupations are also provided for.

Commercial activities are generally not anticipated other than those that are residential-compatible and small-scale, however may be accommodated where necessary to address a demonstrated local need provided residential amenity is not compromised.

7.2 Objectives and Policies

7.2.1 **Objective - Development within the zone provides for a mix of compatible suburban densities and a high amenity low density residential living environment for residents as well as users of public spaces within the zone.**

Policies	<p>7.2.1.1 Ensure the zone and any development within it is located in areas that are well serviced by public infrastructure, and is designed in a manner consistent with the capacity of infrastructure networks.</p> <p>7.2.1.2 Encourage an intensity of development that maximises the efficient use of the land in a way that is compatible with the scale and character of existing suburban residential development, and maintains suburban residential amenity values including predominantly detached building forms, and predominantly one to two storey building heights.</p> <p>7.2.1.3 Ensure that the height, bulk and location of development maintains the suburban-intensity character of the zone, and maintains the amenity values enjoyed by users of neighbouring properties, in particular, privacy and access to sunlight.</p> <p>7.2.1.4 Require, as necessary, all new buildings, relocated buildings and additions and alterations to existing buildings that contain an Activity Sensitive to Road Noise located adjacent to a State Highway to be designed to maintain internal residential amenity values and, in particular provide protection to sleeping occupants from road noise.</p>
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7.2.2

Objective - Development is limited within the Queenstown Airport Air Noise Boundary and Outer Control Boundary in recognition of the severe amenity (noise) constraints now and also likely in the foreseeable future as a result of its increasing intensity of operation and use.

Policies

- 7.2.2.1** Discourage the creation of any new sites or infill development for Activities Sensitive to Aircraft Noise within the Air Noise Boundary and between the Air Noise Boundary and the Outer Control Boundary on land around Queenstown Airport.
- 7.2.2.2** Require, as necessary, mechanical ventilation of any Critical Listening Environment within new buildings, relocated buildings, and any alterations and additions to existing buildings that contain an Activity Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary.
- 7.2.2.3** Require, as necessary, sound insulation and mechanical ventilation of any Critical Listening Environment within new buildings, relocated buildings, and any alterations and additions to existing buildings that contain an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary.

7.2.3

Objective - Encourage higher density development where it responds sensitively to the context and character of the locality and is designed to maintain local amenity values.

Policies

- 7.2.3.1** Encourage densities higher than 1:450 square metres per residential unit where this is designed to fit well with the immediate context, with particular significance attached to the way the development:
- manages dominance effects on neighbours through measures such as deeper setbacks, sensitive building orientation and design, use of building articulation and landscaping;
 - achieves a reasonable level of privacy between neighbours through measures such as deeper boundary setbacks, offsetting habitable room windows that face each other, or the use of screening devices or landscaping;
 - provides activation of streets through the placement of doors, windows and openings that face the street.
- 7.2.3.2** Limit building height on sites smaller than 900 square metres that are proposed to be developed for two or more principal units (i.e. excluding residential flats) so as to mitigate a reduction in spaciousness around and between buildings that otherwise forms part of suburban residential amenity values.
- 7.2.3.3** Encourage landscaped areas to be well-designed and integrated into the development layout and design, providing high amenity spaces for recreation and enjoyment, having particular regard to the visual amenity of streets and street frontages.

7.2.4 **Objective - Residential development in Arrowtown compatible with the town's existing character.**

Policies

7.2.4.1 Ensure development, including infill housing, community activities and commercial development is of a form that is compatible with the existing character of Arrowtown, guided by the Arrowtown Design Guidelines 2016, with particular regard given to:

- a. building design and form;
- b. scale, layout and relationship of buildings to the street frontage(s);
- c. materials and landscape response(s).

7.2.4.2 Avoid flat roofed dwellings in Arrowtown.

7.2.5 **Objective - Community activities serving the needs of people within the zone locate within the zone on sites where adverse effects are compatible with residential amenity values.**

Policies

7.2.5.1 Enable the establishment of community activities where adverse effects on residential amenity values including noise, traffic, lighting, glare and visual impact can be avoided or mitigated.

7.2.5.2 Ensure any community activities occur in areas which are capable of accommodating traffic, parking and servicing to a level which maintains residential amenity values.

7.2.5.3 Ensure any community activities are of a design, scale and appearance compatible with a residential context.

7.2.6 **Objective - Development efficiently utilises existing infrastructure and minimises impacts on infrastructure networks.**

Policies

7.2.6.1 Ensure access and vehicle parking is located and designed to optimise safety and efficiency of the road network and minimises impacts on on-street vehicle parking.

7.2.6.2 Ensure development is designed consistent with the capacity of existing infrastructure networks and, where practicable, incorporates low impact approaches to stormwater management and efficient use of potable water.

7.2.6.3 Integrate development with all transport networks and in particular, and where practicable, improve connections to public transport services and active transport networks (tracks, trails, walkways and cycleways).

7.2.7

Objective - Commercial development in the zone is small scale and generates minimal amenity value impacts.

Policies

- 7.2.7.1** Provide commercial activities, including home occupation activities, that directly serve the day-to-day needs of local residents, or enhance social connection and vibrancy of the residential environment, provided these do not undermine residential amenity values or the viability of any nearby centre.
- 7.2.7.2** Ensure that any commercial development is of low scale and intensity, and does not undermine the local transport network or availability of on-street vehicle parking for non-commercial use.
- 7.2.7.3** Ensure that the noise effects from commercial activities are compatible with the surrounding environment and residential amenity values.
- 7.2.7.4** Ensure that commercial development is of a design, scale and appearance that is compatible with its surrounding residential context.

7.3 Other Provisions and Rules

7.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1	Introduction	2	Definitions	3	Strategic Direction
4	Urban Development	5	Tangata Whenua	6	Landscapes and Rural Character
25	<i>Earthworks</i>	26	Historic Heritage	27	Subdivision
28	Natural Hazards	29	<i>Transport</i>	30	Energy and Utilities
31	<i>Signs</i>	32	Protected Trees	33	Indigenous Vegetation
34	Wilding Exotic Trees	35	Temporary Activities and Relocated Buildings	36	Noise
37	Designations		Planning Maps		

7.3.2 Interpreting and Applying the Rules

- 7.3.2.1** A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules, otherwise a resource consent will be required.
- 7.3.2.2** Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the Non-Compliance Status column shall apply.
- 7.3.2.3** Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.
- 7.3.2.4** Proposals for development resulting in more than one (1) residential unit per site shall demonstrate that each residential unit is fully contained within the identified net area for each unit.
- 7.3.2.5** Each residential unit may include a single residential flat and any other accessory buildings.
- 7.3.2.6** The following abbreviations are used within this Chapter.

P	Permitted	C	Controlled	RD	Restricted Discretionary
D	Discretionary	NC	Non-Complying	PR	Prohibited

7.4 Rules - Activities

Activities located in the Lower Density Suburban Residential Zone		Activity Status
7.4.1	Home occupations	P
7.4.2	Informal airports for emergency landings, rescues and fire fighting	P
7.4.3	Residential units, where the density of development does not exceed one residential unit per 450m ² net area	P
7.4.4		
7.4.5		

	<p>Activities located in the Lower Density Suburban Residential Zone</p>	<p>Activity Status</p>
<p>7.4.6</p>	<p>Commercial activities – 100m² or less gross floor area</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. benefits of the commercial activity in servicing the day-to-day needs of local residents; b. hours of operation; c. parking, traffic and access; d. noise; e. design, scale and appearance; f. in Arrowtown, consistency with Arrowtown’s character, as described within the Arrowtown Design Guidelines 2016; and g. where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ul style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated. 	<p>RD</p>
<p>7.4.7</p>	<p>Residential Units, where the density of development exceeds one residential unit per 450m² net area but does not exceed one residential unit per 300m² net area, excluding sites located within the Air Noise Boundary or located between the Air Noise Boundary and Outer Control Boundary of Queenstown Airport.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. how the design advances housing diversity and promotes sustainability either through construction methods, design or function; b. privacy for occupants of the subject site and neighbouring sites; c. in Arrowtown, consistency with Arrowtown’s character, as described within the Arrowtown Design Guidelines 2016; d. street activation; e. building dominance; f. parking and access layout: safety, efficiency and impacts on on-street parking and neighbours; g. design and integration of landscaping; i. where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ul style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated. 	<p>RD</p>
<p>7.4.8</p>	<p>Commercial recreation</p>	<p>D</p>

Activities located in the Lower Density Suburban Residential Zone		Activity Status
7.4.9	Community activities	D
7.4.10	Retirement villages	D
7.4.11	Activities which are not listed in this table	NC
7.4.12	Commercial activities – greater than 100m ² gross floor area	NC
7.4.13		
7.4.14	Airports not otherwise listed in this table	PR
7.4.15	Bulk material storage	PR
7.4.16	Factory Farming	PR
7.4.17	Fish or meat processing	PR
7.4.18	Forestry	PR
7.4.19	Manufacturing and/or product assembling activities	PR
7.4.20	Mining	PR
7.4.21	Panel beating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motor body building	PR
7.4.22	Any activity requiring an Offensive Trade Licence under the Health Act 1956	PR

7.5

Rules - Standards

Standards for Activities in the Lower Density Suburban Residential Zone		Non-compliance Status
7.5.1	<p>Building Height (for flat sites)</p> <p>7.5.1.1 Wanaka: Maximum of 7 metres.</p> <p>7.5.1.2 Arrowtown: Maximum of 6.5 metres.</p> <p>7.5.1.3 All other locations: Maximum of 8 metres.</p>	NC
7.5.2	<p>Building Height (for sloping sites)</p> <p>7.5.2.1 Arrowtown: Maximum of 6 metres.</p> <p>7.5.2.2 In all other locations: Maximum of 7 metres.</p>	NC

	Standards for Activites in the Lower Density Suburban Residential Zone	Non-compliance Status
7.5.3	<p>In addition to Rules 7.5.1 and 7.5.2, where a site is less than 900m² net area and more than 1 residential unit will result per site, the following height provisions apply:</p> <ul style="list-style-type: none"> a. where residential units are proposed in addition to an existing residential unit, then the additional residential unit(s) shall not exceed 5.5m in height; b. where no residential units exist on the site, or where an existing residential unit is being demolished to provide for 2 or more new residential units on the site, then all proposed residential units shall not exceed 5.5m in height; c. items (a) and (b) above do not apply where a second residential unit is being created within an existing residential unit that is taller than 5.5m. 	D
7.5.4	<p>Airport Noise – Queenstown Airport (excluding any non-critical listening environments)</p> <p>7.5.4.1 Buildings within the Outer Control Boundary and Air Noise Boundary</p> <p>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.</p> <p>7.5.4.2 Compliance within the Air Noise Boundary (ANB)</p> <p>Compliance shall be demonstrated by either adhering to the sound insulation requirements in Rule 36.6.1 and 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.</p> <p>7.5.4.3 Compliance between the Outer Control Boundary (OCB) and the Air Noise Boundary (ANB)</p> <p>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.</p>	NC
7.5.5	<p>Building Coverage</p> <p>A maximum of 40%.</p>	D
7.5.6	<p>Landscaped permeable surface coverage</p> <p>At least 30% of the site area shall comprise landscaped (permeable) surface.</p>	NC

	Standards for Activities in the Lower Density Suburban Residential Zone	Non-compliance Status
<p>7.5.7</p>	<p>Recession plane:</p> <p>a. on flat sites applicable to all buildings;</p> <p>b. on sloping sites only applicable to accessory buildings.</p> <p>7.5.7.1 Northern boundary: 2.5m and 55 degrees.</p> <p>7.5.7.2 Western and eastern boundaries: 2.5m and 45 degrees.</p> <p>7.5.7.3 Southern boundary: 2.5m and 35 degrees.</p> <p>Exemptions:</p> <p>a. gable end roofs may penetrate the building recession plane by no more than one third of the gable height;</p> <p>b. recession planes do not apply to site boundaries adjoining a Town Centre Zone, or fronting a road, or a park or reserve.</p>	<p>NC</p>
<p>7.5.8</p>	<p>Minimum Boundary Setbacks</p> <p>7.5.8.1 Road boundary: 4.5m</p> <p>7.5.8.2 All other boundaries: 2m</p> <p>Exceptions to boundary setbacks:</p> <p>a. accessory buildings for residential activities may be located within the boundary setback distances (other than from road boundaries), where they do not exceed 7.5m in length, there are no windows or openings (other than for carports) along any walls within 1.5m of an internal boundary, and they comply with rules for Building Height and Recession Plane;</p> <p>b. any building may locate within a boundary setback distance by up to 1m for an area no greater than 6m² provided the building within the boundary setback area has no windows or openings;</p> <p>c. eaves may be located up to 600mm into any boundary setback distance along eastern, western and southern boundaries;</p> <p>d. eaves may be located up to 1m into any boundary setback distance along northern boundaries.</p>	<p>D</p>

	Standards for Activities in the Lower Density Suburban Residential Zone	Non-compliance Status
7.5.9	<p>Building Separation Within Sites</p> <p>For detached residential units on the same site, a minimum separation distance of 4m between the residential units within the development site applies.</p> <p>Note: This rule does not apply to attached dwellings.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> whether site constraints justify an alternative separation distance; whether an overall better amenity values outcome is being achieved, including for off-site neighbours; design of the units, with particular regard to the location of windows and doors, so as to limit the potential for adverse effects on privacy between units; in Arrowtown, consistency with Arrowtown's character, as described within the Arrowtown Design Guidelines 2016.
7.5.10	<p>Continuous Building Length</p> <p>The length of any building facade above the ground floor level shall not exceed 16m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties; in Arrowtown, consistency with Arrowtown's character, as described within the Arrowtown Design Guidelines 2016
7.5.11	<p>Density</p> <p>The maximum site density shall be one residential unit or dwelling per 300m² net site area.</p>	NC
7.5.12	<p>Waste and Recycling Storage Space</p> <p>7.5.12.1 Residential activities shall provide, as a minimum, space for a 120 litre residential wheelie bin and 240 litres recycling wheelie bin per residential unit.</p> <p>7.5.12.2 All developments shall suitably screen waste and recycling storage space from the road or public space, in keeping with the building development, or provide space within the development that can be easily accessed by waste and recycling collections.</p>	NC
7.5.13	<p>Glare</p> <p>7.5.13.1 All exterior lighting shall be directed downward and away from the adjacent sites and roads.</p> <p>7.5.13.2 No activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.</p>	NC

	Standards for Activities in the Lower Density Suburban Residential Zone	Non-compliance Status
7.5.14	<p>Setback of buildings from water bodies</p> <p>The minimum setback of any building from the bed of a river, lake or wetland shall be 7m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. indigenous biodiversity values; b. visual amenity values; c. landscape character; d. open space and the interaction of the development with the water body; e. environmental protection measures (including landscaping and stormwater management); f. whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the location of the building.
7.5.15	<p>Road Noise - State Highway</p> <p>Any new residential buildings or buildings containing Activities Sensitive to Road Noise, located within:</p> <ul style="list-style-type: none"> a. 80 metres of the boundary of a State Highway that has a speed limit of 70km/h or greater; or b. 40 metres of the boundary of a State Highway that has a speed limit less than 70km/h; <p>shall be designed, constructed and maintained to ensure that the internal noise levels do not exceed 40dB LAeq(24h) for all habitable spaces including bedrooms.</p>	<p>NC</p>
7.5.16	<p>Building Restriction Area</p> <p>Where a building restriction area is shown on the District Planning Maps, no building shall be located within the restricted area.</p>	<p>NC</p>
7.5.17	<p>Home Occupation</p> <p>7.5.17.1 No more than 1 full time equivalent person from outside the household shall be employed in the home occupation activity.</p> <p>7.5.17.2 The maximum number of two-way vehicle trips shall be:</p> <ul style="list-style-type: none"> a. heavy vehicles: none permitted; b. other vehicles: 10 per day. <p>7.5.17.3 Maximum net floor area of 60m².</p> <p>7.5.17.4 Activities and storage of materials shall be indoors.</p>	<p>D</p>
7.5.18		
7.5.19		

7.6 Rules - Non-Notification of Applications

7.6.1 The following Restricted Discretionary activities shall not require the written approval of affected persons and shall not be notified or limited notified:

7.6.1.1 Residential units pursuant to Rule 7.4.7, except where vehicle crossing or right of way access on or off a State Highway is sought.

Appendix 2: Chapter 8 – Medium Density Residential Zone, as Recommended

8 MEDIUM DENSITY RESIDENTIAL



The Medium Density Residential Zone has the purpose of providing land for residential development at greater density than the Lower Density Suburban Residential Zone. In conjunction with the High Density Residential Zone and Lower Density Suburban Residential Zone, this zone will play a key role in minimising urban sprawl and increasing housing supply. The zone will primarily accommodate residential land uses, but may also support limited non-residential activities where these enhance residential amenity or support an adjoining Town Centre, and do not impact on the primary role of the zone to provide housing supply.

The zone is situated in locations in Queenstown, Frankton, Arrowtown and Wanaka that are within identified urban growth boundaries, and easily accessible to local shopping zones, town centres or schools by public transport, cycling or walking. The Medium Density Residential Zone provides for an increased density of housing in locations that are supported by adequate existing or planned infrastructure.

The zone will enable a greater supply of diverse housing options for the District. The main forms of residential development anticipated are terrace housing, semi-detached housing and detached townhouses on small sites of 250m² or greater. The zone will undergo changes to existing densities and built form characteristics over time to provide for the social, economic, cultural and environmental wellbeing of the District's community. In particular, the zone will provide a greater diversity of housing options for smaller households including single persons, couples, small young families and older people seeking to downsize. It will also enable more rental accommodation for the growing population of transient workers in the District.

While providing for a higher density of development than is anticipated in the Lower Density Suburban Residential Zone, the zone incorporates development controls to ensure that the reasonable maintenance of amenity values is maintained. Building height will be generally two storeys.

Development will be required to achieve high standards of urban design, providing site responsive built forms and utilising opportunities to create vibrant public spaces and active transport connections (walking and cycling). In Arrowtown, where a resource consent is required, consideration will need to be given to the town's special character, and the design criteria identified by the Arrowtown Design Guidelines 2016.

Community activities are anticipated given the need for such activities within residential areas and the high degree of accessibility of the zone for residents.

8.2.1 **Objective - Medium density development occurs close to employment centres which encourage travel via non-vehicular modes of transport or via public transport.**

Policies

- 8.2.1.1** Provide opportunities for medium density housing close to town centres, local shopping zones, activity centres and public transport routes.
- 8.2.1.2** Provide for compact development forms that encourage a diverse housing supply and contribute toward containing the outward spread of residential growth away from employment centres.
- 8.2.1.3** Enable increased densities where they are located within easy walking distance of employment centres and public transport routes, subject to environmental constraints including local topography, stability and waterways, that may justify a limitation in density or the extent of development.
- 8.2.1.4** Enable medium density development through a variety of different housing forms including terrace, semi-detached, duplex, townhouse, or small lot detached housing.

8.2.2 **Objective - Development contributes to the creation of a new, high quality built character within the zone through quality urban design solutions which positively respond to the site, neighbourhood and wider context.**

Policies

- 8.2.2.1** Ensure buildings address streets and other adjacent public space with limited presentation of unarticulated blank walls or facades to the street(s) or public space(s).
- 8.2.2.2** Require visual connection with the street through the inclusion of windows, outdoor living areas, low profile fencing or landscaping.
- 8.2.2.3** Ensure street frontages are not dominated by garaging through consideration of their width, design and proximity to the street boundary.
- 8.2.2.4** Ensure developments reduce visual dominance effects through variation in facades and materials, roof form, building separation and recessions or other techniques.
- 8.2.2.5** Ensure landscaped areas are well designed and integrated into the design of developments, providing high amenity spaces for residents, and to soften the visual impact of development, with particular regard to any street frontage(s).

8.2.3

Objective - Development provides high quality living environments for residents and provides reasonable maintenance of amenity values enjoyed on adjoining sites taking into account the changed future character intended within the zone.

Policies

- 8.2.3.1** Apply permitted activity and resource consent requirements based on recession plane, building height, setbacks and site coverage controls as the primary means of ensuring reasonable maintenance of neighbours' privacy and amenity values.
- 8.2.3.2** Where a resource consent is required for new development, reasonably minimise the adverse effects of the new development on the amenity values enjoyed by occupants of adjoining sites, and have particular regard to the maintenance of privacy for occupants of the development site and neighbouring sites through the application of setbacks, offsetting of habitable room windows from one another, screening or other means.
- 8.2.3.3** Ensure development along the western side of Designation 270¹ has the least possible impact on views from the formed walkway to the west toward Lake Wanaka and beyond, and generally limit development on land immediately adjoining the western side of Designation 270¹ to the permitted building height, recession plane, site coverage and setback limits (including between units) to achieve this.

¹Running south from Aubrey Road, Wanaka

8.2.4

Objective - In Arrowtown medium density development occurs in a manner compatible with the town's character.

Policies

- 8.2.4.1** Ensure development, including infill housing, community activities and commercial development is of a form that is compatible with the existing character of Arrowtown guided by the Arrowtown Design Guidelines 2016 with particular regard given to:
- building design and form;
 - scale, layout and relationship of buildings to the street frontage(s);
 - materials and landscape response(s) including how landscaping softens the building mass relative to any street frontage(s).
- 8.2.4.2** Avoid flat roofed dwellings in Arrowtown.

8.2.5

Objective - Development efficiently utilises existing infrastructure and minimises impacts on infrastructure networks.

Policies

- 8.2.5.1** Ensure access and vehicle parking is located and designed to optimise safety and efficiency of the road network and minimise adverse effects on on-street vehicle parking.

- 8.2.5.2** Ensure development is designed consistent with the capacity of existing infrastructure networks and where practicable incorporates low impact approaches to stormwater management and efficient use of potable water.
- 8.2.5.3** Integrate development with all transport networks and in particular, and where practicable, improve connections to public transport services and active transport networks (tracks, trails, walkways and cycleways).

8.2.6 Objective - Community activities serving the needs of people within the zone locate within the zone on sites where adverse effects are compatible with residential amenity values.

Policies

- 8.2.6.1** Enable the establishment of community activities where adverse effects on residential amenity values including noise, traffic, lighting, glare and visual impact can be avoided or mitigated.
- 8.2.6.2** Ensure any community activities occur in areas which are capable of accommodating traffic, parking and servicing to a level which maintains residential amenity values.
- 8.2.6.3** Ensure any community activities are of a design, scale and appearance compatible with a residential context.

8.2.7 Objective - Commercial development is small scale and generates minimal adverse effects on residential amenity values.

Policies

- 8.2.7.1** Provide for commercial activities, including home occupation activities, that directly serve the day-to-day needs of local residents, or enhance social connection and vibrancy of the residential environment, provided these do not undermine residential amenity values or the viability of any nearby Town Centre.
- 8.2.7.2** Ensure that any commercial development is of low scale and intensity, and does not undermine the local transport network or availability of on-street vehicle parking for non-commercial use.
- 8.2.7.3** Ensure that the noise effects from commercial activities are compatible with the surrounding environment and residential amenity values.
- 8.2.7.4** Ensure that commercial development is of a design, scale and appearance that is compatible with its surrounding residential context.

8.2.8 **Objective - The development of land fronting State Highway 6 (between Hansen Road and Ferry Hill Drive) provides a high quality residential environment which is sensitive to its location at the entrance to Queenstown, minimises traffic impacts to the State Highway network, and is appropriately serviced.**

Policies

- 8.2.8.1** Encourage a low impact stormwater design that utilises on-site treatment and storage / dispersal approaches.
- 8.2.8.2** Avoid the impacts of stormwater discharges on the State Highway network.
- 8.2.8.3** Provide a planting buffer along the State Highway frontage to soften the view of buildings from the State Highway network.
- 8.2.8.4** Provide for a safe and legible transport connections that avoid any new access to the State Highway, and integrates with the road network and public transport routes on the southern side of State Highway 6.
- Note: Attention is drawn to the need to consult with the New Zealand Transport Agency (NZTA) prior to determining an internal and external road network design under this policy.
- Note: Attention is drawn to the need to obtain a Section 93 notice from the NZ Transport Agency for all subdivisions on State Highways which are declared Limited Access Roads. The NZ Transport Agency should be consulted and a request made for a notice under Section 93 of the Government Roading Powers Act 1989.
- 8.2.8.5** Require that the design of any road or vehicular access within individual properties is of a form and standard that accounts for long term traffic demands for the area between Hansen Road and Ferry Hill Drive, and does not require the need for subsequent retrofitting or upgrade.
- 8.2.8.6** Require the provision of a safe and legible walking and cycle environment with links to the other internal and external pedestrian and cycle networks and destinations on the southern side of State Highway 6 along the safest, most direct and convenient routes.
- 8.2.8.7** Require the provision of an internal road network that ensures road frontages are not dominated by vehicular access and parking.
- 8.2.8.8** Ensure coordinated, efficient and well-designed development by requiring, prior to, or as part of subdivision and development, construction of the following to appropriate Council standards:
- a 'fourth leg' off the Hawthorne Drive/State Highway 6 roundabout;
 - all sites created in the area to have legal access to either Hansen Road or the Hawthorne Drive/State Highway 6 roundabout; and
 - new and safe pedestrian connections between Hansen Rd and the southern side of SH6, and the Hawthorne Drive/State Highway 6 roundabout, Ferry Hill Drive and the southern side of State Highway 6.
- 8.2.8.9** Encourage the creation of a legal internal road between Hansen Rd and Ferry Hill Drive.

8.2.9

Objective – Non-residential developments which support the role of the Town Centre and are compatible with the transition to residential activities are located within the Wanaka Town Centre Transition Overlay.

Policies

- 8.2.9.1** Enable non-residential activities to establish in a discrete area of residential-zoned land adjoining the Wanaka Town Centre, where these activities suitably integrate with and support the role of the Town Centre.
- 8.2.9.2** Require non-residential and mixed use activities to provide a quality built form which activates the street, minimises the visual dominance of parking and adds visual interest to the urban environment.
- 8.2.9.3** Ensure the amenity values of adjoining residential properties outside of the Wanaka Town Centre Transition Overlay are maintained through design and the application of setbacks.

8.2.10

Objective – Manage the development of land within noise affected environments to ensure mitigation of noise and reverse sensitivity effects.

Policies

- 8.2.10.1** Require as necessary all new and altered buildings for Activities Sensitive to Road Noise located close to any State Highway to be designed to provide protection from sleep disturbance and to otherwise maintain reasonable amenity values for occupants.
- 8.2.10.2** Require all new and altered buildings containing an Activity Sensitive to Aircraft Noise (ASAN) located within the Queenstown Airport Air Noise Boundary or Outer Control Boundary to be designed and built to achieve an internal design sound level of 40 dB Ldn.

8.3 Other Provisions and Rules

8.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1	Introduction	2	Definitions	3	Strategic Direction
4	Urban Development	5	Tangata Whenua	6	Landscapes and Rural Character
25	Earthworks	26	Historic Heritage	27	Subdivision
28	Natural Hazards	29	Transport	30	Energy and Utilities
31	Signs	32	Protected Trees	33	Indigenous Vegetation
34	Wilding Exotic Trees	35	Temporary Activities and Relocated Buildings	36	Noise
37	Designations		Planning Maps		

8.3.2 Interpreting and Applying the Rules

- 8.3.2.1** A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules, otherwise a resource consent will be required.
- 8.3.2.2** Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the Non-Compliance Status column shall apply.
- 8.3.2.3** Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.
- 8.3.2.4** Additional activities are provided for in the Wanaka Town Centre Transition Overlay and apply in addition to the other activities provided for throughout the zone. In the event of any inconsistency arising, the more specific Wanaka Town Centre Transitional Overlay rules shall prevail.
- 8.3.2.5** Proposals for development resulting in more than one (1) residential unit per site shall demonstrate that each residential unit is fully contained within the identified net area for each unit.
- 8.3.2.6** Each residential unit may include a single residential flat and any other accessory buildings.
- 8.3.2.7** The following abbreviations are used within this Chapter.

P	Permitted	C	Controlled	RD	Restricted Discretionary
D	Discretionary	NC	Non-Complying	PR	Prohibited

8.4

Rules - Activities

Table 1	Activities located in the Medium Density Residential Zone	Activity Status
8.4.1	Commercial activities in the Wanaka Town Centre Transition Overlay	P
8.4.2	Community activities in the Wanaka Town Centre Transition Overlay	P
8.4.3	Home occupations	P
8.4.4	Informal airports for emergency landings, rescues and fire fighting	P
8.4.5	<p>In the Wanaka Town Centre Transition Overlay, Licenced Premises for the consumption of alcohol on the premises between the hours of 8am and 11pm, and also to:</p> <ol style="list-style-type: none"> any person who is residing (permanently or temporarily) on the premises; any person who is present on the premises for the purpose of dining up until 12am. 	P
8.4.6	<p>Residential Unit</p> <p>8.4.6.1 One (1) per site in Arrowtown (see Rule 8.4.10.1).</p> <p>8.4.6.2 For all locations outside of Arrowtown, three (3) or less per site.</p> <p>Note : Additional rates and development contributions may apply for multiple units located on one site.</p>	P
8.4.7		
8.4.8	<p>Buildings in the Wanaka Town Centre Transition Overlay</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> external design and appearance including the achievement of a development that is compatible with the town centre transitional context, integrating any relevant views or view shafts; the external appearance of buildings, including that the use of stone, schist, plaster or natural timber be encouraged; privacy for occupants of the subject site and neighbouring sites; street activation; where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ol style="list-style-type: none"> the nature and degree of risk the hazard(s) pose to people and property; whether the proposal will alter the risk to any site; and the extent to which such risk can be avoided or sufficiently mitigated. 	P

Table 1	Activities located in the Medium Density Residential Zone	Activity Status
<p>8.4.9</p>	<p>Commercial Activities in Queenstown, Frankton or Wanaka: 100m² or less gross floor area</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> a. benefits of the commercial activity in servicing the day-to-day needs of local residents; b. hours of operation; c. parking, traffic and access; d. noise; e. design, scale and appearance; f. where a site is subject to any natural hazard and the proposal results in an increase in gross floor area; <ul style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated. 	<p>RD</p>

Table 1	Activities located in the Medium Density Residential Zone	Activity Status
8.4.10	<p>Residential Unit</p> <p>8.4.10.1 One (1) or more per site within the Arrowtown Historic Management Transition Overlay Area.</p> <p>8.4.10.2 Two (2) or more per site in Arrowtown.</p> <p>8.4.10.3 For all locations outside of Arrowtown, four (4) or more per site.</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> location, external appearance, site layout and design of buildings and fences and how the development addresses its context to contribute positively to the character of the area; building dominance relative to neighbouring properties and public spaces including roads; how the design advances housing diversity and promotes sustainability either through construction methods, design or function; privacy for occupants of the subject site and neighbouring sites; in Arrowtown, consistency with Arrowtown's character, utilising the Arrowtown Design Guidelines 2016 as a guide; street activation; parking and access layout: safety, efficiency and impacts on on-street parking and neighbours; design and integration of landscaping; for land fronting State Highway 6 between Hansen Road and the Shotover River: <ol style="list-style-type: none"> safe and effective functioning of the State Highway network; integration with other access points through the zone to link up to Hansen Road, the Hawthorne Drive/State Highway 6 roundabout and/or Ferry Hill Drive; and integration with pedestrian and cycling networks, including to those across the State Highway. where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ol style="list-style-type: none"> the nature and degree of risk the hazard(s) pose to people and property; whether the proposal will alter the risk to any site; and the extent to which such risk can be avoided or sufficiently mitigated. 	RD
8.4.11		
8.4.12	Commercial recreation	D
8.4.13	Commercial activities	D
8.4.14	Retirement villages	D
8.4.15	Activities which are not listed in this table	NC
8.4.16	Commercial Activities greater than 100m² gross floor area	NC
8.4.17		
8.4.18	Airports not otherwise defined	PR

Table 1	Activities located in the Medium Density Residential Zone	Activity Status
8.4.19	Bulk material storage	PR
8.4.20	Factory farming	PR
8.4.21	Fish or meat processing	PR
8.4.22	Forestry	PR
8.4.23	Manufacturing and/or product assembling activities	PR
8.4.24	Mining	PR
8.4.25	Panel beating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motor body building	PR
8.4.26	Any activity requiring an Offensive Trade Licence under the Health Act 1956	PR

8.5

Rules - Standards

	Standards for activities located in the Medium Density Residential Zone	Non-compliance status
<p>8.5.1</p>	<p>Building Height (for flat and sloping sites)</p> <p>8.5.1.1 Wanaka and Arrowtown: A maximum of 7 metres.</p> <p>8.5.1.2 All other locations: A maximum of 8 metres.</p>	NC
<p>8.5.2</p>	<p>Sound insulation and mechanical ventilation</p> <p>Any residential buildings, or buildings containing an activity sensitive to road noise, and located within 80m of a State Highway shall be designed to achieve an Indoor Design Sound Level of 40Db LAeq24h.</p> <p>Compliance with this rule can be demonstrated by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level.</p>	NC
<p>8.5.3</p>	<p>Development on land north of State Highway 6 between Hansen Road and Ferry Hill Drive shall provide the following:</p> <p>8.5.3.1 Transport, parking and access design that:</p> <ol style="list-style-type: none"> a. ensures connections to the State Highway network are only via Hansen Road, the Hawthorne Drive/State Highway 6 Roundabout, and/or Ferry Hill Drive; b. there is no new vehicular access to the State Highway Network. <p>8.5.3.2 Where a site adjoins State Highway 6, landscaping planting buffer fronting State Highway 6 as follows:</p> <ol style="list-style-type: none"> a. Ribbonwood (<i>Plagianthus regius</i>); b. <i>Corokia cotoneaster</i>; c. <i>Pittosporum tenuifolium</i>; d. <i>Grisilinea</i>; e. <i>Coprosma propinqua</i>; f. <i>Olearia dartonii</i>. <p>Once planted these plants are to be maintained in perpetuity.</p>	NC

	Standards for activities located in the Medium Density Residential Zone	Non-compliance status
<p>8.5.4</p>	<p>Building Coverage A maximum of 45%.</p>	<p>RD</p> <p>Discretion is restricted to the following:</p> <ol style="list-style-type: none"> a. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties; b. external amenity values for future occupants of buildings on the site; c. effects on views, sunlight and shading on adjacent properties; d. parking and access layout: safety, efficiency and impacts on on-street parking and neighbours; e. in Arrowtown, consistency with Arrowtown's character, as described within the Arrowtown Design Guidelines 2016.
<p>8.5.5</p>	<p>Density The maximum site density shall be one residential unit per 250m² net site area.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties; b. internal and external amenity values for future occupants of buildings on the site; c. privacy for occupants of the subject site and neighbouring sites, including cumulative privacy effects resulting from several household units enabling overlooking of another unit or units; d. parking and access layout: safety, efficiency and impacts on on-street parking and neighbours; e. noise; f. servicing including waste storage and collection; g. in Arrowtown, consistency with Arrowtown's character, as described within the Arrowtown Design Guidelines 2016.

Standards for activities located in the Medium Density Residential Zone	Non-compliance status
<p>8.5.6</p> <p>Recession planes:</p> <p>a. On flat sites applicable to all buildings;</p> <p>b. On sloping sites only applicable to accessory buildings.</p> <p>8.5.6.1 Northern boundary: 2.5m and 55 degrees.</p> <p>8.5.6.2 Western and eastern boundaries: 2.5m and 45 degrees.</p> <p>8.5.6.3 Southern boundaries: 2.5m and 35 degrees.</p> <p>8.5.6.4 Gable end roofs may penetrate the building recession plane by no more than one third of the gable height.</p> <p>8.5.6.5 Recession planes do not apply to site boundaries adjoining a Town Centre Zone, fronting the road, or a park or reserve.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants;</p> <p>b. effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan);</p> <p>c. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties;</p> <p>d. in Arrowtown, consistency with Arrowtown's character, as described within the Arrowtown Design Guidelines 2016.</p>
<p>8.5.7</p> <p>Landscaped permeable surface</p> <p>At least 25% of site area shall comprise landscaped permeable surface.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. stormwater related effects including flooding and water nuisance;</p> <p>b. visual amenity and the mitigation of the visual effects of buildings and any vehicle parking areas, particularly in relation to any streets or public spaces;</p> <p>c. in Arrowtown, consistency with Arrowtown's character, as described within the Arrowtown Design Guidelines 2016.</p>

	Standards for activities located in the Medium Density Residential Zone	Non-compliance status
<p>8.5.8</p>	<p>Minimum Boundary Setback</p> <ul style="list-style-type: none"> a. road boundary setback: 3m minimum, except for: <ul style="list-style-type: none"> i. State Highway boundaries, where the setback shall be 4.5m minimum; ii. garages, where the setback shall be 4.5m minimum; b. all other boundaries: 1.5m. <p>Exceptions to setback requirements other than any road boundary setback.</p> <p>Accessory buildings for residential activities may be located within the setback distances, where they do not exceed 7.5m in length, there are no windows or openings (other than for carports) along any walls within 1.5m of an internal boundary, and they comply with rules for Building Height and Recession Plane.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties; b. streetscape character and amenity; c. any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants; d. effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan); e. parking and access layout: safety, efficiency and impacts on on-street parking and neighbours; f. in Arrowtown, consistency with Arrowtown's character, as described within the Arrowtown Design Guidelines 2016.
<p>8.5.9</p>	<p>Building Length</p> <p>The length of any building facade above the ground floor level shall not exceed 24m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties; b. in Arrowtown, consistency with Arrowtown's character, as described within the Arrowtown Design Guidelines 2016.
<p>8.5.10</p>	<p>Waste and Recycling Storage Space</p> <p>8.5.10.1 Residential activities shall provide, as a minimum, space for a 120 litre residential wheelle bin and 240 litres recycling wheelle bin per residential unit.</p> <p>8.5.10.2 All developments shall suitably screen waste and recycling storage space from neighbours, a road or public space, in keeping with the building development or provide space within the development that can be easily accessed by waste and recycling collections.</p>	<p>NC</p>

	Standards for activities located in the Medium Density Residential Zone	Non-compliance status
8.5.11	<p>Glare</p> <p>8.5.11.1 All exterior lighting shall be directed downward and away from the adjacent sites and roads.</p> <p>8.5.11.2 No activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.</p>	NC
8.5.12	<p>Setback of buildings from water bodies</p> <p>The minimum setback of any building from the bed of a river, lake or wetland shall be 7m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. indigenous biodiversity values; b. visual amenity values; c. landscape character; d. open space and the interaction of the development with the water body; e. environmental protection measures (including landscaping and stormwater management); f. whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the location of the building.
8.5.13	<p>Setbacks from electricity transmission infrastructure</p> <p>National Grid Sensitive Activities are located outside of the National Grid Yard.</p>	NC
8.5.14	<p>Garages</p> <p>Garage doors and their supporting structures (measured parallel to the road) shall not exceed 50% of the width of the front elevation of the building which is visible from the street.</p>	D
8.5.15	<p>Home Occupation</p> <p>8.5.15.1 No more than 1 full time equivalent person from outside the household shall be employed in the home occupation activity.</p> <p>8.5.15.2 The maximum number of two-way vehicle trips shall be:</p> <ul style="list-style-type: none"> a. heavy vehicles: none permitted; b. other vehicles: 10 per day. <p>8.5.15.3 Maximum net floor area of 60m².</p> <p>8.5.15.4 Activities and storage of materials shall be indoors.</p>	D

	Standards for activities located in the Medium Density Residential Zone	Non-compliance status
8.5.16	Building Restriction Area	NC
	No building shall be located within a building restriction area as identified on the District Plan Maps.	
8.5.17		
8.5.18		

8.6 Rules - Non-Notification of Applications

8.6.1 The following Restricted Discretionary activities shall not require the written approval of affected persons and shall not be notified or limited notified except where vehicle crossing or right of way access on or off a State Highway is sought.

8.6.1.1 Residential units which comply with Rule 8.4.10 and all of the standards in Rule 8.5.

Appendix 3: Chapter 9 – High Density Residential Zone, as Recommended

9 HIGH DENSITY RESIDENTIAL

9.1 Zone Purpose

The High Density Residential Zone provides for efficient use of land with in close proximity to town centres that is easily accessible by public transport, cycle and walk ways. In conjunction with the Medium Density Residential Zone, the zone plays a key planning role in minimising urban sprawl and consolidating growth in existing urban areas.

In Queenstown, the High Density Residential zone enables taller buildings than in the other residential zones, subject to high design quality. In Wanaka, lower building heights are anticipated, accounting for its distinctive urban character, however relatively high densities are still achievable. Such development will result in a greater diversity of housing supply, help support the function and vibrancy of town centres, and reduce reliance on private transport. Over time, low-rise apartments and terraced housing are envisaged to become commonplace within the zone.

Development in the zone will facilitate effective non-vehicular connections and access to high quality public open space.

Development controls provide minimum protections for existing amenity values, and are otherwise prioritised towards enabling the community's wellbeing by promoting growth and development. Given the focus on intensification, moderate to substantial change is anticipated including to both public and private views as the character of land within the zone develops into one that is characteristically urban.

Small scale commercial activities are enabled, either to support larger residential developments, or to provide low impact local services.

Small scale community facilities are anticipated, given the need for community activities within residential areas. However, large scale community facilities are not anticipated as this will reduce the effectiveness of the zone at its primary purpose of accommodating housing.

9.2 Objectives and Policies

9.2.1 Objective – High density housing development occurs in urban areas close to town centres, to provide greater housing diversity and respond to expected population growth.

Policies	9.2.1.1 Provide sufficient high density zoned land that enables diverse housing supply and visitor accommodation close to town centres.
	9.2.1.2 Promote high density development close to town centres to reduce private vehicle movements, maximise walking, cycling and public transport patronage and reduce the need for capital expenditure on infrastructure.

9.2.2

Objective - High density residential development provides a positive contribution to the environment through quality urban design.

Policies

9.2.2.1 Require that development within the zone responds to its context, with a particular emphasis on the following essential built form outcomes:

- a. achieving high levels of visual interest and avoiding blank or unarticulated walls or facades;
- b. achieving well-overlooked, activated streets and public open spaces, including by not visually or spatially dominating street edges with garaging, parking or access ways;
- c. achieving a variation and modulation in building mass, including roof forms;
- d. use landscaped areas to add to the visual amenity values of the development for on-site residents or visitors, neighbours, and the wider public.

9.2.2.2

Support greater building height where development is designed to achieve an exemplary standard of quality, including its environmental sustainability.

9.2.3

Objective – High density residential development maintains a minimum of existing amenity values for neighbouring sites as part of positively contributing to the urban amenity values sought within the zone.

Policies

9.2.3.1

Apply recession plane, building height, yard setback and site coverage controls as the primary means of ensuring a minimum level of neighbours' outlook, sunshine and light access, and privacy will be maintained, while acknowledging that through an application for land use consent an outcome superior to that likely to result from strict compliance with the controls may well be identified.

9.2.3.2

Ensure the amenity values of neighbours are adequately maintained.

9.2.3.3

Ensure built form achieves privacy for occupants of the subject site and neighbouring residential sites and units, including through the use of building setbacks, offsetting habitable windows from one another, screening, or other means.

9.2.4

Objective – Small-scale community activities are provided for where they are best located in a residential environment close to residents.

Policies

9.2.4.1

Enable the establishment of small-scale community activities where adverse effects on residential amenity values such as noise, traffic and visual impact can be avoided or mitigated.

9.2.5

Objective – Commercial development is small-scale and generates minimal amenity value impacts.

Policies

- 9.2.5.1** Ensure that any commercial development is of low scale and intensity, and does not undermine the local transport network or availability of on-street vehicle parking for non-commercial use.
- 9.2.5.2** Ensure that any commercial development is of a design, scale and appearance compatible with its surrounding context.

9.2.6

Objective - High density residential development will efficiently utilise existing infrastructure and minimise impacts on infrastructure and transport networks.

Policies

- 9.2.6.1** Require development to provide or enhance connections to public places and active transport networks (walkways, trails and cycleways) where appropriate.
- 9.2.6.2** Require development to provide facilities to encourage walking and cycling where appropriate.
- 9.2.6.3** Ensure access and parking is located and designed to optimise the connectivity, efficiency and safety of the district's transport networks, including the consideration of a reduction in required car parking where it can be demonstrated that this is appropriate.
- 9.2.6.4** Require the site layout and design of development provides low impact approaches to stormwater management through providing permeable surface areas on site and the use of a variety of stormwater management measures.
- 9.2.6.5** A reduction in parking requirements may be considered in Queenstown and Wanaka where a site is located within 800m of a bus stop or the edge of a Town Centre Zone.

9.2.7

Objective – Manage the development of land within noise affected environments to ensure mitigation of noise and reverse sensitivity effects.

Policies

- 9.2.7.1** Require as necessary all new and altered buildings for Activities Sensitive to Road Noise located close to any State Highway to be designed to provide protection from sleep disturbance and to otherwise maintain reasonable amenity values for occupants.

9.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1	Introduction	2	Definitions	3	Strategic Direction
4	Urban Development	5	Tangata Whenua	6	Landscapes and Rural Character
25	<i>Earthworks</i>	26	Historic Heritage	27	Subdivision
28	Natural Hazards	29	<i>Transport</i>	30	Energy and Utilities
31	<i>Signs</i>	32	Protected Trees	33	Indigenous Vegetation
34	Wilding Exotic Trees	35	Temporary Activities and Relocated Buildings	36	Noise
37	Designations		Planning Maps		

9.3.2 Interpreting and Applying the Rules

- 9.3.2.1** A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules, otherwise a resource consent will be required.
- 9.3.2.2** Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the 'Non-Compliance Status' column shall apply.
- 9.3.2.3** Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.
- 9.3.2.4** Each residential unit may include a single residential flat and any other accessory buildings.
- 9.3.2.5** The following abbreviations are used within this Chapter.

P	Permitted	C	Controlled	RD	Restricted Discretionary
D	Discretionary	NC	Non-Complying	PR	Prohibited

9.4 Rules - Activities

Activities located in the High Density Residential Zone		Activity Status
9.4.1	Commercial activities comprising no more than 100m² of gross floor area	P
9.4.2	Home occupation	P
9.4.3	Residential Unit comprising three (3) or less per site	P
9.4.4		
9.4.5	<p>Residential Unit comprising four (4) or more per site</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> location, external appearance, site layout and design of buildings and fences and how the development addresses its context to contribute positively to the character of the area; building dominance and sunlight access relative to neighbouring properties and public spaces including roads; how the design advances housing diversity and promotes sustainability either through construction methods, design or function; privacy for occupants of the subject site and neighbouring sites; street activation; parking and access layout: safety, efficiency and impacts on on-street parking and neighbours; design and integration of landscaping; where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ol style="list-style-type: none"> the nature and degree of risk the hazard(s) pose to people and property; whether the proposal will alter the risk to any site; and the extent to which such risk can be avoided or sufficiently mitigated. 	RD
9.4.6		
9.4.7	Commercial recreation	D
9.4.8	Community activities	D
9.4.9	Retirement village	D
9.4.10	Activities which are not listed in this table	NC
9.4.11	Commercial Activities not otherwise identified	NC
9.4.12	Panel beating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motor body building.	PR
9.4.13	Manufacturing and/or product assembling activities	PR

	Activities located in the High Density Residential Zone	Activity Status
9.4.14	Mining	PR
9.4.15	Factory Farming	PR
9.4.16	Fish or meat processing	PR
9.4.17	Forestry	PR
9.4.18	Any activity requiring an Offensive Trade Licence under the Health Act 1956	PR
9.4.19	Airports other than the use of land and water for emergency landings, rescues and fire fighting	PR
9.4.20	Bulk material storage	PR

	Standards for activities located in the High Density Residential Zone	Non- compliance Status
9.5.1	Building Height – Flat Sites in Queenstown	RD
	9.5.1.1 A height of 12 metres except where specified in Rules 9.5.1.2, 9.5.1.3 or 9.5.1.4.	Discretion is restricted to:
		a. building design and appearance, including roof form articulation and the avoidance of large, monolithic building forms;
		b. building dominance and sunlight access relative to neighbouring properties and public spaces including roads;
		c. how the design advances housing diversity and promotes sustainability either through construction methods, design or function;
		d. privacy for occupants of the subject site and neighbouring sites;
		e. effects on significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan);
		f. the positive effects of enabling additional development intensity within close proximity to town centres.
	9.5.1.2 In the High Density Residential Zone immediately west of the Kawarau Falls Bridge the maximum building height shall be 10m provided that in addition no building shall protrude above a horizontal line orientated due north commencing 7m above any given point along the required boundary setbacks at the southern zone boundary.	D
	9.5.1.3 Within the area specified on the planning maps on the south side of Frankton Road (SH6A), the highest point of any building shall not exceed the height above sea level of the nearest point of the road carriageway centreline.	D
	9.5.1.4 Maximum building height of 15m.	D

9.5.2	Standards for activities located in the High Density Residential Zone	Non- compliance Status
<p>Building Height – Flat Sites in Wanaka</p> <p>9.5.2.1 A height of 8m except where specified in Rule 9.5.2.2.</p>	<p>9.5.2.2 Maximum building height of 10m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. building design and appearance, including roof form articulation and the avoidance of large, monolithic building forms; b. building dominance and sunlight access relative to neighbouring properties and public spaces including roads; c. how the design advances housing diversity and promotes sustainability either through construction methods, design or function; d. privacy for occupants of the subject site and neighbouring sites; e. effects on significant public views, in particular from Lismore Park (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan); f. the positive effects of enabling additional development intensity within close proximity to town centres. <p>D</p>

	Standards for activities located in the High Density Residential Zone	Non-compliance Status
9.5.3	<p>Building Height – Sloping sites in Queenstown and Wanaka</p> <p>9.5.3.1 A height of 7m, except as specified in Rules 9.5.3.2, 9.5.3.3 and 9.5.3.4</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> building design and appearance, including roof form articulation and the avoidance of large, monolithic building forms; building dominance and sunlight access relative to neighbouring properties and public spaces including roads; how the design advances housing diversity and promotes sustainability either through construction methods, design or function; how the design responds to the sloping landform so as to integrate with it; privacy for occupants of the subject site and neighbouring sites; effects on significant public views, in particular from Lismore Park (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan); the positive effects of enabling additional development intensity within close proximity to town centres.
	<p>9.5.3.2 Immediately west of the Kawarau Falls Bridge the maximum building height shall be 10m provided that in addition no building shall protrude above a horizontal line orientated due north commencing 7m above any given point along the required boundary setbacks at the southern zone boundary.</p>	D
	<p>9.5.3.3 Within the area specified on the planning maps on the south side of Frankton Road (SH6A), the highest point of any building shall not exceed the height above sea level of the nearest point of the road carriageway centreline.</p>	D
	<p>9.5.3.4 Maximum building height of 10m.</p>	D
9.5.4	<p>Building Coverage</p> <p>A maximum of 70% site coverage.</p> <p>Exclusions:</p> <ol style="list-style-type: none"> building coverage does not include any veranda over public space and does not apply to underground structures, which are not visible from ground level and which are landscaped to appear as recreational or planted (including grassed) areas. 	NC

	Standards for activities located in the High Density Residential Zone	Non-compliance Status
9.5.5	<p>Recession plane (applicable to all buildings, including accessory buildings)</p> <p>9.5.5.1 For Flat Sites from 2.5 metres above ground level a 45 degree recession plane applies to all boundaries, other than the northern boundary of the site where a 55 degree recession plane applies.</p> <p>9.5.5.2 No recession plane for sloping sites</p> <p>Exclusions:</p> <ul style="list-style-type: none"> a. gable end roofs may penetrate the building recession plane by no more than one third of the gable height; b. recession planes do not apply to site boundaries adjoining a Town Centre Zone fronting a road, or adjoining a park or reserve. 	<p>RD – for boundaries where the High Density Residential zone applies on each side of the boundary.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants; b. effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan); c. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties. <p>NC – for boundaries where there is a change of zone other than as specified in the exclusions.</p>
9.5.6	<p>Landscaped permeable surface coverage</p> <p>At least 20% of site area shall comprise landscaped (permeable) surface.</p>	NC
9.5.7	<p>Building Length</p> <p>The length of any building facade above the ground floor level shall not exceed 30m.</p>	RD Discretion is restricted to the following: a. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties.
9.5.8	<p>Minimum Boundary Setbacks</p> <p>9.5.8.1 All boundaries 2 metres except for State Highway road boundaries where the minimum setback shall be 4.5m.</p> <p>9.5.8.2 Garages shall be at least 4.5m back from a road boundary.</p> <p>Exceptions to setback requirements other than any road boundary setbacks: Accessory buildings for residential activities may be located within the setback distances, where they do not exceed 7.5m in length, there are no windows or openings (other than for carports) along any walls within 1.5m of an internal boundary, and comply with rules for Building Height and Recession Plane.</p>	RD Discretion is restricted to: a. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties; b. streetscape character and amenity; c. any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants; d. effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan).

	Standards for activities located in the High Density Residential Zone	Non-compliance Status
9.5.9	<p>Waste and Recycling Storage Space</p> <p>9.5.9.1 Residential activities of three units or less shall provide, as a minimum, space for a 120 litre residential wheelite bin and 240 litres recycling wheelite bin per unit.</p> <p>9.5.9.2 All developments shall screen waste and recycling storage space from neighbours, a road or public place, in keeping with the building development or, provide space within the development that can be easily accessed by waste and recycling collections.</p>	NC
9.5.10	<p>Glare</p> <p>9.5.10.1 All exterior lighting shall be directed downward and away from the adjacent sites and roads.</p> <p>9.5.10.2 No activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.</p>	NC
9.5.11	<p>Sound Insulation and Mechanical Ventilation</p> <p>For buildings located within 80m of a State Highway.</p> <p>Any residential buildings, or buildings containing an Activity Sensitive to Road Noise, and located within 80m of a State Highway shall be designed to achieve an Indoor Design Sound Level of 40dB LAeq24h.</p> <p>Compliance with this rule can be demonstrated by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the internal design sound level.</p>	NC
9.5.12	<p>Building Restriction Area</p> <p>No building shall be located within a building restriction area as identified on the District Plan Maps.</p>	NC
9.5.13	<p>Flood Risk</p> <p>The construction or relocation of buildings with a gross floor area greater than 20m² and having a ground floor level less than:</p> <p>9.5.13.1 RL 312.0 masl at Queenstown and Frankton.</p> <p>9.5.13.2 RL 281.9 masl at Wanaka.</p>	PR
9.5.12		
9.5.13		

9.6 Rules - Non-Notification of Applications

9.6.1 The following Restricted Discretionary activities shall not require the written approval of affected persons and shall not be notified or limited notified except where vehicle crossing or right of way access on or off a State Highway is sought:

9.6.2.1 Residential development involving the development of 4 or more residential units where the standards in Rule 9.5 are complied with.

9.6.2 The following Restricted Discretionary activities will not be publicly notified but notice will be served on those persons considered to be adversely affected if those persons have not given their written approval:

9.6.2.1 Restricted Discretionary building height and recession plane contraventions.

9.6.2.2 Boundary setback contraventions of up to 0.6m into the required setback depth of the yard (for unlimited length of the boundary).

Appendix 4: Chapter 10 – Arrowtown Residential Historic Management Zone, as Recommended

10 ARROWTOWN RESIDENTIAL HISTORIC MANAGEMENT ZONE

10.1 Zone Purpose

This zone covers the older part of the residential settlement of Arrowtown. The area has a distinctive character and atmosphere which has evolved from the development pattern set at the time of early gold mining in the District.

The purpose of this zone is to allow for the continued sensitive development of the historic area of residential Arrowtown in a way that will protect and enhance those characteristics that make it a valuable part of the town for local residents and for visitors attracted to the town by its historic associations and unique character.

In particular the zone seeks to retain the early subdivision pattern and streetscape, and ensure future development is of a scale and design sympathetic to the present character.

Unlike other residential zones, infill housing is not anticipated. However, as with the remainder of the District's residential zones, Residential Flats are provided for as a fundamental part of a standard residential unit to increase the diversity of residential accommodation in the zone as well as recognise the diverse household types and preferences within the District.

The Town Centre Transition Overlay provides for limited expansion of commercial activities in an identified location adjoining the town centre. Any modifications to existing buildings or properties are expected to retain the historical character and qualities of the Old Town Residential Area.

10.2 Objectives and Policies

10.2.1 Objective – Development retains or enhances the historic character and amenity values of the zone, which is characterised by larger sites, low scale and single storey buildings, the presence of trees and vegetation and limited hard paving.

Policies

- 10.2.1.1** Apply development controls around building location, scale and appearance, and landscaped areas, to ensure the special character of the area is retained or enhanced.
- 10.2.1.2** Encourage buildings to be located and designed in a manner that complements the character of the area guided by the Arrowtown Design Guidelines 2016.
- 10.2.1.3** Control the subdivision of land and regulate density to ensure the character resulting from the existing large lot sizes and historical subdivision pattern is retained.
- 10.2.1.4** Ensure that any commercial and non-residential activities, including restaurants, maintain or enhance the amenity, quality and character of the zone and surrounding area.
- 10.2.1.5** Avoid non-residential activities that would undermine the amenity of the zone or the vitality of Arrowtown's commercial zone.

10.2.2 Objective - Community activities that are best suited to a location within a residential environment close to residents are provided for.

Policies

- 10.2.2.1** Enable the establishment of small scale community activities where adverse effects on the character and amenity values of the area in terms of noise, traffic and visual impact can be avoided or mitigated.

10.2.3 Objective - Development efficiently utilises existing infrastructure and otherwise minimises impacts on infrastructure and road networks.

Policies

- 10.2.3.1** Ensure vehicle access and parking is located and designed to optimise efficiency and safety, and designed in sympathy with the character of the area.
- 10.2.3.2** Encourage low impact approaches to stormwater management.

10.2.4 Objective - The Arrowtown Town Centre Transition Overlay provides for non-residential activities that provide local employment and commercial services to support the role of the Town Centre Zone.

Policies

- 10.2.4.1** Provide for commercial activities that are compatible with the established residential scale, character and historical pattern of development within the Arrowtown Town Centre Transition Overlay.
- 10.2.4.2** Limit retailing in the Town Centre Transition Overlay to ensure that the Town Centre Zone remains the principal focus for Arrowtown's retail activities.

10.3.1 District Wide Rules

Attention is drawn to the following District Wide chapters.

1	Introduction	2	Definitions	3	Strategic Direction
4	Urban Development	5	Tangata Whenua	6	Landscapes and Rural Character
25	Earthworks	26	Historic Heritage	27	Subdivision
28	Natural Hazards	29	Transport	30	Energy and Utilities
31	Signs	32	Protected Trees	33	Indigenous Vegetation
34	Wilding Exotic Trees	35	Temporary Activities and Relocated Buildings	36	Noise
37	Designations		Planning Maps		

10.3.2 Interpreting and Applying the Rules

- 10.3.2.1** A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules, otherwise a resource consent will be required.
- 10.3.2.2** Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the 'Non-Compliance Status' column shall apply.
- 10.3.2.3** Where an activity breaches more than one Standard, the most restrictive status shall apply to the activity.
- 10.3.2.4** Each residential unit may include a single residential flat and any other accessory buildings.
- 10.3.2.5** The following abbreviations are used within this Chapter.

P	Permitted	C	Controlled	RD	Restricted Discretionary
D	Discretionary	NC	Non-Complying	PR	Prohibited

10.4

Rules - Activities

Table 1	Activities located in the Arrowtown Residential Historic Management Zone	Activity Status
10.4.1	Home occupation	P
10.4.2	Minor Alterations and Additions to a Building	P
10.4.3	Recreational Activity	P
10.4.4	Residential Unit Note: Refer to Rule 10.4.6 for construction of new, and alterations and additions to existing, buildings.	P
10.4.5		
10.4.6	The Construction or external alteration of any buildings This rule does not apply to Minor Alterations and Additions to a Building provided for by Rule 10.4.2. Discretion is restricted to the following with the Arrowtown Design Guidelines 2016 being the principal tool to be used in considering the merit of proposals (within the restrictions of discretion): a. how new or altered buildings make a positive contribution to the heritage character of the zone; b. building form, appearance, scale and layout including the height to the eaves, ridge, roof shape and pitch; c. exterior materials and colour; d. landscaping and fencing; e. where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated. The following additional restriction of discretion also applies within the Arrowtown Town Centre Transition Overlay: a. retention and enhancement of pedestrian linkages between Buckingham Street and Romans Lane.	RD
10.4.7		
10.4.8	Community activities	D
10.4.9	Any Activity not listed in Table 1	NC
10.4.10	Commercial activities	NC
10.4.11		
10.4.12	Panel beating , spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motor body building.	PR

Table 2	Activities within the Arrowtown Town Centre Transition Overlay Additional to or in Place of those in Table 1		Activity Status
10.4.13	Commercial activities (except where specified for retail activities)		P
10.4.14	Community Activities		P
10.4.15	<p>Licensed Premises</p> <p>Premises licensed for the consumption of alcohol on the premises between the hours of 8am and 11pm.</p>		P
10.4.16	<p>Licensed Premises</p> <p>Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor:</p> <ol style="list-style-type: none"> a. to any person who is residing (permanently or temporarily) on the premises; b. to any person who is present on the premises for the purpose of dining up until 12am. <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. the scale of the activity; b. car parking and traffic generation; c. effects on amenity values; d. noise; e. hours of operation; f. where a site is subject to any natural hazard and the proposal results in an increase in gross floor area; <ol style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated. 		RD
10.4.17	<p>Retail Activities</p> <p>Retailing restricted to goods manufactured on site and ancillary products, and comprising no more than 10% of the gross floor area</p>		D
10.4.18	Any Activity not listed in either Table 1 and Table 2		NC

10.5

Rules - Standards for Activities

Table 3	Standards for Activities: Arrowtown Residential Historic Management Zone	Non-compliance Status
10.5.1	<p>Building Height A maximum height limit of 5 metres.</p>	NC
10.5.2	<p>Density Not more than one Residential Unit per 650 square metres of net site area.</p>	NC
10.5.3	<p>Building Coverage The maximum building coverage shall be 30% of the net site area.</p>	NC
10.5.4	<p>Combined Building Coverage and Impervious Surfaces The total area covered by building coverage and impervious surfaces on any site shall not exceed 35% of the net site area.</p>	NC
10.5.5	<p>Road Boundary Setbacks Where existing buildings (other than accessory buildings) are already located on the site - the shortest distance from the road boundary to the building (other than an accessory building) measured at right angles to the front boundary; or Where no existing buildings (other than accessory buildings) are located on the site the mean of the setback of any buildings (other than accessory buildings) located on the immediately adjoining lots or 6.0m, whichever is the greater.</p>	<p>RD</p> <p>Discretion is restricted to the following with the Arrowtown Design Guidelines 2016 being the principal tool to be used in considering the merit of proposals (within the matters of discretion):</p> <ol style="list-style-type: none"> streetscape character and amenity values, including the extent to which the building(s) sit compatibly with neighbours to the side and across the street; building dominance on neighbouring properties and the street; landscaping; parking and manoeuvring.

Table 3	Standards for Activities: Arrowtown Residential Historic Management Zone	Non-compliance Status
<p>10.5.6</p> <p>Side and Rear Boundary Setbacks</p> <p>10.5.6.1 Side and rear boundary setbacks: 3.0m.</p> <p>10.5.6.2 Exceptions to side and rear boundary setbacks:</p> <ul style="list-style-type: none"> a. accessory buildings for residential activities are permitted within the setback distance, providing they do not exceed 7.5m in length and comply with a recession plane of 2.5m vertical measured at the boundary, and a 35 degree plane inwards; b. gable end roofs may penetrate above the building recession plane by no more than one third of the gable height; c. recession planes do not apply to site boundaries fronting the street or a reserve. <p>Note: Refer to the recession planes interpretive diagram in Chapter 2 Definitions.</p>	<p>RD</p> <p>Discretion is restricted to the following with the Arrowtown Design Guidelines 2016 being the principal tool to be used in considering the merit of proposals (within the matters of discretion):</p> <ul style="list-style-type: none"> a. effects on open space, privacy sunlight access and amenity values of neighbouring properties; b. building dominance. 	
<p>10.5.7</p> <p>Glare</p> <ul style="list-style-type: none"> a. all exterior lighting shall be directed downward and away from the adjacent sites and roads; b. no activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site. 	<p>NC</p>	
<p>10.5.8</p> <p>Building Restriction Area</p> <p>No building shall be located within a building restriction area as identified on the District Plan Maps.</p>	<p>NC</p>	
<p>10.5.8</p>		
<p>10.5.9</p>		

Appendix 5: Chapter 11 – Large Lot Residential Zone, as Recommended

11 LARGE LOT RESIDENTIAL

11.1 Zone Purpose

The Large Lot Residential Zone provides low density living opportunities within defined Urban Growth Boundaries. The zone also serves as a buffer between higher density residential areas and rural areas that are located outside of Urban Growth Boundaries.

The zone generally provides for a density of one residence every 2000m² to provide for a more efficient development pattern to utilise the Council's water and wastewater services while maintaining opportunities for a variety of housing options, landscaping and open space. Identified areas have a residential density of one residence every 4000m² reflecting landscape or topographical constraints such as around Mt Iron in Wanaka.

The potential adverse effects of buildings are controlled by bulk and location, colour and lighting standards and in respect of the lower density (4,000m²) part of the zone, design and landscaping controls imposed at the time of subdivision.

Community activities and low intensity forms of visitor accommodation may be appropriate provided the low density development character, and amenity for residents is maintained and there is a demonstrated need to locate in the zone.

While development is anticipated in the zone, some areas are subject to natural hazards and, where applicable, it is anticipated that development will recognise and manage the risks of natural hazards at the time of subdivision.

11.2 Objectives and Policies

11.2.1 Objective - A high quality of residential amenity values are maintained within the Large Lot Residential Zone.

Policies

11.2.1.1 Maintain low density residential character and amenity through minimum allotment sizes that efficiently utilise the land resource and infrastructure (Area A), and require larger allotment sizes in those parts of the zone that are subject to significant landscape and/or topographical constraints (Area B).

11.2.1.2 Maintain and enhance residential character and high amenity values by controlling the colour, scale, location and height of buildings and in Area B require landscaping and vegetation controls.

11.2.1.3 Control lighting to avoid glare to other properties, roads, public places and views of the night sky.

11.2.1.4 Have regard to hazards and human safety, including fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision, development and any landscaping in Area B.

11.2.2 Objective - Predominant land uses are residential. Where appropriate, community and recreational activities also occur.

Policies

- 11.2.2.1** Provide for residential and home occupation as permitted activities, and recognise that depending on the location, scale and type, community activities may be compatible with and enhance the zone's amenity values.
- 11.2.2.2** Commercial or other non-residential activity located on the periphery of residential and township areas shall avoid undermining the integrity of the town centres, urban rural edge and where applicable, the Urban Growth Boundaries.
- 11.2.2.3** Ensure that any commercial and non-residential activities, including restaurants, maintain or enhance the amenity, quality and character of the zone.

11.3 Other Provisions and Rules

11.3.1 District Wide Rules

Attention is drawn to the following District Wide chapters.

1	Introduction	2	Definitions	3	Strategic Direction
4	Urban Development	5	Tangata Whenua	6	Landscapes and Rural Character
25	Earthworks	26	Historic Heritage	27	Subdivision
28	Natural Hazards	29	Transport	30	Energy and Utilities
31	Signs	32	Protected Trees	33	Indigenous Vegetation
34	Wilding Exotic Trees	35	Temporary Activities and Relocated Buildings	36	Noise
37	Designations		Planning Maps		

11.3.2 Interpreting and Applying the Rules

- 11.3.2.1** A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules, otherwise a resource consent will be required.
- 11.3.2.2** Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the 'Non-Compliance Status' column shall apply.

11.3.2.3 Where an activity breaches more than one Standard, the most restrictive status shall apply to the activity.

11.3.2.4 Each residential unit may include a single residential flat and any other accessory buildings.

11.3.2.5 The following abbreviations are used within this Chapter.

P	Permitted	C	Controlled	RD	Restricted
D	Discretionary	NC	Non-Complying	PR	Prohibited

11.4 Rules - Activities

Table 1	Activities located in the Large Lot Residential Zone	Activity Status
11.4.1	Residential Unit	P
11.4.2	Recreational Activity	P
11.4.3	Home occupation	P
11.4.4		
11.4.5		
11.4.6	Community activities	D
11.4.7	Commercial recreational activity	D
11.4.8	Any other activity not listed in Table 1	NC
11.4.9	Licensed Premises	NC
11.4.10		
11.4.11	Panel beating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motor body building.	PR

11.5

Rules - Standards for Activities

Standards for Activities		Non-compliance Status
11.5.1	<p>Building Height</p> <p>11.5.1.1 Except where limited by Rules 11.5.1.2 or 11.5.1.3 a maximum height limit of 8 metres.</p> <p>11.5.1.2 A maximum height of 7 metres:</p> <ul style="list-style-type: none"> a. on sites located between Beacon Point Road and the margins of Lake Wanaka; and b. on sites located between Studholme Road and Meadowstone Drive. <p>11.5.1.3 A maximum height of 5.5 metres above a floor level of 283 masl:</p> <ul style="list-style-type: none"> a. on the site(s) located at the northern end of Beacon Point Road (as identified on the District Plan maps). 	<p>NC</p> <p>NC</p> <p>NC</p>
11.5.2	<p>Building Coverage</p> <p>The maximum building coverage shall be 15% of the net site area.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the effect on openness and spaciousness; b. effects on views and outlook from neighbouring properties; c. visual dominance of buildings; d. landscaping.
11.5.3	<p>Setback from internal boundaries</p> <p>11.5.3.1 Large Lot Residential Area A: the minimum setback of any building from internal boundaries shall be 4 metres.</p> <p>11.5.3.2 Large Lot Residential Area B: the minimum setback of any building from internal boundaries shall be 6 metres.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the effect on openness and spaciousness; b. effects on privacy, views and outlook from neighbouring properties; c. visual dominance of buildings; d. landscaping.
11.5.4	<p>Setback from roads</p> <p>The minimum setback of any building from a road boundary shall be 10m.</p>	<p>NC</p>

Table 2	Standards for Activities	Non- compliance Status
<p>11.5.5</p>	<p>Setback of buildings from water bodies The minimum setback of any building from the bed of a river, lake or wetland shall be 20m.</p>	<p>RD Discretion is restricted to: a. any indigenous biodiversity values; b. visual amenity values; c. landscape character; d. open space including public access; e. whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the location of the building.</p>
<p>11.5.6</p>	<p>Building Length The length of any facade above the ground floor level shall not exceed 20m.</p>	<p>RD Discretion shall be restricted to: a. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties.</p>
<p>11.5.7</p>	<p>Home Occupation Home occupation activities shall comply with the following: 11.5.7.1 No more than 1 full time equivalent person from outside the household shall be employed in the home occupation activity. 11.5.7.2 The maximum number of vehicle trips shall be: a. heavy Vehicles: 2 per week; b. other vehicles: 10 per day. 11.5.7.3 Maximum net floor area of not more than 60m². 11.5.7.4 Activities and the storage of materials shall be indoors.</p>	<p>D</p>
<p>11.5.8</p>	<p>Glare a. all exterior lighting shall be directed downward and away from the adjacent sites and roads. b. no activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.</p>	<p>D</p>
<p>11.5.9</p>	<p>Residential Density 11.5.9.1 Large Lot Residential Area A: a maximum of one residential unit per 2000m² net site area. 11.5.9.2 Large Lot Residential Area B: a maximum of one residential unit per 4000m² net site area.</p>	<p>D</p>

Table 2	Standards for Activities	Non-compliance Status
<p>11.5.10</p>	<p>Building Materials and Colours For sites within Large Lot Residential Area B:</p> <ul style="list-style-type: none"> a. all exterior surfaces shall be coloured in the range of black, browns, greens or greys; b. pre-painted steel, and all roofs shall have a reflectance value not greater than 20%; c. surface finishes shall have a reflectance value of not greater than 30%. 	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. landscape and visual effects, including the extent to which the physical scale of the building(s) make a proposed building's materials and colours more or less visually prominent.
<p>11.5.11</p>	<p>Recession Plane The following applies to all sites with a net site area less than 4000m².</p> <p>11.5.11.1 Northern boundary: 2.5m and 55 degrees.</p> <p>11.5.11.2 Western and eastern boundaries: 2.5m and 45 degrees.</p> <p>11.5.11.3 Southern boundary: 2.5m and 35 degrees.</p> <p>Exemptions:</p> <ul style="list-style-type: none"> a. gable end roofs may penetrate the building recession plane by no more than one third of the gable height. b. recession planes do not apply to site boundaries fronting a road or a reserve. 	<p>NC</p>
<p>11.5.12</p>	<p>Building Restriction Area No building shall be located within a building restriction area as identified on the District Plan Maps.</p>	<p>NC</p>
<p>11.5.13</p>		
<p>11.5.14</p>		

Appendix 6: Recommendations on Submissions and Further Submissions

Part A: Submissions

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
7.2	Sue Knowles	Reject	General
7.3	Sue Knowles	Reject	32
9.1	Terry Drayron	Reject	25.5
9.2	Terry Drayron	Reject	General
9.5	Terry Drayron	Accept	General
15.1	John Blennerhassett	Accept	29.6
19.14	Kain Fround	Reject	General
19.20	Kain Fround	Accept	General
19.5	Kain Fround	Reject	General
19.6	Kain Fround	Reject	General
20.2	Aaron Cowie	Accept in part	General
22.10	Raymond Walsh	Accept	General
22.2	Raymond Walsh	Accept in part	General
22.3	Raymond Walsh	Accept in part	7
22.4	Raymond Walsh	Accept	12
22.5	Raymond Walsh	Accept	18
22.6	Raymond Walsh	Accept in part	20
22.7	Raymond Walsh	Accept	25
22.8	Raymond Walsh	Accept	30
22.9	Raymond Walsh	Reject	General
24.1	Hayden Tapper	Accept	12.14
24.2	Hayden Tapper	Accept in part	25.4
24.3	Hayden Tapper	Accept in part	25.4
24.5	Hayden Tapper	Accept	20
26.1	David Clarke	Accept in part	General
35.1	Keith Hubber Family Trust No 2	Accept in part	20
35.2	Keith Hubber Family Trust No 2	Accept	12.14
35.3	Keith Hubber Family Trust No 2	Accept in part	25.4
35.4	Keith Hubber Family Trust No 2	Accept in part	25.4
36.1	Malcolm, Anna McKellar, Stevenson	Accept in part	20
36.3	Malcolm, Anna McKellar, Stevenson	Accept	12.14
36.4	Malcolm, Anna McKellar, Stevenson	Accept in part	25.4
36.5	Malcolm, Anna McKellar, Stevenson	Accept in part	25.4
42.2	J, E & ML Russell & Stiassny	Reject	General
43.1	KE & HM, RD Hamlin, Liddell	Accept in part	20
43.2	KE & HM, RD Hamlin, Liddell	Accept	12.14
43.3	KE & HM, RD Hamlin, Liddell	Accept in part	25.4
43.4	KE & HM, RD Hamlin, Liddell	Accept in part	25.4
44.1	Valerie Parker	Reject	General

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
55.2	Willum Richards Consulting Ltd	Reject	13.4
58.1	Sue Wilson	Reject	26.2
60.1	Mike Hansen	Reject	25.7
60.2	Mike Hansen	Reject	25.6
60.3	Mike Hansen	Reject	25.3
61.3	Dato Tan Chin Nam	Accept	8
61.6	Dato Tan Chin Nam	Accept	26.4
61.7	Dato Tan Chin Nam	Accept in part	31
64.1	Trustees - Panorama Trust	Reject	27.3
64.2	Trustees - Panorama Trust	reject	32
67.1	Keith Syme	Reject	25.6
67.2	Keith Syme	Reject	25.7
67.3	Keith Syme	Reject	25.3
68.2	Nigel Sadlier	Accept in part	27.2
68.3	Nigel Sadlier	Reject	27.2
68.4	Nigel Sadlier	Reject	27.3
68.5	Nigel Sadlier	Reject	27.3
69.1	Terence Hetherington	Accept in part	General
72.1	Kelvin Peninsula Community Association	Accept in part	General
72.2	Kelvin Peninsula Community Association	Accept in part	25.3
73.2	Margaret Prescott	Accept in part	26.2
74.5	QLDC rates payer	N/A -	29.6
77.1	Angela Waghorn	Reject	32
78.4	Jennie Blennerhassett	N/A	29.6
83.2	A M Mavora MacKenzie	Reject	25.3
83.3	A M Mavora MacKenzie	Reject	25.6
83.4	A M Mavora MacKenzie	Reject	25.7
86.6	Jeff Aldridge	Accept in part	9
87.4	Shelley McMeeken	N/A	29.6
87.5	Shelley McMeeken	N/A	29.6
89.1	Emma Chisholm	Accept in part	25.5
92.1	Deborah Richards	Reject	13.4
97.6	Hurtell Proprietary Limited, Landeena Holdings Limited, Shellmint Proprietary Limited	Accept	26.4
110.12	Alan Cutler	Accept in part	General
110.5	Alan Cutler	Accept in part	12.2
110.6	Alan Cutler	Reject	25.3
110.7	Alan Cutler	Reject	12.11
110.8	Alan Cutler	Accept in part	25.2
117.10	Maggie Lawton	Reject	General
117.17	Maggie Lawton	Accept in part	29.4
117.18	Maggie Lawton	Accept in part	29.7
117.3	Maggie Lawton	Reject	12.3
117.30	Maggie Lawton	Accept in part	12.8
117.31	Maggie Lawton	Accept in part	12.10

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
117.32	Maggie Lawton	Reject	12.11
117.33	Maggie Lawton	Reject	12.11
117.34	Maggie Lawton	Accept	12.14
117.35	Maggie Lawton	Accept in part	13
117.36	Maggie Lawton	Accept	26.7
117.4	Maggie Lawton	Accept in part	26.4
117.5	Maggie Lawton	Accept in part	16.1
130.1	Richard & Lynn Kane	Accept	8
130.2	Richard & Lynn Kane	Reject	26.4
132.1	Rupert & Elizabeth Le Berne Illes	Reject	25.3
132.3	Rupert & Elizabeth Le Berne Illes	Reject	25.6
132.4	Rupert & Elizabeth Le Berne Illes	Reject	25.7
141.1	Barbara Williams	Accept in part	25.4
141.2	Barbara Williams	Accept in part	25.4
141.4	Barbara Williams	Accept in part	20
141.5	Barbara Williams	Accept	12.14
142.3	as trustees of the Anzac Trust	Accept	29.4
144.1	Paul Sherriff	Reject	25.7
144.2	Paul Sherriff	Reject	25.6
144.4	Paul Sherriff	Accept in part	12.2
144.5	Paul Sherriff	Accept in part	12.2
144.6	Paul Sherriff	Accept in part	12.14
147.1	Maria Verduyn	Reject	General
148.2	Jack and Valerie Hamilton	Reject	25.6
148.3	Jack and Valerie Hamilton	Reject	25.7
148.4	Jack and Valerie Hamilton	Reject	25.3
158.1	Mary Paul	Reject	25.3
158.3	Mary Paul	Reject	25.6
158.4	Mary Paul	Reject	25.7
159.10	Karen Boulay	N/A	14.2
159.11	Karen Boulay	N/A	27.4
159.12	Karen Boulay	N/A	22
159.13	Karen Boulay	Reject	General
159.14	Karen Boulay	Reject	32
159.15	Karen Boulay	Reject	12.2
159.16	Karen Boulay	Reject	12.8
159.17	Karen Boulay	Reject	20
159.18	Karen Boulay	Reject	20
159.20	Karen Boulay	Accept in part	22
159.21	Karen Boulay	Accept in part	22
159.22	Karen Boulay	Accept in Part	14.5
159.5	Karen Boulay	Reject	27.2
159.6	Karen Boulay	Accept in part	27.3
159.7	Karen Boulay	Reject	General
166.1	Aurum Survey Consultants	Accept in part	20
166.10	Aurum Survey Consultants	Accept in part	29.6
166.14	Aurum Survey Consultants	Reject	22
166.15	Aurum Survey Consultants	Accept	27.4

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
166.16	Aurum Survey Consultants	Reject	32
166.2	Aurum Survey Consultants	Accept in part	25.3
166.21	Aurum Survey Consultants	Accept in part	25.7
166.22	Aurum Survey Consultants	Accept	25.8
166.23	Aurum Survey Consultants	Accept in part	25.9
166.24	Aurum Survey Consultants	Accept in part	25.2
166.25	Aurum Survey Consultants	Reject	26.4
166.26	Aurum Survey Consultants	Reject	26.7
166.27	Aurum Survey Consultants	Accept in part	27.5
166.28	Aurum Survey Consultants	Accept in part	27.4
166.3	Aurum Survey Consultants	Reject	21
166.4	Aurum Survey Consultants	Accept in part	11
169.1	Tim Proctor	Accept in part	12.2
169.2	Tim Proctor	Accept in part	12.8
169.3	Tim Proctor	Accept in part	20
169.4	Tim Proctor	Accept in part	25
169.5	Tim Proctor	Accept in part	25.3
169.6	Tim Proctor	Reject	25.5
169.7	Tim Proctor	Accept in part	25.8
171.1	The Wanaka Community House Charitable Trust	Accept	13.8
171.2	The Wanaka Community House Charitable Trust	Accept in part	21
172.2	Peter Roberts	Reject	26.4
173.2	Gordon Girvan	Reject	General
177.3	Universal Developments Limited	Accept in part	13.13
180.1	Nigel Ker	Reject	General
182.1	Millennium & Copthorne Hotels New Zealand Limited	Accept in part	General
184.1	Bevan & Aderianne Campbell	Reject	32
184.2	Bevan & Aderianne Campbell	Reject	27.3
187.15	Nicholas Kiddle	Reject	27.3
187.7	Nicholas Kiddle	Reject	27.3
193.2	Diane Dever	Reject	32
199.12	Craig Douglas	Reject	13.3
199.13	Craig Douglas	Accept in part	13.4
199.14	Craig Douglas	Accept in part	13.5
199.15	Craig Douglas	Accept in part	13.6
199.18	Craig Douglas	Accept in part	31
199.19	Craig Douglas	Accept	General
202.1	Graham Dickson	Reject	25.5
202.2	Graham Dickson	Reject	25.6
206.1	Lindsay Jackson	Accept in part	12.2
206.2	Lindsay Jackson	Accept in part	12.14
206.3	Lindsay Jackson	Reject	25.7
206.4	Lindsay Jackson	Reject	25.6
206.5	Lindsay Jackson	Reject	25.3

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
208.10	Pounamu Body Corporate Committee	Accept in part	14.3
208.11	Pounamu Body Corporate Committee	Accept in part	22
208.12	Pounamu Body Corporate Committee	Accept in part	22
208.15	Pounamu Body Corporate Committee	Reject	27
208.16	Pounamu Body Corporate Committee	Reject	27.4
208.17	Pounamu Body Corporate Committee	Accept	27.5
208.18	Pounamu Body Corporate Committee	Reject	27.4
208.19	Pounamu Body Corporate Committee	Accept	27.4
208.2	Pounamu Body Corporate Committee	Accept in part	9
208.20	Pounamu Body Corporate Committee	Reject	27.4
208.21	Pounamu Body Corporate Committee	Reject	27.4
208.22	Pounamu Body Corporate Committee	Reject	General
208.23	Pounamu Body Corporate Committee	Reject	General
208.24	Pounamu Body Corporate Committee	Reject	General
208.25	Pounamu Body Corporate Committee	Reject	32
208.26	Pounamu Body Corporate Committee	Reject	32
208.27	Pounamu Body Corporate Committee	Accept in part	12.2
208.28	Pounamu Body Corporate Committee	Accept in part	25
208.3	Pounamu Body Corporate Committee	Reject	14.2
208.4	Pounamu Body Corporate Committee	Reject	14.1
208.44	Pounamu Body Corporate Committee	Reject	14
208.45	Pounamu Body Corporate Committee	Reject	14.2
208.46	Pounamu Body Corporate Committee	Accept in part	25.3
208.5	Pounamu Body Corporate Committee	Accept in part	14.2

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
208.6	Pounamu Body Corporate Committee	Accept in part	General
208.7	Pounamu Body Corporate Committee	Accept in part	14.3
208.8	Pounamu Body Corporate Committee	Accept in part	14.3
208.9	Pounamu Body Corporate Committee	Accept in part	14.3
217.18	Jay Berriman	Accept in part	23
223.2	Sam Gent	Reject	10
223.3	Sam Gent	Reject	19
223.4	Sam Gent	Reject	23
223.5	Sam Gent	Reject	28
230.1	Loris King	Accept in part	12
230.2	Loris King	Reject	20
230.3	Loris King	Accept in part	13
230.4	Loris King	Reject	21
230.7	Loris King	Accept in part	31
238.40	NZIA Southern and Architecture + Women Southern	Accept in part	8
238.41	NZIA Southern and Architecture + Women Southern	Reject	13.1
238.43	NZIA Southern and Architecture + Women Southern	Accept in part	13.3
238.44	NZIA Southern and Architecture + Women Southern	Accept in part	26.5
238.45	NZIA Southern and Architecture + Women Southern	Accept	26.6
238.46	NZIA Southern and Architecture + Women Southern	Accept in part	26.4
238.47	NZIA Southern and Architecture + Women Southern	Accept in part	7
238.48	NZIA Southern and Architecture + Women Southern	Reject	12.9
238.50	NZIA Southern and Architecture + Women Southern	Accept in part	20
238.51	NZIA Southern and Architecture + Women Southern	Reject	25.3
238.52	NZIA Southern and Architecture + Women Southern	Accept in part	20
238.53	NZIA Southern and Architecture + Women Southern	Accept in part	25.6
238.54	NZIA Southern and Architecture + Women Southern	Accept in part	25.7
238.55	NZIA Southern and Architecture + Women Southern	Accept in part	25.8
238.56	NZIA Southern and Architecture + Women Southern	Reject	25.9

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
238.57	NZIA Southern and Architecture + Women Southern	Accept in part	9
238.58	NZIA Southern and Architecture + Women Southern	Accept in part	14.2
238.59	NZIA Southern and Architecture + Women Southern	Accept in part	27.2
238.60	NZIA Southern and Architecture + Women Southern	Reject	27.4
238.61	NZIA Southern and Architecture + Women Southern	Accept in part	27.4
238.62	NZIA Southern and Architecture + Women Southern	Reject	27.3
238.63	NZIA Southern and Architecture + Women Southern	Reject	27.4
249.10	Willowridge Developments Limited	Reject	25.2
255.6	N.W. & C.E. BEGGS	Accept in part	13.6
255.7	N.W. & C.E. BEGGS	Accept in part	General
264.5	Philip Winstone	Accept in part	13.3
267.1	Mark Smith	Accept in part	General
268.1	Mark Kramer	Reject	26.4
268.2	Mark Kramer	Accept	26.4
268.3	Mark Kramer	Accept in part	26.5
268.4	Mark Kramer	Accept in part	13.6
269.6	David Barton	Accept in part	General
269.7	David Barton	Accept	12.13
269.8	David Barton	Accept in part	12.13
269.9	David Barton	Reject	12.13
271.11	Board of Airline Representatives of New Zealand (BARNZ)	Reject	20
271.12	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	25.4
271.13	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	25.4
271.14	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	25.5
273.3	The Full & Bye Trust	Reject	26.4
273.4	The Full & Bye Trust	Accept	26.4
273.5	The Full & Bye Trust	Accept	13.3
273.6	The Full & Bye Trust	Accept	13.7
275.5	Robertson Family Trust	Reject	22
275.6	Robertson Family Trust	Accept in part	22
276.2	Jane Hazlett	Accept	10
290.1	Christine Ryan	Accept	General
293.1	Murray Fraser	Accept in part	29.6
293.2	Murray Fraser	Reject	29.2
293.3	Murray Fraser	Accept in part	29.6
293.4	Murray Fraser	Accept	24
299.1	Permanent Wanaka resident 32yrs	Accept in part	29.6

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
300.4	Rob Jewell	Reject	8
300.6	Rob Jewell	Reject	General
300.7	Rob Jewell	Reject	General
300.8	Rob Jewell	Reject	9
300.9	Rob Jewell	Reject	26.4
309.1	John Harrington	Accept in part	General
311.1	Lyndsey Lindsay	Reject	General
311.2	Lyndsey Lindsay	Accept	General
322.1	Murray Stewart Blennerhassett	Accept in part	16.1
327.2	Lismore Estates Ltd	Accept in part	General
335.11	Nic Blennerhassett	Accept in part	General
335.12	Nic Blennerhassett	Accept in part	21
335.13	Nic Blennerhassett	Accept in part	26.6
335.16	Nic Blennerhassett	Accept in part	29.6
335.19	Nic Blennerhassett	Accept	29.3
335.20	Nic Blennerhassett	Accept	29.4
335.21	Nic Blennerhassett	Accept	29.2
335.22	Nic Blennerhassett	Reject	29.5
335.30	Nic Blennerhassett	Accept in part	29.6
335.6	Nic Blennerhassett	Accept in part	General
335.7	Nic Blennerhassett	Accept in part	12.13
336.3	Middleton Family Trust	Accept	25.5
354.3	Middleton Family Trust	Accept	25.5
358.1	Melissa Vining	Accept in part	20
358.2	Melissa Vining	Accept in part	25
362.1	Philip Thoreau	Accept	26.4
362.10	Philip Thoreau	Reject	26.4
362.2	Philip Thoreau	Reject	26.4
362.3	Philip Thoreau	Accept in part	13.7
362.4	Philip Thoreau	Reject	13.7
362.5	Philip Thoreau	Accept in part	13.3
362.6	Philip Thoreau	Accept in part	13.5
362.7	Philip Thoreau	Accept	13.3
362.8	Philip Thoreau	Reject	26.4
362.9	Philip Thoreau	Reject	26.4
363.2	Body Corp 27490	Reject	32
364.1	Body Corp 27490 9A,B,C and D York Street	Reject	32
366.1	Robins Road Limited	Accept in part	27.2
371.1	Camilla Stewart	Accept in part	12.2
372.1	Keith Stewart	Accept in part	12.2
374.1	Judith Stewart	Accept in part	12.2
378.23	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in part	12.1
378.24	Peninsula Village Limited and Wanaka Bay Limited (collectively	Accept in part	12.11

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
	referred to as "Peninsula Bay Joint Venture" (PBJV))		
380.23	Villa delLago	Accept	7
380.24	Villa delLago	Accept	13.1
380.25	Villa delLago	Accept	13.2
380.26	Villa delLago	Reject	13.3
380.27	Villa delLago	Accept in part	13.4
380.28	Villa delLago	Accept in part	13.5
380.29	Villa delLago	Accept in part	13.6
380.30	Villa delLago	Accept	13.8
380.32	Villa delLago	Accept in part	13.10
380.34	Villa delLago	Accept	13.13
380.45	Villa delLago	Accept in part	14.1
380.46	Villa delLago	Reject	14.2
380.47	Villa delLago	Accept in part	14.3
380.48	Villa delLago	Accept in part	14.4
380.49	Villa delLago	Accept in Part	14.5
380.50	Villa delLago	Accept in Part	14.5
380.51	Villa delLago	Accept in Part	14.6
383.13	Queenstown Lakes District Council	Accept in part	12.3
383.15	Queenstown Lakes District Council	Accept in part	20
383.16	Queenstown Lakes District Council	Accept	20
383.17	Queenstown Lakes District Council	Accept	20
383.18	Queenstown Lakes District Council	Accept in part	20
383.19	Queenstown Lakes District Council	Accept in part	25
383.20	Queenstown Lakes District Council	Accept in part	25
383.21	Queenstown Lakes District Council	Accept in part	25
383.22	Queenstown Lakes District Council	Accept in part	13.4
383.23	Queenstown Lakes District Council	Accept in part	21
383.24	Queenstown Lakes District Council	Accept in part	21
383.25	Queenstown Lakes District Council	Accept	21
383.26	Queenstown Lakes District Council	Accept	21
383.27	Queenstown Lakes District Council	Reject	26.6
383.28	Queenstown Lakes District Council	Reject	11
383.29	Queenstown Lakes District Council	Accept	24
383.51	Queenstown Lakes District Council	Accept in part	14.3
383.52	Queenstown Lakes District Council	Reject	22
383.53	Queenstown Lakes District Council	Accept	22
383.54	Queenstown Lakes District Council	Accept	22
383.55	Queenstown Lakes District Council	Accept in part	22
383.56	Queenstown Lakes District Council	Accept in part	27.4
383.57	Queenstown Lakes District Council	Accept in part	27
383.58	Queenstown Lakes District Council	Reject	27
383.78	Queenstown Lakes District Council	Accept	23
389.14	Body Corporate 22362	Accept	25.8
389.15	Body Corporate 22362	Reject	25.7
389.2	Body Corporate 22362	Accept	7
389.3	Body Corporate 22362	Accept in part	12

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
389.4	Body Corporate 22362	Reject	25.3
389.6	Body Corporate 22362	Accept in part	8
391.1	Sean & Jane McLeod	Accept in part	General
391.17	Sean & Jane McLeod	Accept	General
391.2	Sean & Jane McLeod	Accept in part	12
391.4	Sean & Jane McLeod	Accept in part	25.3
391.5	Sean & Jane McLeod	Accept	25.8
391.6	Sean & Jane McLeod	Reject	25.7
391.8	Sean & Jane McLeod	Accept in part	13
391.9	Sean & Jane McLeod	Reject	21
392.1	Erna Spijkerbosch	Accept in part	9
392.2	Erna Spijkerbosch	Accept	14.1
392.3	Erna Spijkerbosch	Accept in part	14.2
392.4	Erna Spijkerbosch	Accept in Part	14.6
392.6	Erna Spijkerbosch	Accept	27
392.7	Erna Spijkerbosch	Accept in part	27.3
392.8	Erna Spijkerbosch	Reject	22
406.1	Graeme Morris Todd	Reject	20
408.10	Otago Foundation Trust Board	Accept in part	13.8
408.19	Otago Foundation Trust Board	Reject	21
408.21	Otago Foundation Trust Board	Reject	26.2
408.22	Otago Foundation Trust Board	Accept in part	26.3
408.25	Otago Foundation Trust Board	Reject	26.4
408.26	Otago Foundation Trust Board	Accept in part	31
408.7	Otago Foundation Trust Board	Accept in part	8
408.8	Otago Foundation Trust Board	Accept in part	13.7
408.9	Otago Foundation Trust Board	Accept	13.8
410.1	Alps Investment Limited	Accept in part	General
410.2	Alps Investment Limited	Accept	27.2
420.2	Lynn Campbell	Reject	General
420.3	Lynn Campbell	Reject	General
427.1	MR & SL Burnell Trust	Reject	20
433.51	Queenstown Airport Corporation	Accept in part	12.3
433.52	Queenstown Airport Corporation	Reject	12.8
433.53	Queenstown Airport Corporation	Accept in part	12.14
433.54	Queenstown Airport Corporation	Accept in part	12.14
433.55	Queenstown Airport Corporation	Reject	20
433.57	Queenstown Airport Corporation	Accept in part	25.4
433.58	Queenstown Airport Corporation	Accept in part	25.4
433.59	Queenstown Airport Corporation	Accept in part	25.5
433.60	Queenstown Airport Corporation	Reject	30
435.2	Catherine Fallon	Accept	25.5
435.3	Catherine Fallon	Accept in part	12.2
435.4	Catherine Fallon	Accept in part	12.1
435.5	Catherine Fallon	Accept in part	12.3
435.6	Catherine Fallon	Accept	12.10
435.7	Catherine Fallon	Accept	12.11
435.8	Catherine Fallon	Accept	General

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
438.10	New Zealand Fire Service	Reject	25.2
438.11	New Zealand Fire Service	Reject	13.8
438.12	New Zealand Fire Service	Reject	13.8
438.13	New Zealand Fire Service	Accept in part	21
438.14	New Zealand Fire Service	Accept in part	21
438.15	New Zealand Fire Service	Reject	26.2
438.16	New Zealand Fire Service	Reject	26.4
438.17	New Zealand Fire Service	Reject	14.4
438.18	New Zealand Fire Service	Accept in part	22
438.19	New Zealand Fire Service	Reject	27.2
438.20	New Zealand Fire Service	Reject	27.4
438.21	New Zealand Fire Service	Accept in part	23
438.22	New Zealand Fire Service	Reject	28
438.23	New Zealand Fire Service	Accept in part	24
438.24	New Zealand Fire Service	Reject	29.3
438.25	New Zealand Fire Service	Reject	29.2
438.4	New Zealand Fire Service	Reject	12.10
438.5	New Zealand Fire Service	Accept in part	12.11
438.6	New Zealand Fire Service	Accept in part	20
438.7	New Zealand Fire Service	Accept in part	20
438.8	New Zealand Fire Service	Reject	25.3
438.9	New Zealand Fire Service	Reject	25.3
448.1	Matt Suddaby	Accept in part	General
470.3	Queenstown Playcentre	Accept in part	General
485.1	Joanne Phelan and Brent Herdson	Accept in part	20
485.3	Joanne Phelan and Brent Herdson	Accept in part	12.14
485.4	Joanne Phelan and Brent Herdson	Accept in part	25.4
485.5	Joanne Phelan and Brent Herdson	Accept in part	25.4
501.1	Woodlot Properties Limited	Accept in part	General
501.2	Woodlot Properties Limited	Accept in part	25.5
503.3	DJ and EJ Cassells, The Bulling Family, The Bennett Family, M Lynch	Reject	26.4
503.5	DJ and EJ Cassells, The Bulling Family, The Bennett Family, M Lynch	Accept	31
505.11	JWA & DV Smith Trust	Accept in part	13.2
505.12	JWA & DV Smith Trust	Accept in part	13.4
505.13	JWA & DV Smith Trust	Accept in part	13.7
505.14	JWA & DV Smith Trust	Accept in part	13.7
505.15	JWA & DV Smith Trust	Accept in part	13.7
505.16	JWA & DV Smith Trust	Accept	13.7
505.17	JWA & DV Smith Trust	Reject	13.7
505.18	JWA & DV Smith Trust	Reject	13.7
505.21	JWA & DV Smith Trust	Accept in part	21
505.22	JWA & DV Smith Trust	Accept in part	21
505.23	JWA & DV Smith Trust	Accept in part	26.2
505.24	JWA & DV Smith Trust	Reject	26.4

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
506.3	Friends of the Wakatiou Gardens and Reserves Incorporated	Accept in part	26.4
506.4	Friends of the Wakatiou Gardens and Reserves Incorporated	Accept	31
506.6	Friends of the Wakatiou Gardens and Reserves Incorporated	Reject	General
506.7	Friends of the Wakatiou Gardens and Reserves Incorporated	Reject	General
506.8	Friends of the Wakatiou Gardens and Reserves Incorporated	Accept in part	General
510.10	Wayne L Blair	Accept in part	26.4
510.2	Wayne L Blair	Reject	13.5
510.3	Wayne L Blair	Reject	13.8
510.4	Wayne L Blair	Reject	13.10
510.6	Wayne L Blair	Reject	13
510.9	Wayne L Blair	Accept in part	26.4
511.10	Helen Blair	Accept in part	26.4
511.2	Helen Blair	Reject	13.5
511.3	Helen Blair	Reject	13.8
511.4	Helen Blair	Reject	13.10
511.6	Helen Blair	Reject	13
511.9	Helen Blair	Accept in part	26.4
512.1	The Estate of Norma Kreft	Accept in part	13.2
512.10	The Estate of Norma Kreft	Accept in part	26.4
512.11	The Estate of Norma Kreft	Reject	26.6
512.2	The Estate of Norma Kreft	Accept in part	13.7
512.3	The Estate of Norma Kreft	Accept in part	13.7
512.4	The Estate of Norma Kreft	Accept in part	21
512.5	The Estate of Norma Kreft	Accept in part	26.2
512.6	The Estate of Norma Kreft	Accept in part	26.4
512.7	The Estate of Norma Kreft	Accept in part	26.4
512.8	The Estate of Norma Kreft	Accept in part	26.4
512.9	The Estate of Norma Kreft	Accept in part	26.4
514.1	Duncan Fea	Accept in part	General
514.2	Duncan Fea	Accept in part	General
514.3	Duncan Fea	Accept in part	General
520.1	Fred van Brandenburg	Accept in part	14.3
520.2	Fred van Brandenburg	Accept in part	General
520.3	Fred van Brandenburg	Accept in part	General
521.1	Estate A P M Hodge	Accept in part	General
524.14	Ministry of Education	Accept in part	7
524.15	Ministry of Education	Accept in part	12.10
524.16	Ministry of Education	Accept in part	12.10
524.17	Ministry of Education	Accept in part	12.10
524.18	Ministry of Education	Accept in part	12.10
524.19	Ministry of Education	Reject	20
524.20	Ministry of Education	Reject	8
524.21	Ministry of Education	Accept in part	13.8

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
524.22	Ministry of Education	Accept in part	13.8
524.23	Ministry of Education	Accept in part	13.8
524.24	Ministry of Education	Accept in part	13.8
524.25	Ministry of Education	Reject	21
524.26	Ministry of Education	Reject	21
524.27	Ministry of Education	Accept in part	9
524.28	Ministry of Education	Accept in Part	14.4
524.29	Ministry of Education	Accept in Part	14.4
524.30	Ministry of Education	Reject	22
524.31	Ministry of Education	Accept in part	15.3
524.32	Ministry of Education	Accept in part	15.3
524.33	Ministry of Education	Reject	23
524.34	Ministry of Education	Reject	23
529.1	Lakes Edge Development Limited	Accept in part	27.2
529.2	Lakes Edge Development Limited	Accept in part	27.3
529.3	Lakes Edge Development Limited	Accept in part	27.3
536.1	Wanaka Trust	Accept in part	13.2
536.10	Wanaka Trust	Accept in part	26.4
536.11	Wanaka Trust	Reject	26.6
536.2	Wanaka Trust	Accept in part	13.7
536.3	Wanaka Trust	Accept in part	13.7
536.4	Wanaka Trust	Accept in part	21
536.5	Wanaka Trust	Accept in part	26.2
536.6	Wanaka Trust	Reject	26.4
536.7	Wanaka Trust	Accept in part	26.4
536.8	Wanaka Trust	Accept in part	26.4
536.9	Wanaka Trust	Accept in part	26.4
543.2	P J & G H Hensman & Southern Lakes Holdings Limited	Accept in part	25.6
551.1	Plaza Investments Limited	Accept in part	General
551.4	Plaza Investments Limited	Accept	27.4
555.1	Scott Freeman & Bravo Trustee Company Limited	Accept in part	12.14, 25.4
555.3	Scott Freeman & Bravo Trustee Company Limited	Accept in part	20
555.4	Scott Freeman & Bravo Trustee Company Limited	Accept in part	20
561.4	Three Beaches Limited	Reject	27.4
571.11	Totally Tourism Limited	Reject	20
571.14	Totally Tourism Limited	Reject	13.1
575.1	Antony & Ruth Stokes	Accept in part	General
575.3	Antony & Ruth Stokes	Reject	27.4
579.3	Gem Lake Limited	Accept in part	General
586.10	J D Familton and Sons Trust	Accept in part	13
586.11	J D Familton and Sons Trust	Reject	13.2
586.12	J D Familton and Sons Trust	Accept in part	21
586.13	J D Familton and Sons Trust	Accept in part	21
586.15	J D Familton and Sons Trust	Accept in part	26.4

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
586.16	J D Familton and Sons Trust	Accept in part	26.4
586.17	J D Familton and Sons Trust	Accept in part	26.4
586.18	J D Familton and Sons Trust	Accept in part	26.4
586.19	J D Familton and Sons Trust	Accept in part	26.4
586.20	J D Familton and Sons Trust	Accept in part	26.5
586.21	J D Familton and Sons Trust	Reject	26.6
586.22	J D Familton and Sons Trust	Accept in part	31
586.9	J D Familton and Sons Trust	Accept in part	13
591.5	Varina Propriety Limited	Reject	13
591.6	Varina Propriety Limited	Accept in part	26.4
604.1	Jackie Gillies & Associates	Reject	26.4
604.2	Jackie Gillies & Associates	Reject	26.6
612.1	Skyline Enterprises Limited	Accept in part	General
612.12	Skyline Enterprises Limited	Accept	27.4
612.2	Skyline Enterprises Limited	Accept in part	General
612.3	Skyline Enterprises Limited	Accept in part	22
612.5	Skyline Enterprises Limited	Accept in part	27.3
612.6	Skyline Enterprises Limited	Accept in part	27.4
612.7	Skyline Enterprises Limited	Accept in part	27.4
612.8	Skyline Enterprises Limited	Reject	32
612.9	Skyline Enterprises Limited	Accept in part	32
619.2	Satomi Holdings Limited	Accept in part	General
620.1	Ballantyne Investments Ltd	Accept in part	26.4
627.2	HW Holdings Ltd	Reject	General
628.2	reception@jea.co.nz	Reject	General
628.3	reception@jea.co.nz	Reject	22
648.3	Gillian Kay Crooks	Reject	26.2
648.4	Gillian Kay Crooks	Reject	26.4
649.1	Southern District Health Board	Reject	8
649.2	Southern District Health Board	Accept in part	13.5
651.4	David & Vivki Caesar	Reject	26.4
651.5	David & Vivki Caesar	Reject	26.4
655.6	Bridesdale Farm Developments Limited	Reject	General
657.1	Lorraine Cooper	Accept in part	26.4
665.1	Danmont Investments Queenstown Limited	Accept in part	27.2
665.2	Danmont Investments Queenstown Limited	Accept in part	27.4
665.3	Danmont Investments Queenstown Limited	Accept in part	27.4
665.4	Danmont Investments Queenstown Limited	Accept in part	27.4
668.1	Philip Thoreau	Accept in part	26.4
668.11	Philip Thoreau	Accept in part	General
668.2	Philip Thoreau	Reject	13.3
668.3	Philip Thoreau	Accept	13.7
668.4	Philip Thoreau	Reject	26.4

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
668.5	Philip Thoreau	Reject	26.4
668.6	Philip Thoreau	Reject	26.4
668.7	Philip Thoreau	Reject	26.4
668.8	Philip Thoreau	Accept in part	26.4
676.1	Philip & Jocelyn Sanford	Reject	26.4, 31
678.3	Southern District Health Board	Reject	20
681.2	Gerard Auckram	Accept in part	22
681.3	Gerard Auckram	Reject	27.3
681.4	Gerard Auckram	Accept in part	General
682.1	Joan Allison Garvan & Myles Cameron White as Trustees for DL & JA Garvan Family Trusts	Accept in part	General
686.2	Garth Makowski	Accept in part	General
686.3	Garth Makowski	Accept in part	General
687.2	Lynden Cleugh	Accept in part	16.1
699.10	Reddy Group Limited	Reject	13.1
699.11	Reddy Group Limited	Accept in part	13.1
699.12	Reddy Group Limited	Reject	13.1
699.13	Reddy Group Limited	Accept in part	13.2
699.14	Reddy Group Limited	Accept in part	13.2
699.15	Reddy Group Limited	Accept in part	13.2
699.16	Reddy Group Limited	Accept in part	13.2
699.17	Reddy Group Limited	Accept in part	13.2
699.18	Reddy Group Limited	Accept in part	13.2
699.19	Reddy Group Limited	Accept in part	13.2
699.20	Reddy Group Limited	Accept in part	13.2
699.21	Reddy Group Limited	Reject	13.3
699.22	Reddy Group Limited	Reject	13.3
699.23	Reddy Group Limited	Reject	13.3
699.24	Reddy Group Limited	Reject	13.3
699.25	Reddy Group Limited	Accept in part	13.4
699.26	Reddy Group Limited	Accept in part	13.4
699.27	Reddy Group Limited	Accept in part	13.4
699.28	Reddy Group Limited	Accept in part	13.4
699.29	Reddy Group Limited	Accept in part	13.5
699.30	Reddy Group Limited	Accept in part	13.5
699.31	Reddy Group Limited	Accept in part	13.5
699.32	Reddy Group Limited	Accept in part	13.5
699.33	Reddy Group Limited	Accept in part	13.5
699.34	Reddy Group Limited	Accept in part	13.7
699.35	Reddy Group Limited	Accept in part	13.7
699.36	Reddy Group Limited	Accept in part	13.7
699.37	Reddy Group Limited	Accept in part	13.7
699.38	Reddy Group Limited	Reject	13.7
699.39	Reddy Group Limited	Accept in part	13.7
699.40	Reddy Group Limited	Accept in part	21
699.41	Reddy Group Limited	Accept in part	21
699.42	Reddy Group Limited	Accept in part	21

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
699.43	Reddy Group Limited	Accept in part	26.2
699.44	Reddy Group Limited	Accept in part	26.4
699.45	Reddy Group Limited	Accept in part	26.4
699.46	Reddy Group Limited	Accept in part	26.4
699.47	Reddy Group Limited	Accept in part	26.4
699.48	Reddy Group Limited	Accept in part	26.4
699.49	Reddy Group Limited	Accept in part	26.5
699.50	Reddy Group Limited	Accept in part	26.5
699.51	Reddy Group Limited	Reject	26.6
699.52	Reddy Group Limited	Accept	26.7
699.6	Reddy Group Limited	Accept in part	8
699.7	Reddy Group Limited	Accept in part	13.1
699.8	Reddy Group Limited	Accept in part	13.1
699.9	Reddy Group Limited	Accept in part	13.1
717.11	The Jandel Trust	Accept in part	13.13
717.12	The Jandel Trust	Reject	13.13
717.13	The Jandel Trust	Reject	21
717.16	The Jandel Trust	Accept in part	26.4
717.17	The Jandel Trust	Accept	26.6
717.23	The Jandel Trust	Accept in part	13.10
717.3	The Jandel Trust	Accept in part	8
717.4	The Jandel Trust	Accept in part	13.1
717.5	The Jandel Trust	Reject	13.1
717.6	The Jandel Trust	Accept	13.2
717.7	The Jandel Trust	Reject	13.4
717.8	The Jandel Trust	Reject	13.10
718.3	Allium Trustees Limited	Accept in part	General
719.31	NZ Transport Agency	Accept in part	12.1
719.32	NZ Transport Agency	Accept in part	12.11
719.33	NZ Transport Agency	Accept in part	12.11
719.34	NZ Transport Agency	Accept in part	12.14
719.35	NZ Transport Agency	Reject	12.14
719.37	NZ Transport Agency	Accept in part	25.7
719.39	NZ Transport Agency	Accept in part	30
719.40	NZ Transport Agency	Accept in part	13.5
719.41	NZ Transport Agency	Accept in part	13.7
719.42	NZ Transport Agency	Accept in part	13.7
719.43	NZ Transport Agency	Accept in part	13.7
719.51	NZ Transport Agency	Accept in part	13.13
719.52	NZ Transport Agency	Accept in part	13.13
719.53	NZ Transport Agency	Accept in part	21
719.55	NZ Transport Agency	Reject	21
719.57	NZ Transport Agency	Accept in part	26.3
719.62	NZ Transport Agency	Accept	26.4
719.64	NZ Transport Agency	Accept in Part	14.6
719.65	NZ Transport Agency	Accept in part	14.6
719.66	NZ Transport Agency	Accept in part	14.6
719.67	NZ Transport Agency	Accept in part	14

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
719.68	NZ Transport Agency	Accept in part	14
719.69	NZ Transport Agency	Reject	22
719.70	NZ Transport Agency	Reject	22
719.73	NZ Transport Agency	Accept	27.4
719.74	NZ Transport Agency	Accept in part	27
719.75	NZ Transport Agency	Accept in part	32
719.76	NZ Transport Agency	Reject	16
719.77	NZ Transport Agency	Reject	29
719.78	NZ Transport Agency	Reject	29.2
722.2	Firestone Investments Limited	Accept	27.2
725.2	Ian Percy & Fiona Aitken Family Trust	Reject	25.7
727.2	Belfast Corporation Limited	Accept in part	26.4
727.3	Belfast Corporation Limited	Accept in part	General
731.2	Mulwood Investments Limited	Accept in part	26.4
731.3	Mulwood Investments Limited	Accept in part	General
751.8	Hansen Family Partnership	Accept in part	General
752.10	Michael Farrier	Reject	23
752.11	Michael Farrier	Reject	23
752.3	Michael Farrier	Reject	25.5
752.8	Michael Farrier	Reject	General
752.9	Michael Farrier	Reject	23
773.12	John & Jill Blennerhassett	Accept in part	13.3
773.14	John & Jill Blennerhassett	Accept in part	13.5
773.15	John & Jill Blennerhassett	Accept in part	13.5
775.10	H R & D A Familton	Accept in part	13
775.11	H R & D A Familton	Reject	13.2
775.12	H R & D A Familton	Accept in part	21
775.13	H R & D A Familton	Accept in part	21
775.15	H R & D A Familton	Accept in part	26.4
775.16	H R & D A Familton	Accept in part	26.4
775.17	H R & D A Familton	Accept in part	26.4
775.18	H R & D A Familton	Accept in part	26.4
775.19	H R & D A Familton	Accept in part	26.4
775.20	H R & D A Familton	Accept in part	26.5
775.21	H R & D A Familton	Reject	26.6
775.22	H R & D A Familton	Accept in part	31
775.9	H R & D A Familton	Accept in part	13
785.1	A & K Zaki	Accept in part	General
792.10	Patricia Swale	Reject	13.10
792.12	Patricia Swale	Reject	21
792.13	Patricia Swale	Reject	13.10
792.14	Patricia Swale	Reject	21
792.15	Patricia Swale	Reject	21
792.16	Patricia Swale	Accept	21
792.18	Patricia Swale	Reject	26.2
792.19	Patricia Swale	Reject	26.4
792.2	Patricia Swale	Reject	13.1

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
792.20	Patricia Swale	Reject	26.4
792.21	Patricia Swale	Reject	26.4
792.22	Patricia Swale	Accept	31
792.23	Patricia Swale	Accept in part	31
792.3	Patricia Swale	Reject	13.2
792.4	Patricia Swale	Reject	13.2
792.5	Patricia Swale	Reject	13.7
792.6	Patricia Swale	Accept	13.7
792.7	Patricia Swale	Reject	13.8
798.29	Otago Regional Council	Reject	12
798.31	Otago Regional Council	Accept in part	13.7
798.32	Otago Regional Council	N/A - transport submission	14.6
803.10	H R Familton	Accept in part	13
803.11	H R Familton	Reject	13.2
803.12	H R Familton	Accept in part	21
803.13	H R Familton	Accept in part	21
803.15	H R Familton	Accept in part	26.4
803.16	H R Familton	Accept in part	26.4
803.17	H R Familton	Accept in part	26.4
803.18	H R Familton	Accept in part	26.4
803.19	H R Familton	Accept in part	26.4
803.20	H R Familton	Accept in part	26.5
803.21	H R Familton	Reject	26.6
803.22	H R Familton	Accept in part	31
803.9	H R Familton	Accept in part	13
805.46	Transpower New Zealand Limited	Reject	12.11
805.47	Transpower New Zealand Limited	Reject	18.1
805.48	Transpower New Zealand Limited	Reject	13.5
805.49	Transpower New Zealand Limited	Reject	13.7
805.50	Transpower New Zealand Limited	Reject	19
805.51	Transpower New Zealand Limited	Accept in Part	14.6
805.52	Transpower New Zealand Limited	Reject	19
810.32	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua	Reject	26.7
810.33	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua	Reject	29.2
812.1	Land & Infrastructure Management Limited	Accept in part	29.6
812.2	Land & Infrastructure Management Limited	Reject	29.2
834.2	Helen McPhail	Accept in part	20
836.24	Arcadian Triangle Limited	Accept in part	30
842.5	Scott Crawford	Reject	26

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
846.1	Philippe & Jean Berton & Foster	Reject	27.3
846.2	Philippe & Jean Berton & Foster	Reject	32
847.1	FII Holdings Limited	Accept in part	8
847.10	FII Holdings Limited	Accept in part	13.13
847.11	FII Holdings Limited	Reject	13.13
847.12	FII Holdings Limited	Reject	21
847.15	FII Holdings Limited	Accept in part	26.4
847.16	FII Holdings Limited	Reject	26.6
847.2	FII Holdings Limited	Accept in part	13.1
847.3	FII Holdings Limited	Reject	13.1
847.4	FII Holdings Limited	Accept	13.2
847.5	FII Holdings Limited	Reject	13.2
847.6	FII Holdings Limited	Accept in part	13.10
847.7	FII Holdings Limited	Reject	13.10

Part B: Further Submissions

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1012.3	9.1	Willowridge Developments Limited	Accept	25.5
FS1013.5	725.2	Orchard Road Holdings Limited	Accept	25.7
FS1029.10	717.4	Universal Developments Limited	Accept in part	13.1
FS1029.11	717.5	Universal Developments Limited	Accept in part	13.1
FS1029.12	717.6	Universal Developments Limited	Reject	13.2
FS1029.13	717.7	Universal Developments Limited	Accept in part	13.4
FS1029.14	717.8	Universal Developments Limited	Accept in part	13.10
FS1029.17	717.11	Universal Developments Limited	Reject	13.13
FS1029.18	717.12	Universal Developments Limited	Accept in part	13.13
FS1029.19	717.13	Universal Developments Limited	Reject	21
FS1029.22	717.16	Universal Developments Limited	Accept in part	26.4
FS1029.23	717.17	Universal Developments Limited	Reject	26.6
FS1029.29	717.23	Universal Developments Limited	Accept in part	13.10
FS1029.30	847.11	Universal Developments Limited	Accept	13.13
FS1029.9	717.3	Universal Developments Limited	Accept in part	8

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1038.1	110.8	Seven Albert Town Property Owners . See Table in Attachments	Accept in part	25.2
FS1049.23	378.23	LAC Property Trustees Limited	Reject	12.1
FS1049.24	378.24	LAC Property Trustees Limited	Reject	12.11
FS1059.1	7.3	Erna Spijkerbosch	Accept in part	32
FS1059.10	64.2	Erna Spijkerbosch	Accept in part	32
FS1059.11	86.6	Erna Spijkerbosch	Accept in part	9
FS1059.16	110.6	Erna Spijkerbosch	Accept	25.3
FS1059.17	110.8	Erna Spijkerbosch	Accept in part	25.2
FS1059.18	166.16	Erna Spijkerbosch	Reject	32
FS1059.19	187.7	Erna Spijkerbosch	Accept in part	27.3
FS1059.20	193.2	Erna Spijkerbosch	Accept in part	32
FS1059.22	380.45	Erna Spijkerbosch	Accept in part	14.1
FS1059.23	364.1	Erna Spijkerbosch	Accept in part	32
FS1059.24	380.46	Erna Spijkerbosch	Reject	14.2
FS1059.25	380.51	Erna Spijkerbosch	Accept in Part	14.6
FS1059.26	383.22	Erna Spijkerbosch	Accept in part	13.4
FS1059.27	383.24	Erna Spijkerbosch	Accept in part	21
FS1059.28	383.27	Erna Spijkerbosch	Reject	26
FS1059.29	383.51	Erna Spijkerbosch	Accept in part	14.3
FS1059.3	20.2	Erna Spijkerbosch	Accept in part	General
FS1059.30	383.55	Erna Spijkerbosch	Accept in part	22
FS1059.31	383.56	Erna Spijkerbosch	Accept in part	27.4
FS1059.32	392.1	Erna Spijkerbosch	Accept in part	9
FS1059.33	392.1	Erna Spijkerbosch	Accept in part	9
FS1059.34	392.2	Erna Spijkerbosch	Accept	14.1
FS1059.35	392.3	Erna Spijkerbosch	Accept in part	14.2
FS1059.36	392.4	Erna Spijkerbosch	Accept in Part	14.6
FS1059.38	392.6	Erna Spijkerbosch	Accept	27
FS1059.39	392.7	Erna Spijkerbosch	Accept in part	27.3
FS1059.40	392.8	Erna Spijkerbosch	Reject	22
FS1059.58	187.15	Erna Spijkerbosch	Accept in part	27.3
FS1059.65	208.3	Erna Spijkerbosch	Reject	14.2
FS1059.66	208.4	Erna Spijkerbosch	Reject	14.1
FS1059.67	208.5	Erna Spijkerbosch	Accept in part	14.2
FS1059.74	410.2	Erna Spijkerbosch	Reject	27.2
FS1059.95	159.5	Erna Spijkerbosch	Accept	27.2
FS1059.96	159.14	Erna Spijkerbosch	Accept in part	32
FS1061.27	290.1	Otago Foundation Trust Board	Accept	General
FS1061.28	335.11	Otago Foundation Trust Board	Accept in part	General
FS1061.31	514.2	Otago Foundation Trust Board	Accept in part	General
FS1061.39	524.20	Otago Foundation Trust Board	Reject	8
FS1061.4	230.3	Otago Foundation Trust Board	Accept in part	13
FS1061.40	524.25	Otago Foundation Trust Board	Reject	21
FS1061.43	847.3	Otago Foundation Trust Board	Reject	13.1
FS1061.44	847.4	Otago Foundation Trust Board	Accept	13.2

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1061.45	847.5	Otago Foundation Trust Board	Reject	13.2
FS1061.46	847.6	Otago Foundation Trust Board	Accept in part	13.10
FS1061.47	847.11	Otago Foundation Trust Board	Reject	13.13
FS1061.49	230.7	Otago Foundation Trust Board	Accept in part	31
FS1061.5	230.4	Otago Foundation Trust Board	Accept	21
FS1061.50	383.22	Otago Foundation Trust Board	Reject	13.4
FS1061.51	166.3	Otago Foundation Trust Board	Reject	21
FS1061.58	719.51	Otago Foundation Trust Board	Reject	13.13
FS1061.59	719.57	Otago Foundation Trust Board	Accept in part	26.3
FS1061.68	238.40	Otago Foundation Trust Board	Accept in part	8
FS1061.69	238.41	Otago Foundation Trust Board	Accept	13.1
FS1061.8	177.3	Otago Foundation Trust Board	Accept in part	13.13
FS1063.1	182.1	Peter Fleming and Others	Accept in part	General
FS1063.12	506.3	Peter Fleming and Others	Accept in part	26.4
FS1063.13	506.4	Peter Fleming and Others	Accept	31
FS1063.15	506.6	Peter Fleming and Others	Reject	General
FS1063.16	506.7	Peter Fleming and Others	Reject	General
FS1063.17	506.8	Peter Fleming and Others	Reject	General
FS1063.46	206.1	Peter Fleming and Others	Accept in part	12.2
FS1063.47	206.2	Peter Fleming and Others	Accept in part	12.14
FS1063.48	206.3	Peter Fleming and Others	Reject	25.7
FS1063.49	206.4	Peter Fleming and Others	Reject	25.6
FS1063.50	206.5	Peter Fleming and Others	Reject	25.3
FS1063.6	503.3	Peter Fleming and Others	Reject	26.4
FS1063.8	503.5	Peter Fleming and Others	Accept	31
FS1063.9	657.1	Peter Fleming and Others	Accept in part	26.4
FS1064.6	655.6	Martin MacDonald	Accept in part	General
FS1071.7	655.6	Lake Hayes Estate Community Association	Accept in part	General
FS1077.1	24.5	Board of Airline Representatives of New Zealand (BARNZ)	Reject	20
FS1077.10	141.4	Board of Airline Representatives of New Zealand (BARNZ)	Reject	20
FS1077.12	383.15	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	20
FS1077.13	383.20	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	25
FS1077.2	35.1	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	20
FS1077.3	36.1	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	20

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1077.33	433.51	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	12.3
FS1077.34	433.52	Board of Airline Representatives of New Zealand (BARNZ)	Reject	12.8
FS1077.35	433.53	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	12.14
FS1077.36	433.54	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	12.14
FS1077.37	433.55	Board of Airline Representatives of New Zealand (BARNZ)	Reject	20
FS1077.39	433.59	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	25.5
FS1077.4	43.1	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	20
FS1077.40	433.60	Board of Airline Representatives of New Zealand (BARNZ)	Reject	30
FS1077.51	485.1	Board of Airline Representatives of New Zealand (BARNZ)	Reject	20
FS1077.52	555.3	Board of Airline Representatives of New Zealand (BARNZ)	Reject	20
FS1077.73	834.2	Board of Airline Representatives of New Zealand (BARNZ)	Reject	20
FS1092.1	177.3	NZ Transport Agency	Accept in part	13.13
FS1095.23	378.23	Nick Brasington	Reject	12.1
FS1095.24	378.24	Nick Brasington	Reject	12.11
FS1097.114	271.11	Queenstown Park Limited	Accept in part	20
FS1097.115	271.12	Queenstown Park Limited	Accept in part	25.4
FS1097.116	271.13	Queenstown Park Limited	Accept in part	25.4
FS1097.117	271.14	Queenstown Park Limited	Accept in part	25.5
FS1097.337	433.51	Queenstown Park Limited	Accept in part	12.3
FS1097.338	433.52	Queenstown Park Limited	Accept in part	12.8
FS1097.339	433.53	Queenstown Park Limited	Accept in part	12.14
FS1097.340	433.54	Queenstown Park Limited	Accept in part	12.14
FS1097.341	433.55	Queenstown Park Limited	Accept in part	20
FS1097.343	433.57	Queenstown Park Limited	Accept in part	25.4
FS1097.344	433.58	Queenstown Park Limited	Accept in part	25.4
FS1097.345	433.59	Queenstown Park Limited	Accept in part	25.5
FS1097.346	433.60	Queenstown Park Limited	Accept in part	30
FS1107.45	238.40	Man Street Properties Ltd	Accept in part	8

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1107.46	238.41	Man Street Properties Ltd	Accept	13.1
FS1107.48	238.43	Man Street Properties Ltd	Accept in part	13.3
FS1107.49	238.44	Man Street Properties Ltd	Accept in part	26.5
FS1107.50	238.45	Man Street Properties Ltd	Reject	26.6
FS1107.51	238.46	Man Street Properties Ltd	Accept in part	26.4
FS1107.52	238.47	Man Street Properties Ltd	Accept in part	7
FS1107.53	238.48	Man Street Properties Ltd	Accept	12.9
FS1107.55	238.50	Man Street Properties Ltd	Accept in part	20
FS1107.56	238.51	Man Street Properties Ltd	Accept	25.3
FS1107.57	238.52	Man Street Properties Ltd	Accept in part	20
FS1107.58	238.53	Man Street Properties Ltd	Accept in part	25.6
FS1107.59	238.54	Man Street Properties Ltd	Accept in part	25.7
FS1107.60	238.55	Man Street Properties Ltd	Accept in part	25.8
FS1107.61	238.56	Man Street Properties Ltd	Accept	25.9
FS1107.62	238.57	Man Street Properties Ltd	Accept in part	9
FS1107.63	238.58	Man Street Properties Ltd	Accept	14.2
FS1107.64	238.59	Man Street Properties Ltd	Accept in part	27.2
FS1107.65	238.60	Man Street Properties Ltd	Accept	27.4
FS1107.66	238.61	Man Street Properties Ltd	Accept in part	27.4
FS1107.67	238.62	Man Street Properties Ltd	Accept	27.3
FS1107.68	238.63	Man Street Properties Ltd	Accept	27.4
FS1110.1	166.4	John Coe	Accept in part	11
FS1110.2	293.3	John Coe	Accept in part	29.6
FS1110.3	322.1	John Coe	Accept in part	16.1
FS1110.5	812.1	John Coe	Accept in part	29.6
FS1110.6	383.28	John Coe	Accept in part	11
FS1111.1	812.1	Colin Mantel	Accept in part	29.6
FS1111.2	687.2	Colin Mantel	Accept in part	16.1
FS1111.4	293.3	Colin Mantel	Accept in part	29.6
FS1111.5	166.4	Colin Mantel	Accept in part	11
FS1111.6	166.10	Colin Mantel	Accept in part	29.6
FS1117.100	433.51	Remarkables Park Limited	Accept in part	12.3
FS1117.101	433.52	Remarkables Park Limited	Accept in part	12.8
FS1117.102	433.53	Remarkables Park Limited	Accept in part	12.14
FS1117.103	433.54	Remarkables Park Limited	Accept in part	12.14
FS1117.104	433.55	Remarkables Park Limited	Accept in part	20
FS1117.106	433.57	Remarkables Park Limited	Accept in part	25.4
FS1117.107	433.58	Remarkables Park Limited	Accept in part	25.4
FS1117.108	433.59	Remarkables Park Limited	Accept in part	25.5
FS1117.109	433.60	Remarkables Park Limited	Accept in part	30
FS1117.31	271.11	Remarkables Park Limited	Accept in part	20
FS1117.32	271.12	Remarkables Park Limited	Accept in part	25.4
FS1117.33	271.13	Remarkables Park Limited	Accept in part	25.4
FS1117.34	271.14	Remarkables Park Limited	Accept in part	25.5
FS1125.10	206.5	New Zealand Fire Service	Accept	25.3
FS1125.11	648.3	New Zealand Fire Service	Accept in part	26.2
FS1125.12	230.3	New Zealand Fire Service	Accept in part	13

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1125.21	512.3	New Zealand Fire Service	Accept in part	13.7
FS1125.3	438.14	New Zealand Fire Service	Reject	21
FS1125.4	524.30	New Zealand Fire Service	Reject	22
FS1125.5	524.20	New Zealand Fire Service	Reject	8
FS1125.7	58.1	New Zealand Fire Service	Accept	26.2
FS1126.1	166.4	Anna Mills	Accept in part	11
FS1126.2	293.3	Anna Mills	Accept in part	29.6
FS1126.3	322.1	Anna Mills	Accept in part	16.1
FS1126.5	812.1	Anna Mills	Accept in part	29.6
FS1126.6	383.28	Anna Mills	Accept in part	11
FS1140.1	166.4	Jo Mills	Accept in part	11
FS1140.2	293.3	Jo Mills	Accept in part	29.6
FS1140.3	322.1	Jo Mills	Accept in part	16.1
FS1140.5	812.1	Jo Mills	Accept in part	29.6
FS1140.6	383.28	Jo Mills	Accept in part	11
FS1148.1	64.1	Pounamu Body Corporate Committee	Reject	27.3
FS1148.10	383.52	Pounamu Body Corporate Committee	Reject	22
FS1148.11	383.55	Pounamu Body Corporate Committee	Accept in part	22
FS1148.12	383.57	Pounamu Body Corporate Committee	Accept in part	27
FS1148.13	383.58	Pounamu Body Corporate Committee	Reject	27
FS1148.14	551.4	Pounamu Body Corporate Committee	Reject	27.4
FS1148.16	575.3	Pounamu Body Corporate Committee	Accept	27.4
FS1148.17	612.12	Pounamu Body Corporate Committee	Reject	27.4
FS1148.19	628.3	Pounamu Body Corporate Committee	Accept	22
FS1148.2	64.2	Pounamu Body Corporate Committee	Reject	32
FS1148.20	722.2	Pounamu Body Corporate Committee	Reject	27.2
FS1148.4	184.2	Pounamu Body Corporate Committee	Reject	27.3
FS1148.5	184.1	Pounamu Body Corporate Committee	Reject	32
FS1148.6	187.7	Pounamu Body Corporate Committee	Accept	27.3
FS1148.7	187.15	Pounamu Body Corporate Committee	Accept	27.3
FS1148.8	238.63	Pounamu Body Corporate Committee	Reject	27.4
FS1148.9	383.51	Pounamu Body Corporate Committee	Accept in part	14.3
FS1167.10	408.7	Peter and Margaret Arnott	Accept in part	8

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1167.11	408.8	Peter and Margaret Arnott	Accept in part	13.7
FS1167.12	408.9	Peter and Margaret Arnott	Reject	13.8
FS1167.13	408.10	Peter and Margaret Arnott	Reject	13.8
FS1167.22	408.19	Peter and Margaret Arnott	Reject	21
FS1167.24	408.21	Peter and Margaret Arnott	Reject	26.2
FS1167.28	408.25	Peter and Margaret Arnott	Accept in part	26.4
FS1167.29	408.26	Peter and Margaret Arnott	Accept in part	31
FS1172.1	536.5	Reddy Group Limited	Accept in part	26.2
FS1172.2	536.6	Reddy Group Limited	Reject	26.4
FS1172.3	536.8	Reddy Group Limited	Accept in part	26.4
FS1172.4	536.9	Reddy Group Limited	Accept in part	26.4
FS1172.5	536.10	Reddy Group Limited	Accept in part	26.4
FS1172.6	536.11	Reddy Group Limited	Reject	26.6
FS1189.10	177.3	FII Holdings Ltd	Accept in part	13.13
FS1195.9	177.3	The Jandel Trust	Accept in part	13.13
FS1198.1	166.4	Myffie James	Accept in part	11
FS1198.2	293.3	Myffie James	Accept in part	29.6
FS1198.3	322.1	Myffie James	Accept in part	16.1
FS1198.5	812.1	Myffie James	Accept in part	29.6
FS1198.6	383.28	Myffie James	Accept in part	11
FS1202.1	166.21	Nathan Shearing	Accept in part	25.7
FS1207.1	166.4	Bridget Mary Rennie	Accept in part	11
FS1207.2	293.3	Bridget Mary Rennie	Accept in part	29.6
FS1207.3	322.1	Bridget Mary Rennie	Accept in part	16.1
FS1207.5	687.2	Bridget Mary Rennie	Accept in part	16.1
FS1207.6	812.1	Bridget Mary Rennie	Accept in part	29.6
FS1211.28	805.46	New Zealand Defence Force	Reject	12.11
FS1215.2	383.19	Goldridge Resort Limited	Accept in part	25
FS1223.1	383.19	Manor Holdings Limited & Body Corporate	Accept in part	25
FS1226.45	238.40	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	8
FS1226.46	238.41	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	13.1
FS1226.48	238.43	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	13.3
FS1226.49	238.44	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	26.5
FS1226.50	238.45	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	26.6
FS1226.51	238.46	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	26.4

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1226.52	238.47	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	7
FS1226.53	238.48	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	12.9
FS1226.55	238.50	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	20
FS1226.56	238.51	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	25.3
FS1226.57	238.52	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	20
FS1226.58	238.53	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	25.6
FS1226.59	238.54	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	25.7
FS1226.60	238.55	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	25.8
FS1226.61	238.56	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	25.9
FS1226.62	238.57	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	9
FS1226.63	238.58	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	14.2
FS1226.64	238.59	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	27.2
FS1226.65	238.60	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	27.4
FS1226.66	238.61	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	27.4
FS1226.67	238.62	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	27.3
FS1226.68	238.63	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	27.4
FS1231.1	68.3	Plaza Investments Limited	Accept	27.2
FS1231.10	238.62	Plaza Investments Limited	Accept	27.3
FS1231.2	68.4	Plaza Investments Limited	Accept	27.3
FS1231.3	68.5	Plaza Investments Limited	Accept in part	27.3

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1231.4	208.2	Plaza Investments Limited	Accept in part	9
FS1231.5	208.4	Plaza Investments Limited	Accept	14.1
FS1231.6	208.5	Plaza Investments Limited	Accept in part	14.2
FS1231.7	208.6	Plaza Investments Limited	Accept in part	General
FS1231.8	208.8	Plaza Investments Limited	Accept in part	14.3
FS1231.9	208.15	Plaza Investments Limited	Accept	27
FS1234.45	238.40	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	8
FS1234.46	238.41	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	13.1
FS1234.48	238.43	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	13.3
FS1234.49	238.44	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	26.5
FS1234.50	238.45	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	26.6
FS1234.51	238.46	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	26.4
FS1234.52	238.47	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	7
FS1234.53	238.48	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	12.9
FS1234.55	238.50	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	20
FS1234.56	238.51	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	25.3
FS1234.57	238.52	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	20
FS1234.58	238.53	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	25.6
FS1234.59	238.54	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	25.7
FS1234.60	238.55	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	25.8
FS1234.61	238.56	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	25.9

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1234.62	238.57	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	9
FS1234.63	238.58	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	14.2
FS1234.64	238.59	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	27.2
FS1234.65	238.60	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	27.4
FS1234.66	238.61	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	27.4
FS1234.67	238.62	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	27.3
FS1234.68	238.63	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	27.4
FS1239.45	238.40	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	8
FS1239.46	238.41	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	13.1
FS1239.48	238.43	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	13.3
FS1239.49	238.44	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	26.5
FS1239.50	238.45	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	26.6
FS1239.51	238.46	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	26.4
FS1239.52	238.47	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	7
FS1239.53	238.48	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	12.9
FS1239.55	238.50	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	20
FS1239.56	238.51	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	25.3
FS1239.57	238.52	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	20
FS1239.58	238.53	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	25.6
FS1239.59	238.54	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	25.7
FS1239.60	238.55	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	25.8
FS1239.61	238.56	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	25.9

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1239.62	238.57	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	9
FS1239.63	238.58	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	14.2
FS1239.64	238.59	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	27.2
FS1239.65	238.60	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	27.4
FS1239.66	238.61	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	27.4
FS1239.67	238.62	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	27.3
FS1239.68	238.63	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	27.4
FS1241.45	238.40	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	8
FS1241.46	238.41	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	13.1
FS1241.48	238.43	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	13.3
FS1241.49	238.44	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	26.5
FS1241.50	238.45	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	26.6
FS1241.51	238.46	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	26.4
FS1241.52	238.47	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	7
FS1241.53	238.48	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	12.9
FS1241.55	238.50	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	20
FS1241.56	238.51	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	25.3
FS1241.57	238.52	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	20
FS1241.58	238.53	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	25.6

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1241.59	238.54	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	25.7
FS1241.60	238.55	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	25.8
FS1241.61	238.56	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	25.9
FS1241.62	238.57	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	9
FS1241.63	238.58	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	14.2
FS1241.64	238.59	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	27.2
FS1241.65	238.60	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	27.4
FS1241.66	238.61	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	27.4
FS1241.67	238.62	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	27.3
FS1241.68	238.63	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	27.4
FS1242.10	208.9	Antony & Ruth Stokes	Accept in part	14.3
FS1242.11	208.10	Antony & Ruth Stokes	Accept in part	14.3
FS1242.12	208.11	Antony & Ruth Stokes	Accept in part	22
FS1242.13	208.12	Antony & Ruth Stokes	Accept in part	22
FS1242.16	208.15	Antony & Ruth Stokes	Accept in part	27
FS1242.17	208.16	Antony & Ruth Stokes	Accept in part	27.4
FS1242.18	208.17	Antony & Ruth Stokes	Reject	27.5
FS1242.19	208.18	Antony & Ruth Stokes	Accept in part	27.4
FS1242.20	208.19	Antony & Ruth Stokes	Accept in part	27.4
FS1242.21	208.20	Antony & Ruth Stokes	Accept in part	27.4
FS1242.22	208.21	Antony & Ruth Stokes	Accept	27.4
FS1242.23	208.22	Antony & Ruth Stokes	Accept	General
FS1242.24	208.23	Antony & Ruth Stokes	Accept	General
FS1242.25	208.24	Antony & Ruth Stokes	Accept	General
FS1242.26	208.25	Antony & Ruth Stokes	Accept in part	32
FS1242.27	208.26	Antony & Ruth Stokes	Accept in part	32
FS1242.3	208.2	Antony & Ruth Stokes	Accept in part	9
FS1242.4	208.3	Antony & Ruth Stokes	Accept	14.2
FS1242.5	208.4	Antony & Ruth Stokes	Accept	14.1
FS1242.6	208.5	Antony & Ruth Stokes	Accept in part	14.2

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1242.7	208.6	Antony & Ruth Stokes	Accept in part	General
FS1242.72	238.44	Antony & Ruth Stokes	Accept in part	26.5
FS1242.73	238.45	Antony & Ruth Stokes	Reject	26.6
FS1242.74	238.46	Antony & Ruth Stokes	Accept in part	26.4
FS1242.8	208.7	Antony & Ruth Stokes	Accept in part	14.3
FS1242.81	238.53	Antony & Ruth Stokes	Accept in part	25.6
FS1242.9	208.8	Antony & Ruth Stokes	Accept in part	14.3
FS1244.1	182.1	Three Beaches Limited	Accept in part	General
FS1248.45	238.40	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	8
FS1248.46	238.41	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	13.1
FS1248.48	238.43	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	13.3
FS1248.49	238.44	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	26.5
FS1248.50	238.45	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	26.6
FS1248.51	238.46	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	26.4
FS1248.52	238.47	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	7
FS1248.53	238.48	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	12.9
FS1248.55	238.50	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	20
FS1248.56	238.51	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	25.3
FS1248.57	238.52	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	20
FS1248.58	238.53	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	25.6
FS1248.59	238.54	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	25.7
FS1248.60	238.55	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	25.8
FS1248.61	238.56	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	25.9
FS1248.62	238.57	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	9
FS1248.63	238.58	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	14.2
FS1248.64	238.59	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	27.2
FS1248.65	238.60	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	27.4
FS1248.66	238.61	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	27.4
FS1248.67	238.62	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	27.3

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1248.68	238.63	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	27.4
FS1249.45	238.40	Tweed Development Limited	Accept in part	8
FS1249.46	238.41	Tweed Development Limited	Accept	13.1
FS1249.48	238.43	Tweed Development Limited	Accept in part	13.3
FS1249.49	238.44	Tweed Development Limited	Accept in part	26.5
FS1249.50	238.45	Tweed Development Limited	Reject	26.6
FS1249.51	238.46	Tweed Development Limited	Accept in part	26.4
FS1249.52	238.47	Tweed Development Limited	Accept in part	7
FS1249.53	238.48	Tweed Development Limited	Accept	12.9
FS1249.55	238.50	Tweed Development Limited	Accept in part	20
FS1249.56	238.51	Tweed Development Limited	Accept	25.3
FS1249.57	238.52	Tweed Development Limited	Accept in part	20
FS1249.58	238.53	Tweed Development Limited	Accept in part	25.6
FS1249.59	238.54	Tweed Development Limited	Accept in part	25.7
FS1249.60	238.55	Tweed Development Limited	Accept in part	25.8
FS1249.61	238.56	Tweed Development Limited	Accept	25.9
FS1249.62	238.57	Tweed Development Limited	Accept in part	9
FS1249.63	238.58	Tweed Development Limited	Accept	14.2
FS1249.64	238.59	Tweed Development Limited	Accept in part	27.2
FS1249.65	238.60	Tweed Development Limited	Accept	27.4
FS1249.66	238.61	Tweed Development Limited	Accept in part	27.4
FS1249.67	238.62	Tweed Development Limited	Accept	27.3
FS1249.68	238.63	Tweed Development Limited	Accept	27.4
FS1251.11	510.10	Varina Pty Limited	Accept in part	26.4
FS1251.13	511.10	Varina Pty Limited	Accept in part	26.4
FS1251.2	173.2	Varina Pty Limited	Accept	General
FS1251.4	230.1	Varina Pty Limited	Accept in part	12
FS1251.5	230.2	Varina Pty Limited	Accept in part	20
FS1251.6	230.3	Varina Pty Limited	Accept in part	13
FS1251.7	230.4	Varina Pty Limited	Accept in part	21
FS1251.8	230.7	Varina Pty Limited	Accept in part	31
FS1251.9	383.19	Varina Pty Limited	Accept in part	25
FS1260.1	668.1	Dato Tan Chin Nam	Accept in part	26.4
FS1260.10	187.15	Dato Tan Chin Nam	Reject	27.3
FS1260.11	238.62	Dato Tan Chin Nam	Reject	27.3
FS1260.12	846.1	Dato Tan Chin Nam	Accept in part	27.3
FS1260.13	846.2	Dato Tan Chin Nam	Accept in part	32
FS1260.14	68.4	Dato Tan Chin Nam	Accept in part	27.3
FS1260.15	68.5	Dato Tan Chin Nam	Reject	27.3
FS1260.18	184.1	Dato Tan Chin Nam	Accept in part	32
FS1260.19	184.2	Dato Tan Chin Nam	Accept in part	27.3
FS1260.2	668.3	Dato Tan Chin Nam	Accept in part	13.7
FS1260.24	97.6	Dato Tan Chin Nam	Accept	26.4
FS1260.25	699.45	Dato Tan Chin Nam	Accept	26.4
FS1260.26	238.46	Dato Tan Chin Nam	Accept in part	26.4
FS1260.27	512.5	Dato Tan Chin Nam	Accept in part	26.2

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1260.28	512.7	Dato Tan Chin Nam	Accept in part	26.4
FS1260.29	512.8	Dato Tan Chin Nam	Accept in part	26.4
FS1260.3	58.1	Dato Tan Chin Nam	Accept	26.2
FS1260.30	512.9	Dato Tan Chin Nam	Accept in part	26.4
FS1260.31	512.1	Dato Tan Chin Nam	Accept in part	13.2
FS1260.32	512.2	Dato Tan Chin Nam	Accept in part	13.7
FS1260.33	512.3	Dato Tan Chin Nam	Accept in part	13.7
FS1260.4	551.1	Dato Tan Chin Nam	Accept in part	General
FS1260.6	657.1	Dato Tan Chin Nam	Accept in part	26.4
FS1260.8	187.7	Dato Tan Chin Nam	Reject	27.3
FS1261.1	406.1	Bridesdale Farm Developments Limited	Accept	20
FS1265.11	383.22	DJ and EJ Cassells, the Bulling Family, the Bennett Family, M Lynch	Accept in part	13.4
FS1265.12	383.23	DJ and EJ Cassells, the Bulling Family, the Bennett Family, M Lynch	Accept in part	21
FS1265.13	383.24	DJ and EJ Cassells, the Bulling Family, the Bennett Family, M Lynch	Accept in part	21
FS1265.3	657.1	DJ and EJ Cassells, the Bulling Family, the Bennett Family, M Lynch	Accept in part	26.4
FS1265.8	628.2	DJ and EJ Cassells, the Bulling Family, the Bennett Family, M Lynch	Accept	General
FS1265.9	628.3	DJ and EJ Cassells, the Bulling Family, the Bennett Family, M Lynch	Accept	22
FS1268.11	383.22	Friends of the Wakatipu Gardens and Reserves Inc	Accept in part	13.4
FS1268.12	383.23	Friends of the Wakatipu Gardens and Reserves Inc	Accept in part	21
FS1268.13	383.24	Friends of the Wakatipu Gardens and Reserves Inc	Accept in part	21
FS1268.3	657.1	Friends of the Wakatipu Gardens and Reserves Inc	Accept in part	26.4
FS1268.8	628.2	Friends of the Wakatipu Gardens and Reserves Inc	Accept	General
FS1268.9	628.3	Friends of the Wakatipu Gardens and Reserves Inc	Accept	22
FS1270.10	847.4	Hansen Family Partnership	Accept in part	13.2
FS1270.109	717.3	Hansen Family Partnership	Accept in part	8
FS1270.11	847.5	Hansen Family Partnership	Reject	13.2
FS1270.110	717.4	Hansen Family Partnership	Accept in part	13.1
FS1270.111	717.5	Hansen Family Partnership	Reject	13.1
FS1270.112	717.6	Hansen Family Partnership	Accept	13.2
FS1270.113	717.7	Hansen Family Partnership	Reject	13.4
FS1270.114	717.8	Hansen Family Partnership	Accept in part	13.10

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1270.117	717.11	Hansen Family Partnership	Accept in part	13.13
FS1270.118	717.12	Hansen Family Partnership	Accept in part	13.13
FS1270.119	717.13	Hansen Family Partnership	Reject	21
FS1270.12	847.6	Hansen Family Partnership	Accept in part	13.10
FS1270.122	717.16	Hansen Family Partnership	Accept in part	26.4
FS1270.123	717.17	Hansen Family Partnership	Accept in part	26.6
FS1270.129	717.23	Hansen Family Partnership	Accept in part	13.10
FS1270.13	847.7	Hansen Family Partnership	Reject	13.10
FS1270.16	847.10	Hansen Family Partnership	Accept in part	13.13
FS1270.17	847.11	Hansen Family Partnership	Reject	13.13
FS1270.18	847.12	Hansen Family Partnership	Reject	21
FS1270.21	847.15	Hansen Family Partnership	Accept in part	26.4
FS1270.22	847.16	Hansen Family Partnership	Accept	26.6
FS1270.36	408.7	Hansen Family Partnership	Accept in part	8
FS1270.37	408.8	Hansen Family Partnership	Accept in part	13.7
FS1270.38	408.9	Hansen Family Partnership	Accept in part	13.8
FS1270.39	408.10	Hansen Family Partnership	Accept in part	13.8
FS1270.48	408.19	Hansen Family Partnership	Reject	21
FS1270.50	408.21	Hansen Family Partnership	Reject	26.2
FS1270.54	408.25	Hansen Family Partnership	Reject	26.4
FS1270.55	408.26	Hansen Family Partnership	Accept in part	31
FS1270.7	847.1	Hansen Family Partnership	Accept in part	8
FS1270.71	719.73	Hansen Family Partnership	Reject	27.4
FS1270.8	847.2	Hansen Family Partnership	Accept in part	13.1
FS1270.9	847.3	Hansen Family Partnership	Reject	13.1
FS1271.1	699.45	Hurtell Proprietary Limited and others	Accept	26.4
FS1271.14	187.7	Hurtell Proprietary Limited and others	Reject	27.3
FS1271.15	187.15	Hurtell Proprietary Limited and others	Accept in part	27.3
FS1271.17	657.1	Hurtell Proprietary Limited and others	Accept in part	26.4
FS1271.21	551.1	Hurtell Proprietary Limited and others	Accept in part	General
FS1271.24	551.4	Hurtell Proprietary Limited and others	Accept	27.4
FS1271.25	238.40	Hurtell Proprietary Limited and others	Accept in part	8
FS1271.26	238.46	Hurtell Proprietary Limited and others	Accept in part	26.4
FS1271.27	58.1	Hurtell Proprietary Limited and others	Accept	26.2
FS1271.28	668.1	Hurtell Proprietary Limited and others	Accept in part	26.4
FS1271.29	668.3	Hurtell Proprietary Limited and others	Accept in part	13.7
FS1271.30	668.4	Hurtell Proprietary Limited and others	Accept in part	26.4

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1271.31	668.5	Hurtell Proprietary Limited and others	Accept in part	26.4
FS1271.32	668.6	Hurtell Proprietary Limited and others	Accept in part	26.4
FS1271.33	668.7	Hurtell Proprietary Limited and others	Accept in part	26.4
FS1271.34	668.8	Hurtell Proprietary Limited and others	Accept in part	26.4
FS1274.26	206.1	John Thompson and MacFarlane Investments Limited	Accept in part	12.2
FS1274.27	206.2	John Thompson and MacFarlane Investments Limited	Accept in part	12.14
FS1274.28	206.3	John Thompson and MacFarlane Investments Limited	Accept	25.7
FS1274.29	206.4	John Thompson and MacFarlane Investments Limited	Accept	25.6
FS1274.30	206.5	John Thompson and MacFarlane Investments Limited	Accept	25.3
FS1274.38	383.52	John Thompson and MacFarlane Investments Limited	Accept in part	22
FS1276.1	798.31	JWA and DV Smith Trust	Accept in part	13.7
FS1276.2	842.5	JWA and DV Smith Trust	Reject	26
FS1279.1	68.2	Lakes Edge Development Limited	Accept in part	27.2
FS1279.10	208.4	Lakes Edge Development Limited	Accept in part	14.1
FS1279.11	208.5	Lakes Edge Development Limited	Accept in part	14.2
FS1279.12	208.6	Lakes Edge Development Limited	Accept in part	General
FS1279.13	208.7	Lakes Edge Development Limited	Accept in part	14.3
FS1279.14	208.8	Lakes Edge Development Limited	Accept in part	14.3
FS1279.15	208.9	Lakes Edge Development Limited	Accept in part	14.3
FS1279.16	208.10	Lakes Edge Development Limited	Accept in part	14.3
FS1279.17	208.11	Lakes Edge Development Limited	Accept in part	22
FS1279.18	208.12	Lakes Edge Development Limited	Accept in part	22
FS1279.2	68.3	Lakes Edge Development Limited	Accept in part	27.2
FS1279.21	208.15	Lakes Edge Development Limited	Accept in part	27

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1279.22	208.16	Lakes Edge Development Limited	Accept in part	27.4
FS1279.23	208.17	Lakes Edge Development Limited	Accept in part	27.5
FS1279.24	208.18	Lakes Edge Development Limited	Accept in part	27.4
FS1279.25	208.19	Lakes Edge Development Limited	Accept in part	27.4
FS1279.26	208.20	Lakes Edge Development Limited	Accept in part	27.4
FS1279.27	208.21	Lakes Edge Development Limited	Accept in part	27.4
FS1279.28	208.22	Lakes Edge Development Limited	Accept in part	General
FS1279.29	208.23	Lakes Edge Development Limited	Accept in part	General
FS1279.3	68.4	Lakes Edge Development Limited	Accept in part	27.3
FS1279.30	208.24	Lakes Edge Development Limited	Accept in part	General
FS1279.31	208.25	Lakes Edge Development Limited	Accept in part	32
FS1279.32	208.26	Lakes Edge Development Limited	Accept	32
FS1279.4	68.5	Lakes Edge Development Limited	Accept in part	27.3
FS1279.6	7.2	Lakes Edge Development Limited	Accept in part	General
FS1279.7	7.3	Lakes Edge Development Limited	Accept in part	32
FS1279.8	208.2	Lakes Edge Development Limited	Accept in part	9
FS1279.9	208.3	Lakes Edge Development Limited	Accept in part	14.2
FS1288.1	392.1	Pinewood	Accept in part	9
FS1288.10	392.7	Pinewood	Accept in part	27.3
FS1288.2	392.2	Pinewood	Accept	14.1
FS1288.3	392.3	Pinewood	Accept in part	14.2
FS1288.4	392.4	Pinewood	Accept in Part	14.6
FS1288.6	392.8	Pinewood	Reject	22
FS1300.2	42.2	Wanaka Trust	Accept in part	General
FS1315.10	512.6	Greenwood Group Ltd	Accept in part	26.4
FS1315.11	512.7	Greenwood Group Ltd	Accept in part	26.4
FS1315.12	512.8	Greenwood Group Ltd	Accept in part	26.4
FS1315.13	512.9	Greenwood Group Ltd	Accept in part	26.4
FS1315.14	512.10	Greenwood Group Ltd	Accept in part	26.4
FS1315.15	512.11	Greenwood Group Ltd	Reject	26.6
FS1315.16	536.1	Greenwood Group Ltd	Accept in part	13.2
FS1315.17	536.2	Greenwood Group Ltd	Accept in part	13.7
FS1315.18	536.3	Greenwood Group Ltd	Accept in part	13.7

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1315.19	536.4	Greenwood Group Ltd	Accept in part	21
FS1315.20	536.5	Greenwood Group Ltd	Accept in part	26.2
FS1315.21	536.6	Greenwood Group Ltd	Reject	26.4
FS1315.22	536.7	Greenwood Group Ltd	Accept in part	26.4
FS1315.23	536.8	Greenwood Group Ltd	Accept in part	26.4
FS1315.24	536.9	Greenwood Group Ltd	Accept in part	26.4
FS1315.25	536.10	Greenwood Group Ltd	Accept in part	26.4
FS1315.26	536.11	Greenwood Group Ltd	Reject	26.6
FS1315.5	512.1	Greenwood Group Ltd	Accept in part	13.2
FS1315.6	512.2	Greenwood Group Ltd	Accept in part	13.7
FS1315.7	512.3	Greenwood Group Ltd	Accept in part	13.7
FS1315.8	512.4	Greenwood Group Ltd	Accept in part	21
FS1315.9	512.5	Greenwood Group Ltd	Accept in part	26.2
FS1331.10	699.45	Mount Crystal Limited	Accept	26.4
FS1331.11	238.46	Mount Crystal Limited	Accept in part	26.4
FS1331.12	512.5	Mount Crystal Limited	Accept in part	26.2
FS1331.13	512.7	Mount Crystal Limited	Accept in part	26.4
FS1331.14	512.8	Mount Crystal Limited	Accept in part	26.4
FS1331.15	512.9	Mount Crystal Limited	Accept in part	26.4
FS1331.16	512.1	Mount Crystal Limited	Accept in part	13.2
FS1331.17	512.2	Mount Crystal Limited	Accept in part	13.7
FS1331.18	512.3	Mount Crystal Limited	Accept in part	13.7
FS1331.22	187.15	Mount Crystal Limited	Accept in part	27.3
FS1331.23	187.7	Mount Crystal Limited	Reject	27.3
FS1331.24	238.62	Mount Crystal Limited	Reject	27.3
FS1331.26	551.1	Mount Crystal Limited	Accept in part	General
FS1331.29	551.4	Mount Crystal Limited	Accept	27.4
FS1331.30	58.1	Mount Crystal Limited	Accept	26.2
FS1331.32	657.1	Mount Crystal Limited	Accept in part	26.4
FS1331.4	184.1	Mount Crystal Limited	Accept in part	32
FS1331.5	184.2	Mount Crystal Limited	Accept in part	27.3
FS1331.6	846.1	Mount Crystal Limited	Reject	27.3
FS1331.7	846.2	Mount Crystal Limited	Accept in part	32
FS1331.8	68.4	Mount Crystal Limited	Accept in part	27.3
FS1331.9	68.5	Mount Crystal Limited	Reject	27.3
FS1332.1	166.4	Nick Mills	Accept in part	11
FS1332.2	293.3	Nick Mills	Accept in part	29.6
FS1332.3	322.1	Nick Mills	Accept in part	16.1
FS1332.5	812.1	Nick Mills	Accept in part	29.6
FS1332.6	383.28	Nick Mills	Accept in part	11
FS1340.15	24.5	Queenstown Airport Corporation	Accept in part	20
FS1340.16	35.1	Queenstown Airport Corporation	Accept in part	20
FS1340.17	36.1	Queenstown Airport Corporation	Accept in part	20

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1340.18	43.1	Queenstown Airport Corporation	Accept in part	20
FS1340.19	141.4	Queenstown Airport Corporation	Accept in part	20
FS1340.21	485.1	Queenstown Airport Corporation	Accept in part	20
FS1340.22	555.3	Queenstown Airport Corporation	Accept in part	20
FS1340.23	555.4	Queenstown Airport Corporation	Accept in part	20
FS1340.24	524.19	Queenstown Airport Corporation	Accept in part	20
FS1340.25	678.3	Queenstown Airport Corporation	Accept in part	20
FS1340.26	805.46	Queenstown Airport Corporation	Reject	12.11
FS1340.78	336.3	Queenstown Airport Corporation	Reject	25.5
FS1352.1	529.1	Kawarau Village Holdings Limited	Accept in part	27.2
FS1352.14	72.1	Kawarau Village Holdings Limited	Accept in part	General
FS1352.15	72.2	Kawarau Village Holdings Limited	Accept in part	25.3
FS1352.2	529.2	Kawarau Village Holdings Limited	Accept in part	27.3
FS1352.3	529.3	Kawarau Village Holdings Limited	Accept in part	27.3

Appendix 7: Definitions Recommended to Stream 10 Hearing Panel for Insertion in Chapter 2

Activity Sensitive To Aircraft Noise (ASAN)	Make applicable to activities sensitive to road noise also
Community Activity	Means the use of land and buildings for the primary purpose of health, welfare, care, safety, education, culture and/or spiritual well being. Excludes recreational activities. A community activity includes day care facilities, education activities, hospitals, doctors surgeries and other health professionals, churches, halls, libraries, community centres, police stations, fire stations, courthouses, probation and detention centres, government and local government offices.
Education Activity	Means the use of land and buildings for the primary purpose of regular instruction or training including early childhood education, primary, intermediate and secondary schools, tertiary education and including ancillary administrative, cultural, recreational, health, social and medical services (including dental clinics and sick bays) and commercial facilities.
Flat site	A flat site is where the ground slope is equal to or less than 6 degrees (i.e equal to or less than 1 in 9.5). Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation. Where all elevations indicate a ground slope equal to or less than 6 degrees (i.e. equal to or less than 1 in 9.5), rules applicable to flat sites will apply.
Minor Alterations and Additions to a Building	Means any of the following: <ul style="list-style-type: none"> • Constructing an uncovered deck. • Replacing windows or doors in an existing building that have the same profile, trims and external reveal depth as the existing. • Changing existing materials or cladding with other materials or cladding of the same texture, profile, and colour.
Sloping site	A sloping site is where the ground slope is greater than 6 degrees (i.e greater than 1 in 9.5). Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation. Where any elevation indicates a ground slope of greater than 6 degrees (i.e. greater than 1 in 9.5), rules applicable to sloping sites will apply.

Appendix 8: Recommendations on Submissions to Stream 10 Panel
Part A: Submissions

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
170.1	Cameron Steele	Reject	36.2
243.4	Christine Byrch	Accept in part	36.1
243.41	Christine Byrch	Accept in part	36.11
243.42	Christine Byrch	Accept in part	36.11
243.43	Christine Byrch	Accept in part	36.11
433.30	Queenstown Airport Corporation	Accept	36.11
433.31	Queenstown Airport Corporation	Accept in part	36.11
433.32	Queenstown Airport Corporation	Accept in part	36.11
438.2	New Zealand Fire Service	Accept in part	36.4
524.1	Ministry of Education	Accept	36.5
524.2	Ministry of Education	Accept in part	36.4
524.3	Ministry of Education	Accept	36.4
524.4	Ministry of Education	Accept in part	36.5
271.2	Board of Airline Representatives of New Zealand (BARNZ)	Reject	36.1
350.1	Dalefield Trustee Ltd	Accept in part	36.11
568.9	Grant Laurie Bissett	Accept in part	36.11
678.1	Southern District Health Board	Accept	36.4
678.2	Southern District Health Board	Accept	36.4
836.5	Arcadian Triangle Limited	Accept	36.6
836.12	Arcadian Triangle Limited	Accept in part	36.11
408.2	Otago Foundation Trust Board	Reject	36.1
208.43	Pounamu Body Corporate Committee	Accept	36.8
68.1	Nigel Sadlier	Accept in part	36.9
836.8	Arcadian Triangle Limited	Accept in part	36.10

Part B: Further Submissions

Further Submission Number	Original Submissions	Further Submitter	Commissioners' Recommendation	Report Reference
FS1061.33	524.2	Otago Foundation Trust Board	Accept in part	36.4
FS1061.34	524.3	Otago Foundation Trust Board	Accept	36.4
FS1077.16	408.2	Board of Airline Representatives of New Zealand (BARNZ)	Accept	36.1
FS1077.17	408.2	Board of Airline Representatives of New Zealand (BARNZ)	Accept	36.1
FS1097.274	408.2	Queenstown Park Limited	Reject	36.1
FS1097.316	433.30	Queenstown Park Limited	Reject	36.11
FS1097.317	433.31	Queenstown Park Limited	Accept in part	36.11
FS1097.318	433.32	Queenstown Park Limited	Accept in part	36.11

Further Submission Number	Original Submissions	Further Submitter	Commissioners' Recommendation	Report Reference
FS1117.202	524.1	Remarkables Park Limited	Reject	36.5
FS1117.203	524.2	Remarkables Park Limited	Accept in part	36.4
FS1117.204	524.3	Remarkables Park Limited	Accept	36.4
FS1117.205	524.4	Remarkables Park Limited	Accept in part	36.5
FS1117.86	433.30	Remarkables Park Limited	Reject	36.11
FS1117.87	433.31	Remarkables Park Limited	Accept in part	36.11
FS1117.88	433.32	Remarkables Park Limited	Accept in part	36.11
FS1167.5	408.2	Peter and Margaret Arnott	Accept in part	36.1
FS1224.41	243.41	Matakauri Lodge Limited	Accept in part	36.11
FS1224.42	243.42	Matakauri Lodge Limited	Accept in part	36.11
FS1224.43	243.43	Matakauri Lodge Limited	Accept in part	36.11
FS1270.31	408.2	Hansen Family Partnership	Reject	36.1
FS1340.2	408.2	Queenstown Airport Corporation	Accept	36.1

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Report 11

Report and Recommendations of Independent Commissioners Regarding
Chapter 12, Chapter 13, Chapter 14, Chapter 15, Chapter 16 and Chapter 17

Commissioners

Denis Nugent (Chair)

Paul Rogers

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PART A: INTRODUCTORY MATTERS

1. PRELIMINARY

1.1. Terminology in this Report

1. Throughout this report, we use the following abbreviations:

Act	Resource Management Act 1991 as it was prior to the enactment of the Resource Legislation Amendment Act 2017, unless otherwise stated
ANB	Air Noise Boundary
ASAN	Activities Sensitive to Aircraft Noise
ATCZ	Arrowtown Town Centre Zone
AMUZ	Airport Mixed Use Zone
AZ	Airport Zone
BMUZ	Business Mixed Use Zone
CAA	Civil Aviation Authority
Clause 16(2)	Clause 16(2) of the First Schedule to the Act
Council	Queenstown Lakes District Council
CPTED	Crime Prevention Through Environmental Design
HSNO	Hazardous Substances and New Organisms Act 1996
KTKO NRMP 2005	Kāi Tahu ki Otago Natural Resource Management Plan 2005
LSCZ	Local Shopping Centre Zone
masl	metres above sea level
MNRMP 2008	The Cry of the People, Te Tangi a Taurira: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008
NPSET 2008	National Policy Statement for Electricity Transmission 2008
NPSFM 2011	National Policy Statement for Freshwater Management 2011
NPSFM 2014	National Policy Statement for Freshwater Management 2014
NPSREG 2011	National Policy Statement for Renewable Electricity Generation 2011

NPSUDC 2016	National Policy Statement on Urban Development Capacity
NZIA	NZIA Southern and Architecture + Women Southern
OCB	Outer Control Boundary
ODP	The Operative District Plan for the Queenstown Lakes District as at the date of this report
ONF	Outstanding Natural Feature(s)
ONL	Outstanding Natural Landscape(s)
PDP	Stage 1 of the Proposed District Plan for Queenstown Lakes District as publicly notified on 26 August 2015
Proposed RPS	The Proposed Regional Policy Statement for the Otago Region Decisions Version dated 1 October 2016, unless otherwise stated
QAC	Queenstown Airport Corporation
QTC	Queenstown Town Centre
QTCZ	Queenstown Town Centre Zone
RMA	Resource Management Act 1991 as it was prior to the enactment of the Resource Legislation Amendment Act 2017, unless otherwise stated
RPL	Remarkables Park Limited
RPS	The Operative Regional Policy Statement for the Otago Region dated October 1998
QPL	Queenstown Park Limited
SCA	Special Character Area (in QTCZ)
Stage 2 Variations	The variations, including changes to the existing text of the PDP, notified by the Council on 23 November 2017.
TCEP	Town Centre Entertainment Precinct
TCTSZ	Town Centre Transition Sub-Zone
UCES	Upper Clutha Environmental Society
UGB	Urban Growth Boundary
WSZ	Waterfront Sub Zone

WTC Wanaka Town Centre

WTCZ Wanaka Town Centre Zone

1.2. Topics Considered

2. The subject matter of the Stream 8 hearings was Chapters 12, 13, 14, 15, 16 and 17 of the PDP (Hearing Stream 8). The Chapters, as notified, covered the following matters.
3. Chapter 12 set out objectives, policies and rules for the Queenstown Town Centre seeking to ensure it continues to develop as a high quality and vibrant hub that offers a range of activities crucial to the Centre's economic viability, and which significantly contribute to the overall resilience of the community.
4. Chapter 13 dealt with the Wanaka Town Centre. The objectives for the WTCZ provide for it to continue to be the principal commercial, entertainment and cultural centre for the wider Wanaka area. The chapter provided through its policies and rules some intensification of the WTC by relaxing height and coverage in parts of the town centre.
5. Chapter 14 sets out objectives policies and rules for the Arrowtown Town Centre Zone. Arrowtown is noted for its special heritage character, attracting visitors to the district. The ATCZ provided for business and retailing for visitors and local residents at a boutique scale. Growth was anticipated within both the resident population and visitor numbers. However, the Centre's compact form was valued because it enabled access by foot.
6. Chapter 15 set out the objectives, policies and rules for the Local Shopping Centre Zone. The LSCZ included existing and proposed local shopping centres at Albert Town, Arrowtown, Fernhill, Frankton, Hawea, Sunshine Bay and Wanaka (Cardrona Valley Road). The purpose of establishing the LSCZ was to enable small scale commercial and business activities accessible to residents and travellers alike. They were located in predominantly residential locations seeking to reduce the need for residents and travellers to travel longer distances for convenience goods.
7. Chapter 16 set out the objectives, policies and rules for the Business Mixed Use Zone. The BMUZ enabled a variety of activities to occur compatible and supplementary to the activities and services provided in the town centres. The purpose of the zone was to provide for activities that contribute to economic growth without detracting from the town centres.
8. Chapter 17 set out the objectives, policies and rules for the Airport Mixed Use Zone. This zone provided for activities at Queenstown Airport, recognising the airport as a nationally significant asset providing a gateway for people and freight and generating economic and social benefits. The rules for this zone sought to provide performance standards in order to manage the effects of airport activities on amenity values within and outside of the zone.

1.3. Hearing Arrangements for Stream 8

9. The hearing of Stream 8 matters was held on 28 November to 1 December 2016 inclusive in Queenstown; and in Wanaka on 5-6 December 2016 inclusive.
10. The parties heard from on Stream 8 matters were:

Queenstown Lakes District Council

- James Winchester and Sarah Scott (Counsel)

- Dr Stephen Chiles
- Tim Church
- Tim Heath
- Jackie Gillies
- Sian Swinney
- Victoria Jones
- Amy Bowbyes
- Rebecca Holden

New Zealand Transport Agency¹

- Tony MacColl

Erna Spijkerbosch²

- Duncan Ridd

Queenstown Park Limited³, Remarkables Park Limited⁴, Queenstown Wharves GP Limited⁵

- John Young (Counsel)
- Malcolm Hunt
- David Serjeant
- Jenny Carter

Queenstown Airport Corporation⁶

- Rebecca Wolt (Counsel)
- Rachel Tregidga
- Chris Day
- John Kyle

Man Street Properties Limited⁷, Skyline Investments Limited & O'Connells Pavilion Limited⁸, Skyline Properties Limited & Accommodation Booking Agents Queenstown⁹, Trojan Holdings Limited & Beach Street Holdings Limited¹⁰, Skyline Enterprises Limited¹¹

- Graeme Todd (Counsel)

Man Street Properties Limited¹²

- Tim Williams

John Thompson and MacFarlane Investments Limited¹³

- Warwick Goldsmith (Counsel)

1 Submission 719
 2 Submission 392 and FS1059
 3 Submission 806 and FS1097
 4 Submission 807 and FS1117
 5 Submission 766 and FS1115
 6 Submission 433
 7 Submission 398 and FS1107
 8 Submission 606 and FS1239
 9 Submission 609 and FS1241
 10 Submission 616 and FS1248
 11 Further Submission 1238
 12 Submission 398, FS1107 and FS1368
 13 Submission 517 and FS1274

Real Journeys Limited¹⁴ and Te Anau Developments¹⁵

- Fiona Black
- Roger Gardiner¹⁶

Trustees of the Gordon Family Trust¹⁷

- Graeme Todd (Counsel)
- John Polkinghorne

Hawea Community Association¹⁸

- Paul Cunningham
- Dennis Hughes

Well Smart Investment Holdings Limited¹⁹

- Elliott Goldman
- Ben Farrell

Gem Lake Limited²⁰

- Ian Greaves
- Louise Wright

Imperium Group²¹

- Jayne Macdonald (Counsel)
- James Cavanagh

G H and PJ Hensman²², High Peaks Limited²³, Ngai Tahu Property Limited²⁴, Skyline Enterprises Limited²⁵, Trojan Holdings²⁶

- Jayne MacDonald (Counsel)
- Scott Freeman

1.4. Procedural Steps and Issues

11. The hearings for all of Stream 8 proceeded on the basis of the pre-hearing directions made in various memoranda issued by the Chair of the Hearings Panel and summarised in the Introductory Report (Report 1).
12. The hearings on Stream 8 did not give rise to any procedural issues.

¹⁴ Submission 621
¹⁵ Submissions 607
¹⁶ Submission 260
¹⁷ Further Submission 1193
¹⁸ Submission 771
¹⁹ Submission 308
²⁰ Submission 240
²¹ Submitter 151
²² Submission 542
²³ Submission 545/1216
²⁴ Submission 550/1228
²⁵ Submission 556/574/1236/1238
²⁶ Submission 634/1246

13. Except where necessary, this report does not include reference to all individual submissions and submission points, as these are contained in the summary of submissions and our recommendations as to whether these be accepted, accepted in part, or rejected, as contained in Appendix 7 to these recommendations.
14. Finally, in the Hearing Panel's discussion of submissions, reference is made to the section within each chapter, or the objective/policy/rule numbers in the PDP as notified. Where text changes are proposed, reference is made to the section of the chapter or objective/policy/rule numbers as amended by these recommendations. Reference should be made to Appendices 1 to 6, which set out the text of the six chapters resulting from our recommendations.
15. We would particularly wish to express its appreciation that almost all of the Counsel appearing for submitters supplied us with a synopsis of their legal submissions in advance (as requested), thereby enabling us to better understand the arguments being advanced.
16. Commissioner Ella Lawton sat and heard the submissions and took part in deliberations, but on her resignation from the Council on 21 April 2017, she also resigned from the Hearing Panel and took no further part in the drafting of this Report or its recommendations.
- 1.5. **Stage 2 Variations**
17. On 23 November 2017 the Council notified the Stage 2 variations. These proposed amendments to Chapter 12, Chapter 16 and Chapter 17. Where these proposed to delete text from the relevant chapter, we have shown the deleted text in grey. We have not considered such text any further.
- 1.6. **Statutory Requirements and Collective Scope**
18. The Hearing Panel's Report 1 contains a general discussion of the statutory framework within which submissions and further submissions on the PDP have to be considered, including matters that have to be taken into account, and the weight to be given to those matters. We have adopted the same approach as that report in our consideration of submissions and further submissions on the matters before us.
19. The Section 42A Reports provided us with a general overview of the matters of relevance to our deliberations, including summaries of the provisions of the RPS and the Proposed RPS.
20. Given the breadth of the matters covered in the Stream 8 Hearings there is little value in our summarising the points of each document of relevance – such a summary would, for instance, necessarily have to encompass many of the objectives and policies of the RPS and the Proposed RPS, as well as parts of each relevant National Policy Statement.
21. We have therefore adopted the approach of referring to the relevant documents in the context of our consideration of particular provisions of the Stream 8 Chapters.
22. As will be apparent, as part of these recommendations we have made a number of changes in response to the Section 42A Reports and the submissions that have been made, to the extent that this is possible within the scope of submissions. We address changes made to the notified provisions in terms of section 32AA which we now refer to.
23. The tests posed in section 32 form a key part of our review of the objectives, policies, and other provisions we have considered. We refer to and adopt the discussion of section 32 in the Hearing Panel's Report 3. In particular, for the same reasons as are set out in Report 3, we

have incorporated our evaluation of changes we have recommended into the report that follows as part of each suite of provisions rather than provide a separate evaluation of how the requirements of section 32AA are met.

24. As to collective scope, this issue first arose in Hearing Stream 1B, during the Chapter 3, 4, and 6 hearings. Within Report 3 the issue of collective scope is comprehensively addressed. That Hearing Panel recommended an approach to collective scope which we adopt and apply in this report.
- 1.7. **PDP Strategic Directions Chapter 3**
25. In terms of other Chapters of the PDP, Chapter 3 is an overarching strategic chapter which sits at the top of a hierarchical structure over the PDP as a whole. It follows that Chapter 3 includes relevant objectives and policies that we need to carefully consider and provide for when reaching decisions on Stream 8.
26. Of particular relevance to considering the matters in this Hearing Stream are the following recommended Objectives and Policies:
 - a. Objectives 3.2.1.2, 3.2.1.3, 3.2.1.4, 3.2.1.5;
 - b. Policies 3.3.1, 3.3.2, 3.3.3, 3.3.5, 3.3.9, 3.3.11.
27. Therefore, when considering issues within the Stream 8 hearings that are linked to the above described Objectives and Policies, we need to ensure the decisions we make provide for the fact Chapter 3 is a District wide strategic chapter and subsequent chapters need to both support and respect the position of Chapter 3 within that hierarchy.
28. Within her Section 42A Report, Ms Jones identified the Reply Version of the Chapter 3 objectives we have discussed above along with some additional objectives. It was her view that those objectives would be implemented by Chapter 12 as the objectives and policies within Chapter 12 provide clear and concise direction in relation to how the Council aims to maintain and enhance the existing key commercial, civic and cultural hubs of the District.
29. Overall for the reasons we provide when we are making recommendations on objectives, policies, rules and standards within Chapter 12 to 17 inclusive, we are satisfied our recommendations implement the objectives and supporting policies of Chapter 3 as recommended by the Hearing Panel.

PART B: CHAPTER 12 - QUEENSTOWN TOWN CENTRE

2. PRELIMINARY

30. Ms Vicki Jones prepared and presented the Section 42A Report for this chapter. In that report she provided a background to the QTCZ in addition to identifying the issues that arose from reviewing the ODP provisions. The PDP zone provisions sought to address those key issues. They were:
- a. A lack of capacity within the town centre and whether there was an opportunity to provide for further capacity within the existing town centre zone
 - b. Could the existing town centre be expanded in a manner that retains the compactness and walkability of the town centre, provide legible boundaries, and not exacerbate reverse sensitivity issues?
 - c. Were the existing rules, including those related to building height, bulk and location, appropriate, and would they achieve quality urban design and build efficiently and effectively, and result in efficient land use and intensification opportunities?
 - d. Management of flood risk in the QTC
 - e. Management of the interface between the town centre and lakefront
 - f. Noise and reverse sensitivity issues and acoustic insulation
 - g. The need for integrated land use and transport planning.

2.1. General Submissions

31. Some submitters²⁷ submitted generally on Chapter 12, seeking that all provisions in the chapter, not otherwise submitted on within their submission, be retained as notified unless they duplicate other provisions in which case they should be deleted.
32. E J L Guthrie²⁸ requested that the QTCZ provisions, including, but not limited to, the Zone Purpose and all Objectives, Policies and Rules, be confirmed as notified; and Tweed Developments Limited²⁹ requested the chapter be confirmed as notified as it related to the zoning of Lot 1 DP 20093 and Sections 20 & 21 Block II Town.
33. Jay Berriman³⁰ supported the Zone Purpose, although it is not clear from the submission whether he supported the geographic extent of the zoning or the zone as a whole.
34. Ms Jones recommended that those submissions seeking that the provisions be confirmed in part or whole be accepted in part and that Submission 217 supporting the zoning of certain sites be accepted. We agree with Ms Jones and recommend accordingly.

2.2. Extensions to the Queenstown Town Centre Zone

35. Ms Jones pointed out in her Section 42A Report that no submitter had opposed the notified QTC boundaries so she recommended no change in relation to the notified boundary.

²⁷ Submissions 663 (opposed by FS1139 and FS1191) and 672

²⁸ Submission 212

²⁹ Submission 617

³⁰ Submission 217

36. She traversed in her report a number of submissions³¹ supporting the notified changes to the extent of the town centre zone. Additionally, Tweed Developments Limited³² specifically sought that the notified zoning be confirmed insofar as it related to the zoning of 74 Shotover Street and 11 & 13 The Mall. We recommend that submission be accepted.
37. We agree with Ms Jones' view that the notified extent of the QTCZ is appropriate for the reasons outlined in the Section 32 Evaluation Report and we support her recommendation that the supporting submissions be accepted.
- 2.3. Submissions not relating to matters controlled by the PDP**
38. Downtown QT³³ sought that the provisions of the PDP align with the Town Centre Strategy. Ms Jones pointed out in her Section 42A Report that the Downtown QT website³⁴ notes its strategy will be a living document and will address the look and feel, transport, parking, accessibility, lighting and future development of the town centre and provide guidance on commercial resilience and growth, local relevance and sector alignment.
39. We note that the PDP cannot be aligned with a document that is forever changing without going through the Plan Change process. No evidence was provided to clarify how exactly the QTCZ should be changed. On this basis, we recommend the submission be rejected.
40. Ms Jones drew our attention to two groups of submissions which sought amendments to notified provisions, or the inclusion of additional provisions, relating to:
- a. Car parking in the QTCZ³⁵ and
 - b. Public transport links on the water³⁶.
41. We agree that both matters are better dealt with when Chapter 29 Transport is considered for the reasons Ms Jones set out. Some of these submissions are deemed to be submissions on Chapter 29. In respect of the remainder, we note that we received insufficient evidence to justify the types of changes requested. We recommend those submissions³⁷ be rejected.
- 2.4. Section 12.1 – Zone Purpose**
42. Kopuwai Investments Limited³⁸ sought that the words “Precinct” and “has” in the third paragraph of the zone purpose be amended to “Precincts” and “have”. These are minor amendments which add no further value or clarification and therefore they are ineffective and inefficient. We reject the submission on that basis.
43. Remarkables Park Limited³⁹ sought deletion of the word “administrative” because it failed to recognise that as the District grows the Queenstown Town Centre may not continue to provide the administrative centre of the District. Rather that centre may be found or located in

³¹ Submitter 630 (DowntownQT) Submitters 308 (WellSmart Investment Holdings Ltd) 398 (Man Street Properties Limited) opposed by FS 1274 (John Thompson & MacFarlane Investments Ltd) Submitter 394 (Stanley Street Investments Ltd & Kelso Investments Limited) opposed by FS 1117 (Remarkable Park Limited) Submitter 574 (Skyline Enterprises Ltd) opposed by FS 1063.22 (Peter Fleming)

³² Submission 617

³³ Submission 630, opposed by FS1043

³⁴ <http://www.downtownqt.nz/about/#town-centre-strategy>

³⁵ V Jones, Section 42A Report, paragraph 17.7

³⁶ *ibid*, paragraphs 17.8 and 17.9

³⁷ Listed in Footnotes 84 and 85 of Ms Jones' Section 42A Report

³⁸ Submission 714, opposed by FS1318

³⁹ Submission 807

Frankton. The submitter was concerned to see that the PDP did not artificially constrain development in Frankton.

44. Other submitters⁴⁰ sought to clarify what the word administrative means and submitted that ambiguity could be avoided by deleting the word “*administrative*” and replacing it with the words “*Local Government*”.
45. We recommend that the word “*administrative*” be retained within the zone purpose because we consider the balance wording within the zone purpose provision supports the retention of the word administrative. As we read those words, the zone purpose is all about signalling the importance and priority of the town centre to the District. It follows that it is the principal or main location of administrative activities, whether they be civic, local government or business activities.
46. Also, we do not think that acknowledging the current reality that the existing town centre is the principal administrative centre for the District pre-determines what should happen in Frankton. However, we do accept the choice of word we recommend sends, to the extent a zone purpose can, a clear signal that the QTC is the principal or predominant centre for the District.
47. We do not see anything is gained by utilising the words “*civic*” or “*local government*”. We see these words as being more aligned to civic buildings and Council or local authority activities. Those activities, and in particular civic buildings such as libraries and the like, are only a subset of the activities and types of buildings that exist in the town centre. The existing town centre activities are much broader than civic and local government activities and related buildings, and the zone purpose provision needs to recognise and provide for that.
48. We consider our recommendation, retaining the word “*administrative*” supports the strategic directions objectives, particularly Strategic Objective 3.2.1.2 which refers to Queenstown and Wanaka being the hubs for the District, which we take to include administrative activities. We note also that new Objective 3.2.1.3 provides for the role of Frankton Flats in a more general sense.
49. Two submissions⁴¹ supported the Zone Purpose, but NZIA⁴² sought to amend the Queenstown Town Centre Guidelines 2015 by extending the application of the guidelines. Failing that the submitter sought that the Zone Purpose be amended to acknowledge the importance of natural features, existing circulation patterns, roads and pathways, grid patterns, public open spaces, the quality, scale, and configuration of the built form, experiences, and Council landscaping in achieving a well-designed, high quality Town Centre.
50. We return later to the request to extend the application of the Queenstown Town Centre Design Guidelines but we do recommend rejection of this submission point. We agree with Ms Jones that including additional statements within the Zone Purpose, as sought by this submitter, would have little statutory weight, and would complicate consenting processes as many of the design considerations of interest to this submitter are dealt with by mechanisms either outside of the District Plan or through the subdivision chapter. We also consider it would make the Zone Purpose much more complicated and complex than required.

⁴⁰ Submissions 217 and 630

⁴¹ Submissions 380 (opposed by FS1318) and 238 (opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249)

⁴² Submission 238.

51. If accepted this submission would result in the guidelines applying beyond the SCA and to more than only buildings. While such an extension could be useful, guidance on such matters is already available from a range of non-statutory documents. Also we consider expansion of the guideline, while not beyond scope would not be good practice or efficient because the opportunity to undertake widespread consultation on the proposed amendments would not be available. For these reasons we recommend rejection of this submission.
52. Ms Macdonald, legal counsel for Imperium⁴³, was opposed to any reference to the TCEP within the last paragraph of section 12.1. In summary, she was concerned that Ms Jones' Section 42A Report failed to address adequately the issues faced by existing noise sensitive activities which, she submitted, as a result of the creation of the Entertainment Precinct, would be exposed to even higher levels of noise than what currently occurs.⁴⁴
53. Ms Jones⁴⁵ recommended a number of additional changes in relation to matters she had reconsidered since filing her Section 42A Report, specifically in response to evidence filed by submitters. She considered that those additional amendments would result in more appropriate provisions that would better contribute to the district wide objectives, and the purpose of the Act.
54. In that regard, Ms Jones recommended amending the Zone Purpose to acknowledge the importance of the WSZ to the QTC. In particular, she recommended that the contribution that the waterfront makes to the amenity, vibrancy and sense of place of the QTC as a whole needed to be recognised within the Zone Purpose.
55. Queenstown Wharves (GP) Limited⁴⁶ (Queenstown Wharves) sought the recognition of the waterfront's contribution to the QTC within its submission, and in a broad way within the evidence of Ms Carter.
56. We consider there is merit in that submission and merit in Ms Jones' response to it referred to above⁴⁷. We recommend the inclusion of the following words as a last paragraph to the Zone Purpose at 12.1:
- The Queenstown waterfront subzone makes an important contribution to the amenity, vibrancy and sense of place of the Queenstown Town Centre as a whole.*
57. In our view after having considered these submissions and further submissions and the officers' report and relevant replies, we consider the wording of Ms Jones's Reply version of Section 12.1 is appropriate, as it includes recognition of the importance of WSZ which is consistent with, and supports, the recognition of the importance of the waterfront to the QTC, as discussed in the evidence of Ms Carter.

3. SECTION 12.2 OBJECTIVES AND POLICIES

58. As notified there were five objectives with supporting policies.

⁴³ Submission 151, supported by FS1043

⁴⁴ We will discuss noise in greater detail, including why we support the TCEP later in this report at 12.5.11

⁴⁵ V Jones, Summary of Evidence at [6]

⁴⁶ Submission 766

⁴⁷ V Jones, Summary of Evidence at [6]

3.1. **General Drafting Improvements to the Objectives and Policies and correcting Format Errors.**
59. In her Reply Statement, Ms Jones⁴⁸ identified for us general drafting improvements to the objectives policies and rules as well as identifying and correcting formatting errors. In so far as those drafting improvements relate to the objectives and policies we recommend those improvements be adopted and have incorporated them in our recommendations above.

60. Ms Jones⁴⁹ referred us to further general amendments recommended by Mr Goldsmith within his legal submissions for Mr John Thompson and MacFarlane Investments⁵⁰. Those amendments relate to the consistent use of the term “RL” and removing all references to Otago datum. Ms Jones’ recommended acceptance and we agree. We note that for consistency this has been applied across all chapters in the Stream, and where relevant the reference in the provisions is to masl.

3.2. **Objective 12.2.1 and Policies 12.2.1.1 – 12.2.1.4**

61. As notified these read:

12.2.1 Objective

A Town Centre that remains relevant to residents and visitors alike and continues to be the District’s principal mixed use centre of retail, commercial, administrative, entertainment, cultural, and tourism activity.

Policies

12.2.1.1 *Enable intensification within the Town Centre through providing for greater site coverage and additional building height provided effects on key public amenity and character attributes are avoided or satisfactorily mitigated.*

12.2.1.2 *Provide for new commercial development opportunities within the Town Centre Transition subzone that are affordable relative to those in the core of the Town Centre in order to retain and enhance the diversity of commercial activities within the Town Centre.*

12.2.1.3 *Recognise the important contribution that night time activity makes to the vibrancy and economic prosperity of the Town Centre by enabling restaurant and bar activities to occur without unduly restrictive noise controls.*

12.2.1.4 *Enable residential activities and visitor accommodation activities while acknowledging that there will be a lower level of residential amenity due to the mix of activities and late night nature of the town centre.*

62. Objective 12.2.1 attracted submissions in support⁵¹ and those⁵² that sought to alter its wording by deleting the word “administrative” and replacing it with “local government”. For the same reasoning advanced when considering Section 12.1, we recommend retention of the word administrative, and therefore, recommend the objective be adopted as notified.

⁴⁸ Ibid at [2]

⁴⁹ V Jones, Reply Statement at paragraph 2.3

⁵⁰ FS1274

⁵¹ Submissions 217, 630 (opposed by FS1043 and FS1117) and 470

⁵² Submission 238, opposed by FS1318, FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249

63. NZIA⁵³ sought to amend notified Policy 12.2.1.1 to provide for intensification by requiring that such intensification be undertaken in accordance with best practice in urban design principles. The submitter considered allowing intensification on the basis of effects on public amenity and character being either avoided or satisfactorily mitigated, to be too imprecise.
64. Ms Jones recommended retaining the words “*avoided or satisfactorily mitigated*”. She was of the view the submitter’s reference to best practice urban design principles helped overcome interpretive difficulties that could arise in trying to determine whether or not the effects on key public amenity and character attributes had been satisfactorily mitigated.
65. We consider that reference to the urban design principles provides a useful touchstone to answer that question. Ms Jones also recommended in her reply evidence that the policy be expanded to separate the issue of coverage from height. In her view it was the matter of height that should be guided by best practice urban design principles. In addition, she did not consider a comparison between the coverage allowed in the PDP with that allowed in the ODP to be relevant. We accept the recommendations proposed by Ms Jones for the reasons she advances. We consider the changes give effect to the operative RPS particular those objectives and policies seeking to avoid, remedy or mitigate adverse effects of the built environment.
66. Accordingly we recommend Policy 12.2.1.1 reads as follows with our changes shown as underlined and struck out:
- 12.2.1.1 *Enable intensification within the Town Centre through: ~~providing for greater site coverage and~~*
- a. *enabling sites to be entirely covered with built form other than in the Town Centre Transition Subzone and in relation to comprehensive developments provided identified pedestrian links are retained and*
- b. *enabling additional building height in some areas provided such intensification is undertaken in accordance with best practice urban design principles and the effects on key public amenity and character attributes are avoided or satisfactorily mitigated.*
67. Ms Jones pointed out the linkage by way of subject matter between Policy 12.2.1.1 and Objective 12.2.2 and Policies 12.2.2.3 and 12.2.2.4. She made the point that Policy 12.2.1.1 seeks to address the circumstance created by the PDP no longer imposing coverage rules or recession planes within the town centre, in most instances. It was her view that Policy 12.2.1.1 is not intended to provide policy guidance when Rules 12.5.1, 12.5.9 and 12.5.10, which all relate to coverage or height, are breached. The policies that are relevant to these rules are those found following Objective 12.2.2. She said if this was unclear it may need to be clarified.
68. We do not think it necessary to link a policy to a particular rule by footnote or other method. This is because a particular rule which has been triggered should be read and interpreted within the context of all relevant objectives and policies. Which objective or policy is most relevant will be informed by the factual context that triggers the rule.
69. No submissions were received on notified Policy 12.2.1.2. However, we raised questions with Ms Jones as to how the relatively affordable opportunities referred to were to be provided.

⁵³ Submission 238, opposed by FS1318, FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249

70. She responded within her Reply, that rezoning land located at Upper Brecon Street and the Gorge Road/Memorial Avenue corner currently zoned Residential in the ODP to QTCZ would increase the supply of town centre land.⁵⁴ It was her opinion that, given the location of this land on the fringes of the existing town centre, it would be relatively affordable land, particularly when compared to land located within the QTC in the ODP.⁵⁵
71. We agree with Ms Jones, given her Reply explanation linking the rezoning of land and the likely value of that land, the policy wording is appropriate and accordingly recommend policy 12.2.1.2 be adopted as notified.
72. Multiple submitters⁵⁶ sought to retain this policy and Imperium Group⁵⁷ requested the words “*unduly restrictive*” be replaced with the words “*subject to appropriate*”. We agree with the submitter that the word “*appropriate*” means and requires an assessment of the context in which the noise is an issue and allows for imposition of a control appropriate to that context.
73. The words as they currently appear suggest, according to the submitter, that any control on noise should not be unduly restrictive implying that noise is enabled or allowed regardless of context. We agree with those concerns.
74. For these reasons we recommend rewording the policy as follows, with additional phrasing underlined and discarded wording struck-out:
- 12.2.1.3 Recognise the important contribution that night time activity makes to the vibrancy and economic prosperity of the Town Centre by enabling restaurant and bar activities to occur ~~without unduly restrictive~~ subject to appropriate noise controls.*
75. NZIA⁵⁸ requested that notified Policy 12.2.1.4 be amended: first, by deleting reference to a lower level of residential amenity; second, by including words to the effect that residential activities and visitor accommodation would be enabled while acknowledging increased noise and activity due to a mix of activities and the late night nature of the town centre.
76. We think that this policy is trying to provide for the reality of what now occurs within the town centre. It draws attention to the potential noise effects on residential amenity contributed to by the late night nature of town centre activities.
77. Notwithstanding the purpose of the policy we agree with the submitter’s request because the wording proposed is clearer and does not allow or support noise at a level that will lower levels of residential amenity. Also, in our view, the submitter’s wording appropriately captures the status quo. In reaching this recommendation we have considered the relevant sections of the Section 32 report and the opinions of Dr Chiles⁵⁹ relevant to this point.
78. We show these recommended amendments below as underlined and strike-through. For the reasons discussed, we recommend the wording of the policy be as follows;

⁵⁴ V Jones, Reply Statement at [2.2].

⁵⁵ Ibid.

⁵⁶ Submissions 587, 589, 630, 714, and 804

⁵⁷ Submission 151

⁵⁸ Submission 238, opposed by FS1318, FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249

⁵⁹ Dr S Chiles, EiC at [6.2, 9.2]

12.2.1.4 *Enable residential activities and visitor accommodation activities while acknowledging that there will be a lower level of residential amenity due to increased noise and activity resulting from the mix of activities and late night nature of the town centre.*

3.3. Objective 12.2.2 and Policies 12.2.2.1 - 12.2.2.9

79. As notified these read:

12.2.2 Objective

Development that achieves high quality urban design outcomes and contributes to the town's character, heritage values and sense of place.

Policies

12.2.2.1 *Require development in the Special Character Area to be consistent with the design outcomes sought by the Queenstown Town Centre Design Guidelines 2015.*

12.2.2.2 *Require development to:*

- a. *Maintain the existing human scale of the Town Centre as experienced from street level through building articulation and detailing of the façade, which incorporates elements which break down building mass into smaller units which are recognisably connected to the viewer and*
- b. *Contribute to the quality of streets and other public spaces and people's enjoyment of those places and*
- c. *Positively respond to the Town Centre's character and contribute to the town's 'sense of place.'*

12.2.2.3 *Control the height and mass of buildings in order to:*

- a. *Retain and provide opportunities to frame important view shafts to the surrounding landscape and*
- b. *Maintain sunlight access to public places and to footpaths, with a particular emphasis on retaining solar access into the Special Character Area (as shown on Planning Maps 35 and 36).*

12.2.2.4 *Allow buildings to exceed the discretionary height standards in situations where:*

- a. *The outcome is of a high quality design, which is superior to that which would be achievable under the permitted height*
- b. *The cumulative effect of the additional height does not result in additional shading that will progressively degrade the pedestrian environment or enjoyment of public spaces and*
- c. *The increase in height will facilitate the provision of residential activity.*

- 12.2.2.5 *Allow buildings to exceed the non-complying height standards only in situations where the proposed design is an example of design excellence and building height and bulk have been reduced elsewhere on the site in order to:*
- a. *Reduce the impact of the proposed building on a listed heritage item or*
 - b. *Provide an urban design outcome that is beneficial to the public environment. For the purpose of this policy, urban design outcomes that are beneficial to the public environment include:*
 - i. *Provision of sunlight to any public space of prominence or space where people regularly congregate*
 - ii. *Provision of a pedestrian link Provision of high quality, safe public open space*
 - iii. *Retention of a view shaft to an identified landscape feature*
- 12.2.2.6 *Ensure that development within the Special Character Area reflects the general historic subdivision layout and protects and enhances the historic heritage values that contribute to the scale, proportion, character and image of the Town Centre.*
- 12.2.2.7 *Acknowledge and celebrate our cultural heritage, including incorporating reference to tangata whenua values, in the design of public spaces, where appropriate."*
- 12.2.2.8 *Acknowledge that parts of the Queenstown Town Centre are susceptible to flood risk and mitigate the effects of this through:*
- a. *Requiring minimum floor heights to be met*
 - b. *Encouraging higher floor levels (of at least 312.8 metres above sea level masl) where amenity, mobility, and streetscape are not adversely affected and*
 - c. *Encouraging building design and construction techniques which limit the impact of flooding or ponding in areas of known risk."*
- 12.2.2.9 *Require high quality comprehensive developments within the Town Centre Transition subzone and on large sites elsewhere in the Town Centre."*

80. This objective is a big picture objective. It links with matters to do with building heights and setbacks view shafts and the like. Notwithstanding the scope of the objective we think that the goal or desired outcome of the objective is clear.

81. Ms Jones specifically referred us to NZIA's submission⁶⁰ which supported this objective but sought more information on what the words "*sense of place*" meant. The submitter also requested and questioned whether or not the Queenstown Town Centre Strategy needed updating. We acknowledge the updating of the Queenstown Town Centre Strategy was opposed by a number of further submissions.⁶¹ Other submitters also supported this objective as notified.⁶²

⁶⁰ Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249, FS1318

⁶¹ FS1107, FS1226, FS1234, FS1239, FS1241, and FS1248.

⁶² Submissions 380 and 470

82. As Ms Jones pointed out, that because the Town Centre Strategy is not referred to within the PDP, it is beyond scope of this review.⁶³ We agree. In her Section 42A Report, she recommended accepting NZIA's request for relief and she included in an advice note in her Appendix 1 providing advice as to what the words "*sense of place*" might mean.
83. By the time her Reply Statement was provided, the advice note had been deleted. Ms Jones after reconsidering the issue recommended that matters to do with definition and explanation were best collected in one place and recommended definitions be located in her recommended reply rules 12.3.2.5 to 12.3.2.7. These rules provide for definitions applicable to Chapter 12. We do not agree that placing the definitions in one place within the Chapter assists readability and usability of the Chapter. We consider Chapter 2 to be the appropriate place for all definitions used in the PDP. To do otherwise would unnecessarily lengthen the document and potentially create ambiguities and inconsistencies.
84. For these reasons we recommend then the wording of Objective 12.2.2 remain as notified but that the definition of sense of place be included in Chapter 2 (this latter recommendation is to the Stream 10 Hearing Panel).
85. In her Section 42A Report, Ms Jones recommended amending Policy 12.2.1 in response to submissions by Lynda Baker⁶⁴ and Toni Okkerse.⁶⁵ However the submissions related to Policy 12.2.2.2. We deal with that below.
86. Some submitters⁶⁶ requested the following underlined words to be added to Policy 12.2.2.2: "12.2.2.2 Require development *visible from public places* to..."
87. In our view the inclusion of this wording would provide a limitation that is unnecessarily restrictive and as such we recommend this submission be rejected.
88. The issue which is perhaps not addressed is providing for development in those parts of the town centre which are located immediately adjacent to the Special Character Area.
89. Several submitters⁶⁷ considered this issue could be addressed by amending sub paragraph c. of Policy 12.2.2.2 by adding in the word "*historic*" before the word character.
90. Ms Jones recommended amending Policy 12.2.2.1 by adding words requiring development in both the Special Character Area and development adjacent to that area, a heritage precinct, or a listed heritage item, to respect its historic context. We do not think that there is scope for that relief available from the relevant submissions nor do we think it necessary.
91. We prefer to leave the wording of Policy 12.2.2.1 focused on the Special Character Area because the 2015 Guidelines only apply to the Special Character Area of the town centre as identified within the Guideline itself, and within the district plan.

⁶³ V Jones, Section 42A Report at [13.7].

⁶⁴ Submission 59

⁶⁵ Submission 82, supported by FS1265, FS1268 and FS1063, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249 and FS1274

⁶⁶ Submissions 663 (opposed by FS1139 and FS1191) and 672

⁶⁷ Submissions 82 (supported by FS1265, FS1268 and FS1063, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249 and FS1274), 59 (supported by FS1265, FS1268 and FS1063, opposed by FS1075), 206 (supported by FS1265, FS1268 and FS1063, opposed by FS1059 and FS1274) and 217,

92. In our view, some of Ms Jones' additional recommended wording is not required as the Guideline already applies to development within the SCA. The Guidelines specifically note that they have been through an RMA process to be incorporated by reference into the PDP.
93. Also the Guidelines and the PDP addressed the circumstances of providing for historic character in the areas of the town centre outside of the Special Character Area. The Guideline records that the QTCZ includes three heritage precincts, two of which are within the Special Character Area. All three are also identified as protected items in the PDP and are subject to the provisions of Chapter 26 (Historic Heritage). Development within the historic precincts must therefore adhere to the provisions of the historic heritage chapter and to Chapter 12.
94. As the PDP itself deals with development in a heritage precinct or the development of a listed heritage item already, there is no need for those reasons to alter this policy.
95. The remaining issue is, whether these two policies adequately deal with development of a site with some historic characteristic located adjacent to a Special Character Area, a heritage precinct or a listed heritage item.
96. Policy 12.2.2.2 c. is the focus for our consideration on this issue. We consider the QTC's character reflects its historic context, but historic heritage is only one element of its character. To qualify the word character by restricting it to historic character does not recognise that the character of the town centre is more than a historic heritage character. We also consider when Policy 12.2.2.2 c. is being applied to a particular context then the particular character of that part of the town centre will be relevant. It is during this application that the effects of the proposal on those characteristics will be examined.
97. In summary, we consider Policy 12.2.2.2 c. is sufficiently broad in its language to provide for the circumstance when a development occurs adjacent to the SCA, a heritage precinct or a listed heritage item. This is because Policy 12.2.2.2 c seeks to have the intended development respond to the relevant element of the Town Centres character.
98. The other key reason why we think notified Policy 12.2.2.2 c. is appropriate is because of the link to the definition of a "sense of place". This policy requires development to "positively respond" to the towns centre's character.
99. For these reasons we do not think it necessary to amend policy 12.2.2.2 c in the manner sought by the submitters⁶⁸. Nor do we consider it necessary to amend Policy 12.2.2.1 for the reasons we set out above. We recommend that both policies be adopted as notified and the submissions⁶⁹ be rejected.
100. Policy 12.2.2.3 addressed height and mass of buildings. Later we will address building height in relation to the various height precincts in the QTCZ. This policy is to provide the policy framework relating to building height.

⁶⁸ Submissions 59, and 82

⁶⁹ Submissions 59 and 82

101. Toni Okkerse⁷⁰ supported Policy 12.2.2.3, however wanted provision made for car parking based on the size of the building. We accept this submission insofar as it supports Policy 12.2.2.3. We have addressed the submission in relation to car parking above.
102. Three submissions⁷¹ sought amendments to include other matters of control, such as wind tunnel effects of buildings, or ensuring the pleasantness of the environment for pedestrians. Submissions 672 and 663⁷² noted that the intent of Policy 12.2.2.3 was to control building height and mass but were concerned that this intent was not followed through in the rules of the PDP. The submitters contended the rules would restrict building development and would not provide any certainty that new building development could occur. They wished to see this uncertainty corrected. They sought amendments to support the controlled activity status to manage effects of building height and mass on public spaces.
103. The same submissions sought amendments to provide certainty, due to costs involved and the level of investment required to fund building developments. This concern from a building developer's perspective is understandable, but we do not think that cost concern is a valid means of achieving Objective 12.2.2. However, we can accept that controlling the height and mass of a building will provide some level of certainty about a buildings height and mass. Ms Jones' recommended the inclusion in the policy of the following as subparagraph a⁷³:

Provide a reasonable degree of certainty in terms of the potential building height and mass;

104. We agree with that amendment and recommend it be adopted.
105. In relation to including reference to wind tunnel effects on pedestrian environments, we agree that this effect is appropriately connected with both Objective 12.2.2 and Policy 12.2.2.3. Ms Jones recommended the following be included as the fourth matter under this policy⁷⁴:

Minimise the wind tunnel effects of buildings in order to maintain pleasant pedestrian environments.

106. We think that that is an appropriate matter to be included Policy 12.2.2.3 and recommend it be adopted.
107. We note Ms Jones⁷⁵ recommended a correction by deleting the word "and" after it appeared at the end of the second bullet point of notified Policy 12.2.2.3. We understood including the word "and" was a printing error; that the sub paragraphs of notified Policy 12.2.2.3 were to be read and applied as separate.
108. We agree with that amendment and recommend the deletion of the word "and" as correction of a minor error under Clause 16(2).
109. Accordingly, for the reasons provided, we recommend changes to Policy 12.2.2.3 underlined and struck out as follows:

⁷⁰ Submission 82, supported by FS1063, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249 and FS1274

⁷¹ Submissions 621, 672 and 663

⁷² Opposed by FS1139 and FS1191

⁷³ V Jones, Section 42A Report, Appendix 1

⁷⁴ *ibid*

⁷⁵ In her Section 42A Report, Appendix 1

12.2.2.3 Control the height and mass of buildings in order to:

- a. Provide a reasonable degree of certainty in terms of the potential building height and mass
- b. Retain and provide opportunities to frame important view shafts to the surrounding landscape ~~and~~
- c. Maintain sunlight access to public places and to footpaths, with a particular emphasis on retaining solar access into the Special Character Area (as shown on Planning Maps 35 and 36)
- d. Minimise the wind tunnel effects of buildings in order to maintain pleasant pedestrian environments.

110. Like some other policies, the bullet points included in the notified version of Policy 12.2.2.4 were replaced with subparagraphs labelled a., b. and c. in Ms Jones' Section 42A Report version. We utilise that labelling to discuss the notified policy.
111. We consider this policy appropriately links to Objective 12.2.2 and seeks to provide for the circumstance where the building would exceed the discretionary height standards. Ms Jones made it clear that in the absence of assessment matters in the PDP, the policy should provide some guidance about how the exceedance in height would be assessed.⁷⁶ Submitters⁷⁷ sought the inclusion of words within sub paragraph a. to provide that guidance.
112. Some submissions⁷⁸ requested that the policy be removed so that there be no provision made for buildings to exceed the height limits in the CBD. This outcome would not allow for growth in the CBD. Taking into account the evidence received, we conclude that increases in height can be provided for while still achieving high quality urban design outcomes that support the town's character heritage values and sense of place.
113. Undertaking a resource consent process enables appropriate assessments to be undertaken. In addition removing Policy 12.2.2.4 would not ensure buildings did not exceed permitted heights. Applications would still be possible and there would be no guidance for decision-makers. Absence of an encouraging policy does not equate to a prohibited activity. So for these reason we recommend those submissions⁷⁹ be rejected.
114. NZIA⁸⁰ sought to add a specific reference within the PDP requiring the urban design panel to review all projects in the town centre. In this way, they said, high quality urban design outcomes would be achieved. We have earlier commented that the Guidelines are restricted in application to the Special Character Area of the QTC. Presumably the authors of the Guidelines considered that limited application was appropriate.

⁷⁶ V Jones, Section 42A Report at [10.9a]

⁷⁷ Submissions 621, 238 (opposed by FS1318, FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249), 663, 672 and 630 (opposed by FS1043).

⁷⁸ Submissions 59 (supported by FS1063, opposed by FS1236), 82 (supported by FS1063, opposed by FS1107, FS1226, FS1234, FS1236, FS1239, FS1241, FS1248, FS1249 and FS1274) and 206.

⁷⁹ Submissions 59 (supported by FS1063, opposed by FS1236), 82 (supported by FS1063, opposed by FS1107, FS1226, FS1234, FS1236, FS1239, FS1241, FS1248, FS1249 and FS1274) and 206.

⁸⁰ Submission 238, opposed by FS1318, FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249

115. In any event, Ms Jones told us that, in her experience, most new builds and significant projects are in fact reviewed by urban design professionals or at least a single urban design professional while the project progresses through the consent phase.⁸¹ She was of the view that not all buildings in the town centre would warrant such a review. She advised that the Council can, pursuant to section 92 of the Act, commission an urban design report if the context of the application so requires.⁸²
116. Overall, she did not consider making an urban design review mandatory was appropriate primarily because mandatory reviews were not justified for all new builds and alterations.⁸³ Therefore, to do so was neither efficient nor effective. We agree. We also are persuaded to that point of view because we agree that the Council has other powers to commission urban design reports where they are warranted, for example, due to the significance of the site or the building within the town centre.
117. For these reasons we agree with her recommendation that a specific reference within subparagraph a. of Policy 12.2.2.4 requiring all buildings and alteration to obtain urban design panel approval not be included. This approach is also consistent with the approach provided for within the Guidelines themselves.
118. Two submitters⁸⁴ considered subparagraph b to be too restrictive because not increasing shading while increasing height was too difficult. They considered some degree of relaxation of the policy was necessary in order to implement the PDP's Strategic Objectives as expressed in Chapter 3 and, more particularly, Objective 12.2.2.
119. In response, Ms Jones sought to relax the policy by including words within subparagraph b acknowledging and accepting that increase in heights and individual developments may increase the shading of public pedestrian spaces.⁸⁵ However, provided that shading is limited, and provided that shading is offset or compensated for by either the provision of additional public space or a pedestrian link with the site, then that increased shading effect would be acceptable.⁸⁶
120. We agree that increases in height are likely to lead to increases in shading and we agree that limiting shading of public pedestrian space is an important matter. However, we recognise and accept that a shading effect may be offset or compensated by the provision of either additional public space or a pedestrian link with the site. Available public spaces within the town centre are relatively limited. Increasing such spaces would help contribute to a high quality urban design outcome. Pedestrian links would contribute and support the town's character and its heritage values. Such links are part of both the town character and its heritage. Both public spaces and pedestrian links help add to the town centres sense of place. For these reasons we recommend the amendments to sub paragraph b of Policy 12.2.2.4 suggested by Ms Jones, be adopted.

⁸¹ V Jones, Section 42A Report at [10.10].

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Submissions 663 (opposed by FS1139 and FS1191) and 672.

⁸⁵ V Jones, Section 42A Report at [10.9c]

⁸⁶ Ibid.

121. So for the reasons set out above we recommend the inclusion of all of Ms Jones additions to sub paragraph b. of policy 12.2.2.4 and we recommend that the submissions seeking to disallow height exceedance being included in sub paragraph a is be rejected.
122. Accordingly, we recommend Policy 12.2.2.4 read, with the additions underlined, as follows:
- 12.2.2.4 Allow buildings to exceed the discretionary height standards in situations where:*
- a. The outcome is of a high-quality design, which is superior to that which would be achievable under the permitted height; and*
 - b. The cumulative effect of the additional height does not result in additional shading that will progressively degrade the pedestrian environment or enjoyment of public spaces, while accepting that individual developments may increase the shading of public pedestrian space to a small extent provided this is offset or compensated for by the provision of additional public space or a pedestrian link within the site and*
 - c. The increase in height will facilitate the provision of residential activity.*
123. As Policy 12.2.2.5 relates to exceeding non-complying height standards, commencing the policy with the word “allow” is challenging. Three submitters⁸⁷ recognised this. They also sought to include the circumstances where it may be appropriate to allow additional height. In the main, submitters wished to retain urban design excellence for such buildings as well as gaining additional public benefits, such as pedestrian links and the opening up of Horne Creek.
124. Other submitters⁸⁸ requested that the policy be removed in its entirety and there be no provision for buildings to exceed height limits in the CBD.
125. If growth is to be achieved, opportunity needs to be provided for that growth by way of allowing exceedance of height limits. That is provided that urban design issues are addressed to ensure the town’s character, heritage values and sense of place are respected and supported.
126. Ms Jones recommended⁸⁹ re-wording Policy 12.2.2.5 so as not to “allow”, but to “prevent” buildings exceeding the non-complying height standards, except where preconditions (a) and (b)(i) or(ii) are satisfied. We support that wording change as it clarifies the intent of the policy. As we read those preconditions, they fully support objective 12.2.2 because they focus on urban design outcomes and particularise those urban design outcomes as being beneficial to the public environment.
127. The rewording Ms Jones’ recommended set out in detail the urban design outcomes that would be beneficial to the public environment. The origins of the rewording arise from

⁸⁷ Submissions 238 (opposed by FS1318, FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249), 663 (opposed by FS1139 and FS1191) and 672

⁸⁸ Submissions 59 (supported by FS1063, opposed by FS1236),⁸² (supported by FS1063, opposed by FS1107, FS1226, FS1234, FS1236, FS1239, FS1241, FS1248, FS1249 and FS1274), 206 (supported by FS1063 and opposed by FS1236 and FS1274)

⁸⁹ V Jones, Section 42A Report at [10.13]

submissions⁹⁰ she recommended should be accepted. The submissions sought to include, as urban design benefits, new or retention of existing, uncovered pedestrian links or lanes, restoration and opening up of Horne Creek as part of the open space network where applicable, and finally, the minimising of wind tunnel effects in order to maintain pleasant pedestrian environments.

128. We consider there is merit in the submissions and in the response of Ms Jones to them. Therefore we recommend acceptance of the submission points as they provide appropriate detail on urban design outcomes that have a net benefit to the public environment so assisting in attaining Objective 12.2.2.
129. Ms Jones⁹¹ dealt with an additional urban design outcome beneficial to the public environment, namely landmark buildings. She sought to include this matter as a final bullet point. She considered landmark buildings on key corner sites would be an example of the urban design outcomes sought by this policy. She accordingly supported the submission of NZIA⁹² on this point. She also relied on the evidence of Mr Tim Williams, in particular as it related to urban design when considering additional height within the town centre environment.⁹³
130. We are satisfied that inclusion of this additional bullet point to Policy 12.2.2.5, accepting the submission of NZIA, would help implement Objective 12.2.2. In particular a reference to landmark buildings is more consistent with the Urban Design Guidelines and will potentially contribute better to the QTC's sense of place through the creation of landmark buildings.
131. We queried at the hearing if "*landmark*" **building** should be defined. Ms Jones in her reply recorded she conferred with Mr Church who seems to have supported including a definition of a "*Landmark Building*". Ms Jones accepted this view but did not consider including a definition was essential for this particular policy. She referred us to Reply Rule 12.5.9.5(d) which she considered provided clarification.
132. However she proposed to add wording to Rule 12.3.2 which is renumbered as Rule 12.3.2.4 within her reply to provide a definition of a Landmark building.⁹⁴ The rule is further renumbered 12.3.2.6 in Appendix 1. She relied on the NZIA⁹⁵ submission for scope to add this new provision. We agree a definition is required for a "*landmark building*" within the plan and given this definition applies to all of Chapter 12 then this definition applies to policy 12.2.2.5.
133. Accordingly we recommend that the amendments and additions proposed by Ms Jones to Policy 12.2.2.5 be adopted along with replacing the bullet points with labels.
134. We consequently recommend Policy 12.2.2.5 now read as follows with amendments shown as strikethrough and underlined:

⁹⁰ Submissions 238 (opposed by FS1318, FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249) and 621.

⁹¹ V Jones, Summary of Evidence,

⁹² Submissions 238 (opposed by FS1318, FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249)

⁹³ V Jones, Section 42A Report at [13.40-41]

⁹⁴ Section 42A Report of Ms Jones at [9.3].

⁹⁵ Submitter 238

12.2.2.5 ~~Allow—Prevent—buildings—to~~ exceeding the non-complying maximum height standards, except that only it may be appropriate to allow additional height in situations where:

- a. ~~the proposed design is an example of design excellence; and building height and bulk have been reduced elsewhere on the site in order to~~
- b. ~~Building height and bulk have been reduced elsewhere on the site in order to:~~
 - i. ~~Reduce the impact of the proposed building on a listed heritage item or~~
 - ii. ~~Provide an urban design outcome that is~~ has a net benefit ~~to the public environment.~~

For the purpose of this policy, urban design outcomes that are beneficial to the public environment include:

- a. *Provision of sunlight to any public space of prominence or space where people regularly congregate*
- b. *Provision of a new, or retention of an existing, uncovered pedestrian link or lane*
- c. *Where applicable, the restoration and opening up of Horne Creek as part of the public open space network*
- d. *Provision of high quality, safe public open space*
- e. *Retention of a view shaft to an identified landscape feature*
- f. *Minimising wind tunnel effects of buildings in order to maintain pleasant pedestrian environment.*
- g. *The creation of landmark buildings on key block corners and key view terminations.*

135. Policy 12.2.2.6 did not attract any submissions. The policy was directed at the Special Character Area and in our view the wording of the policy was appropriate. We consider the policy is clear and prescribed a course of action which will implement Objective 12.2.2. We recommend this policy be adopted unaltered.

136. Ms Jones pointed out within her Section 42A Report⁹⁶ that some submitters⁹⁷ requested the deletion of Policy 12.2.2.7 as notified, stating it was too difficult to interpret or apply. Ms Jones noted that these submissions were also considered within Stream 1A Section 42A Report and Appendix 2 to that report recommended that this relief be rejected.⁹⁸ She agreed with that recommended rejection. The Stream 1A Panel did not hear any evidence on these submissions, from the submitters or the Council, and have made no recommendation on them.

137. We agree with Ms Jones and recommend retention of this policy because tangata whenua values are part of the town centre's heritage values and contribute to its sense of place.

⁹⁶ V Jones, Section 42A Report at [6.5b] and [18.14]

⁹⁷ Submissions 663 (opposed by FS1139 and FS1191) and 672

⁹⁸ V Jones, Section 42A Report at [18.14].

Notified Policy 12.2.2.7 does not place obligations on individual landowners. Expression of cultural heritage values is to occur in the design of public spaces where appropriate. The language is a little imprecise in that it is not clear how appropriateness is determined. Nevertheless we recommend retention of the policy with a minor amendment.

138. Consequently we recommend retention of this policy with our small recommended amendment struck out as follows:

12.2.2.7 Acknowledge and celebrate ~~our~~ cultural heritage, including incorporating reference to tangata whenua values, in the design of public spaces, where appropriate.

139. Policy 12.2.2.8 related to flooding risk which is a known risk for the QTC. Given the town centre is well established, limited options are available to address flooding effects. Minimum floor heights are an available tool, particularly where new builds or renovations to existing buildings occur. To encourage higher floor levels is also appropriate.

140. However, we also agree that amenity and access to buildings and the general streetscape are considerations when assessing the effects of higher floor levels. Given that flooding will continue to occur encouraging building design and construction techniques which include installing electrical wiring and other services in buildings well above ground and flood level are sensible and pragmatic responses.

141. Some submitters⁹⁹ requested the policy only apply to land affected by flood risk, with this identification included on planning maps. Lines could be placed on maps identifying areas of flood risk. However there is no absolute certainty that a flood event would comply with those lines.

142. We agree with Ms Jones' approach that Policy 12.2.2.8 and its related rule 12.5.7 should require minimum floor level for properties with scope through the matters of discretion to seek alternative floor levels. Whether or not an alternative is suitable will be determined by the extent to which the alternate mitigation measure will sufficiently mitigate either flood risk or effect while ensuring any adverse effects of that measure on the amenity, accessibility and safety of the town centre are acceptable.

143. We also note Ms Jones' recommendation that each of the three sub paragraphs (a), (b) and (c) in Policy 12.2.2.8 are intended to be linked through the use of the word "and", so that they are read and applied jointly.¹⁰⁰ We agree.

144. The only other matter raised in submissions¹⁰¹ was to include "character values" within subparagraph (b) as a matter for assessment of the effect of higher floor levels. We agree this is appropriate because differing floor levels can have an impact on character values justifying inclusion of this matter as a matter of assessment.

145. We recommend that Policy 12.2.2.8 read with the additions underlined as follows:

12.2.2.8 Acknowledge that parts of the Queenstown Town Centre are susceptible to flood risk and mitigate the effects of this through:

⁹⁹ Submissions 663 (opposed by FS1139 and FS1191) and 672

¹⁰⁰ V Jones, Section 42A Report, Appendix 1, at p12-3.

¹⁰¹ Submissions 663 and 672

- a. *Requiring minimum floor heights to be met; and*
- b. *Encouraging higher floor levels (of at least RL 312.8 masl) where amenity, mobility, and streetscape, and character values are not adversely affected; and*
- c. *Encouraging building design and construction techniques which limit the impact of flooding or ponding in areas of known risk.*

146. Several submitters¹⁰² requested either deletion of Policy 12.2.2.9 or amendment of it. The amendments sought to diminish the policy by seeking to “manage” the design of comprehensive developments within the Town Centre Transition Sub-zone.¹⁰³ The policy as notified used the word “require” in relation to high quality comprehensive developments within that transition sub-zone.
147. The TCTSZ separates the QTCZ from the immediately surrounding high density residential zone. Appropriately providing for the transitions between zones is important. The policy is, however, further focused on comprehensive developments on large sites in the QTCZ.
148. In her Reply, Ms Jones recommended that identified details be shifted from Rule 12.5.1.1 to this policy to provide greater policy direction.¹⁰⁴ She stated that these details are already in the matters of discretion included in the rule with the exception of provision of open space which she supported to be included. She recommended the addition of words that direct attention to pedestrian links and lanes, open spaces, outdoor dining and well-planned storage loading/servicing areas being provided within the development.
149. We agree with her that it is the largest sites, both within the TCTSZ and within the QTC, which offer the opportunity to make a significant and positive contribution to the overall quality and character of the town. We also agree this outcome can be achieved particularly through the provision of pedestrian links or lanes, and open spaces.
150. In our view, the policy as notified using the word “require” is appropriate, particularly when considering Objective 12.2.2. We think Ms Jones’ recommended refinement by the inclusion of additional words from Rule 12.5.1.1 within the policy is also helpful because it identifies with more precision outcomes or actions which better support Objective 12.2.2.
151. Our recommendation is to adopt Policy 12.2.2.9 with the amendments underlined as set out below:

12.2.2.9 Require high quality comprehensive developments within the Town Centre Transition Sub-Zone and on large sites elsewhere in the Town Centre, which provides primarily for pedestrian links and lanes, open spaces, outdoor dining, and well planned storage and loading/ servicing areas within the development.

3.4. Additional Policy

152. NZIA¹⁰⁵ requested that a further Policy 12.2.2.10 be added in recognition that Council has a role in managing and investing in the street environment and encouraging vitality through both soft and hard landscaping.

¹⁰² Submissions 663 (opposed by FS1139 and FS1191) and 672

¹⁰³ V Jones, Section 42A at [13.14].

¹⁰⁴ V Jones, Reply Statement at [4.3a]

¹⁰⁵ Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248 and FS1249

153. Ms Jones, in her Section 42A Report, did not support the inclusion of such a policy within the QTCZ.¹⁰⁶ Nor do we, as while such council initiatives are integral to achieving the objective, the commitment to undertake such works is more appropriately determined in the Council's long term plan process. We therefore recommend this submission be rejected.

3.5. Objective 12.2.3 and Policies 12.2.3.1 – 12.2.3.6

154. As notified these read:

12.2.3. Objective

An increasingly vibrant Town Centre that continues to prosper while maintaining a reasonable level of residential amenity within and beyond the Town Centre Zone."

Policies

12.2.3.1 *Require activities within the Town Centre Zone to comply with noise limits, and sensitive uses within the Town Centre to insulate for noise in order to mitigate the adverse effects of noise within and adjacent to the Town Centre Zone.*

12.2.3.2 *Minimise conflicts between the Town Centre and the adjacent residential zone by avoiding high levels of night time noise being generated on the periphery of the Town Centre and controlling the height and design of buildings at the zone boundary.*

12.2.3.3 *Recognise the important contribution that night time activity makes to the vibrancy and economic prosperity of the Town Centre and specifically provide for those activities, while mitigating effects on residential amenity by:*

- a. *Enabling night time dining and socialising, both indoors and outdoors, to varying degrees throughout the Town Centre*
- b. *Providing for noisier night time activity within the entertainment precinct in order to minimise effects on adjacent residential zones and*
- c. *Ensuring that the nature and scale of licensed premises located in the Town Centre Transition subzone are compatible with adjoining residential zones.*

12.2.3.4 *Enable residential and visitor accommodation activities within the Town Centre while:*

- a. *Acknowledging that the level of amenity will be lower than in residential zones due to the density, mixed use, and late night nature of the Town Centre and requiring that such sensitive uses are insulated for noise*
- b. *Discouraging residential uses at ground level in those areas where active frontages are particularly important to the vibrancy of the Town Centre*
- c. *Avoiding, or, where this is not possible, mitigating adverse traffic effects from visitor accommodation through encouraging operators to provide guests with alternatives to private car travel, discouraging the provision of onsite car*

¹⁰⁶ V Jones, Section 42A Report at [13.16].

parking, and through the careful location and design of any onsite parking and loading areas and

d. Discouraging new residential and visitor accommodation uses within the Entertainment Precinct.

12.2.3.5 Avoid the establishment of activities that cause noxious effects that are not appropriate for the Town Centre.

12.2.3.6 Ensure that the location and direction of lights in the Town Centre does not cause significant glare to other properties, roads, and public places and promote lighting design that mitigates adverse effects on the night sky.

155. This objective did not attract submissions in opposition¹⁰⁷. One submitter¹⁰⁸ did seek to clarify the meaning of the words “reasonable level”. That submitter sought clarification pointing out that policy 12.2.1.4 sought to enable residential activities and visitor accommodation. This raised the question as to what would a reasonable level of amenity be which would enable residential activities and visitor accommodation within and beyond the Town Centre Zone?
156. Ms Jones acknowledged the vagueness of the words. She went on to note that the vagueness was addressed when regard was had to the related policies and rules. It was her view, and we agree, that once the policies accompanying the objective and the relevant rules are considered, it is possible to better understand what is meant by the words “reasonable level”. We agree with her that a footnote clarifying what would be a reasonable level of amenity is not required because that clarification is provided through the linked policies and rules and their application.
157. At the heart of the issue is the challenge to provide for a range of activities within the town centre, some of which are directed at entertainment and supporting the tourism market, while at the same time providing a level of amenity conducive to activities such as residential and accommodation for visitors.
158. Overall Ms Jones was of the view that notified objective 12.2.3 would appropriately give effect to the Act. She contended that the related policy direction, which we discuss below, would be generally appropriate for the reasons that are referred to in the Section 32 report. We agree with her views in relation to the notified objective and recommend it be adopted as notified.
159. As notified Policies 12.2.3.1 - 12.2.3.3 established a clear hierarchy of anticipated noise levels within the Town Centre.¹⁰⁹
160. Two submitters¹¹⁰ sought deletion of Policy 12.2.3.1 and incorporation of its intent into Policy 12.2.3.3. Ms Jones recommended acceptance of those submissions¹¹¹ and we agree.
161. We do not see value in a policy that requires activities within the town centre to comply with the noise limits. That is a given. Next, to a lesser extent, if a new sensitive activity wished to locate in the town centre then the existing noise environment would need to be taken into

¹⁰⁷ Submission 380 supported the objective

¹⁰⁸ Submission 714

¹⁰⁹ Section 42A Report of Ms Jones at [12.23].

¹¹⁰ Submissions 672 and 663 (opposed by FS1191, FS1318, FS1139)

¹¹¹ Section 42A Report of Ms Jones at [12.17b].

account so as to provide for and avoid reverse sensitivity effects. Effectively a new noise sensitive activity in all likelihood would need to insulate for noise to achieve this outcome.

162. Finally, the issue of noise is really a night time noise issue. The evidence raised, in particular, the potential adverse impacts of night-time noise on amenity values and sleep disturbance for visitors within visitor accommodation in some areas of the QTC.
163. We agree with Ms Jones that this approach to sensitive uses within the town centre is best included within reworded Policy 12.2.3.3 as that policy relates to when noise is an issue, night time.
164. For these reasons we recommend that Policy 12.2.3.1 be deleted and its contents be addressed within Policy 12.2.3.3. This will cause a re-numbering of policies 12.2.3.2 to 12.2.3.7.
165. There were no submissions received on Policy 12.2.3.2 so we discuss it no further and recommend its adoption as notified.
166. We consider Policy 12.2.3.3 to be the key policy in this group. This policy recognises the importance to the Town Centre of the activities that cause that night time noise. It seeks to enable it by providing the Entertainment Precinct for noisier night time activity. We assume the expectation is, over time, those who need this noisier locality for their activities will gravitate or shift to it. At the same time the policy seeks compliance with noise limits in other parts of the QTCZ.
167. The provision of night-time entertainment, including dining and socialising indoors and outdoors, is an integral element of the town centre, adding to and supporting the vibrancy and economic prosperity of the town centre. Specifically providing for those activities as notified Policy 12.2.3.3 sought to do is important because many visitors to the QTC wish to avail themselves of night time dining and socialising.
168. Provision of such activities in the QTC is long standing and makes for an active and vibrant town centre. The availability of night time activities adds to the visitor's diversity of experience. Visitors know this offering is available in the Town Centre and will expect it be maintained. Many businesses have long standing investment in the broad entertainment activities the Town Centre offers.
169. Encouraging noisier night time activity within the TCEP in order to minimise noise effects on residential zones adjacent to the town centre is both a pragmatic and workable solution, albeit may take some time before the noisier night-time activities aggregate within the Entertainment Precinct.
170. Through controlling the nature and scale of licensed premises located in the Town Centre Transition Sub-Zone is also, we think, a useful and appropriate course of action to ensure that residential amenity in the adjoining residential zones is supported.
171. With the expectation that the TCEP, in particular, will both attract and provide for noisier night-time activity, we think it follows that those noise sensitive uses that wish to locate in the town centre will need to be able to mitigate the adverse effects of noise through insulation, or reverse sensitivity impacts or effects will undoubtedly arise. If this were not to occur then the desired outcome provided for within Objective 12.2.3 would not be realised.

172. Several submitters¹¹² supported the intent of Policy 12.2.3.3, and Kopuwai Investments limited¹¹³ sought minor amendments to subparagraphs (b) and (c) to clarify the meaning of the policy. Imperium Group¹¹⁴ sought to delete sub paragraph (b) of this policy.
173. Evan Jenkins¹¹⁵ supported the general approach of the policies but broadly pointed out in his submission that ‘vibrant’ does not mean loud; that the town centre is for all age groups, and that unless well monitored, the less restrictive noise policy may be abused.
174. Ms Jones pointed out in her Section 42A Report that the notified policies and rules provide for the noisiest activity within the TCEP and they enable only minor noise increases beyond that in a manner that would effectively direct certain activities to the most suitable parts of the town centre.¹¹⁶ Additionally, she pointed out that greater control over licenced premises within the TCTZ will create enclaves that will appeal to the different sectors of the resident and visitor community.¹¹⁷ We also note Dr Chiles’ advice that the noise levels now proposed reflect reality and are consistent with other town centres, and that it would be possible to monitor noise levels.¹¹⁸ We accept the submission insofar as it supports Policy 12.2.3.3 and consider that, based on the conclusions of Ms Jones and the advice of Dr Chiles, that Mr Jenkins’ concerns will be addressed.
175. We earlier referred to the submissions¹¹⁹ seeking alteration to Policy 12.2.3.3 by amalgamating it with Policy 12.2.3.1 and we recommend this occur by including sub paragraphs (d) and (e) as we have set out below.
176. Accordingly the wording we recommend for Policy 12.2.3.3 is as follows;

“12.2.3.3 Recognise the important contribution that night time activity makes to the vibrancy and economic prosperity of the Town Centre and specifically provide for those activities, while mitigating effects on residential amenity by:

- a. Enabling night time dining and socialising, both indoors and outdoors, to varying degrees throughout the Town Centre and*
- b. Providing for noisier night time activity within the entertainment precinct in order to minimise effects on ~~adjacent~~ residential zones adjacent to the Town Centre and*
- c. Ensuring that the nature and scale of licensed premises located in the Town Centre Transition Sub-Zone result in effects that are compatible with adjoining residential zones and*
- d. Enabling activities within the Town Centre Zone that comply with the noise limits and*

¹¹² Submissions 187 (opposed by FS1318), 587 (opposed by FS1318), 589 (opposed by FS1318) and 804

¹¹³ Submission 714

¹¹⁴ Submission 151

¹¹⁵ Submission 474

¹¹⁶ Section 42A Report of Ms Jones at [12.20].

¹¹⁷ Ibid.

¹¹⁸ Evidence of Dr Chiles at [7.2].

¹¹⁹ Submissions 672, and 663 (opposed by FS1139, FS1191)

e. Requiring sensitive uses within the Town Centre to mitigate the adverse effects of noise through insulation."

177. We have already recorded the importance of residential and visitor accommodation to both the town centre and the district itself. Policy 12.2.3.4 is important because it seeks recognition of the reality that the QTCZ is a noisy and active day and night time environment. In particular, night-time activities, such as entertainment bars and outdoor dining establishments, contribute to noise and high activity levels. The night-time activities can and do take place late into the night.
178. Policy 12.2.3.4 endeavoured to paint an accurate picture about what was occurring within the town centre and to send signals discouraging residential uses, particularly at ground level, and in those locations within the QTC where bars and restaurants predominate, particularly the TCEP.
179. NZIA¹²⁰ supported Policy 12.2.3.4 but sought amendment to refer to noisy and active rather than to lower amenity levels. We accept this as the requested change simply reflects the existing reality.
180. Kopuwai Investments Limited¹²¹ sought acknowledgement of self-protection as a method by adding the words "*and self-protected*" to subparagraph (a) after the word '*insulated*'. We agree with Ms Jones that it is unclear what is meant by this wording and therefore that it is ineffective and inefficient.¹²² We recommend this submission be rejected for that reason.
181. Imperium Group¹²³ sought to delete notified Policy 12.2.3.4(d). Ms Jones, within her Section 42A Report agreed in part with Submitter 151 to remove part (d) of notified Policy 12.2.3.4. She recommended that it be amended to better reflect the fact that the rules do not directly discourage such uses, but rather, only anticipate such uses where sufficient insulation was provided (by making it non-complying where this was not provided).¹²⁴
182. We think this would send a clear signal that the TCEP is certainly not a preferred location for new residential and visitor accommodation. However, if that location were to be used for those activities, it would only be an appropriate location if adequate insulation and mechanical ventilation were installed. We consider Ms Jones' proposed amendments in response to this submission to be appropriate.
183. Accordingly, we recommend that Policy 12.2.3.4 be amended as underlined and struckout, to read:

12.2.3.4 Enable residential and visitor accommodation activities within the Town Centre while:

- a. Acknowledging that ~~the level of amenity will be lower~~ it will be noisier and more active than in residential zones due to the density, mixed use, and late night

¹²⁰ Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249

¹²¹ Submission 714

¹²² V Jones, Section 42A Report at [12.17d].

¹²³ Submission 151

¹²⁴ V Jones, Section 42A Report at [12.17e]

nature of the Town Centre and requiring that such sensitive uses are insulated for noise; and

- b. Discouraging residential uses at ground level in those areas where active frontages are particularly important to the vibrancy of the Town Centre; and*
- c. Avoiding, or, where this is not possible, mitigating adverse traffic effects from visitor accommodation through encouraging operators to provide guests with alternatives to private car travel, discouraging the provision of onsite car parking, and through the careful location and design of any onsite parking and loading areas; and*
- d. Only enabling ~~Discouraging~~ new residential and visitor accommodation uses within the Town Centre Entertainment Precinct where adequate insulation and mechanical ventilation is installed.*

- 184. No submissions on Policy 12.2.3.5 were received and we recommend it be adopted as notified.
- 185. There was only one submission received on Policy 12.2.3.6.¹²⁵ Mr Jenkins sought additional detail be included within this policy directed at fairy lighting in trees. He referred to the southern light strategy to support his views.
- 186. Ms Jones did not recommend any further detail be included within Policy 12.2.3.6 and we agree with her recommendation. We think the policy, as expressed, adequately provides that the issue of glare and adverse effects on the night sky be appropriately addressed.
- 187. We do recommend a minor change to make it consistent with similar policies recommended by differently constituted Hearing Panels. That is, it is the effect on views of the night sky which the policy should deal with.
- 188. We discuss this issue in greater detail when considering the glare standard now renumbered as Rule 12.5.13.1 and for the reasons we there discuss, we recommend Policy 12.2.3.5 be amended as underlined below:

Ensure that the location and direction of lights in the Town Centre does not cause significant glare to other properties, roads, and public places and promote lighting design that mitigates adverse effects on views of the night sky.

3.6. New Policy

- 189. Several submitters¹²⁶, sought the inclusion of a new policy to recognise the important contribution that sunny open spaces, footpaths and pedestrian spaces make to the vibrancy and economic prosperity of the town centre.
- 190. We recognise how provision of open spaces, particularly sunny open spaces, utilisation of foot paths and provision of pedestrian space allows people to enjoy the outdoor aspect of the town centre. This is particularly so for outdoor dining during summer daytime periods. Having people in public places undertaking activities of this nature does this and we think adds to the sense of vibrancy of the town centre.

¹²⁵ Submission 474

¹²⁶ Submissions 59, 82, 599, 206 and 417

191. In response to these submissions¹²⁷, Ms Jones recommended a new Policy 12.2.3.7.¹²⁸ We recommend the inclusion of this new policy as it assists in realising Objective 12.2.3. This will become Policy 12.2.3.6 with the deletion of Policy 12.2.3.1 earlier.

12.2.3.6 Policy

Recognise the important contribution that sunny open spaces, footpaths, and pedestrian spaces makes to the vibrancy and economic prosperity of the Town Centre.

3.7. **Objective 12.2.4 and Policies 12.2.4.1 – 12.2.4.6**

192. As notified these read:

12.2.4 Objective

A compact Town Centre that is safe and easily accessible for both visitors and residents.

Policies

12.2.4.1 *Encourage a reduction in the dominance of vehicles within the Town Centre and a shift in priority toward providing for public transport and providing safe and pleasant pedestrian and cycle access to and through the Town Centre.*

12.2.4.2 *Ensure that the Town Centre remains compact and easily walkable by avoiding outward expansion of the Town Centre Zone. Encourage walking to and within the Town Centre by improving the quality of the pedestrian experience by:*

- a. *Maintaining and enhancing the existing network of pedestrian linkages and ensuring these are of a high quality*
- b. *Requiring new pedestrian linkages in appropriate locations when redevelopment occurs*
- c. *Strictly limiting outward expansion of the Town Centre Zone and commercial activity beyond it and*
- d. *Encouraging the provision of verandas along pedestrian-oriented streets, while acknowledging that verandas may not be appropriate or necessary in applications involving a heritage building; or where no verandas exist on adjoining buildings.*

12.2.4.3 *Minimise opportunities for criminal activity through incorporating Crime Prevention through Environmental Design (CPTED) principles as appropriate in the design of lot configuration and the street network, car parking areas, public and semi-public spaces, access ways/ pedestrian links/ lanes, and landscaping.*

12.2.4.4 *Off-street parking is predominantly located at the periphery of the Town Centre in order to limit the impact of vehicles, particularly during periods of peak visitor numbers.*

12.2.4.5 *Plan for future public transport options by considering the needs of public transport services and supporting infrastructure when designing roading improvements.*

¹²⁷ Submissions 59, 82, 599, 206 and 417.

¹²⁸ V Jones, Section 42A Report at [10.14].

12.2.4.6 *Encourage visitor accommodation to be located and designed in a manner that minimises traffic issues that may otherwise affect the safety and amenity of pedestrians and cyclists, particularly in peak periods.*

193. Several submitters¹²⁹ supported the objective as notified. In our view one of the key attributes of the town centre is that it is compact with the result that its small geographic size enables ease of access. Accessibility is enhanced through pedestrian walkways and laneways. This compactness and ease of accessibility is one of the features of the town centre which adds to its attractiveness and interest for both visitors and residents.
194. We agree with the submitters and recommend their submissions are accepted. We also recommend retaining Objective 12.2.4 as notified.
195. The only submission¹³⁰ on Policy 12.2.4.1 sought that it be retained. Submission 238 referred to this policy, but when the relief is examined, the reference was in error and should have referred to Policy 12.2.4.2.
196. We consider this policy is well suited and appropriate to implement Objective 12.2.4. Priorities in public transport and providing safe and pleasant pedestrian access is critical to implementing this objective. Also important is encouraging the reduction of vehicle dominance within the town centre itself.
197. Accordingly, we recommend it be adopted as notified.
198. While several submitters¹³¹ supported Policy 12.2.4.2, two¹³² also sought to change it. The Otago Regional Council¹³³ (ORC) requested the inclusion of the word “*accessibility*” into the opening paragraph. NZIA¹³⁴ requested additional bullet points relating to the promotion and encouragement of laneways and small streets being open to the sky, as well as promoting the opening up of Horne Creek as a visual feature.
199. The ORC submission sought the limitation of car parks in the periphery of the town centre so as to encourage or support the shift to shared and active transport modes. This is a transportation issue and we agree with Ms Jones that it is more appropriately considered in relation to Chapter 29 in Stage 2 of the PDP.
200. The ORC also wished to refine provisions relating to verandas within this policy, ensuring that they do not interfere with curb side movement of high sided vehicles.
201. Other submitters¹³⁵ were interested to ensure that the effects of buildings did not cause additional shading degrading the pedestrian environment or enjoyment of public spaces. Those submitters did, however, seek a trade-off where there was a small increase of shading of public pedestrian spaces such that it could be offset or compensated by the provision of additional public space or a pedestrian link within the site.

¹²⁹ Submissions 217, 380, 798 and 807

¹³⁰ Submission 719

¹³¹ Submissions 719 and 807.

¹³² Submissions 238 and 798

¹³³ Submission 798

¹³⁴ Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248 and FS1249

¹³⁵ Submissions 59, 82, 206, 417, 599, 663, 672, 59, 82, 599, 206, 417 (opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248 and FS1249)

202. In the main, Ms Jones agreed with and supported these various submissions.¹³⁶ We agree. The addition of the word “*accessible*” derives a meaning from its context meaning the town centre is accessible to pedestrians in general. Verandas need to be sensibly designed so as not to interfere with curb side movement of high sided vehicles, although we thought this outcome would go without saying.
203. We agree that uncovered pedestrian links and lanes are both the key to, and an integral feature, of the QTC character. They should be promoted, retained and maintained. In respect of Horne Creek, we agree that all that can be achieved within the policy framework is to send the signal about promoting the opening up of Horne Creek as distinct from requiring the same.¹³⁷ We agree that those parts of the town centre where Horne Creek is opened up have a special character. The visual and aural appeal of running water in a semi natural state is a pleasing amenity feature in a busy town centre. However, given the Creek runs through both private and publicly-held land, and is partially covered over or piped, we consider the Council has no jurisdiction to require its opening, but does have the ability to promote it.
204. The final amendments link to other submissions relating to height of buildings and increasing the allowable height in various height precincts of the town centre. Increases in height lead to the need to carefully assess additional shading. Additional shading is inevitable with a height increase. That height increase enables one of the key characteristics of the town centre, namely its compact nature to be retained. We recognise an increase in height will inevitably lead to additional shading. However, the ability to offset any such effect by the provision of additional public space or pedestrian links is of value. We consider this policy, amended as recommended by Ms Jones, assists in achieving Objective 12.2.4. We recommend submissions amending Policy 12.2.4.2 be accepted.
205. We recommend Policy 12.2.4.2 read with the amendments underlined as follows:
- “Ensure that the Town Centre remains compact, accessible, and easily walkable by avoiding outward expansion of the Town Centre Zone. Encourage walking to and within the Town Centre by improving the quality of the pedestrian experience by:*
- a. Maintaining and enhancing the existing network of pedestrian linkages and ensuring these are of a high quality;*
 - b. Requiring new pedestrian linkages in appropriate locations when redevelopment occurs;*
 - c. Strictly limiting outward expansion of the Town Centre Zone and commercial activity beyond it; ~~and~~*
 - d. Encouraging the provision of verandas along pedestrian-oriented streets, while acknowledging that verandas may not be appropriate or necessary in applications involving a heritage building; or where no verandas exist on adjoining buildings; and may need to be specifically designed so as to not interfere with kerbside movements of high-sided vehicles*
 - e. Promoting and encouraging the maintenance and creation of uncovered pedestrian links and lanes wherever possible, in recognition that these are a key feature of Queenstown character;*

¹³⁶ Section 42A Report of Ms Jones at [13.19].

¹³⁷ Ibid.

- f. Promoting the opening up of Horne Creek wherever possible, in recognition that it is a key visual and pedestrian feature of Queenstown, which contributes significantly to its character; and
- g. Ensuring the cumulative effect of buildings does not result in additional shading that will progressively degrade the pedestrian environment or enjoyment of public spaces, while accepting that individual developments may increase the shading of public pedestrian space to a small extent provided this is offset or compensated for by the provision of additional public space or a pedestrian link within the site."
206. One submission¹³⁸ sought that Policy 12.2.4.3 be amended to refer to antisocial rather than criminal behaviour, and that the CPTED principles not be applied to the design of lot configuration, the street network, car parking areas, access ways, pedestrian links and/or lanes or landscaping.
207. Like Ms Jones, we think the word "antisocial behaviour" rather than "criminal activity" is more appropriate in the policy context. We also agree with Ms Jones that lot configuration and the design of any extension to the street network will be considered through the Subdivision Chapter.¹³⁹ Therefore, those particular matters do not need to be specifically mentioned within this policy. However, notwithstanding deletion of references to lot configuration and street network, and inclusion of reference to streetscapes, these CPTED principles are still deserving of mention and reference within this policy.
208. The references in Policy 12.2.4.3 relate in the main to the public domain. Generally CPTED matters are given effect to by councils while designing public spaces. Private land owners do tend to have differing priorities more focused on security.
209. Consequently, we recommend Policy 12.2.4.3 read:
- Minimise opportunities for ~~criminal activity~~ anti-social behaviour through incorporating Crime Prevention Through Environmental Design (CPTED) principles as appropriate in the design of ~~lot configuration and the streetscapes network~~, carparking areas, public and semi-public spaces, accessways/ pedestrian links/ lanes, and landscaping.*
210. NZTA¹⁴⁰ submitted in favour of Policy 12.2.4.4. ORC¹⁴¹ suggested that accessibility to the Town Centre could be assisted by limiting the supply of car parks on the periphery of it. However, this submission did not directly refer to this policy and no evidence was provided in support of the submission.
211. We are satisfied this policy as worded appropriately supports the implementation of Objective 12.2.4 and accordingly recommend this policy be adopted as notified.
212. Ms Jones discussed Policy 12.2.4.5 in her Section 42A Report under Issue 9 Transportation. This policy received attention from other submitters¹⁴². However, only those submission

¹³⁸ Submission 663, opposed by FS1139 and FS1191

¹³⁹ V Jones, Section 42A Report at [13.21].

¹⁴⁰ Submission 719

¹⁴¹ Submission 798

¹⁴² Submissions 719, 238, 621 and 798.

points that related directly to the objectives and policies contained in Chapter 12 are addressed by this Report.

213. ORC observed in its submission that public transport users are multi modal. This means they generally walk or cycle to access bus services therefore developments should create active transport connection linking existing public transport services and infrastructure where possible. ORC raised the point that poorly designed shop front veranda setbacks and heights can interfere with kerbside bus movement however no specific relief was sought. We note Ms Jones, when considering both this submission and notified Rule 12.5.5, recommended inclusion of wording to deal with this concern.¹⁴³
214. NZTA¹⁴⁴ submitted in favour of retaining notified policy 12.2.4.5. NZIA¹⁴⁵ and Real Journeys Ltd¹⁴⁶ requested the policy not only be considered when designing roading improvements but also when designing any transportation related improvements, or, alternatively, when considering jetty applications.
215. Real Journeys, in particular, sought to include the consideration of jetty applications when considering current or future public transport needs. We agree with Ms Jones¹⁴⁷ that when jetty applications are being considered, it is appropriate to consider how those applications may impact on the planning for future public transport options. We consider that travel by watercraft assists in making the town centre accessible for both visitors and residents. We are satisfied that the amendments sought by the submitter support Objective 12.2.4.
216. For these reasons we recommend that Policy 12.2.4.5 be amended to include the words “*or considering jetty applications*” as shown underlined below:
- Plan for future public transport options by considering the needs of public transport services and supporting infrastructure when designing roading improvements or considering jetty applications.*
217. NZTA¹⁴⁸ sought amendments to Policy 12.2.4.6, while other submitters¹⁴⁹ requested the policy be deleted. The refinement sought by NZTA was to include words so as to ensure that the safety and efficiency and functionality of the roading network were matters considered when the location and design of visitor accommodation was being considered.
218. Like Ms Jones, we agree that the changes requested by NZTA are appropriate as incorporating them would help this policy better achieve Objective 12.2.4.¹⁵⁰
219. We do not support the submissions requesting that the policy be deleted because traffic issues are an important consideration for the location and design of visitor accommodation, particularly when considering safety and accessibility of both visitors and residents alike.

¹⁴³ V Jones, Section 42A Report at [13.52].

¹⁴⁴ Submission 719

¹⁴⁵ Submission 238, supported by FS1097 and FS1117, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248 and FS1249

¹⁴⁶ Submission 621

¹⁴⁷ V Jones, Section 42A Report at [17.5]

¹⁴⁸ Submission 719

¹⁴⁹ Submissions 663 (opposed by FS1139 and FS1191) and 672

¹⁵⁰ V Jones, Section 42A Report at [15.4].

220. We recommend the Policy read with the additions underlined as follows:

Encourage visitor accommodation to be located and designed in a manner that minimises traffic issues that may otherwise affect the safety, efficiency, and functionality of the roading network, and the safety and amenity of pedestrians and cyclists, particularly in peak periods.

3.8. Objective 12.2.5 and Policies 12.2.5.1 – 12.2.5.6

221. As notified, these read:

12.2.5 Objective

Integrated management of the Queenstown Bay land-water interface, the activities at this interface and the establishment of a dynamic and attractive environment for the benefit of both residents and visitors.

Policies

12.2.5.1 *Encourage the development of an exciting and vibrant waterfront, which maximises the opportunities and attractions inherent in its location and setting as part of the Town Centre.*

12.2.5.2 *Promote a comprehensive approach to the provision of facilities for water-based activities.*

12.2.5.3 *Conserve and enhance, where appropriate, the natural qualities and amenity values of the foreshore and adjoining waters.*

12.2.5.4 *Retain and enhance all the public open space areas adjacent to the waterfront.*

12.2.5.5 *Maximise pedestrian accessibility to and along the waterfront for the enjoyment of the physical setting by the community and visitors.*

12.2.5.6 *Provide for structures within the Queenstown Bay waterfront area subject to compliance with strict location and appearance criteria.*

222. The main issues Ms Jones¹⁵¹ identified arising from the ODP were, first that the community and visual values of the land/water interface had not been properly identified in the ODP. Secondly, the extent of the Queenstown Bay Waterfront area was not clearly defined. She observed that all but one of the ODP policies had been included in the PDP.¹⁵² However, those that referred to managing the waterfront area in accordance with various foreshore management plans were not included.

223. Several submitters¹⁵³ supported Objective 12.2.5 as notified. Te Anau Developments Limited¹⁵⁴ and Queenstown Park Limited¹⁵⁵, requested that Objective 12.2.5 and the supporting policies be amended to ensure tourism activities, including the transport of passengers and supporting buildings, infrastructure, and structures, were specifically provided for.

¹⁵¹ V Jones, Section 42A Report at [16.6]

¹⁵² Ibid at [16.17].

¹⁵³ Submissions 217, 380 and 817.

¹⁵⁴ Submission 607

¹⁵⁵ FS1097

224. In response to these submissions, Ms Jones expressed the view that it was unnecessary and inappropriate to change the objective and policies to specifically provide for tourism activities as both the objectives and policies already acknowledged the area is to be managed for visitors as well as residents¹⁵⁶. We agree.
225. In addition, she suggested that an amended policy which provides for tourism, including supporting buildings and structures as sought, would be inconsistent with the rules. We will return to rules later, but we agree with Ms Jones that rules classify many buildings and structures that would arguably support tourism, as non-complying in this Sub-Zone.
226. Other submitters¹⁵⁷ sought the objective and all its related policies be amended to recognise the importance of public transport links on the water and better integration of land and water-based journeys. Ms Jones was of the view this matter was best addressed in Stage 2 of the proposed District Plan.¹⁵⁸ Consequently she recommended rejecting these particular submission points for those reasons.
227. The Stage 2 variations propose the addition of a seventh policy under this objective., relating to public ferry services. While this may satisfy the relief sought by those submitters, we recommend the submissions be rejected at this stage.
228. We recommend adoption of the objective with the minor wording changes recommended by Ms Jones to improve clarity¹⁵⁹. This change can be made pursuant to Clause 16(2). We recommend Objective 12.2.5 read, with the amendments underlined, as follows:

Objective 12.2.5

Integrated management of the Queenstown Bay land-water interface, the activities at this interface and the establishment of a dynamic and attractive environment ~~for the~~ that benefits ~~of~~ both residents and visitors.

229. Multiple submitters¹⁶⁰ sought to amend notified Objective 12.2.5 and associated Policies 12.2.5.1, 12.2.5.2, 12.2.5.5, and 12.2.5.6 to recognise the importance of public transport links on the water and better integration of land and water-based journeys. The amendment proposed by the Stage 2 variations confirms that this is a matter better dealt with in association with the Transport Chapter. We recommend these submissions be rejected.
230. Real Journeys Limited¹⁶¹ requested that Policy 12.2.5.2 be amended to promote the strategic comprehensive approach to the provision of facilities for water-based activities. Queenstown Wharves¹⁶² requested it be deleted.
231. Ms Jones recognised that Policy 12.2.5.2 is an important policy which both appropriately and sufficiently signals the desire for a comprehensive approach to activities within the Sub-Zone. She was of the view¹⁶³, and we agree with her, that the inclusion of the word “strategic” is unnecessary. Accordingly, we recommend that Submissions 621 and 766 are rejected.

¹⁵⁶ V Jones, Section 42A Report at [16.14a].

¹⁵⁷ Submissions 766, 798, (supported by FS1341 and FS1342) and 807.

¹⁵⁸ V Jones, Section 42A Report at [17.8].

¹⁵⁹ V Jones, Summary of Evidence, Appendix 1

¹⁶⁰ Submissions 766, 798, 807 and FS1341.

¹⁶¹ Submission 621

¹⁶² Submission 766, supported by FS1341

¹⁶³ V Jones, Section 42A Report at [16.14b].

232. Remarkables Park Limited¹⁶⁴ and Queenstown Wharves¹⁶⁵ sought that Policy 12.2.5.3, regarding conserving and enhancing the natural qualities of the foreshore and adjoining waters, be deleted. Both of these submissions consider there to be a conflict between Policy 12.2.5.1 and Policy 12.2.5.3. Policy 12.2.5.1 seeks to encourage a vibrant waterfront and whilst the submitters consider retention of the waterfront amenity values to be important, they do not consider that there should be a separate policy to “*conserve and enhance*”.
233. Real Journeys Limited¹⁶⁶ also sought that this policy be amended to conserve, maintain and enhance, as far as practical where appropriate, the natural qualities and amenity values of the foreshore and adjoining waters.
234. Ms Jones was of the view that referencing amenity and natural qualities was important to support the relevant rules which prevent certain activities and built forms in the more natural parts of the Sub-Zone¹⁶⁷. She further considered that amending Policy 12.2.5.3 as sought by Real Journeys Limited, would weaken it because the submitter sought inclusion of the word “*maintain*” and the words “*as far as practical*”¹⁶⁸. We agree with that conclusion.
235. However, in Ms Jones’ Summary of Evidence presented at the hearing, she recommended additional wording for Policy 12.2.5.3 and Policy 12.2.5.6 to provide “more direction in terms of development within the QTC WSZ.”¹⁶⁹ Ms Jones advised that these amendments were made in response to Ms Carter’s evidence for Queenstown Wharves GP Limited.¹⁷⁰
236. In particular Ms Carter was seeking greater direction within Policies 12.2.5.1 to 12.2.5.6 in order to achieve Objective 12.2.5, and a more integrated approach within those policies.¹⁷¹ Indeed, we agree that Objective 12.2.5 seeks integrated management of the Queenstown Bay land –water interface.
237. Based on Ms Carter’s evidence and the Queenstown Wharves submission, Ms Jones recommended the inclusion of additional words to Policy 12.2.5.3, immediately following the word waters, they are:
- the foreshore and adjoining waters, recognising in particular, the predominantly undeveloped character of the ‘Queenstown beach and gardens foreshore area’ (as identified on the planning map) and the important contribution this area makes to providing views to the lake and mountains, pedestrian and cycle connections, water-based commercial recreation activities, and passive recreation opportunities.*
238. We agree with Ms Jones’ recommendation to include these additional words based as it is on the evidence of Ms Carter, with which we agree. We accept including these words better supports Objective 12.2.5 in achieving integrated management of this important Queenstown Bay environment. In particular, these words appropriately capture the existing context of the Bay against which integrated management can be achieved.

¹⁶⁴ Submission 807

¹⁶⁵ Submission 766, supported by FS1341

¹⁶⁶ Submission 621

¹⁶⁷ V Jones, Section 42A Report at [16.14c].

¹⁶⁸ Ibid

¹⁶⁹ V Jones, Summary of Evidence at [6c].

¹⁷⁰ Submission 766

¹⁷¹ J Carter, EIC at [6.7] and [7.1-7.2].

239. Queenstown Wharves¹⁷² sought that Policy 12.2.5.4 be retained as notified.
240. Ms Jones in her Section 42A Report, recommended accepting this submission. Policy 12.2.5.4 relates to retention and enhancement of access to all public open space areas adjacent to the waterfront. We agree with the submission and Ms Jones' recommendation as access to public places adjacent the waterfront enables enjoyment of the Queenstown Bay area by both residents and visitors thus supporting Objective 12.2.5.
241. The only submission¹⁷³ on Policy 12.2.5.5 sought its amendment in relation to water transport. We agree with Ms Jones that is a matter better dealt with in the context of the Transport Chapter and recommend that submission be rejected.
242. NZIA¹⁷⁴ generally supported Policy 12.2.5.6 but requested it be amended to be read subject to the review by the urban design panel in recognition that it is not just location and appearance that is to be considered, but also the blocking of views and filling up of harbour space etc.
243. Real Journeys Limited¹⁷⁵ requested that Policy 12.2.5.6 be amended so as to provide for the development, maintenance and upgrading of structures within the Queenstown Bay waterfront area, recognising these structures are required to meet minimum safety and design standards subject to compliance with strict location and appearance criteria.
244. With regard to Policy 12.2.5.6 and the need to require structures in the Sub-Zone to be considered by the urban design panel (UDP), Ms Jones did not recommend mandating any such review through the policy in the District Plan¹⁷⁶.
245. We agree with her because we consider that matters such as potential effect on views can already be provided for in terms of the district plan. While review by the UDP may assist in decision-making, we do not consider it appropriate to make it a mandatory requirement via the PDP in the absence of clear design guidelines.
246. After considering Ms Black's evidence for Real Journeys Limited, Ms Jones recommended a limited amendment to provide more direction in terms of development within the WSZ.¹⁷⁷
247. We agree with Ms Jones' recommended amendments as they provide more clarity as to why structures are subject to bulk, location and appearance criteria.

3.9. New Policies

248. Kopuwai Investments Limited¹⁷⁸ sought the inclusion of two new policies:

12.2.5.6 Encourage the day time and night time use of outdoor areas for the use by bars and restaurants in and around the Steamer Wharf Complex with appropriate seating, tables and/or planting to enhance the vibrancy and visual amenity.

¹⁷² Submission 766, supported by FS1341

¹⁷³ Submission 766, supported by FS12341

¹⁷⁴ Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248 and FS1249

¹⁷⁵ Submission 621

¹⁷⁶ Ibid at [16.14e].

¹⁷⁷ V Jones, Summary of Evidence, at [6c].

¹⁷⁸ Submission 714, opposed by FS1318

12.2.5.7 *Ensure that residential development and visitor accommodation provide acoustic insulation over and above the minimum requirements of the Building Code to avoid reverse sensitivity.*

249. Ms Jones did not recommend adding these additional policies as she considered the intent was somewhat covered by the more general notified Policy 12.2.5.1 and Policy 12.2.3.1 respectively.

250. Further, in relation to the first suggested policy, we consider that encouraging the daytime and night-time use of these areas is not a District Plan matter, rather it is an operational matter. In respect of the second suggested policy, we cannot direct that the Building Code be exceeded in the PDP. For those reasons, we recommend these two new policies not be adopted and that the Kopuwai submission is rejected.

251. Consequently, it is our recommendation that Policies 12.2.5.1 to 12.2.5.6 as set out by Ms Jones in her reply be adopted. We set out the amended policy wording below, with the amendments underlined:

12.2.5.1 *Encourage the development of an exciting and vibrant waterfront, which maximises the opportunities and attractions inherent in its location and setting as part of the Town Centre.*

12.2.5.2 *Promote a comprehensive approach to the provision of facilities for water-based activities.*

12.2.5.3 *Conserve and enhance, where appropriate, the natural qualities and amenity values of the foreshore and adjoining waters, recognising in particular, the predominantly undeveloped character of the 'Queenstown beach and gardens foreshore area' (as identified on the planning map) and the important contribution this area makes to providing views to the lake and mountains, pedestrian and cycle connections, water-based commercial recreation activities, and passive recreation opportunities.*

12.2.5.4 *Retain and enhance all the public open space areas adjacent to the waterfront.*

12.2.5.5 *Maximise pedestrian accessibility to and along the waterfront for the enjoyment of the physical setting by the community and visitors.*

12.2.5.6 *Provide for structures within the Queenstown Bay waterfront area subject to compliance with strict bulk, location and appearance criteria, provided the existing predominantly open character and a continuous pedestrian waterfront connection will be maintained or enhanced.*

4. 12.3 OTHER PROVISIONS AND RULES

4.1. 12.3.1 District Wide Chapters

252. Rule 12.3.1 is a cross reference to other District Wide Chapters that may apply in addition to the rules in Chapter 12.

253. There were no submissions received nor any comment in the officer’s report relating to this section. Ms Jones recommended only minor amendments proposed in the interests of clarification and consistency with other parts of the Plan.
254. We recommend minor amendments be made as a minor change in accordance with Clause 16(2) consistent with our approach to this section throughout the PDP.
255. The recommended layout is shown in Appendix 1.
- 4.2. **12.3.2 Clarification and 12.3.2.3 General Rules Preliminary Matter**
256. As with other chapters, this section contains a series of provisions that establish how the rules work, including which chapters have precedence over others.
257. Within rules 12.3.2.3-.5 there are three ‘rules’. Each of them commence with the words “*For the purpose of this chapter*”. The rules then proceed to define a comprehensive development, a landmark building and finally a sense of place.
258. The status of the provisions within the notified subheading of “*Clarification*” and “*General Rules*” has arisen in the previous hearings. Mr Winchester, for the Council, reminded us in his opening that, within the residential hearing, counsel suggested, so as to provide more certainty as to the regulatory status of these provisions, that they be further reordered under additional headings “*General Rules*” and “*Advice Notes*”.¹⁷⁹ He advised that these changes do not affect the regulatory impact of these provisions and further those changes were considered to be non-substantive.¹⁸⁰
259. He further elaborated that for the business chapters the clarification provisions should be placed under the subheadings “*General Rules*” and “*Advice Notes*” advising us that changes have also been made to the PDP to align with other chapters.¹⁸¹
260. We accept Mr Winchester’s submission that altering the subheadings ‘*Clarification*’ and ‘*General Rules*’ is required to provide more certainty as to the regulatory status of the provisions. We agree also that his recommended changes are non-substantive. However we think that a sub heading should be more descriptive than simply ‘*General Rules*’ or ‘*Advice Notes*’ to provide greater clarity. In our view these provisions belong within a separate section entitled “*Interpreting and Applying the Rules*” because that is their purpose.
261. We recommend these minor amendments be made as a non-substantive change in accordance with Clause 16(2).
262. The recommended layout is shown in Appendix 1.

5. DEFINITIONS PROPOSED TO BE INSERTED

263. There are some definitions that are applicable to the provisions of Chapter 12. In her Reply, Ms Jones recommended that the definitions be located in Chapter 12. Ms Jones explained that in her view this was more appropriate than including these definitions in Chapter 2. This was because they are definitions for the purpose of this chapter, and they are not appropriate

¹⁷⁹ Legal Submissions of Mr Winchester at [9.6].

¹⁸⁰ Ibid.

¹⁸¹ ibid at [9.7].

to apply across all chapters in the PDP. Ms Jones recommended these definitions all sit under the heading “General Rules”.¹⁸²

264. While we do not totally disagree with Ms Jones, we understand that the officer reporting to the Stream 10 Hearing Panel (which heard submissions on Chapter 2 – Definitions) recommended that all definitions be located in that chapter. That recommendation has been accepted and we see little value in repeating definitions in this chapter also. We also note that while Ms Jones claimed the definitions were only used in this chapter, “comprehensive development” is also used in Chapter 13.
265. Our role is to consider the submissions on these definitions and recommend to the Stream 10 Hearing Panel the appropriate wording for the definitions and whether submissions are to be accepted or rejected. We discuss these definitions below.

Comprehensive Development

Comprehensive development means the construction of a building or buildings on a site or across a number of sites with a total land area of greater than 1400 m².

266. At notification, the definition of a comprehensive development, in part, resided in Rule 12.5.1. Ms Jones recommended in her Reply to locate this definition with the other relevant definitions for this chapter. We consider that removing the definition element from Rule 12.5.1 assists with the legibility of the rule and makes the provisions easier for plan users to understand. We note that the area of land to be the trigger for development was a matter of contention. We discuss this in detail in relation to Rule 12.5.1.
267. As this definition is derived from Rule 12.5.1, our reasons for recommending the wording of that rule contain the reasons for recommending the wording of this definition. On that basis, we recommend to the Stream 10 Hearing Panel that comprehensive development be defined as set out above.

Landmark Building

Landmark building means a building that is easily recognisable due to notable physical features, including additional height. Landmark buildings provide an external point of reference that helps orientation and navigation through the urban environment and are typically located on corners or at the termination of a visual axis.

268. The term “landmark building” is used in proposed Rule 12.5.8.5 (d) and its relevance is discussed in more detail when we discuss that rule. We questioned Ms Jones as to whether a definition should be included in the PDP.
269. In her Reply, Ms Jones advised that she had discussed this with Mr Church and she recommended adding a definition for the term landmark buildings.¹⁸³ She did note that whilst there was some clarification in notified Policy 12.2.2.5 and Rule 12.5.8.5(d) this definition would be useful for readers.¹⁸⁴
270. We agree that it is useful to have a definition, and, like Ms Jones, we consider the definition proposed appropriate. We consider that as the definition is primarily for clarification it can be

¹⁸² V Jones, Reply Statement at [4.3d].

¹⁸³ V Jones, Section 42A Report at [9.2]

¹⁸⁴ Ibid

included under Clause 16(2), and recommend to the Stream 10 Hearing Panel that it be so included in Chapter 2.

Sense of Place

Sense of place means the unique collection of visual, cultural, social, and environmental qualities and characteristics that provide meaning to a location and make it distinctly different from another. Defining, maintaining, and enhancing the distinct characteristics and quirks that make a town centre unique fosters community pride and gives the town a competitive advantage over others as it provides a reason to visit and positive and engaging experience. Elements of the Queenstown Town Centre that contribute to its sense of place are the core of low rise character buildings and narrow streets and laneways at its centre, the pedestrian links, small block size of the street grid and its location adjacent the lake and surrounded by the ever present mountainous landscape.

271. NZIA¹⁸⁵ submitted that it was “good to see acknowledgement of sense of place” but sought more information on what this meant. In her Section 42A Report Ms Jones recommended that an explanation for the term “sense of place” be added as an advice note to Objective 12.2.2.¹⁸⁶ She subsequently recommended it be listed as a definition within this chapter.
272. We agree that this definition assists in responding to the NZIA submission. We recommend to the Stream 10 Hearing Panel that Submission 238 be accepted in part by including this definition in Chapter 2.
273. We set out the recommended definitions in Appendix 8.

6. 12.4 RULES – ACTIVITIES

6.1. Rule 12.4.1 Activities not listed in this table and comply with all standards

274. Rule 12.4.1 effectively provides a default permitted activity status to any activity that complies with all standards and is not otherwise listed in Activity Table 12.1.
275. Peter Fleming¹⁸⁷ opposed Rule 12.4.1 but did not give any reasons for his request. In the absence of any evidence and on the basis that we consider Rule 12.4.1 appropriate, we recommend this submission be rejected.
276. At the commencement of the Stream 8 hearings, during the Council’s opening, we queried the approach taken in the various business chapters regarding the need to comply with all standards in order to be a permitted activity. In the QTC, WTC, ATC, LSC and BMU zones, activities which are not listed in this table and comply with all standards are permitted activities.
277. In the Reply Submissions, Ms Scott pointed out that default permitted activities need to state that any activity not listed must comply with all of the standards listed in the chapter, otherwise there would be no regulation around any unlisted activity at all.¹⁸⁸
278. Ms Scott, again in the Reply, set out the way in which the provisions are intended to work.¹⁸⁹

¹⁸⁵ Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248.

¹⁸⁶ V Jones, Section 42A Report at [13.7b].

¹⁸⁷ Submission 599

¹⁸⁸ Submissions in Reply of Ms Scott on behalf of QLDC at [2.3].

¹⁸⁹ bid at [2.4].

- a. an activity not listed in the table must comply with all standards in order to be permitted
- b. if an activity not listed in the table breaches one of the standards, then it is no longer permitted, and a consent is required and
- c. the standard breached is what determines the basis on which consent is required (for example, if the unlisted activity breached Rule 12.5.1 then it would become restricted discretionary; if it breached Rule 12.5.10 then it would become noncomplying).

279. Ms Scott submitted that an argument that an activity does not contravene any District Rule in terms of section 9 of the Act merely because that activity is not expressly described in the table would not be tenable. She explained that this was because Rule 12.4.1 was drafted so as to capture all potential and described activities and require them to comply with a group of standards. In that respect, she said, Rule 12.4.1 is a catch- all District Rule for the purposes of section 9 of the RMA.
280. Ms Jones, in her Reply Statement, added that she considered the inclusion of this Rule at the start of the activity table in each chapter is the most legible approach.¹⁹⁰ She considered it important due to the fact that the default status varies between the zones.
281. She did point out the duplication arising from the advice note in 12.3.2.1 which also requires compliance with the standards table.¹⁹¹ She pointed out that the purpose of the advice note is more focused on identifying the non-compliant status. She was of the view the inclusion within Rule 12.4.1 of the reference to compliance with all standards to be clearer and would ensure there was no room for debate as to the correct interpretation.
282. She noted that at first blush it seemed inconsistent to have listed activities default to a non-complying status in some instances and permitted and others.¹⁹² However, she rationalised this apparent inconsistency, noting the vastly different purposes of the various zones.¹⁹³ For example, the likes of rural and residential having a relatively narrow purpose with a narrow range of uses being anticipated and the business zones being of a highly mixed use nature. Overall she did not recommend any changes to Rule 12.4.1.¹⁹⁴
283. After considering Ms Scott's submissions and the views expressed by Ms Jones we agree that the tabular approach is appropriate. Also we agree that Rule 12.4.1 does not require change for all of the reasons advanced by both Ms Scott and Ms Jones. Accordingly, we recommend retention of the table and the approach contained in the replies to determining activity status. Also we recommend retention of Rule 12.4.1 unaltered.

6.2. Rule 12.4.2 Visitor Accommodation

284. As notified, Rule 12.4.2 provided for visitor accommodation (the activity rather than the buildings) in the QTCZ as a controlled activity, with control limited to (in summary):
- a. Parking and traffic
 - b. landscaping
 - c. location, nature and scale and
 - d. noise effects when adjoining a residential zone.

¹⁹⁰ V Jones, Reply Statement at [3.3].

¹⁹¹ Ibid at [3.4].

¹⁹² Ibid at [3.5].

¹⁹³ Ibid.

¹⁹⁴ Ibid at [3.6].

285. NZTA¹⁹⁵ sought to have the rule amended to include the words “*maintaining the safety and efficiency of the roading network*”. The change to this rule mimicked the change NZTA sought to Policy 12.2.4.6.
286. Ms Jones supported the NZTA submission on this rule, considering that acknowledging the importance of the safety and efficiency of the roading network, was, while an important change, overall a minor change.¹⁹⁶
287. Downtown QT¹⁹⁷ and Queenstown Chamber of Commerce¹⁹⁸ both supported the residential and visitor accommodation provisions in the QTCZ. The Chamber added the proviso that insulation and mechanical ventilation be included with residential and visitor accommodation to prevent reverse sensitivity effects. We will return to that point when we discuss noise within the QTCZ.
288. Peter Fleming¹⁹⁹ opposed the rule relating to visitor accommodation seeking that any existing use rights regarding visitor accommodation not be diminished.
289. In considering these submissions, Ms Jones noted that the rules in the PDP were similar to those within the ODP with the main difference being that external building appearance would now be subject to a restricted discretionary consent, whereas previously it was controlled. She noted that the location, nature and scale of visitor accommodation and ancillary activities within the relevant site and in relation to neighbouring sites was a new matter of control. She further noted that matters of traffic generation and traffic demand management were new matters of control and where the site adjoined a residential zone, the hours of operation of ancillary activities and noise generation were new matters of control.
290. For these reasons, she considered that Rule 12.4.2, as amended by the NZTA submission, would provide the Council with useful additional controls in terms of encouraging site layout that benefit street scape, avoid or minimise conflict between uses and avoid or minimise potential adverse effects on the roading network and pedestrian movement. We agree with Ms Jones’ reasons.
291. As for Mr Fleming’s submission²⁰⁰ noted above, we agree with Ms Jones that it should be rejected. Adopting plan provisions only where they do not diminish existing use rights is neither a valid nor relevant consideration in determining the appropriateness of a plan provision. In any event, we observe existing use rights are provided for under section 10 of the Act and cannot be taken away.
292. We recommend the following wording for Rule 12.4.2, with our recommended amendments underlined and struck out:

12.4.2 ***Visitor Accommodation***, ~~*in respect of:*~~

Control is reserved to:

C

¹⁹⁵ Submission 719

¹⁹⁶ V Jones, Section 42A Report, Appendix 1 at p 12-6.

¹⁹⁷ Submission 630, opposed by FS1043

¹⁹⁸ Submission 774

¹⁹⁹ Submission 599

²⁰⁰ Submission 599

- a. *The location, provision, and screening of access and parking, traffic generation, and travel demand management, with a view to maintaining the safety and efficiency of the roading network, and minimising private vehicle movements to/ from the accommodation; ensuring that where onsite parking is provided it is located or screened such that it does not adversely affect the streetscape or pedestrian amenity; and promoting the provision of safe and efficient loading zones for buses*
- b. *Landscaping*
- c. *The location, nature and scale of visitor accommodation and ancillary activities relative to one another within the site and relative to neighbouring uses and*
- d. *Where the site adjoins a residential zone:*
 - i Noise generation and methods of mitigation;*
 - ii Hours of operation, in respect of ancillary activities.*

6.3. Rule 12.4.3 Commercial Activities within the Queenstown Town Centre Waterfront Subzone
 293. As notified, this rule provided for commercial activities in the QTC Waterfront Subzone (“WSZ”) as controlled activities, with control reserved to, in summary:

- a. Traffic
- b. Access and loading
- c. Temporary structures and
- d. Outdoor storage.

294. Real Journeys Limited²⁰¹ requested that subparagraph (a) be amended by including the bolded words as follows:

- a. Any adverse effects of additional traffic generation from the activity **and mitigation of those effects.**

295. Ms Jones did not consider it was necessary to add this additional wording.²⁰² We agree with Ms Jones because the assessment of effects of the additional traffic generation will take into account the mitigation in determining the actual adverse effects of such additional traffic.

296. Our recommended wording is shown below using strikethrough and underlining:

12.4.3 **Commercial Activities within the Queenstown Town Centre Waterfront Subzone** C
(including those that are carried out on a wharf or jetty) except for those commercial activities on the surface of water that are provided for as discretionary activities pursuant to Rule 12.4.7.2, ~~in respect of:~~

Control is reserved to:

- a. *Any adverse effects of additional traffic generation from the activity*

²⁰¹ Submission 621

²⁰² Section 42A Report of Ms Jones at [16.16].

- b. *The location and design of access and loading areas in order to ensure safe and efficient movement of pedestrians, cyclists, and vehicles and*
- c. *The erection of temporary structures and the temporary or permanent outdoor storage of equipment in terms of:*
 - i. *any adverse effect on visual amenity and on pedestrian or vehicle movement; and*
 - ii. *the extent to which a comprehensive approach has been taken to providing for such areas within the subzone.*

6.4. Rules 12.4.4 and 12.4.5 Licensed Premises

297. As notified, these rules provided for licensed premises. Rule 12.4.4 provided that a restricted discretionary consent was required for licenced premises in two circumstances:
- a. Other than in the TCTSΖ for consumption of liquor on premises between 11pm and 8am and
 - b. Within the TCTSΖ for the consumption of liquor between 6pm and 11pm.
298. In both circumstances, discretion was restricted to:
- a. Scale
 - b. Car parking and traffic
 - c. Amenity effects
 - d. Screening or buffering from residential areas
 - e. Configuration of activities
 - f. Noise and hours of operation and
 - g. Consideration of any alcohol policy or bylaw.
299. Rule 12.4.5 required a discretionary activity consent for the consumption of liquor on the premises between 11pm and 8am in the TCTSΖ.
300. The Good Group²⁰³ submitted that the activity status of Rule 12.4.4.1 should be a controlled activity, as it was under the ODP.
301. Ms Jones supported this submission²⁰⁴. Ms Jones considered a controlled activity status would be efficient and effective, particularly where an application was in accordance with the Sale and Supply of Alcohol Act 2012 (SSAA).²⁰⁵ Ms Jones noted the SSAA enables a wider range of amenity and good order nuisance-related effects to be considered.²⁰⁶ Also, based on the opinions and evidence of Ms Swinney²⁰⁷, Ms Jones considered this approach was proving to be effective.
302. We agree and think that effects relating to amenity, layout, screening, noise and hours of operation are all able to be managed through resource consent conditions.

²⁰³ Submission 544

²⁰⁴ V Jones, Section 42A Report at [12.25]

²⁰⁵ Ibid at [12.25a].

²⁰⁶ Ibid at [12.25b]

²⁰⁷ In particular at [5.6].

303. As such, we recommend accepting the Good Group submission and changing the activity status to controlled.
304. The Good Group also sought that there be no time restriction on serving alcohol to diners. Other submitters²⁰⁸ requested a new rule enabling licensed premises to operate until 1.00am as a permitted activity and restricted thereafter, within a new Steamer Wharf Entertainment Precinct, and that the matters of discretion be amended.
305. Ms Jones addressed the issue of identifying Steamer Wharf as an entertainment precinct including extended hours of operation until 1.00am. She recommended against it on the basis of noise effects on nearby residentially zoned land.²⁰⁹ This was particularly so if hours of night time operations are extended beyond 11pm. She referred us to the noise contours in the evidence of Dr Chiles to support her view.²¹⁰
306. Currently, resource consents are required to extend hours of operation at Steamer Wharf. This approach allows assessment and the imposition of conditions to control details of the operation, and more effective and efficient monitoring and enforcement. Ms Jones also pointed out that extending operating hours for Steamer Wharf would be inconsistent with the rules that apply to licensed premises in the rest of the QTCZ.²¹¹ We agree for the reasons advanced and recommend these submissions be rejected.
307. Peter Fleming²¹² opposed notified Rule 12.4.4 specifically opposing the use of public areas for the consumption of liquor and hours of operation. Ms Jones pointed out that neither the ODP nor the PDP regulate liquor consumption in public areas.²¹³ However, both plans require a licensed premise to obtain a resource consent to operate after 11pm.
308. We recommend Mr Fleming's submission be rejected as the rule reflects the existing practice, and there was no evidence of any issues with that practice. In addition, there is a means of regulating the activity.
309. Kopuwai Investments Limited²¹⁴ sought that notified Rule 12.4.4.1 be amended and Rules 12.4.4.2 and 12.4.5 be deleted, with the effect of:
- a. Relaxing the licensed premises rule in respect of the Town Centre Transition Sub-Zone such that licensed premises would be permitted up until 11 pm and restricted discretionary activity thereafter, as opposed to requiring a restricted discretionary activity consent for such activity to occur between 6 pm and 11 pm and a full discretionary consent thereafter
 - b. Removing Council's discretion over car parking and traffic generation; the configuration of activities within the building and site (e.g. outdoor seating, entrances); and any alcohol policy or bylaw.
310. We have already recommended that the activity status of notified Rule 12.4.4 be changed from restricted discretionary activity to controlled so that deals with that part of the submission. However, we note here that we recommend a further consequential amendment following on

²⁰⁸ Submissions 587, 589 (opposed by FS1318) and 714.

²⁰⁹ V Jones, Section 42A Report at [12.27].

²¹⁰ In particular the noise contours attached to Dr Chiles' evidence as Appendix C.

²¹¹ V Jones, Section 42A Report at [12.27].

²¹² Submission 599.

²¹³ V Jones, Section 42A Report at [12.28].

²¹⁴ Submission 714.

from the change in activity status for this rule. We discuss this minor change below when we discuss Ms Jones' Reply in relation to this rule.

311. In response to the remainder of Kopuwai Investments Limited submission, Ms Jones, relying in part on the evidence of Ms Swinney, was of the opinion that it remained appropriate to apply more stringent time constraints to licensed premises within the TCTZ and to apply a stricter activity status to any such premises that wished to operate after 11.00 pm.²¹⁵ She stated this was due to the fact that these areas were located directly across the road from residentially zoned land and as such, it was important that greater control was retained in order to ensure that the layout and noise management of any such premises was able to be conditioned or declined if necessary. We agree and support that approach for the reasons she advanced.
312. In line with having changed the activity status of notified Rule 12.4.4 to controlled, Ms Jones recommended changing the status of Rule 12.4.5 to restricted discretionary activity and to apply the matters of control listed for Rule 12.4.4 as matters of discretion in Rule 12.4.5.²¹⁶ Kopuwai Investments Limited sought a change in status for Rule 12.4.5 from the notified position of discretionary to restricted discretionary which Ms Jones supported.
313. We agree with this recommendation on both the status change and the using of the same control/discretion matters. As we see it the control/discretion matters are appropriate to allow assessment of the relevant effects of the activity within the context in which they would be occurring. The change in activity status would ensure Rule 12.4.5 remained effective given the TCTSZ is closer to more noise sensitive areas. This change would also ensure a consistency of approach to status as between the two rules.
314. In response to the request to amend the matters of discretion/control in notified Rule 12.4.4.²¹⁷, Ms Jones was of the opinion that car parking and traffic generation should be removed as a matter of control as onsite parking is not required or generally provided in the Town Centre.²¹⁸ We note that the Council has notified Chapter 29 (Transport) and, as notified, item 29.9.1 in Table 29.5 specified that no parks were required in the QTCZ for any activity. Thus, we agree with Ms Jones that there is no point in having those matters listed as matters of control or discretion.
315. The configuration of "*the premises...*" should, in Ms Jones' view, remain a matter of control as the location and design of outdoor seating can exacerbate (or help alleviate) potential conflicts with neighbouring sites (especially in the TCTSZ) and affect peoples' safety/wellbeing (in terms of complying with CPTED principles).²¹⁹
316. Ms Jones recommended that consideration of any alcohol policy or bylaw be removed as a matter of control as it is unreasonably uncertain. With reference to evidence presented by Ms Swinney, Team Leader Alcohol Licensing for the Council, we agree it is not appropriate to include a matter of control as "*Consideration of any alcohol policy or bylaw*".

²¹⁵ Section 42A Report of Ms Jones at [12.31].

²¹⁶ V Jones, Section 42A Report at [12.31].

²¹⁷ Submission 599

²¹⁸ V Jones, Section 42A Report at [12.32].

²¹⁹ Ibid.

317. Ms Swinney told us that there were no current alcohol policies in place and that breach of any bylaw could result in enforcement action being required.²²⁰
318. Based on Ms Swinney's evidence we agree with Ms Jones' recommendation to remove the reference to this matter of control. Further, we agree with Ms Jones that the matters she has identified as matters of control/discretion are appropriate for the reasons she stated.
319. Because Ms Jones' recommendations in the above paragraphs were new, she undertook a Section 32AA assessment²²¹. We have considered that assessment and adopt it.
320. We also considered Rule 12.4.4.2 needed a non-substantive amendment through deleting the words "*with respect to the scale of this activity, car parking, retention of amenity, noise and hours of operation*", as these matters were already listed within the matters of control causing a duplication. We recommend that this amendment be made utilising Clause 16(2).
321. Jay Berriman²²² requested that the Council restrict the number of liquor licenses in the QTC in order to discourage increases in noise and antisocial behaviour, and to achieve a more balanced approach to the night entertainment which promotes the town's image as a high end product.
322. After referring to Ms Swinney's evidence, which outlined the issues that have arisen when others have tried to impose a cap under the LAP process, Ms Jones' opinion²²³ on limiting the number of premises is:
- a. There is no evidence that there is a clear relationship between the number of licenses and the environmental and economic effects that have been cited (relating to noise and economic and social wellbeing)
 - b. The capping of premises would need to be extremely well justified in order to be defensible under the Act and, on the face of it, does not sit well with the enabling and effects-based nature of the legislation
 - c. Such effects are more a function of how well designed, located, and managed the licensed premises are, rather than the sheer number of premises.
323. We agree with her reasoning and opinion and adopt it. In our view, simply restricting the number of liquor licences is a blunt instrument. Doing so would not allow resource consent applications to both made and assessed. Accordingly for these reasons we recommend rejection of this submission.
324. Real Journeys Limited²²⁴ requested that notified Rule 12.4.4 be amended to also apply to premises hosting off-licenses. Ms Jones advised the ODP also only regulates the effects from on-licenses - those premises licenced for the consumption of alcohol on the premises.²²⁵
325. We note that Ms Swinney's evidence²²⁶ confirmed that, in her opinion, off licenses are unlikely to result in environmental effects that cannot be adequately managed or avoided through the SSAA.

²²⁰ S Swinney, EIC at [5.32].

²²¹ V Jones, Section 42A Report, Appendix 4

²²² Submission 217

²²³ V Jones, Section 42A Report at [12.35].

²²⁴ Submission 621

²²⁵ V Jones, Section 42A Report at [12.36].

²²⁶ S Swinney, EIC at [6.43].

326. Regardless, she noted that pursuant to the SSAA, off-licenses are only able to remain open until 11.00 pm (and most close by 10.00 pm due to cost implications of staying open later) and therefore the rule would only have any effect between the hours of 6.00pm – 11.00pm within the TCTS. ²²⁷ In summary, she did not consider it necessary to require a resource consent under the District Plan for off-licenses as the effects can be adequately managed under the SSAA.
327. We agree with that view for the reasons advanced and accordingly recommend rejection of the Real Journeys Limited submission.
328. A related issue was Warren Cooper’s submission ²²⁸, requesting that the status quo be retained for outside dining hours. Queenstown Chamber of Commerce ²²⁹ specifically requested that the rules provide for extended outdoor trading to allow patrons to enjoy the evenings until 11.00 pm.
329. Ms Jones expressed the view that there is a perceived restriction on outdoor dining after 10pm. ²³⁰ While not specifically regulated in the PDP (or the ODP), this has arisen as a consequence of the restrictive noise rules which effectively prevented activity outdoors after 10.00 pm, and which have resulted in conditions on consents restricting such use under the ODP. ²³¹
330. Ms Jones further noted that notified Rule 12.4.4.1 would permit the serving of alcohol to any person (inside or outside) until 11.00 pm and to diners (inside or outside) until 12.00 am (midnight). She also observed that the more lenient noise rules (notified Rule 12.5.11) were likely to enable normal outdoor dining/ drinking activity to extend beyond 10.00 pm. Further, she considered that to be wholly appropriate given the objectives of the PDP and, for that reason recommended no change be made to these rules.
331. We agree with both her recommendation and the reasons she relied on.
332. Finally, in her reply, after considering our questions at the hearing, Ms Jones recommended Rule 12.4.4 be amended to read “*control is reserved*” rather than “*discretion is restricted*”. We agree as this wording better fits the now controlled status of the activity. We are satisfied this is a minor non-substantive change under Clause 16(2) of the First Schedule.
333. We recommend Rules 12.4.4 and 12.4.5 be adopted in the form set out below:

12.4.4	Licensed Premises	C
	12.4.4.1 Other than in the Town Centre Transition Sub-Zone, premises licensed for the consumption of liquor on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor:	

²²⁷ *ibid* at [6.4]

²²⁸ Submission 654, supported by FS1043, FS1063, and FS1318

²²⁹ Submission 774

²³⁰ V Jones, Section 42A Report at [12.37].

²³¹ *ibid*.

- a. To any person who is residing (permanently or temporarily) on the premises and/or
- b. To any person who is present on the premises for the purpose of dining up until 12am.

12.4.4.2 Premises within the Town Centre Transition sub-zone licensed for the consumption of liquor on the premises between the hours of 6pm and 11pm, provided that this rule shall not apply to the sale of liquor:

- a. To any person who is residing (permanently or temporarily) on the premises; and/or
- b. To any person who is present on the premises for the purpose of dining up until 12am.

In relation to both 12.4.4.1 and 12.4.4.2 above, control is reserved to:

- a. The scale of the activity
- b. Effects on amenity (including that of adjoining residential zones and public reserves)
- c. The provision of screening and/ or buffer areas between the site and adjoining residential zones
- d. The configuration of activities within the building and site (e.g. outdoor seating, entrances) and
- e. Noise issues, and hours of operation.

12.4.5 **Licensed Premises within the Town Centre Transition Sub-Zone** RD

Premises within the Town Centre Transition sub-zone licensed for the consumption of liquor on the premises between the hours of 11 pm and 8 am.

This rule shall not apply to the sale of liquor:

- a. To any person who is residing (permanently or temporarily) on the premises and/or
- b. To any person who is present on the premises for the purpose of dining up until 12 am.

Discretion is restricted to:

- a. The scale of the activity

- b. Effects on amenity (including that of adjoining residential zones and public reserves)
- c. The provision of screening and/ or buffer areas between the site and adjoining residential zones
- d. The configuration of activities within the building and site (e.g. outdoor seating, entrances)
- e. Noise issues, and hours of operation.

6.5. Rule 12.4.6 Buildings- Rules 12.4.6.1 and 12.4.6.2

334. As notified these rules read:

12.4.6 **Buildings** RD*

12.4.6.1. Buildings, including verandas, and any pedestrian link provided as part of the building/ development:

* Discretion is restricted to consideration of all of the following:
 Consistency with the Queenstown Town Centre Design Guidelines (2015), where applicable;
 External appearance, including materials and colours;
 Signage platforms;
 Lighting;
 The impact of the building on the streetscape, heritage values, compatibility with adjoining buildings, the relationship to adjoining verandas;
 The contribution the building makes to the safety of the Town Centre through adherence to CPTED principles;
 The contribution the building makes to pedestrian flows;
 The provision of active street frontages and, where relevant, outdoor dining/patronage opportunities; and
 Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the hazard(s) pose to people and property; whether the proposal will alter the risk to any site; and the extent to which such risk can be avoided or sufficiently mitigated.

And, in addition;

12.4.6.2 In the Town Centre Transition subzone and on sites larger than 1800m², any application under this rule shall include application for approval of a structure plan in respect of the entire site and adherence with that approved plan in consequent applications under this rule.

*In addition to those matters listed in rule 12.4.6.1 above, the Council's discretion is extended to also include consideration of the provision of and adherence with the structure plan including:

the location of buildings, services, loading, and storage areas;
the provision of open and/or public spaces; and
pedestrian, cycle, and vehicle linkages

335. These rules, as notified, provided the activity status for all buildings within the QTC.
336. NZIA²³² requested restricted discretionary activity status only apply to buildings that have been to the UDP, and otherwise full discretionary status apply. The reason given in the submission was that there needed to be some incentive to have all buildings in the QTC subject to review by the UDP.
337. For a number of reasons set out in her Section 42A Report, Ms Jones did not support this submission²³³. We agree with her.
338. The key reason we recommend rejecting this submission is that for such a rule to be effective some sort of pass/fail from the UDP would be needed. That outcome would determine status and we think giving this power to a third party of deciding activity status is inappropriate. It is Council's role to determine and provide for status of an activity within its district plan. Also, having a process involving the UDP, as the submitter seeks, would, we think extend the resource consenting process raising issues as to efficiency.
339. Several submitters²³⁴ requested that notified Rule 12.4.6.1 be amended such that all buildings were controlled, rather than restricted discretionary.
340. Some of these submissions²³⁵ sought to change the matters of control (assuming status was changed to controlled), limiting them to consideration of external building design and appearance in relation to streetscape character, building design in relation to adjoining pedestrian links listed in notified Rule 12.5.8, signage platforms, and lighting. The submitters contended that it was a more succinct approach yet captured all but the natural hazard issue and provided greater certainty and would impose less cost. There were further submissions both in support and in opposition.²³⁶
341. Ms Jones pointed out that in the ODP, buildings in the SCA are a restricted discretionary activity and buildings beyond this area are a controlled activity. She agreed with the reasoning within the Section 32 report²³⁷ behind the decision to propose restricted discretionary activity status to all buildings in the QTC.
342. In summary, those reasons were that applying a restricted discretionary activity status to building(s) throughout the QTC²³⁸ would:
- a. provide greater certainty and be more effective at requiring consistency with the SCA Design Guidelines, which would enable the Council to ensure that the key character elements of the SCA were recognised and reflected in designs

²³² Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1242 FS1248, and FS1249

²³³ V Jones, Section 42A Report at [13.24]

²³⁴ Submissions 606, 609, 614, 617, 596, 398, 663 (opposed by FS1139 and FS1191), 672, 724, 574, and 616.

²³⁵ Submitters 663, 672, and 724

²³⁶ Supported by FS1200 and opposed by FS1274, FS1063, FS1139, and FS1191

²³⁷ V Jones, Section 42A Report at p23-26.

²³⁸ *ibid* at [13.27].

- b. be more effective at achieving quality architecture and urban design and enable poor design to be declined
 - c. result in economic benefits to applicants and a reduction in transaction costs (and therefore the overall development costs). This conclusion was based on the fact that, even if a non-notified restricted discretionary activity consent were more costly to obtain than a controlled consent, this was counteracted by removing or relaxing the bulk and location controls of the ODP, that have routinely triggered potentially notifiable restricted discretionary activity and non-complying consents
 - d. be more efficient from a District Plan drafting and administration perspective in that it would enable a single rule to be relied on to manage the design of building(s) rather than having different rules for the SCA and the rest of the QTCZ.
343. We agree with her reasons outlined above and agree Rule 12.4.6 should have Restricted Discretionary status and so recommend.
344. Ms Jones also noted that, in the past the Council has had considerable leverage to influence design and quality at resource consent stage due to breaches in standards including building coverage standards²³⁹. Consequently, she advised, very few buildings have actually been processed as controlled activities (i.e. for design control only).
345. From Ms Jones' own experience as the Council's 'Manager: Strategy and Planning' and as a member of the UDP, she was personally aware of a number of examples where the outcome was improved greatly through a process that did not occur with controlled activity resource consents.²⁴⁰
346. Ms Jones did note that requiring a restricted discretionary consent for all buildings and external alterations will create greater uncertainty and cost. However, in her view this was justified by the importance of the QTC and the risks to the environment and the economy from poor design outcomes.²⁴¹
347. In addition, Ms Jones was of the view that the non-notification clause for restricted discretionary buildings would reduce uncertainty, cost, and time delays considerably; and the consent would likely be less onerous than ODP rules, which, she advised, routinely trigger non-complying consent status.²⁴²
348. Finally, she noted the lack of controlled activity applications being processed under the ODP meant there was no evidence of the adequacy of the ODP classification.²⁴³
349. Ms Jones considered that a relaxation of the bulk and location rules and a strengthening of design control in the manner recommended was the most appropriate method to achieve the objectives.²⁴⁴ As such, no change to the notified Rule 12.4.6 relating to status was recommended in her view.

²³⁹ *ibid* at [13.28].

²⁴⁰ *ibid* at [13.30].

²⁴¹ *ibid* at [13.31].

²⁴² *ibid* at [13.31].

²⁴³ *ibid* at [13.31].

²⁴⁴ *ibid* at [13.32].

350. Mr Church agreed with this approach as to status for similar reasons but primarily because the restricted discretionary status would allow assessment.²⁴⁵
351. Taking into account all of these matters advanced by Ms Jones, and the recommendations and opinions of Mr Church, we agree and recommend no change to activity status for notified Rule 12.4.6.
352. Downtown QT²⁴⁶ sought to provide for “pop up” buildings and art works and sculptures by providing such activities permitted activity status. The “pop up” building could be utilised for retail, bar and street entertainment purposes. For the “pop up” buildings a six month time limit would apply. The submitter contended this outcome would enable a diversity of street life. The relief sought that the rule apply to the entire QTC, or other areas such as the Lake Esplanade. The submitter suggested regulation of such activities was also provided via bylaws. Providing this exemption would help further support entertainment which is very important to the local economy.
353. In her Section 42A Report, Ms Jones agreed the exceptions sought were appropriate.²⁴⁷ She recommended ‘Pop Ups and Art Works’ be exempted from obtaining a resource consent in respect of design.²⁴⁸ We agree for the reasons advanced by the submitter and recommend this part of the submission be accepted resulting in an amendment to the notified version of Rule 12.4.6.
354. The ORC²⁴⁹ sought provision for unobstructed movement of high sided vehicles within the matters of consideration. Ms Jones signalled support for this outcome in her Section 42A Report.²⁵⁰ We agree. Efficient movement of transportation is important for the QTCZ. We recommend inclusion of this matter of consideration.
355. Finally, in relation to the matters for consideration under this rule, two submitters²⁵¹ sought minor changes to the matters relating to Natural Hazards. We see them as non-substantive changes and recommend they be adopted as they assist the legibility of that part of the rule.
356. In her Reply, Ms Jones recommended the removal of the word “remedied” from the natural hazard matter, and its replacement with the word “reduced” so as to make this provision consistence with other PDP Chapters.²⁵² We agree that the matter of discretion needs to be amended, but we adopt the wording used by the Stream 6 Panel so that administratively, natural hazard matters of discretion are included, rather than assessment matters. We consider this a non-substantive change and recommend it be made under Clause 16(2).
357. Ms Jones also recommended inclusion of additional words to the first assessment matter in rule 12.4.6.1 to make it clear the Design Guidelines related only to the SCA.²⁵³ We agree with those clarifications and recommend acceptance.

²⁴⁵ Ibid at [13.29].

²⁴⁶ Submission 630, opposed by FS1043

²⁴⁷ V Jones, Section 42A Report at [13.60].

²⁴⁸ Ibid at [13.68-69].

²⁴⁹ Submission 798

²⁵⁰ V Jones, Section 42A Report at [13.52]

²⁵¹ Submissions 621 and 798

²⁵² V Jones, Reply Statement at [2.1f].

²⁵³ Ibid at [2.1e].

Notified Rule 12.4.6.2

358. Several submitters²⁵⁴ sought the deletion of notified Rule 12.4.6.2 which required the provision of the structure plan for sites over 1800 m² in any area, or for any site within the TCTSZ. They contended the rule would not achieve efficient land use, would be inefficient as it would add additional consenting costs, and would be unnecessary given the control over building provided through rule 12.4.6.1.
359. Although not recorded in the body of her Section 42A Report, Ms Jones recommended to delete Rule 12.4.6.2 as it duplicated Rule 12.5.1.2. In her Reply she identified errors in her Section 42A Report.²⁵⁵ She recorded that paragraph 14.1(a) should have stated “*that it is recommended to remove Rule 12.4.6.2 rather than amend it.*”²⁵⁶
360. While we discuss comprehensive development later,²⁵⁷ we recommend deleting Rule 12.4.6.2, preferring instead Rule 12.5.1; in particular Rules 12.5.1.1 and 12.5.1.2.
361. Our recommended wording for Rule 12.4.6 is as follows, with our recommended amendments underlined or struck out:

12.4.6	<p><u>Buildings except temporary ‘pop up’ buildings that are in place for no longer than 6 months and permanent and temporary outdoor art installations</u></p> <p>12.4.6.1 Buildings, including verandas, and any pedestrian link provided as part of the building/ development:</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> a. Consistency with the Queenstown Town Centre <u>Special Character Area Design Guidelines (2015), (noting that the guidelines apply only to the Special Character Area); where applicable</u> b. External appearance, including materials and colours c. Signage platforms d. Lighting e. The impact of the building on the streetscape, heritage values, compatibility with adjoining buildings, the relationship to adjoining verandas f. The contribution the building makes to the safety of the Town Centre through adherence to CPTED principles The contribution the building makes to pedestrian flows and linkages <u>and to enabling the unobstructed kerbside movement of high-sided vehicles where applicable</u> 	RD*
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²⁵⁴ Submissions 398,574,663 (opposed by FS1139 and FS 1191)
²⁵⁵ Reply of Ms Jones at [13.1b].
²⁵⁶ Ibid.
²⁵⁷ Rule 12.5.1

	<p>g. The provision of active street frontages and, where relevant, outdoor dining/patronage opportunities and</p> <p>h. Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area:</p> <ul style="list-style-type: none"> i. The nature and degree of risk the hazard(s) pose to people and property ii. whether the proposal will alter the risk to any site; and the extent to which iii. <u>whether</u> such risk can be avoided or sufficiently mitigated <u>remedied</u> <u>reduced</u>. <p>And, in addition;</p> <p>14.4.6.2 In the Town Centre Transition subzone and on sites larger than 1800m², any application under this Rule <u>12.2.6.1</u> shall include application for approval of a structure plan in respect of the entire site and adherence with that approved plan in consequent applications under this rule.</p> <p>*In addition to those matters listed in rule 12.4.6.1 above, the Council's discretion is extended to also include consideration of the provision of and adherence with the structure plan including: the location of buildings, services, loading, and storage areas; the provision of open and/or public spaces; and pedestrian, cycle, and vehicle linkages</p>	
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- 6.6. Rule 12.4.7 Surface of Water and Interface Activities and Rule 12.4.8 Surface of Water and Interface Activities
362. As notified, this rule read:

12.4.7	<p>Surface of Water and Interface Activities</p> <p>12.4.7.1 Wharfs and Jetties within the Queenstown Town Centre Waterfront Zone between the Town Pier and St Omer Park.</p> <p>12.4.7.2 Commercial Surface of Water Activities within the Queenstown Town Centre Waterfront Zone.</p> <p>In respect of the above activities, the Council’s discretion is unlimited but it shall consider:</p> <p>The extent to which the proposal will:</p> <ul style="list-style-type: none"> a. Create an exciting and vibrant waterfront which maximises the opportunities and attractions inherent in a visitor town situated on a lakeshore b. Provide a continuous waterfront walkway from Horne Creek right through to St Omer Park c. Maximise the ability to cater for commercial boating activities to an extent compatible with maintenance of environmental standards and the nature and scale of existing activities and d. Provide for or support the provision of one central facility in Queenstown Bay for boat refuelling, bilge pumping, sewage pumping. <p>The extent to which any proposed structures or buildings will:</p> <ul style="list-style-type: none"> a. Enclose views across Queenstown Bay; and b. Result in a loss of the generally open character of the Queenstown Bay and its interface with the land. 	D
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363. These rules and the related sub-rules received attention from Ms Jones within her Section 42A Report, her summary of evidence and finally within her Reply.

364. Her summary of evidence was prepared after she had reviewed the submitters’ pre-circulated evidence. This meant she was able to both update her Section 42A Report and provide a response to some of the submitter evidence when she presented her Section 42A Report at the hearing. Later she was able to further address submitter evidence and submitter legal submissions and respond to our question within her reply. As we move through these rules from beginning to end we will identify the source of Ms Jones’ suggested changes, be it her Section 42A Report, her evidence summary or her reply. We also provide discussion and comment on submissions, submitter evidence and submitter legal submissions in the sequence that they were presented.

6.7. Minor Drafting Amendments

365. Ms Jones also noticed in reviewing the chapter that, while the waterfront area is referred to as the Queenstown Town Centre Waterfront Subzone in Rule 12.4.2, it is incorrectly referred to as the Queenstown Waterfront Zone in Rules 12.4.7.1, 12.4.7.2, 12.4.8.1, 12.4.8.2 and 12.4.8.3.²⁵⁸ She advised this was a drafting error and should be corrected for consistency.²⁵⁹ She considered that this was a non-substantive change and would not affect the regulatory impact of the rule. Further she considered it would avoid any uncertainty that the QTCZ zone-wide provisions also apply to the QTCWSZ.²⁶⁰ In her Section 42A Report, she recommended it be changed by including the word “sub” before the word “zone” as that word appeared throughout the rules.
366. Ms Jones recommended in her Reply, following consideration of questions from us at the hearing, amending the headings of both Rules 12.4.7 and 12.4.8 from simply “*Surface of Water and Interface Activities*”, so that the headings more clearly reflect the content of each rule.²⁶¹ She proposed wording the headings as “*Wharfs and jetties, commercial surface of water activities, and moorings within the Queenstown Town Centre Waterfront Subzone.*”²⁶²
367. We agree both with her amended wording and that the amendment is not substantive but would improve efficiency through increased legibility.²⁶³ We recommend adoption of these heading changes to Rule 12.4.7 and Rule 12.4.8 for these reasons. In our view, the recommended heading links much more directly to the content of the amended rules than the previous heading.

6.8. Mapping Issues

368. Next, we address mapping issues in Rules 12.4.7.1, 12.4.7.2, 12.4.8.2 and 12.4.8.3. Two submitters²⁶⁴ requested that the Queenstown Waterfront Subzone be reinstated on proposed planning maps 35 and 36 as shown in the ODP, and that the boundary be clarified particularly in relation to the boundary of St Omer Park. The submissions noted that the intention in the PDP was to retain this as per the ODP and to make no change other than to make it clearer on the planning maps. Queenstown Wharves²⁶⁵ noted in particular that it appeared from the planning maps that St Omer Park extended further than the lines denoting where the non-complying status ended.
369. Ms Jones advised in her Section 42A Report that the omission of the St Omer Park boundary was a mapping error in the notified planning maps.²⁶⁶ Due to the importance of the specific rules that apply to the waterfront subzone, she recommend that the boundary be reinstated on the planning maps as per the ODP and in the manner intended. Ms Jones said adding this subzone boundary, together with a consequential change to wording of Rule 12.4.7.1, which refers specifically to the St Omer Park boundary, should rectify the ambiguity (that as currently drafted, part of the park is within the waterfront zone and part of it is outside of it) identified by the submitter.²⁶⁷

²⁵⁸ Section 42A Report of Ms Jones at [16.5].

²⁵⁹ V Jones, Section 42A Report at [16.5].

²⁶⁰ Ibid.

²⁶¹ V Jones, Reply Statement at [5.2].

²⁶² V Jones, Reply Statement, Appendix 1 at p 12-11.

²⁶³ V Jones, Reply Statement at [5.2].

²⁶⁴ Submissions 383 and 766

²⁶⁵ Submission 766

²⁶⁶ V Jones, Section 42A Report at [16.3]

²⁶⁷ Ibid.

370. Real Journeys Limited²⁶⁸ sought Rule 12.4.7. and Rule 12.4.8 be amended to ensure that all areas referred to in the rules were accurately identified on the planning maps and that the maps be referred to in the rules. Ms Jones recommended²⁶⁹ that the reference to "*as shown on the planning maps*" be included in Rules 12.4.7.1, 12.4.7.2, 12.4.8.2 and 12.4.8.3.
371. Also in response to Submission 621, Ms Jones recognised the wording amendment she advanced for Rule 12.4.7.1, relating to including reference to St Omer Park, within her Section 42A Report was redundant.
372. Within her summary of evidence and presentation at the hearing she recommended removal of the words "between the Town Pier " and "and Queenstown Gardens" as those words would be redundant, given her recommendation to amend Rule 12.4.7.1.
373. Ms Carter, for Queenstown Wharves²⁷⁰, noted in her evidence that while Ms Jones's suggested amendments to Rule 12.4.7.1 were helpful, further clarification was required. She provided her Figure 1 to illustrate the three different areas that make up the QTCWSZ, namely the active Frontage, Queenstown beach and the Queenstown Gardens shoreline.²⁷¹
374. Ms Carter described the characteristics of those areas in her evidence and opined that those areas each had a different set of values and resource management issues.²⁷² Ms Carter recommended that a plan clearly show the three different areas within the QTCWSZ, and that the objective and associated policies and rules be re-drafted to recognise the three areas that comprise the WSZ.²⁷³
375. Ms Jones²⁷⁴ responded to Ms Carter's evidence by proposing amendments to the QTCZ purpose²⁷⁵ to acknowledge the importance of the QTCWSZ; and by amending Policies 12.2.5.3 and 12.2.5.6 to provide more direction in terms of development within the QTWSZ; adding more detail on Planning Map 35 to more clearly distinguish between the '*active frontage*' and the '*Queenstown Beach and Gardens foreshore*' areas; and by making minor non-substantive amendments to Rules 12.4.7.1 by adding reference to "*active frontage area*" and to 12.4.8.1 to refer to the two areas, "*Queenstown beach and gardens foreshore area*" in the QTCWSZ.
376. In our view the points raised by the submitters²⁷⁶, and evidence in support from Ms Carter, along with the recommendations of Ms Jones, all assist with better defining and identifying the QTCWSZ and the key elements within it compared to the notified provisions. The amendments arising from these two sources would add clarity and certainty to these rule provisions and we recommend their adoption.
377. In her Summary of Evidence, Ms Jones also recommended making moorings within the '*Queenstown beach and gardens foreshore area*' of the QTCWSZ a restricted discretionary

²⁶⁸ Submission 621, supported by FS1115
²⁶⁹ V Jones, Section 42A Report at [16.4]. 87
²⁷⁰ Submission 766
²⁷¹ J Carter, EiC at p6.
²⁷² Ibid at [4.8].
²⁷³ Ibid at [4.9]
²⁷⁴ V Jones, Summary of Evidence, at paragraph 6(c)
²⁷⁵ Section 12.1
²⁷⁶ Submission 621, and 766

activity rather than permitted as in the notified version.²⁷⁷ She reasoned that this would more effectively conserve the natural qualities and amenity values of the foreshore and adjoining waters, enable cumulative effects of such to be considered via resource consent, and be more consistent with the rules relating to moorings in the majority of the Frankton Arm.²⁷⁸

378. To include a new rule numbered 12.4.7.3 and the matters to which discretion would be restricted, Ms Jones provided a Section 32AA evaluation of her recommended amendments within her reply at Appendix 2.²⁷⁹ Having reviewed that assessment we agree with it and adopt it for the purposes of our recommendations. We agree with her recommendation and the need and wording of new Rule 12.4.7.3. We consider the assessment matters for the new rule are appropriate. The new Rule 12.4.7.3 and its related discretionary assessment matters are set out in full below.

6.9. Matters of Discretion

379. Two submissions²⁸⁰ sought expansion of the assessment matters in respect of Rules 12.4.7.1 and 12.4.7.2 when processing applications for wharfs, jetties and surface water activities. These matters were fully detailed in paragraphs 16.21 and 16.22 of Ms Jones Section 42A Report. They included provision of one central facility in Queenstown Bay for boat refuelling, bilge and sewage pumping, maintaining or enhancing public access to the lake, water quality, navigation and people's safety. Ms Jones considered inclusion of some of these further assessment matters as appropriate to more fully inform Council discretion when processing applications for wharves, jetties and commercial surface of water activities. We agree with Ms Jones and the submitters that the inclusion within the rules of these additional assessment matters is necessary to enable an appropriate assessment of activities in this zone.

380. The same submitters also sought to include a reference to Rules 12.4.7.1 and 12.4.7.2 at the commencement of those discretionary matters. This, we consider, clarifies the overall rule and assists with legibility, particularly because of the subsequent inclusion of new Rule 12.4.7.3 and the new matters of discretion relevant to that rule. We agree and also recommend inclusion of those matters of discretion that appear in the recommended version of the rule set out below.

381. Submission 810 sought a further additional matter of discretion be included, namely the extent to which any proposed wharfs and jetties would affect the values of wahi tupuna. Ms Jones in her Section 42A Report²⁸¹ noted this submission was considered in Hearing Stream 1A with the relevant Section 42A Report recommending the relief sought being rejected.

382. Ms Jones recommended inclusion of this matter of discretion.²⁸² Although she provided no explanation as to her recommendation, we agree with this inclusion. We consider that this matter of discretion would aid in achieving Objective 12.2.2 and Policy 12.2.2.7. Just as we support these provisions in recognising and providing for cultural heritage, we also acknowledge and support the rule that seeks to implement the overarching objective to contribute to the town's heritage and sense of place.

²⁷⁷ V Jones, Summary of Evidence at [6d].

²⁷⁸ Ibid.

²⁷⁹ V Jones, Reply Statement at [5.6].

²⁸⁰ Submitter 621 and 810 FS 1115.5

²⁸¹ V Jones, Section 42A at paragraph 16.21 on page 90

²⁸² ibid at [16.23].

383. Within submissions, a number of other issues were raised, such as providing for maintenance of wharves and jetties²⁸³ and that the status of activities for Rules 12.4.7.1 and 12.4.7.2 be amended from discretionary to controlled.²⁸⁴ We do not support those submissions for the same reasons as set out in Ms Jones' Section 42A Report²⁸⁵.
- 6.10. Other Submissions**
384. Real Journeys Limited²⁸⁶ and Te Anau Developments Limited²⁸⁷ wanted all of the provisions relating to the protection, use and development of the surface of lakes and rivers and their margins to be inserted into a separate chapter. We consider that these provisions fit appropriately within this Chapter because of the relationship with the town centre. Retaining these provisions within the Chapter also aids in making the PDP more legible and giving these provisions a separate section would increase the volume of the PDP. For those reasons we recommend the submissions be rejected. This recommendation is consistent with that made by the Stream 2 Hearing Panel, where the same matter was raised.
385. Two submitters²⁸⁸ requested the amendment of Rule 12.4.7 to enable certain buildings (e.g. ticket offices) while continuing to restrict other buildings (as non-complying), with Real Journeys Limited²⁸⁹ suggesting the inclusion of a new restricted discretionary activity provision.
386. Glare and effect on navigation was discussed by Ms Black in her evidence for Real Journeys²⁹⁰. However, the focus of her evidence on glare was directed at notified Rule 12.5.14.1 which dealt specifically with glare.²⁹¹ Rule 12.4.7 is restricted in its application to wharves, jetties, commercial surface of water activities and moorings. The glare she was concerned about emanated from buildings activities and lighting located not on wharves and jetties, but from buildings, street lights and the like in the town centre.
387. In our view, this rule can only control glare for navigation purposes from wharves and jetties. Nevertheless, even accepting the limited ambit of the application of the rule and observing Council's discretion under the rule is unlimited, we note the matters of discretion would include navigation and people's safety. Thus, to a limited extent, the submitter's concerns can be dealt with in the rule.
388. Manoeuvring of TSS Earnslaw was also raised as an issue by Ms Black. She described the challenges the characteristics of the vessel caused in relation to manoeuvring it. In that regard, she supported the discretionary activity status of Rule 12.4.7 considering that the manoeuvring issues raised could be addressed when that rule was triggered.²⁹²
389. Also, Ms Black considered these manoeuvring challenges would be assisted by making all structures and moorings between the Town Pier and Queenstown Gardens a non-complying

²⁸³ Submissions 621 (supported by FS1115) and 766

²⁸⁴ Submissions 766 and 807.

²⁸⁵ at paragraph 16.19.

²⁸⁶ Submission 621

²⁸⁷ Submission 607

²⁸⁸ Submissions 621 and 766 (supported by FS1341)

²⁸⁹ Submission 621

²⁹⁰ Submission 621

²⁹¹ F Black, EiC at [3.1].

²⁹² F Black, EiC at [3.6].

activity so as to avoid a proliferation of such structures in this area.²⁹³ Ms Jones recommended the status of moorings in this area be restricted discretionary and recommended the matters of discretion include whether the structure would cause an impediment to craft manoeuvring.

390. While Ms Jones' recommendation on status differs from the submitter's relief, we think Ms Jones' recommendation strikes an appropriate balance between the competing interests and provides an efficient and effective mechanism to address issues.
391. We think that Ms Jones' recommended Rule 12.4.7.3 will be more effective and efficient at implementing revised Objective 12.2.5 and the associated policies. This new rule provides greater certainty as to what is expected to occur in the Queenstown gardens and beach part of the QTCWSZ whilst accepting that in the main the QTCWSZ would provide a dynamic environment.
392. Finally, in addition to the recommendations in response to submitters concerns, Ms Jones recommended a non-substantive change for consistency and clarity. In her Reply, Ms Jones²⁹⁴ recommended amending the assessment matters by replacing the assessment matter commencing '*the extent to which any proposed structures or buildings...*' to '*the extent to which any proposed wharfs and jetties...*'. This, she said, would make this rule consistent with the fact that the rule only relates to wharfs and jetties.²⁹⁵
393. She noted²⁹⁶ that any other buildings in the QTCWSZ are not subject to this rule but are, in fact, non-complying (under Rule 12.4.8.2) or restricted discretionary (under Rule 12.4.6). While not substantive, this minor amendment would, she said, improve efficiency by removing the existing conflict within the rule and thereby avoiding potential confusion. We agree.

Rule 12.4.8.2

394. Notified Rule 12.4.8.2 provided that any buildings located on wharves and jetties within the QTCWSZ were non-complying.
395. In addition to the restricted discretionary rule sought, Submission 621 sought to amend Rule 12.4.8.2 as follows:
- Any buildings and structures, located on Wharfs and Jetties within the Queenstown Town Centre Waterfront Zone, which are not provided for by Rule 12.4.7.*
396. Queenstown Wharves²⁹⁷ sought to delete the non-complying activity rule for buildings located on jetties and wharves. Queenstown Wharves submitted that the effects from buildings could be adequately managed by Rule 12.4.7.1.
397. The submission also suggested that if the rule were to be retained, then it should be amended to exclude provision of buildings that are for the purpose of providing water based public transport facilities.

²⁹³ Ibid at [3.9].

²⁹⁴ V Jones, Reply Statement at [5.1].

²⁹⁵ Ibid.

²⁹⁶ Ibid.

²⁹⁷ Submission 766, supported by FS1341.15

398. Ms Jones did not consider that this would achieve the objectives of the PDP.²⁹⁸ In her opinion, buildings on wharfs and jetties within the QTCWS specified in Rule 12.4.8 would have the potential to have a significant effect on views, natural qualities, amenity, and pedestrian flows/accessibility in the waterfront subzone. Also, she advised that there was ample commercial capacity within the QTCZ adjacent to subzone for buildings in which ticketing and the like could occur. She did not recommend any change in this regard.²⁹⁹
399. Submitters³⁰⁰ raised the need to provide, in this part of the PDP, specific policies and rules for the provision of public transport. We agree with Ms Jones that this is a matter better dealt with in the context of the Transport Chapter and recommend those submissions be rejected.
400. In our view, redrafted Rule 12.4.7 in combination with Rule 12.4.8 would be more effective and efficient in achieving Objective 12.2.5 and associated policies. We accept that the QTCWSZ will provide a dynamic and vibrant area, but at the same time this rule provides certainty as to what is expected to occur in this area by outlining matters that will be considered in decision-making.
401. Buildings or structures in this area have the potential to impact on the views, natural qualities, amenity and accessibility of the QTCWSZ. The wording of the rule means that effects on the natural qualities of the Queenstown gardens and beach area and the views from both will be considered and conserved to a degree. Further understanding what is anticipated in the area provides some certainty also to the Earnslaw and other boating activity, that the area will be relatively free of obstacles, such as permanently moored craft.
402. In conclusion, for all of the reasons expressed above we recommend that Rules 12.4.7 and 12.4.8 be adopted in the form set out below.

²⁹⁸ V Jones, Section 42A Report at [16.26].

²⁹⁹ Ibid at [16.26].

³⁰⁰ Parts of submissions 766.2, 798.54, FS1341.1, FS1341.3 and FS1341.25, FS1342.16, 766.3, 766.5, 766.7, 766.33, FS1341.4, and FS1341.6, and 807.81 and 807.82 .

<p>12.4.7</p>	<p>Wharfs and jetties, commercial surface of water activities, and moorings within the Queenstown Town Centre Waterfront Subzone</p> <p>12.4.7.1 Wharfs and Jetties within the ‘active frontage area’ of the Queenstown Town Centre Waterfront subzone as shown on the planning maps;</p> <p>12.4.7.2 Commercial Surface of Water Activities within the Queenstown Town Centre Waterfront Subzone, as shown on the planning maps.</p> <p>In respect of 12.4.7.1 and 12.4.7.2, the Council’s discretion is unlimited but it shall consider the extent to which the proposal will:</p> <ul style="list-style-type: none"> a. Create an exciting and vibrant waterfront which maximises the opportunities and attractions inherent in a visitor town situated on a lakeshore b. Maintain a continuous waterfront walkway from Horne Creek right through to St Omer Park c. Maximise the ability to cater for commercial boating activities to an extent compatible with maintenance of environmental standards and the nature and scale of existing activities d. Provide for or support the provision of one central facility in Queenstown Bay for boat refuelling, bilge pumping, sewage pumping e. Maintain or enhance public access to the lake and amenity values including character and f. Affect water quality, navigation and people’s safety, and adjoining infrastructure; g. The extent to which any proposed wharfs and jetties structures or buildings will: <ul style="list-style-type: none"> i. Enclose views across Queenstown Bay and ii. Result in a loss of the generally open character of the Queenstown Bay and its interface with the land iii. Affect the values of wahi tupuna 	<p>D</p>
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	<p>12.4.7.3 Moorings within the 'Queenstown beach and gardens foreshore area' of the Queenstown Town Centre Waterfront Subzone (as shown on the planning maps).</p> <p>In respect of 12.4.7.3, discretion is restricted to:</p> <ul style="list-style-type: none"> a. Whether they are dominant or obtrusive elements in the shore scape or lake view, particularly when viewed from any public place, including whether they are situated in natural bays and not headlands b. Whether the structure causes an impediment to craft manoeuvring and using shore waters c. The degree to which the structure will diminish the recreational experience of people using public areas around the shoreline d. The effects associated with congestion and clutter around the shoreline. Including whether the structure contributes to an adverse cumulative effect e. Whether the structure will be used by a number and range of people and craft, including the general public f. The degree to which the structure would be compatible with landscape and amenity values, including colour, materials, design. 	RD
<p>12.4.8</p>	<p>Wharfs and jetties, buildings on wharfs and jetties, and the use of buildings or boating craft for accommodation within the Queenstown Town Centre Waterfront Subzone</p> <p>12.4.8.1 Wharfs and Jetties within the 'Queenstown beach and gardens foreshore area' of the Queenstown Town Centre Waterfront Sub-Zone (as shown on the planning maps).</p> <p>12.4.8.2 Any buildings located on Wharfs and Jetties within the Queenstown Town Centre Waterfront Sub-Zone, as shown on the planning maps;</p> <p>12.4.8.3 Buildings or boating craft within the Queenstown Town Centre Waterfront Sub-Zone if used for visitor, residential or overnight accommodation, as shown on the planning maps.</p>	NC

- 6.11. Rule 12.4.9 Industrial Activities at Ground Floor Level
- Rule 12.4.10 Factory Farming
- Rule 12.4.11 Forestry Activities
- Rule 12.4.12 Mining Activities
- Rule 12.4.13 Airports other than the use of land and water for emergency landings, rescues and firefighting
- Rule 12.4.14 Panel beating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motor body building
- Rule 12.4.15 Fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket)
- Rule 12.4.16 Any activity requiring an Offensive Trade Licence under the Health Act 1956.
- 403. Notified Rules 12.4.9 to 12.4.16 were not the subject of direct submissions but were subject to those submissions³⁰¹ requesting that all provisions not otherwise submitted on be retained as notified unless they duplicate other provisions, in which case they should be deleted.
- 404. We agree with the recommendation contained in Ms Jones' Section 42A Report that those seeking the provisions be confirmed in part or in whole are recommended to be accepted in part.³⁰²
- 405. Taking a broader view, in particular having regard to the desired purpose of the objectives and policies, we conclude that the activity status which is either non-complying or prohibited provided for by this group of rules is appropriate. This is because having provision for any of the activities provided for within this group of rules within the QTC would not achieve the desired purpose or the outcomes sought by the objectives and policies of the PDP.

7. 12.5 RULES – STANDARDS

- 7.1. Rule 12.5.1 Building Coverage in the Town Centre Transition subzone and comprehensive development of sites 1800m² or greater
- 406. As notified, this rule read:

12.5.1	<p>Building coverage in the Town Centre Transition subzone and comprehensive developments of sites 1800m² or greater</p> <p>12.5.1.1 In the Town Centre Transition subzone or for any comprehensive development of sites greater than 1800m², the maximum building coverage shall be 75%. primarily for the purpose of providing pedestrian links, open spaces, outdoor dining, and well planned storage and loading/ servicing areas within the development.</p> <p>Note: While there is no maximum coverage rule elsewhere in the Town Centre, this does not suggest that 100% building coverage is necessarily anticipated on all sites as setbacks, outdoor storage areas, and pedestrian linkages might be required.</p>	RD*
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³⁰¹ Submissions 672, 663, 212 (supported by FS1117)
³⁰² V Jones, Section 42A Report at [18.15].

	<p>12.5.1.2 Any application for development within the Town Centre Transition Subzone or on a site 1800m² or greater shall be accompanied by a comprehensive Structure Plan for an area of at least 1800m².</p> <p>*In regard to rules 12.5.1.1 and 12.5.1.2, discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> a. The adequate provision of pedestrian links, open spaces, outdoor dining opportunities b. The adequate provision of storage and loading/ servicing areas c. The site layout and location of buildings, public access to the buildings, and landscaping, particularly in relation to how the layout of buildings and open space interfaces with the street edge and any adjoining public places and how it protects and provides for view shafts, taking into account the need for active street frontages, compatibility with the character and scale of nearby residential zones, and the amenity and safety of adjoining public spaces and designated sites. 	
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407. This rule deals with two matters:
- a. Rule 12.2.5.1 provided for a maximum building coverage of 75% for sites in the Town Centre Transition Subzone, or for any development on a site greater than 1800m².
 - b. Rule 12.2.5.2 stated the need to provide a comprehensive Structure Plan when undertaking development in the Town Centre Transition Subzone, or for any development on a site greater than 1800m².
408. The maximum building coverage as notified for these described sites was 75%. Any activity that breached the 75% maximum coverage would be a restricted discretionary activity. The matters of discretion to consider related to how well the building fitted into its surrounds and in particular public access to the building.
409. By way of context the ODP provided differing building coverage percentages for differing precincts ranging from 95% to 70%. The ODP did not use a structure plan/comprehensive development approach based on site size.
410. There were several submissions received on Rule 12.5.1, both with respect to the 1800m² as the trigger site area and also the 75% maximum coverage percentage.
411. Seven submitters³⁰³ sought to remove all controls over site coverage for the majority of the QTCZ. NZIA submitted to request that development over 80% of a site in the QTCZ be a discretionary activity.
412. Redson Holdings Ltd³⁰⁴ submitted in support of the notified rule, on the proviso that there would be no restrictive site coverage provisions within the wider QTCZ on sites smaller than 1800m². The submitter owned a site in Beach Street which has an area of 555m².

³⁰³ Submissions 491, 596, 606, 609, 614, 616 and 650.

³⁰⁴ Submission 491, opposed by FS1236

413. IHG Queenstown Ltd and Carter Queenstown Ltd³⁰⁵ submitted requesting that the 75% coverage only apply to the QTCT Subzone, and not to sites over 1800m². The submitter did not consider such a restriction would promote the efficient use of land in the QTCZ.
414. NZIA³⁰⁶ requested that all development beyond 80% of a site be discretionary to allow for permeability and connections to be made through the sites. Further NZIA noted in its submission that this would align with that sought in Wanaka township.
415. Ms Jones advised that in her view it was still appropriate to enable 100% site coverage through the QTCZ, except in relation to large comprehensive developments and in the TCTZ.³⁰⁷ (our emphasis added). She based this opinion on the Section 32 Evaluation Report³⁰⁸ and Mr Church's evidence.³⁰⁹ She said although there may be some times where there is benefit in providing some unbuilt private or semi-public space, she considered these opportunities would be rare in the heart of the QTC.³¹⁰ Rather, she was of the view that on balance the environmental and economic costs associated with imposing the site coverage rule on all sites would outweigh any benefits.³¹¹
416. As such, she recommended retaining the maximum site coverage rule with some amendments as follows.

7.2. 75% Maximum Coverage

417. Ms Jones explained how the 75% maximum coverage rule was determined. In summary:³¹²
- a. She considered the building coverage in the comprehensive development in the Marine Parade/Church/ Earl/ Camp Street block³¹³ at 75% and the building coverage provided within the post office precinct development at 67% to be good examples of comprehensively planned developments;
 - b. If the recommended viewshafts on the Man Street carpark block were developed as open space (as recommended in her Section 42A Report) then the building coverage would be 72%;
 - c. Development within the PC50 area is subject to maximum coverage rules of 70-80% in the respective Lakeview and Isle Street subzones.
418. Ms Jones said that, in the absence of evidence to the contrary, she considered that retaining the 75% maximum coverage requirement was appropriate.³¹⁴ She noted that if this 75% coverage were exceeded, then the activity status would be restricted discretionary and that would not preclude proposals from being considered on a case by case basis.³¹⁵ She further noted that this would avoid almost all resource consents in the Town Centre from having to obtain a resource consent, which was the case with the ODP.³¹⁶

³⁰⁵ Submission 663, opposed by FS1139 and FS1191

³⁰⁶ Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

³⁰⁷ V Jones, Section 42A Report at [14.4].

³⁰⁸ Section 32 Evaluation Report, namely at p18-19.

³⁰⁹ T Church, EIC, at [17.1-17.11]

³¹⁰ V Jones, Section 42A Report at [14.4].

³¹¹ Ibid.

³¹² *ibid* at [14.9].

³¹³ RM000902

³¹⁴ V Jones, Section 42A Report at [14.10].

³¹⁵ *Ibid*.

³¹⁶ *Ibid*.

419. Relying on the aforementioned NZIA³¹⁷ submission for scope, Ms Jones recommended reducing the site size triggering the 75% maximum coverage rule to 1400m². The NZIA submission sought all sites to be subject to an 80% coverage. That would mean all sites would be subject to a maximum site coverage restriction. As such, Ms Jones relied on that to provide scope to recommend reducing the site size that would trigger the maximum restriction in order to enable the rule to apply to more sites.
420. Ms Jones' recommendation was informed by the expert evidence of Mr Church. Ms Jones sought Mr Church's opinion as to whether the notified 75% site coverage and Structure Plan requirement for comprehensive developments was appropriate.³¹⁸
421. In his evidence, Mr Church referred to the same comprehensive developments as Ms Jones.³¹⁹ He said his understanding was that the 75% building coverage threshold was based on the recent Church Street and Ngai Tahu Courthouse developments.³²⁰ In his view, those developments represented good urban design outcomes for comprehensive development within the context of the town centre.³²¹
- 7.3. Reducing the site area trigger to 1400m²**
422. Basing his opinion on an analysis of contiguous property across the town centre he considered the 1800m² threshold should be reduced to 1400m².³²² He included in his Appendix 1 a comparison of the QTCZ to show the likely additional sites captured by this reduction, based on current property configurations.
423. Mr Church was of the view, that a 1400m² threshold would capture a better range of larger sites where there was potential for redevelopment that could contain multiple buildings, laneways, open spaces and comprehensive car parking and servicing solutions.³²³
424. Ms Jones also asked Mr Church if the proposed removal of any maximum coverage rules from the Town Centre (other than large sites/Transition area) would be appropriate.³²⁴
425. In his evidence, Mr Church noted that the QTC is the most intensive urban form in the District. Based on his experience, it was his view that areas of intensification typically transfer on-site amenity and some services into the public realm.³²⁵ He noted that Queenstown was no exception and he considered that there was a resulting heavy reliance on public amenity in the town centre, including good quality streetscape with street trees, and landscaped open spaces.³²⁶ He further noted that views to the natural landscape beyond substitute for on-site landscape and amenity and provide critical visual relief within the town centre.³²⁷

³¹⁷ Submission 238
³¹⁸ T Church, EIC at [14.2].
³¹⁹ Ibid at [14.3-14.5].
³²⁰ Ibid at [14.5].
³²¹ Ibid.
³²² Ibid at [14.6].
³²³ T Church, EIC at [14.6].
³²⁴ Ibid at [17.2].
³²⁵ Ibid at [17.3-17.4]
³²⁶ Ibid at [17.4].
³²⁷ Ibid.

426. In summary, Mr Church supported the removal of site coverage across the whole town centre and suggested 75% coverage be consistently applied to sites over the 1,400m² threshold and delivered as part of the Comprehensive Development Plan.³²⁸
427. Ms Jones, for her part, considered her re-draft of Rule 12.5.1, as per her Section 42A Report, would more effectively implement the outcomes sought by Objectives 12.2.2 and 12.2.4 and provide complementary support to Rules 12.4.6.2 and 12.5.8.
428. At the hearing several submitters presented evidence regarding site coverage.
429. Mr Richard Staniland³²⁹ gave examples on behalf of Skyline Enterprises Limited³³⁰ in relation to the O'Connells Pavilion site. Based on these examples of economic loss, it was his opinion the proposal to reduce the site size trigger from 1800 m² to 1400 m² should be rejected.
430. Mr Williams³³¹ agreed that the largest sites should be considered comprehensively with matters including mid-block connections, grain of development and massing becoming more important on those larger development sites.
431. It was his opinion that reducing the site size trigger to 1400 m² would represent an inefficient use of the town centre land resource and, moreover, it was not necessary to choose this trigger point to manage the potential effects the rule sought to manage.³³²
432. Mr Williams was of the view that the main driver of the comprehensive development rule and accompanying site coverage rules was to encourage additional lanes and pedestrian links and/or view shafts.³³³ He noted that because the planning framework sought to identify pedestrian links within plan provisions and to protect them, that outcome needed to be taken into consideration when determining whether or not the 1400 m² site size trigger was actually required.³³⁴ In other words, in his view, the outcome sought was already available via other plan provisions.

7.4. Scope for Amendments

433. Mr Todd, legal counsel for MSPL³³⁵, submitted that there was no scope for Ms Jones' recommended coverage changes to Rule 12.5.1. Mr Todd pointed out that the relief sought by NZIA was that all development in excess of 80% of the site should be a discretionary activity. Therefore he questioned how this could justify a more restrictive rule whereby all development on sites over 1400 m² would have a maximum site coverage of 75%.
434. Ms Jones relied on the submission by NZIA³³⁶ for scope for her recommended changes particularly to site size. Ms Jones considered the submission was couched in a zone –wide manner, presumably linked to the QTCZ, and provided a “reasonable argument”³³⁷ that it provided scope to amend the notified coverage rule 12.5.1.

³²⁸ Ibid at [17.11].

³²⁹ R Staniland, EIC at [4-8].

³³⁰ Submission 574.

³³¹ T Williams, EIC at paragraphs 42-50 page10

³³² Ibid at [45].

³³³ Ibid at [47].

³³⁴ Ibid.

³³⁵ Submission 398

³³⁶ Submission 238

³³⁷ V Jones Section 42A Report, at Paragraph 14.8 page 81

435. Ms Scott, in the Council's legal submissions in reply, pointed out the NZIA further submission sought an 80% coverage rule for all sites rather than being limited to only those sites in the town centre transition sub-zone and sites over 1800 m².
436. Ms Scott argued that the changes recommended by Ms Jones, principally in her Section 42A Report, also had the same effect of the NZIA submission of capturing more sites within the rule. However, she pointed out that Ms Jones took a different route to do so, being the reduction in the site size trigger to 1400 m² as distinct from 80% of site coverage across all sites as utilised by NZIA.
437. Ms Jones, in her Reply Statement, pointed out that in so far as Mr Todd's clients were concerned, the ODP already provided a 95% coverage rule for the O'Connell site with part of the site being subject to an 80% coverage rule.³³⁸ Therefore, she said, her proposed rule would not represent a change from a permitted 100% coverage for the site. She made similar points for the Stratton House site, noting that a pedestrian link was offered and accepted within a resource consent in lieu of height breaches.
438. Ms Jones revisited Rule 12.5.1.1 in her Reply and suggested two alternatives, particularly if we found her suggested amendments were not in scope.
439. The first being to amend building coverage limit to 80% as sought by NZIA; or, alternatively, apply the 75% coverage as recommended in her Section 42A Report but limit its application only to sites over 1800 m².
440. We need to decide if reducing the site size to 1400m² would be within scope, and if necessary whether the alternatives raised in Ms Jones' Reply of either 80% site coverage or 75% coverage and a site size trigger for a structure plan at 1800m² would be within scope.
441. Certainly the NZIA further submission has some clarity issues. However, of the two competing arguments on scope we prefer the view of Ms Jones and Ms Scott over that of Mr Todd. In our view Mr Todd has taken a more limited and literal interpretation of the NZIA submission.
442. We think Ms Jones and Ms Scott are correct in that the effect of the NZIA submission would be to catch more sites, just as there would be more sites caught, albeit a lesser number than that caught by the NZIA submission, if the site size trigger were reduced to 1400m². We conclude there is scope for Ms Jones' recommendations.
443. Moving to consider the options presented to us by Ms Jones, she had, within her Section 42A Report, extensively outlined her support for a 75% threshold. Further she was in support of enabling 100% site coverage on smaller sites throughout the QTCZ. Changing to 80% of all sites seemed to us to be at odds with this earlier view. Also, increasing the allowable site coverage size even by a small amount did not seem to us to support Objectives 12.2.2 and 12.2.4 nor support Rules 12.4.6.2 and 12.5.8. We also consider adopting a site size trigger of 1400m² as opposed to the notified 1800m² better supports those same objectives and related rules.
444. Further, we are not convinced that smaller sites should be subjected to a maximum site coverage of 80%. We agree with Ms Jones and consider that in order to provide the most

³³⁸ V Jones, Rely Statement at [4.2].

efficient use of land in the QTCZ there should be no site coverage rules, for those sites under the 1400m² threshold.

445. For these reasons we recommend the NZIA further submission be accepted in part and the site coverage be 75% and the site size trigger be set at 1400m². We recommend rejecting those submissions that sought to increase the site coverage to 80% or retain the threshold at 1800m².

7.5. Matters of Discretion

446. Several submitters³³⁹ sought to include additional points within the final matter of discretion. Those additional points related to listed heritage items and heritage precincts as well as consideration of shading and wind effects.

447. In her Section 42A Report, Ms Jones recommended including these in the matters of discretion. We agree. These are relevant considerations for development and recognise the importance of the QTC heritage and also recognise and provide for amenity effects on neighbouring sites from shading and wind.

448. We recommend these submissions are accepted and the additional points are included.

7.6. Rule 12.5.1.2

449. This Rule as notified required that any site to which Rule 12.5.1.2 applied should be accompanied by a comprehensive Structure Plan. Mr Church considered that based on his experience of structure planning and preparing the guidance for these, there are considerable benefits to RMA matters.³⁴⁰ Referring to the Quality Planning website, he summarised these as the ability to:³⁴¹

- a. provide integrated management of complex environmental issues
- b. coordinate the staging of development over time
- c. ensure co-ordinated and compatible patterns and intensities of development across parcels of land in different ownership, and between existing and proposed areas of development and redevelopment
- d. provide certainty regarding the layout and character of development
- e. ensure that new development achieves good urban design outcomes by defining the layout, pattern, density and character of new development and transportation networks and
- f. complement other tools such as urban design guides.

450. Mr Church noted that in some instances, namely greenfield or broad urban areas these structure planning processes can be significant undertakings.³⁴² However, both Ms Jones and Mr Church considered that the intention of the rule was not to be onerous for applicants, but rather to ensure that a *“well-considered, master planned approach is followed resulting in a plan that is carefully integrated into the town centre and surrounding context.”*³⁴³

451. Mr Church supported this approach with one recommendation to rename the term from 'Structure Plan' to a 'Comprehensive Development Plan' or similar to better describe its

³³⁹ Submissions 59, 82, 206, 417, 599 and 621.

³⁴⁰ T Church, EIC at [14.10].

³⁴¹ Ibid.

³⁴² Ibid at [14.11].

³⁴³ T Church, EIC at [14.11].

purpose.³⁴⁴ He also recommended the Council provided further guidance outside the Plan regarding the expected review process, required content of an application and interpretation of the matters of discretion, to give more certainty to future applicants.³⁴⁵

452. We recommend renaming this term as suggested by Mr Church. We also recommend that the Council consider Mr Church's recommendation to provide guidance to applicants outside of the Plan.

7.7. Minor Amendments

453. There are a number of consequential changes to the first assessment matter to include the words "*cycle and vehicle and lanes.*" This change comes about as a consequence of Ms Jones' recommendation to remove Rule 12.4.6.2.

454. The next change recommended by Ms Jones within her Reply Statement related to shifting the words "*the provision of open space within the site, for outdoor dining or other purposes:*" from within paragraph 12.5.1.2 to the list of matters informing the exercise of the discretion. We agree and recommend that change because it enhances the clarity of the rule.

455. In her Reply Statement, Ms Jones also recommended that the definition of "comprehensive development" as she enhanced it be moved to Rule 12.3.2.3. We have discussed this earlier and recommend the definition sit in Chapter 2.

456. Finally, we have identified a drafting issue with this rule. Rule 12.5.1.1 states that the maximum building coverage in the two instances discussed shall be 75%. Non-compliance is stated to be restricted discretionary and matters of discretion are listed.

457. Rule 12.5.1.2 requires that in the same two instances, a Comprehensive Development Plan is to be provided, irrespective of the maximum building coverage proposed, and non-compliance is also a restricted discretionary activity subject to the same matters of discretion. Ms Jones' recommended amendments included the statement that the Comprehensive Development Plan is "*of sufficient detail to enable the matters of discretion listed below to be fully considered*". That implies that the Comprehensive Development Plan is a necessary part of any restricted discretionary consent application, however, if the proposal involves building coverage less than 75%, the lodgement of such a plan would satisfy the standard and no consent would be required. On the other hand, failure to lodge such a plan would equally require a restricted discretionary consent application and be tested against the same matters of discretion that the plan was supposed to enable full consideration of.

458. In our view, the only practical solution to this is to delete the words quoted above, noting that such a deletion is the only amendment within the scope of the submissions. However, it seems to us that the intention was to require Comprehensive Development Plans to be subject to some form of consent, whether in every development proposal on these sites, or only when the 75% coverage limit was breached. We recommend the Council review this rule, firstly determining whether it is setting a standard or an activity, then drafting a rule that achieves the outcome desired.

459. Taking all of the above into account we recommend Rule 12.5.1 be adopted as set out below:

³⁴⁴ Ibid at [14.12].

³⁴⁵ Ibid at [14.14].

<p>12.5.1</p>	<p>Maximum building coverage in the Town Centre Transition Sub-Zone and in relation to comprehensive developments</p> <p>12.5.1.1 In the Town Centre Transition Sub-Zone or when undertaking a comprehensive development (as defined), the maximum building coverage shall be 75%.</p> <p>Advice note: While there is no maximum coverage rule elsewhere in the Town Centre, this does not suggest that 100% building coverage is necessarily anticipated on all sites as outdoor storage areas, and pedestrian linkages might be required.</p> <p>12.5.1.2 Any application for building within the Town Centre Transition Sub-Zone or for a comprehensive development (as defined) shall include a Comprehensive Development Plan that covers the entire development area.</p>	<p>RD Discretion is restricted to:</p> <ul style="list-style-type: none"> a. The adequate provision of cycle, vehicle, and pedestrian links and lanes, open spaces, outdoor dining opportunities b. The adequate provision of storage and loading/ servicing areas c. The provision of open space within the site, for outdoor dining or other purposes d. The site layout and location of buildings, public access to the buildings, and landscaping, particularly in relation to how the layout of buildings and open space interfaces with the street edge and any adjoining public places and how it protects and provides for view shafts, taking into account the need for active street frontages, compatibility with the character and scale of nearby residential zones, listed heritage items, and heritage precincts, and the amenity and safety of adjoining public spaces and designated sites, including shading and wind effects.
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7.8. Rule 12.5.2 Street Scene - building setbacks

460. As notified Rule 12.5.2 provided for a minimum setback of 0.8 m for buildings on the north side of Beach Street and 1 m for buildings on the south side of Beach Street. Any non-compliance with these setbacks was a restricted discretionary activity with the matters of discretion being the effects on overall streetscape.

461. Several submitters³⁴⁶ sought the removal or alteration of the setbacks on both sides of Beach Street. These submitters considered that the rule would limit the efficient use of a scarce resource and would place significant limits on development potential without any identifiable benefits³⁴⁷. They further considered that a suitable design could be achieved without arbitrarily imposing any additional bulk and location controls, and that imposing additional setbacks would not reflect the positive effects that the existing varied setbacks of the buildings have on the streetscape.

³⁴⁶ Submissions 383,606 (opposed by 1063),616.617

³⁴⁷ See Submission 616 and V Jones, Section 42A Report at [14.16].

462. Having considered the submitter's position, Ms Jones³⁴⁸ noted the most compelling reason for retaining the setbacks was that on the north-side of Beach Street they provided an indirect way of achieving two-storey buildings with 7 m high facades and a parapet at the stipulated height or within the recession plane and with minimal effect on sunlight access. However, she concluded that the setbacks on Beach Street were not the most appropriate method of achieving Objectives 12.2.2 and 12.2.4.
463. In reaching that view she relied on the evidence of Ms Gillies and Mr Church. Ms Gillies, in her evidence³⁴⁹, was very clear that because of the historic character of the heritage streetscape in Beach Street, which did not include setbacks from the street boundary, she did not support setbacks. She did observe that the ODP included a requirement for setbacks but explained that setbacks were an urban design theory designed to produce a varied frontage resulting in the visual interest and varied experiences.³⁵⁰ However, she pointed out that this was a modern theory and did not relate to historic streetscape design as existed in Precinct P5.³⁵¹
464. Mr Church expressed the view that he could see no urban design rationale for the Beach Street setbacks being retained, other than providing additional sunlight access to the street.³⁵² He was of the view that sunlight access could be addressed through the use of facade heights and recession planes.
465. Further, Mr Church noted Beach Street was now pedestrianised and therefore he saw no real merit in having the street any wider for other functions such as vehicle accessibility.³⁵³ We assumed he did not see benefit in encouraging on-site outdoor dining. More importantly, we thought, he noted the intimacy of Beach Street without setbacks added to the character of the town centre, and it was one of the few narrow streets remaining from the early morphology of the town.³⁵⁴
466. Mr Church considered stepped or uneven building setbacks were not a characteristic that predominated across the SCA. He supported Ms Gillies' view and recommended removing the provision of the 0.8 m to 1.0 m setbacks on Beach Street in combination with appropriate facade height and recession plane controls to avoid any significant loss of sunlight to the Street.³⁵⁵
467. We note that Mr Williams, who had been engaged by submitters³⁵⁶ with an interest in the Beach Street set back issue, supported Ms Jones' recommendation to remove the setback requirements for buildings on Beach Street. It was his view that those setbacks did not serve any real benefit to the built form outcomes and placed a constraint on efficient development of sites along Beach Street³⁵⁷.

348 V Jones, Section 42A Report at [14.21].

349 J Gillies, EIC at [10.1-10.3]

350 Ibid at [10.2].

351 J Gillies, EIC at [10.2].

352 T Church, EIC at [18.1 to 18.7]

353 Ibid at [18.4].

354 Ibid at [18.5].

355 Ibid at [18.7].

356 Submission 616

357 T Williams, EIC at [15].

468. Appended to her Section 42A Report, Ms Jones undertook a Section 32AA evaluation of dispensing with the street scene setback rules for Beach Street.³⁵⁸ Having considered that evaluation we accept it and adopt it.

469. Essentially for the reasons advanced by Ms Jones, Ms Gillies, Mr Church and Mr Williams, we agree that the notified Rule 12.5.2 applying to Beach Street should be deleted because it is not the most appropriate method of achieving Objectives 12.2.2 and 12.2.4.

470. We recommend the deletion of Rule 12.5.2 in its entirety.

7.9. Rule 12.5.3 Waste and Recycling Storage Space

471. This rule did not attract submissions. The only changes we recommend to it are the non-substantive minor changes to reference to the matters of discretion, consistent with the approach taken elsewhere in the PDP.

472. We recommend Rule 12.5.2 be worded as follows:

12.5.2	Waste and Recycling Storage Space	RD
	<p>12.5.2.1 Offices shall provide a minimum of 2.6m³ of waste and recycling storage (bin capacity) and minimum 8m² floor area for every 1,000m² gross floor space, or part thereof.</p> <p>12.5.2.2 Retail activities shall provide a minimum of 5m³ of waste and recycling storage (bin capacity) and minimum 15m² floor area for every 1,000m² gross floor space, or part thereof.</p> <p>12.5.2.3 Food and beverage outlets shall provide a minimum of 1.5m³ (bin capacity) and 5m² floor area of waste and recycling storage per 20 dining spaces, or part thereof.</p> <p>12.5.2.4 Residential and Visitor Accommodation activities shall provide a minimum of 80 litres of waste and recycling storage per bedroom, or part thereof.</p>	<p>Discretion is restricted to:</p> <p>a. The adequacy of the area, dimensions, design, and location of the space allocated, such that it is of an adequate size, can be easily cleaned, and is accessible to the waste collection contractor, such that it need not be put out on the kerb for collection. The storage area needs to be designed around the type(s) of bin to be used to provide a practicable arrangement. The area needs to be easily cleaned and sanitised, potentially including a foul floor gully trap for wash down and spills of waste.</p>

³⁵⁸ V Jones, Section 42A Report, Appendix 4, at p7.

7.10. Rule 12.5.4 Screening of Storage Space

473. This notified rule is carried over from the ODP. The rule attracted submissions³⁵⁹ seeking changes. In essence the notified rule required that all storage areas on sites with frontage to certain streets be located within a building, or otherwise, be screened.
474. Real Journeys³⁶⁰ sought to amend the rule to clarify that temporary storage of equipment on the wharf being transported via a vessel is either permitted or exempt from the rule. The submitter also sought to amend the rule to include a permitted rule allowing for storage of rubbish provided it was screened from neighbouring properties and public places.
475. IHG Queenstown Ltd and Carter Queenstown Ltd³⁶¹ requested that notified Rule 12.5.4.1 be deleted and that notified rule 12.5.4.2 should be applied to all sites in the zone. This would mean that storage areas would either be situated within the building or screened from view from all public places, adjoining sites including adjoining zones.
476. Ms Jones expressed the view that notified Rule 12.5.4.1 would not apply to the storage of goods on wharves as this rule only applied to sites that have frontage to Beach Street.³⁶² In other words, frontage to Beach Street (or one of the other streets listed) was required to trigger notified Rule 12.5.4.1. Goods stored on the wharf were controlled by notified Rule 12.4.3.
477. In relation to Submission 663, Ms Jones observed that the wording of notified Rules 12.5.4.1 and 12.5.4.2 had been carried over from the ODP but simplified to remove reference to street names and instead apply to the whole of the SCA. Also she ultimately agreed it was somewhat irrelevant whether the storage was within a building or within a well screened outdoor area.³⁶³ She concluded, and we agree, that relaxing notified Rule 12.5.4.2 to enable this alternative of screening without the need for the storage to be within a building would simplify the rule and provide for a greater range of suitable storage options.
478. Ms Jones had also expressed a concern that allowing outdoor storage areas could cause adverse visual effects and crime related effects.³⁶⁴ To address this concern, she recommended adding a further matter of discretion to the redraft rule relating to CPTED principles. She considered the addition of this further matter of discretion to be a consequential amendment of removing the need for storage to be within a building as required by notified Rule 12.5.4.1
479. In summary, Ms Jones recommended ³⁶⁵ removing notified Rule 12.5.4.1 and applying redrafted Rule 12.5.4.2 to all parts of the QTCZ, as well as adding a further matter of discretion to the redraft rule relating to CPTED principles.
480. We note that this redraft negates, to a degree, Ms Jones' comments that this rule would not apply to goods stored on the wharf. In our view, using the term "storage area" implies a permanent storage arrangement, not the temporary location of goods while they are waiting to be loaded onto a boat.

³⁵⁹ Submissions 621 and 663 (opposed by FS1191, FS1139)

³⁶⁰ Submission 621

³⁶¹ Submission 663, opposed by FS1139 and FS1191

³⁶² V Jones, Section 42A Report at [13.46].

³⁶³ Ibid at [13.49]

³⁶⁴ Ibid.

³⁶⁵ ibid at [13.50].

481. We have considered Ms Jones' Section 32AA assessment in relation to her recommendation described above and we agree with it for the reasons she provides. Having greater flexibility for storage options provided they are well screened is a sensible outcome and preferred over the notified Rule.

482. Accordingly we recommend Rule 12.5.4 be renumbered and amended to read:

12.5.3	Screening of Storage Areas <i>Storage areas shall be situated within a building or screened from view from all public places, adjoining sites and adjoining zones.</i>	<i>RD</i> <i>Discretion is restricted to:</i> <i>a. Effects on visual amenity</i> <i>b. Consistency with the character of the locality</i> <i>c. Effects on human safety in terms of CPTED principles and</i> <i>d. Whether pedestrian and vehicle access is compromised.</i>
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7.11. Rule 12.5.5 Verandas

483. As notified, Rule 12.5.5 required all new, reconstructed or altered buildings with frontage to listed roads to provide a veranda or other means of weather protection. Non-compliance with this required consent as a restricted discretionary activity.

484. This rule attracted a single submission³⁶⁶ that requested that buildings along Hay Street need not provide a veranda. Ms Jones explained the merit of requiring a veranda on Hay Street because it would provide an increasingly important pedestrian link to the Lakeview sub-zone. However, she also acknowledged that for practical reasons, namely the steepness of Hay Street, provision of verandas were impractical.³⁶⁷ She also noted that there was no requirement to provide verandas in the Isle Street or Lakeview Town Centre sub-zone beyond Hay Street. Finally because an all-weather pedestrian link already exists through the centre of the Man Street block, she recommended Submission 663 be accepted so that the requirement to provide a veranda on Hay Street be deleted from notified Rule 12.5.5.1.

485. We agree with that reasoning and accordingly recommend that the rule be adopted subject to deletion of Hay Street from the list of streets where verandas are to be provided, and renumbered as 12.5.4.1.

486. The ORC³⁶⁸ raised the issue of verandas potentially interfering with high-sided vehicles, in relation to notified Rule 12.5.5.2. We have discussed this issue earlier in relation to notified Rule 12.4.6.1. We are satisfied that with the amendment we are recommending to Rule 12.4.6.1, no change is necessary to this rule in response to this submission.

487. Consequently, we recommend the rule be renumbered as Rule 12.5.4, and be adopted as follows:

³⁶⁶ Submission 663, opposed by FS1139 and 1191

³⁶⁷ V Jones, Section 42A Report at [13.51].

³⁶⁸ Submission 798.

12.5.4	<p>Verandas</p> <p>12.5.4.1 Every new, reconstructed or altered building (excluding repainting) with frontage to the roads listed below shall include a veranda or other means of weather protection.</p> <ul style="list-style-type: none"> a. Shotover Street (Stanley Street to Hay Street) b. Beach Street c. Rees Street d. Camp Street (Church Street to Man Street) e. Brecon Street (Man Street to Shotover Street) f. Church Street (north west side) g. Queenstown Mall (Ballarat Street) h. Athol Street i. Stanley Street (Coronation Drive to Memorial Street). <p>12.5.4.2 Verandas shall be no higher than 3m above pavement level and no verandas on the north side of a public place or road shall extend over that space by more than 2m and those verandas on the south side of roads shall not extend over the space by more than 3m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Consistency of the proposal and the Queenstown Town Centre Design Guidelines (2015) where applicable and b. Effects on pedestrian amenity, the human scale of the built form, and on historic heritage values.
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7.12. Rule 12.5.6 Residential Activities

488. There were no submissions on this rule. The only changes we recommend to it are renumbering it as Rule 12.5.5 and those formatting changes required for consistency with the approach we have taken through the PDP. Apart from those changes, which are shown in Appendix 1, we recommend the rule be adopted as notified.

7.13. Rule 12.5.7 Flood Risk

489. There were no submissions on this rule. We recommend it be renumbering as Rule 12.5.6 and rewording the standard to make it clearer. We recommend no changes to the matters of discretion. We recommend the standard read:

No building greater than 20m² with a ground floor level less than RL 312.0 masl shall be relocated to a site, or constructed on a site, within this zone.

7.14. Rule 12.5.8 Provision of Pedestrian Links

490. As notified, Rule 12.5.8 dealt with the provision of pedestrian links for any new buildings or building development in sites identified by the rule, both in Figure 1 and listed. Where the required link was not proposed, then the rule required consent as a restricted discretionary activity.
491. The NZIA submission³⁶⁹ sought recognition of the importance of pedestrian links, particularly those that are open to the sky. Other submitters sought revisions to the pedestrian link map, complaining the link map was of an insufficient size that only detailed existing pedestrian linkages. They also suggested the map should include future linkages and encompass the Gorge Road retail area and the expanded town centre.
492. Peter Fleming³⁷⁰ sought that the pedestrian link map include legal descriptions on sites over which pedestrian links were provided. Tweed Developments Limited³⁷¹ considered that the notified Rule 12.5.8 and Figure 1 should also include pedestrian connections provided as a result of covenants and agreements between the Council and property owners.
493. Ms Gillies³⁷² expressed the view that the pedestrian links were possibly a feature unique to the Queenstown town centre. She noted some have direct links to the town centre's historic beginnings while others are much more recent in time. Some were open to the sky. In her view, the character of the existing pedestrian links was varied.
494. Ms Gillies was very clear in her opinion that any existing pedestrian links should be retained.³⁷³ She was less certain on whether or not new links should be open to the sky or closed. She agreed Figure 1 (showing the existing pedestrian links) was inaccurate and should be updated.³⁷⁴ She supported new pedestrian links being encouraged as part of new developments. However, she did not think intended or proposed links should be shown on the PDP maps.³⁷⁵ She considered that new links should evolve from an assessment of the relevant site and after careful regard of design issues arising.
495. Mr Church³⁷⁶ supported Ms Gillie's opinion on the amendments and additions to the identified pedestrian links plan.³⁷⁷ He supported the approach of a network of pedestrian links being maintained and enhanced through the targeted notified Rule 12.5.8.1.³⁷⁸
496. Mr Church also did not support potential future pedestrian links being included on the identified pedestrian links plan.³⁷⁹ He, however, noted that recording those potential future links would have the benefit of potentially expanding the pedestrian link network across the

³⁶⁹ Submission 238, supported by FS1368, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, and FS1249

³⁷⁰ Submission 599

³⁷¹ Submission 617

³⁷² J Gillies, EIC at [11.3 - 11.5].

³⁷³ Ibid at [11.2]

³⁷⁴ Ibid at [11.4]

³⁷⁵ Ibid at [11.5].

³⁷⁶ T Church, EIC at paragraphs 15.1 to 15.3

³⁷⁷ Ibid at [15.6].

³⁷⁸ Ibid.

³⁷⁹ Ibid at [15.8].

town centre which would lead, he said, to positive urban design outcomes.³⁸⁰ In his opinion it was preferred that provision of those potential future pedestrian links be reviewed more holistically with other parts of the movement and open space networks and be incorporated into non-statutory guidance, such as a revised town centre strategy or preparation of a streetscape framework.³⁸¹

497. Essentially Mr Church supported identification of potential alignment of lanes through both non-statutory documents and the use of ongoing restricted discretionary applications for comprehensive development plans, site coverage and building rules to achieve identification.
498. He was also of the opinion that utilising pedestrian links and other types of open space as an incentive to fulfilling restricted discretionary or non-complying planning requirements was appropriate.³⁸² Overall he considered this halfway house where Council identified potential alignment of lanes early through non-statutory documents and then utilised the resource consenting process, provided an appropriate balance between anticipated outcomes and provided flexibility around exact alignment for future applicants.³⁸³
499. In Mr Church's view, the benefits of lanes being open to the sky would be that it would allow the narrow width of the lane to feel more spacious and allow the users to remain in touch with changes in the external environment and activities.³⁸⁴ Being open to the sky would also allow connection with the surrounding natural and cultural landscape.
500. However, he also recognised that there was a place for covered lanes, bridging lanes and/or arcades, particularly in larger scale buildings with larger floor plates.³⁸⁵ Overall, he was of the view that any new pedestrian link should be established as a lane that was open to the sky and with a minimum width of some 4 m.³⁸⁶
501. Following consideration of the submissions and the expert evidence of Ms Gillies and Mr Church, Ms Jones made a number of recommendations:³⁸⁷
- a. Correction of the notified pedestrian link map, Figure 1, so as to improve the map, accurately capture related legal descriptions, and ensure that all formal existing laneways in pedestrian links were included;
 - b. The pedestrian link map be referred to in notified Rule 12.5.8 but the actual map be inserted at the end of Chapter 12;
 - c. Future potent links and laneways not be included on the pedestrian link map in the PDP;
 - d. Provision of links and laneways when consenting the buildings, or when development plans and building coverage applications were being considered. She agreed with Mr Church that it was appropriate that future links should be shown on documents such as the Queenstown Town Centre Strategy (2009), which document could be taken into account when consents were sought;
 - e. Amending notified Policy 12.2.2.5 (b) to specify that where such links or laneways were being offered as a trade-off for height, then those laneways should be open to the sky. She noted that this could also include the uncovering and restoration of Horne Creek;

³⁸⁰ Ibid.

³⁸¹ Ibid at [15.8].

³⁸² Ibid at [15.10].

³⁸³ Ibid at [15.10].

³⁸⁴ Ibid at [15.14].

³⁸⁵ Ibid at [15.16-15.17].

³⁸⁶ Ibid at [15.17].

³⁸⁷ V Jones, Section 42A Report at [13.56].

- f. Amending notified Rule 12.5.8 to clarify that where existing lanes and links were open to the sky, then they were to remain so. Also, if provided as part of a redevelopment of the site, lanes would be a minimum of 4 m wide, but where the existing link was covered then when the site is redeveloped it could remain covered but be at least 1.8 m wide;
- g. The pedestrian link map should not be extended beyond the town centre because to do so would be beyond the scope of Chapter 12;
- h. It was unnecessary to include text in the PDP recognising covenants or the such like because the existence of such a covenant was available as a consequence of a title search and further, the rules specify connections only need be in a general location as distinct from a specific location. (In relation to the submission by Tweed Developments Limited³⁸⁸).
502. Ms Jones considered it was preferable for lanes and links to be open to the sky.³⁸⁹ However, she recognised that existing use rights make such an outcome unrealistic, particularly in relation to existing links.³⁹⁰ Further, she considered if the nature and scale of the development with an existing link was changing then it could be opened to the sky.³⁹¹ She observed, however, that the fine grain of the SCA could limit the suitability of wider mid-block lanes in that area and narrower pedestrian lanes, even those not open to the sky made an important contribution to the town centre character.³⁹²
503. Overall, Ms Jones was of the view that, provided any redevelopment of those existing lanes was of a high quality, and importantly the CPTED principles were adhered to, then those narrower closed lanes could continue to make a positive contribution in the town centre.³⁹³ However, she was of the view that the narrower closed lanes should not be replicated in any new development areas on the periphery of the town centre where the scale of the grid and built form differs and where lanes of the sort provided in the Church Street and Post Office precincts were much more suited.³⁹⁴
504. Mr Williams, appearing for several submitters³⁹⁵, accepted the desirability of providing pedestrian links but was concerned about the economic implications for the affected landowners of providing protection for those pedestrian links.
505. He referred us to the evidence of Mr Staniland and Mr Johnston for illustrations of the significance of the financial impact of providing pedestrian links.
506. Mr Johnston³⁹⁶ made the point that a rule requiring a pedestrian link would not only greatly diminish potential future design flexibility and earning capability in the form of rental income but would be effectively a designation.³⁹⁷ He added that it would strip Trojan Holding Limited of its development rights, with that company, not the designating authority, having to bear financial responsibility for the pedestrian link.³⁹⁸ Mr Todd elaborated on this point in his legal submissions which we will return to later.

³⁸⁸ Submission 617

³⁸⁹ V Jones, Section 42A Report at [13.57].

³⁹⁰ Ibid.

³⁹¹ Ibid.

³⁹² Ibid.

³⁹³ Ibid.

³⁹⁴ Ibid.

³⁹⁵ Submissions 398, 596, 606, 609, 616 and 617.

³⁹⁶ On behalf of Trojan Holdings Limited

³⁹⁷ N Johnston, EiC at [8].

³⁹⁸ Ibid.

507. Mr Staniland³⁹⁹ was concerned that the PDP sought to formalise pedestrian links within the Skyline Arcade building. He explained that informal pedestrian access was provided as part of the development of the Arcade Building when it was erected many years ago.⁴⁰⁰
508. It was his opinion and concern that it was unfair for the Council to impose a penalty in the form of a de facto designation of a pedestrian link on the submitter because future development options would be reduced as would rental returns.⁴⁰¹ Also, because this was a de facto designation SEL would not be able to obtain compensation as would usually be the case from the designating authority.⁴⁰² He wished to see the pedestrian links proposal for the QTCZ rejected.
509. Mr Williams was concerned that while Objective 12.2.2.5 identified the potential to enable additional height, it only made reference to connections or pedestrian links if they were uncovered.⁴⁰³ He noted, insofar as his clients were concerned, the Skyline Arcade and the link through Stratton House are covered.⁴⁰⁴ He observed that those connections gave rise to a significant financial cost to development but under the objective as worded there did not appear to be methods to offset this cost or loss. As he put it, because the policy did not provide additional height when the proposed pedestrian link was covered, he considered the provision of a covered link should also enable consideration of offsets.⁴⁰⁵
510. Mr Williams also considered that, given the financial cost of providing a pedestrian link through a building, some regard should be had to already established existing pedestrian links.⁴⁰⁶
511. As an example he drew attention to the link through Stratton House, noting that link was within 15 m of another lane which provided connection from Beach Street to Cow Lane.⁴⁰⁷ He also considered the PDP needed to recognise the significant financial cost of providing links and provide methods to compensate for this loss.⁴⁰⁸
512. Mr Todd, for these submitters⁴⁰⁹, identified for us that those submitters had voluntarily provided pedestrian walkways. He identified two such pedestrian walkways within the Trojan Holdings and Beach Street Holdings Limited building known as Stratton House located between the Beach Street and Cow Lane and the other being within the Skyline Arcade between Cow Lane and the Mall.⁴¹⁰
513. In essence, Mr Todd's clients' concern was the PDP⁴¹¹ seeking to provide for the formalisation, the retention and, in some cases, enhancement to these pedestrian links and others, through various properties in the Queenstown Town Centre.⁴¹² As we understood Mr Todd's

399 On behalf of Skyline Enterprises Limited.

400 R Staniland, EIC at [12].

401 Ibid.

402 Ibid.

403 T Williams, EIC at [53].

404 Ibid.

405 Ibid.

406 ibid at [54].

407 Ibid.

408 Ibid at [55].

409 Submitters 1238, 1239, 1241, 1248 and FS606, 609 and 616.

410 Synopsis of Legal Submissions of Mr Todd at [3].

411 Suggested in the Section 42A Report.

412 Synopsis of Legal Submissions of Mr Todd at [1].

submission, identification of those pedestrian links on the pedestrian link plan amounted to the formalisation he was concerned with.

514. Mr Todd submitted that the proposal to include in the PDP rules requiring such linkages was in effect the imposition of *de facto* designations.⁴¹³ Moreover, the Council had not taken any financial responsibility or indeed offered any compensation for the offsetting of such links.⁴¹⁴ This was exacerbated by the resultant potential loss of land available for development and subsequently leasing.
515. He further submitted that such a proposal was repugnant to sound resource management practice where no compensation or incentive was offered to the affected parties in return for something for which the public would benefit.⁴¹⁵ He further noted that it would be wrong to think that the Council was doing nothing more than formalising what was in existence through promoting this rule.⁴¹⁶
516. Mr Todd submitted that it would be wrong for the Council to seek to take advantage of what is a public benefit from a developer who has chosen to provide a pedestrian link in a particular design of a building.⁴¹⁷ He referred to the Environment Court case of *Thurlow Consulting Engineers and Surveyors Ltd v Auckland City Council*⁴¹⁸ where the Court found it would be inappropriate to provide for what was effectively a designation over land providing for the identification of a future road without the Council using its designation powers to take the land and compensate the land owner.⁴¹⁹
517. Within her Reply Statement, Ms Jones carried over many of the amendments to notified Rule 12.5.7 she recommended within her original Section 42A Report. The additional changes she recommended were matters of clarification, and we consider all of her further recommended changes provided certainty and clarity.
518. We find ourselves in agreement with her recommendations primarily for the reasons she advanced within her Section 42A Report. We agree with her that correctly referring to the location of existing pedestrian links with the QTC is important. We agree with the amendments she has made to correctly identify the location of these existing pedestrian links.
519. As to the submitters' concerns that including existing pedestrian links on Figure 1 within the PDP would amount to a *de facto* designation without providing them access to compensation, we find that we disagree.
520. We prefer the approach taken by Ms Scott in her legal submissions in reply⁴²⁰. We agree that the case relied upon by Mr Todd is capable of being distinguished. We also agree that the *Thurlow* case is not about the Court refusing to uphold a rule only because it was a *de facto* designation. More correctly, the Court refused to uphold the rule because of uncertain wording of the rule.

⁴¹³ Ibid at [4].

⁴¹⁴ Ibid.

⁴¹⁵ Ibid.

⁴¹⁶ Ibid at [5].

⁴¹⁷ Ibid.

⁴¹⁸ [2001] NZEnvC 82 (substantive) and [2001] NZEnvC 97 (costs)

⁴¹⁹ Synopsis of Legal Submissions of Mr Todd at [6].

⁴²⁰ Legal Submissions in Reply of Mr Winchester at [5.13 to 5.17]

521. None of the uncertainty evident in the *Thurlow* case exists here. There is no uncertainty about the location of the existing pedestrian links. As we read the rules, it is clear that if a pedestrian link is not provided, resource consent will be required but that the link needs to be in the general rather than the exact location shown as per the Reply version of Rule 12.5.8.1.
522. Also, we think it clear from the advice note included in the rule that where an alternative link is proposed, as part of the resource consent application, which is not on the development site but achieves the same or better outcome, then that is likely to be considered appropriate.
523. There was no evidence presented to us that the pedestrian links require a designation. We accept Ms Scott’s submission that the plan provisions for pedestrian links can be compared to other built form standards and requirements. Also, provided these plan rules are related to achieving the purpose of the Act, they can be included in a district plan as a standard as they have been in this case. We think the evidence of the submitters, as well as Mr Todd’s submissions, ignore the fact that provision of new pedestrian links could result in gains for a resource consent applicant through additional height.
524. In conclusion, it is our view that the submitters’ concerns about *de facto* designations and alternative nearby pedestrian links not being properly taken into account, are unfounded.
525. Accordingly, we recommend that the changes to notified Rule 12.5.8, renumbered 12.5.7, as set out below be adopted for the reasons we have set out above.

<p>12.5.7</p>	<p>Provision of Pedestrian Links and lanes</p> <p>12.5.7.1 All new buildings and building redevelopments located on sites which are identified for pedestrian links or lanes in Figure 1 (at the end of this chapter) shall provide a ground level pedestrian link or lane in the general location shown.</p> <p>12.5.7.2 Where a pedestrian link or lane required by Rule 12.5.8.1 is open to the public during retailing hours the Council will consider off-setting any such area against development levies and car parking requirements.</p> <p>12.5.7.3 Where an existing lane or link identified in Figure 1 is uncovered then, as part of any new building or redevelopment of the site, it shall remain uncovered and shall be a minimum of 4m wide and where an existing link is covered then it may remain covered and shall be at least 1.8 m wide, with an average minimum width of 2.5m.</p> <p>12.5.7.4 In all cases, lanes and links shall be open to the public during all retailing hours.</p>	<p>RD</p> <p>Where the required link is not proposed as part of development, discretion is restricted to:</p> <p>a. The adverse effects on the pedestrian environment, connectivity, legibility, and Town Centre character from not providing the link.</p>
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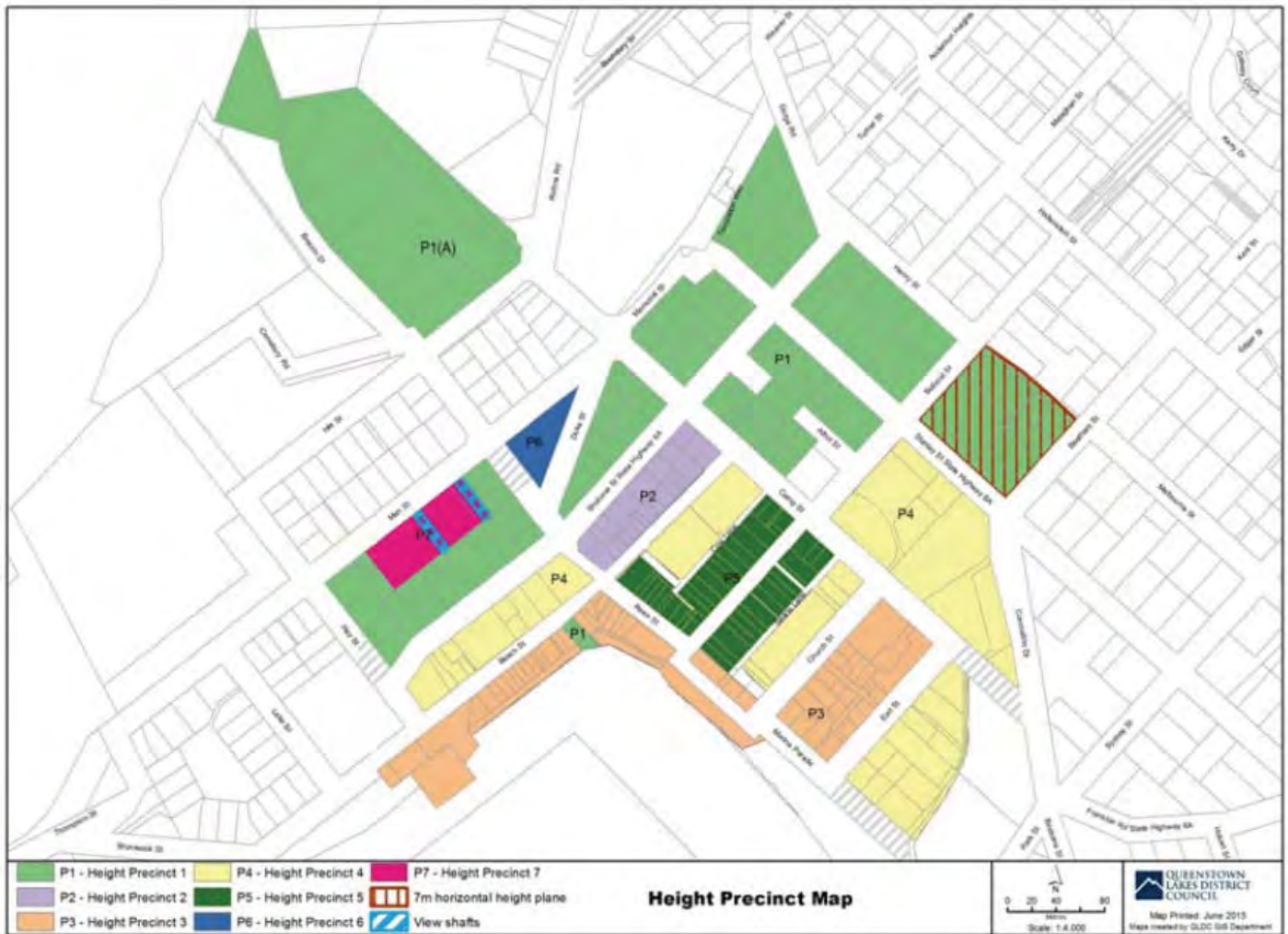
	<p>Location of Pedestrian Links within the Queenstown Town Centre.</p> <ul style="list-style-type: none"> a. Shotover St/ Beach St, Lot 2 DP 11098, Lot 3 DP 11098 b. Trustbank Arcade (Shotover St/ Beach St), Lot 1 DP 11098, Pt Sec 23 Bk VI Tn of Queenstown c. Plaza Arcade, Shotover St/ Beach St, Lot 1 DP 17661 d. Cow Lane/ Beach Street, Sec 30 Blk I Tn of Queenstown e. Cow Lane/ Beach Street, Lot 1 DP 25042 f. Cow lane/ Ballarat Street, Lot 2 DP 19416 g. Ballarat St/ Searle Lane, Sec 22 & Pt Sec 23 Blk II Tn of Queenstown h. Ballarat Street/ Searle Lane, part of the Searle Lane land parcel i. Church St/ Earl St, Lot 1 DP 27486 j. Searle Lane/ Church St, Lot 100 DP 303504 k. Camp/ Stanley St, post office precinct, Lot 2 DP 416867 l. Camp/ Athol St, Lot 1 DP 20875. <p>Advice Notes:</p> <ul style="list-style-type: none"> a. Where an uncovered pedestrian link or lane (i.e. open to the sky) is provided in accordance with this rule, additional building height may be appropriate pursuant to Policies 12.2.2.4 and 12.2.2.5. b. Where an alternative link is proposed as part of the application, which is not on the development site but achieves the same or a better outcome then this is likely to be considered appropriate. 	
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7.15. Height Rules

Height - General

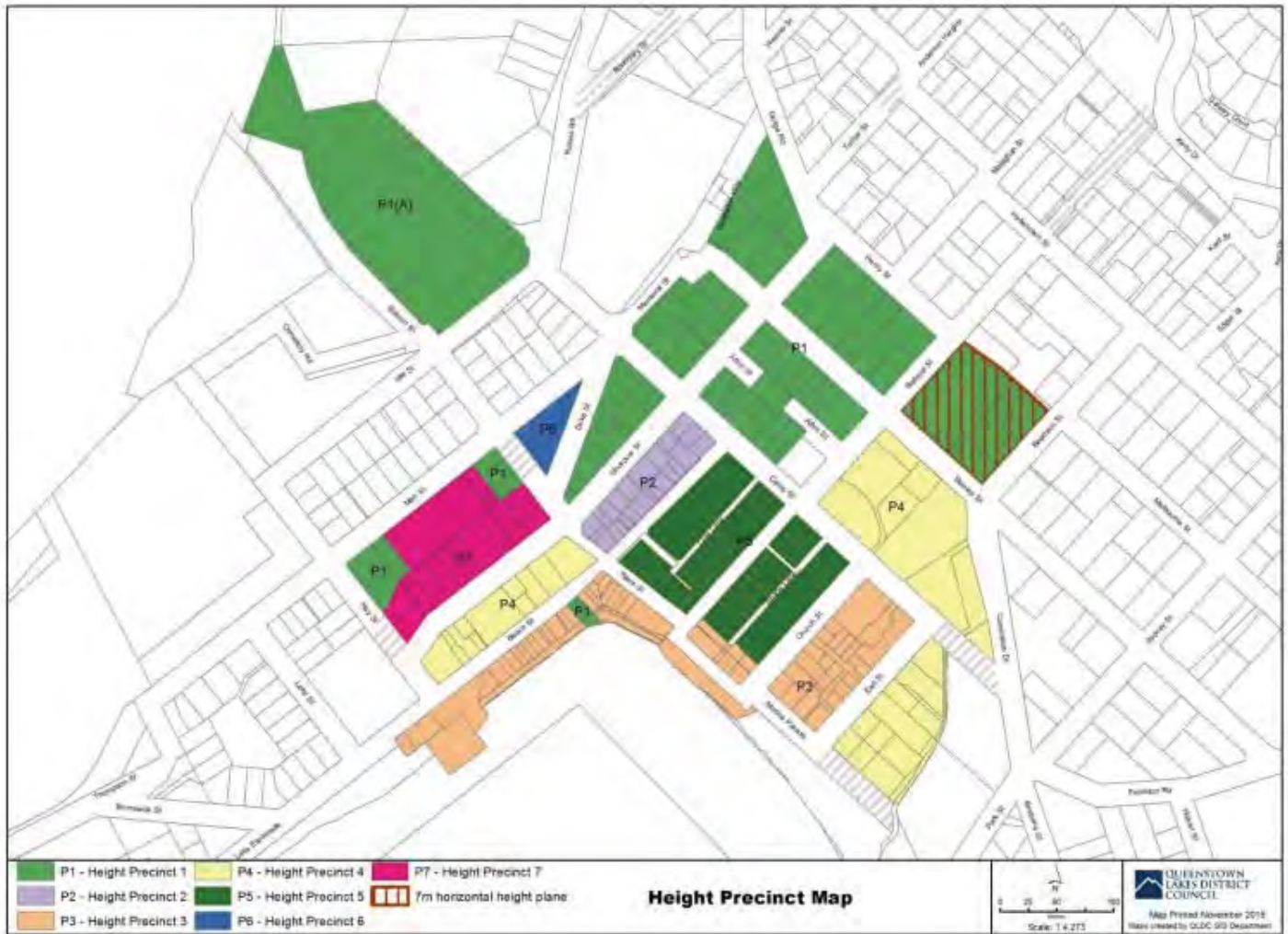
526. As notified, the QTCZ introduced the concept of mapped height precincts as a clearer way of applying different heights to the various parts of the QTC than the approach taken in the ODP.
527. The two notified Rules, 12.5.9 and 12.5.10, dealt not only with height for the various precincts, but included recession line controls. The discretionary height controls for Precincts 1 and 1A were included within notified Rule 12.5.9.1, and the recession line controls for Precinct 1A were in Rule 12.5.9.2. Non-compliance with these rules required consent as a restricted discretionary activity.
528. Notified Rule 12.5.10 included horizontal and recession plane line rules for Precincts 1, 2, 3, 4, 5, 6. This rule also provided view shaft rules for Precinct 7. We will return to these recession control sub-rules when we discuss each precinct. Rule 12.5.10 also set what was referred to in the rule as an “absolute” height limit in Precinct 1, and maximum height limits in all other parts of the QTC. Non-compliance with Rule 12.5.10 required consent as a non-complying activity.
529. Rules 12.5.9 and 12.5.10 both referred to the Height Precinct Map, Figure 2, which identified the height precincts and their locations. We will refer to this throughout our report as Figure 2, and identify which version we refer to. In addition to this, we include Figure 2 in the following discussion in order to aid the reader in understanding how the height precincts and rules evolved through the hearing process.
530. Christine Byrch⁴²¹ neither supported nor opposed notified Figure 2 and therefore we recommend this submission be rejected.
531. Notified Figure 2 was included in Chapter 12 as follows:

⁴²¹ Submission 243, opposed by FS1224



532. While out of chronological order, we note here the version of Figure 2 attached to Ms Jones Section 42A Report was inserted by error. Prior to the hearing, by memorandum of 8 November 2016, a version of Figure 2 consistent with the recommendations in her Section 42A Report, was circulated to all participants. That Map contained the following amendments to the Precincts:
- Precinct 7 was extended down to Shotover Street to include the majority of the Man/Hay/Shotover/Brecon Street Block
 - Precinct 5 was extended to include those parts of the south side of Upper Beach Street and the North side of Church Street, which were shown as Precinct 4 in the notified version
 - That part of Precinct 3 between the Mall and Church Street was extended north-east to include the adjacent sites.

533. The 8 November 2016 version of Figure 2 (S42A Figure 2) was as follows:



Background to the Notified Height Rules

534. Before we discuss the submissions, we provide some background to the notified provisions, utilising the information in Ms Jones’ Section 42A Report. Building height within the QTCZ was one of the principal issues in the Chapter 12 hearings and as such we think it important to provide a full discussion to aid in understanding the rules and the recommendations we make to amend the height rules.
535. Within her Section 42A Report, Ms Jones⁴²² helpfully included a table setting out a comparison between the ODP and PDP height rules for Precincts 1 to 7 and buildings on wharves.⁴²³ She also identified if there were submissions on the changes to the various precincts.
536. Ms Jones summarised⁴²⁴ the effect of the notified rules in the PDP, and we repeat that summary here:
- a. Permitted heights in Precinct 1/ Precinct 1A were increased by virtue of the fact that the recession plane rule had been removed and buildings between 12m and 14m (15/ 15.5m on identified sites) were restricted discretionary rather than non-complying. However, given the 4 story maximum rule, the amount of additional floor space/ mass provided for

⁴²² at Issue 2

⁴²³ V Jones, Section 42A Report at p 24-26.

⁴²⁴ Ibid at [10.20].

- by the rules was unlikely to change significantly. Of significance, Precinct 1 sites adjacent to the proposed Precinct 7 were no longer subject to a horizontal plane rule
- b. Permitted heights in Precinct 2 were increased along the Shotover Street frontage and a minor (0.5 m) height increase had been provided along the Beach Street frontage in order to achieve better design while minimising shading effects
 - c. The rules relating to Precinct 5, Precinct 6, and buildings on wharves/ jetties were unchanged and no submitter opposed those
 - d. Two large developed areas which were previously subject to restrictive (character-based) recession plane rules were now included in Precinct 4
 - e. In Precinct 7, the maximum height enabled was set at 11 m above the existing concrete slab (created by the underground carpark), which meant the height enabled a consistent building height across the site that was higher than under the ODP in some parts of the site, and possibly lower in others.
537. As to the reasons for the changes between the ODP and PDP in relation to height, Ms Jones referred us to the Monitoring Report for the town centre.⁴²⁵ She identified that between 2004 and 2011 there were a sizeable number of resource consent applications seeking to obtain consent for over-height buildings.⁴²⁶ Ms Jones also gave us a summary of development in the QTC over the last 17 years based on her own knowledge.⁴²⁷ Whilst she advised this was not an exhaustive list, we found it helpful to gain an appreciation of the extent of resource consents obtained for recently constructed buildings.⁴²⁸ She concluded that very few buildings managed to be designed within the ODP height rules and as such the emerging character of the town centre did not reflect those rules.⁴²⁹
538. Ms Jones further concluded that the height rules within the ODP were not efficient and did not provide any certainty or direction as to what level or extent of height breaches would be appropriate and why.⁴³⁰ Further, she went on to say that the ODP rules did not accurately reflect the existing character/environment. The PDP rules proposed were, she advised, a more accurate reflection of the bulk and form evolving, particularly in Precinct 1, over recent years via non-complying resource consent applications⁴³¹.
539. Ms Jones set out in detail the shade modelling⁴³² used to test the extent of additional shading under various height scenarios so as to inform the ultimate height level rules within the PDP. She noted that the model provided an indication of the outcome that could be expected in terms of bulk and mass of buildings relative to street widths, adjacent buildings and open spaces.⁴³³
540. In the case of Precinct 7 and the surrounding Precinct 1 sites (the Man Street Block), Ms Jones told us that the effects that the various height scenarios could have on visual amenity, architectural outcomes, economic viability, and public and private views within the zone were also able to be considered utilising the model.⁴³⁴

⁴²⁵ Ibid at [10.21].

⁴²⁶ Ibid.

⁴²⁷ Ibid.

⁴²⁸ Ibid at [10.21].

⁴²⁹ Ibid at [10.22].

⁴³⁰ Ibid at [10.22a].

⁴³¹ Ibid at [10.22b].

⁴³² Undertaken by the QLDC IT Department in 2014 using CityEngine software.

⁴³³ V Jones, Section 42A Report at [10.23].

⁴³⁴ Ibid.

541. Ms Jones noted that, for all areas, other than Precinct 1A, the existing built environment was included in the model.⁴³⁵ This provided a useful context in terms of the existing use rights/receiving environment of the town centre. It also demonstrated how extensively the buildings encroached beyond the ODP permitted heights.

542. For the precincts where Ms Jones recommended change, or submitters sought change, we utilised the results of the modelling to help us determine which outcome in terms of height was to be preferred. In some instances, where height had been specifically opposed by submitters, snap shots of various scenarios were created, enabling better evaluation of options. These snap shots were attached to Mr Church's evidence⁴³⁶.

Shade Modelling

543. Ms Jones described the methodology, assumptions and limitations of the model.⁴³⁷ She also detailed⁴³⁸ how the model had been utilised for the purpose of considering submissions on the notified chapter. She described for us the dates chosen for modelling and reasons why.⁴³⁹ Two dates were modelled: lunchtime on 11 July and 11 August, lunchtime being a busy time for pedestrians and diners wishing to eat outside. The July date fell within the winter peak season and coincided with New Zealand and Australian school holidays. She also provided specific details relating to the Man Street Block assessment methodology.

544. Ms Jones identified those submitters⁴⁴⁰ who had lodged general submissions in relation to the height rules either seeking significantly higher heights, or opposing building height increases. Her response to those general submissions was that she considered, in principle, building height could be increased beyond those in the ODP in some parts of the town centre in order to achieve the objectives of a high quality urban design, character, heritage values and sense of place for the town centre.⁴⁴¹

Policy Context for Consideration

545. Before turning to consider the height precincts we remind ourselves the policy settings focus on ensuring positive outcomes or net environmental benefits as a result of enabling additional height, rather than simply minimising adverse effects from allowing height increases. Also, the policy setting contemplates breaches in only exceptional circumstances and only where there are specific public benefits provided, such as pedestrian links, which outweigh negative effects. Increases in height can and do cause issues for public spaces, particularly loss of sunlight, increases in winter shading, and general reduction in amenity of those spaces. Again the policy setting recognises and addresses such issues.

546. Ms Jones discussed each of the precincts in turn in relation to the submissions received specifically on each precinct, drawing mainly on the evidence of Mr Church to develop and support her recommendations. We will discuss the issues, precinct by precinct. In doing so, we refer to them as precincts, although in the rules they are formally called Height Precincts.

⁴³⁵ Ibid.

⁴³⁶ T Church, EIC, Appendix A

⁴³⁷ V Jones, Section 42A Report at [10.25].

⁴³⁸ Ibid, at paragraph 10.26

⁴³⁹ Ibid at [10.26 b].

⁴⁴⁰ Submissions 20, 187, 438, 159, 417, (opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248 and FS1249), 238 (supported by FS1368 and opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248 and FS1249)

⁴⁴¹ V Jones, Section 42A Report at [10.27].

- 7.16. Notified Rule 12.5.9 Discretionary Building Height in Precinct 1 and Precinct 1(A) and Rule 12.5.10 maximum building and façade height.
547. As notified, Rule 12.5.9 provided for heights in Precinct 1 and 1(A) as follows:
- a. In Precinct 1, buildings had a maximum permitted height of 12m, exceedance to 14m being a restricted discretionary activity, and higher than 14m being a non-complying activity. The exception being 48-50 Beach Street that had permitted height to 12m, restricted discretionary between 12m and 15m, above which was non-complying
 - b. Precinct 1(A) had a permitted height of 12m, restricted discretionary to 15.5m, above which was non-complying.

Precinct 1

548. Notified Precinct 1 included land outside the SCA which Ms Jones considered held potential for redevelopment and that would result in the least shading effects over and above the existing situation.⁴⁴²
549. In particular, Precinct 1 included most of the land fronting Shotover and Stanley Streets, the newly added (by virtue of the PDP) QTCZ on Upper Brecon Street and 48 to 50 Beach Street⁴⁴³, currently occupied by AVA backpackers, adjacent to Earnslaw Park. Ms Jones reminded us that 48 to 50 Beach Street was recognised as a unique case due to existing use rights and the opportunity that particular site provided to create a landmark building when developed in the future.⁴⁴⁴ She informed us the highest building heights in the town centre were allowed in this area.⁴⁴⁵
550. Precinct 1A was the area bounded by Isle Street, Brecon Street, and Roberts Road, all being land around and neighbouring the PC 50 land which has had its building height limits increased by that Plan Change.
551. Three submitters⁴⁴⁶ sought that the maximum height limit in Precinct 1 be changed from 12 m down to 8.5 m. The reasons given, primarily in Ms Baker-Galloway's submission⁴⁴⁷, were that an increase in height would adversely affect views, sunlight, and the quality of public spaces, and also would contradict notified Policies 12.2.2.2 and 12.2.2.3.
552. Ms Baker-Galloway was also concerned that an increase in height would, in turn, increase the number of workers and visitors to the town centre resulting in an increase in traffic congestion, pollution and parking. Peter Fleming⁴⁴⁸ also opposed the notified height in Precinct 1 because increasing height would, in his view, effect the village square proposal and the waterfront.
553. Skyline Investments Limited & O'Connells Pavilion Limited⁴⁴⁹ supported the 15m height allowance for secs 4-5 Blk XV Queenstown Tn (the lake front site adjacent to Earnslaw Park currently occupied by AVA backpackers); Skyline Properties Limited & Accommodation and

⁴⁴² V Jones, Section 42A Report at [10.29].

⁴⁴³ Legal description: sections 4-5 Blk XV Queenstown Town

⁴⁴⁴ V Jones, Section 42A Report at [10.29].

⁴⁴⁵ Ibid.

⁴⁴⁶ Submissions 59 (supported by FS1059, FS1063, opposed by FS1236, FS1075, FS1125), 82 (supported by FS1063, opposed by FS1107, FS1125, FS1226, FS1234, FS1236, FS1239, FS1241, FS1248, FS1249, FS1274), 206 (supported by FS1063, opposed by FS1060, FS1236, FS1274)

⁴⁴⁷ Submission 59

⁴⁴⁸ Submission 599

⁴⁴⁹ Submission 606 (opposed by FS1063)

Booking Agents Queenstown Limited⁴⁵⁰ supported the 14m height allowed on the Chester building site on Shotover Street; Shotover Memorial Properties Limited & Horne Water Holdings Limited⁴⁵¹ supported the inclusion of 9 Shotover St in Precinct 1 and the 14m/ no recession plane height rule that applied; and The New Zealand Fire Service⁴⁵² requested that notified Rule 12.5.9 be retained.

554. Relying upon Mr Church's evidence, and the Section 32 Report, with the exception of removing the reference to 4 storeys from notified Rule 12.5.9 and enabling the creation of landmark buildings to be considered at resource consent stage, Ms Jones considered the Precinct P1 height rules as notified (12 m) to be the most appropriate, when compared with the alternatives proposed: a maximum 8.5 m height; the ODP rules; or increase in heights beyond the 12 m height.⁴⁵³
555. Ms Jones was also of the view that the proposed height rules for Precinct 1 would be both effective and efficient at achieving the relevant objectives: Objectives 12.2.1, 12.2.2 and 12.2.4.⁴⁵⁴ Overall, she considered the rules struck a balance between the status quo and enabling some modest increases in height which would help design and efficiency, without adversely affecting shading to any extent.⁴⁵⁵
556. Ms Jones relied heavily upon Mr Church's expert evidence⁴⁵⁶ as to the results of the shade modelling and shade effects of heights at both 12 m and 14 m. She noted from these shading diagrams that buildings above 12m could potentially have unacceptable adverse effects on sunlight access to public space.⁴⁵⁷ She considered the 14m height allowance as a restricted discretionary activity sent the signal that there should be no presumption that granting consent at 14m would be appropriate in all circumstances.⁴⁵⁸ She observed beyond 14m would be subject to non-complying resource consent.
557. Ms Jones paid particular attention to the shading effects from the heights permitted by the notified rules on the sites specifically mentioned in submissions, with reference to Mr Church's evidence.⁴⁵⁹ She concluded those heights were appropriate.
558. Ms Jones described that she undertook a shading analysis using the model when drafting the provisions.⁴⁶⁰ She and Mr Church undertook a further analysis prior to preparation of both his evidence and her Section 42A Report.⁴⁶¹
559. The criteria they chose was that the maximum permitted building height should not create any more than minor additional shading on a 2.5 m strip of public pedestrian space on the opposite side of the road up until at least 12:30 PM, that is, mid lunchtime. This time would be assessed at or around the time of year that this pedestrian strip came into full sun under the ODP rules following the mid-winter months.

450 Submission 609 (opposed by FS1063)
451 Submission 614 (supported by FS1200)
452 Submission 428
453 V Jones, Section 42A Report at [10.33].
454 Ibid at [10.34].
455 Ibid.
456 In particular figures 10 and 12 in Appendix A to Mr Church's evidence.
457 V Jones, Section 42A Report at [10.36].
458 Ibid
459 Ibid.
460 Ibid at [10.37].
461 Ibid.

560. Applying that criteria, Ms Jones and Mr Church found that on most streets, this pedestrian strip would be in full shade during the busy lunch hour for many of the winter months even under the ODP rules.⁴⁶² Her conclusion was that there was little point in considering shading effects during those months as they would essentially be nil.
561. The criteria, as Ms Jones explained, was further developed so as to ensure this key pedestrian strip of public space should be in sunlight for as many months of the year as possible.⁴⁶³ She considered this outcome was important to achieve the amenity and vibrancy of the town centre, leading to its economic development and resulting in the social well-being of the wider community.⁴⁶⁴ Essentially, access to sunlight was an important component in the criteria and that access was to be extended for as many months of the year as possible. She and Mr Church concluded that a model using the equinox as the key date was of little use, because in most instances there would be little if any effect on sunlight over the critical public space at that time of year, regardless of the height being tested.⁴⁶⁵
562. Ms Jones concluded that, given the objective, which was to recognise and provide for the amenity, social and economic benefits that accrue from providing sunny outdoor space, it was inappropriate to impose heights which would provide little or no sun to key public spaces and busy foot paths for up to 6 months of the year.⁴⁶⁶ She explained this resulted in testing the model on the wider streets such as Shotover Street on 11 July, which is one of the busiest months in terms of tourism, and the narrow pedestrian streets of Beach Street and the Mall on 11 August.⁴⁶⁷
563. Taking into account Ms Jones' opinions and explanations as to the criteria chosen, how it was developed over time, the objective or outcome, and deployment of the model, we agree and accept all of these matters are appropriate to properly enable and inform choices in height for the various precincts. Our findings in this regard are also made in reliance upon Mr Church's evidence.
564. After undertaking the modelling exercises and other assessments described, Ms Jones expressed the opinion that a 14m high building could be designed to achieve a human scale and to accommodate four stories of reasonable internal quality, plus an interesting roof.⁴⁶⁸
565. Ms Jones considered that enabling a 14m height as a restricted discretionary activity, as opposed to being non-complying under the ODP, was a far more efficient outcome than triggering a non-complying consent.⁴⁶⁹ She also considered this outcome would have the indirect effect of discouraging those wishing to develop four stories from trying to squeeze them into the 12m height available under the ODP, which resulted in a relatively poor outcome.⁴⁷⁰

⁴⁶² Ibid.

⁴⁶³ Ibid at [10.38].

⁴⁶⁴ Ibid.

⁴⁶⁵ Ibid at [10.38].

⁴⁶⁶ Ibid.

⁴⁶⁷ Ibid.

⁴⁶⁸ Ibid at [10.39].

⁴⁶⁹ Ibid.

⁴⁷⁰ Ibid

566. We agree with that opinion, particularly given the resource consent history Ms Jones referred us to. We see that adopting a restricted discretionary activity status as opposed to non-complying is preferred because it would be more efficient and effective.
567. We are also satisfied that the various heights promoted by Ms Jones have been properly and robustly assessed using appropriate criteria which has been informed by the overall objective or outcome sought for Precinct 1.
568. Specifically referring to 48 to 50 Beach Street, Ms Jones agreed with Mr Church's analysis and investigations that the shading effects of the proposed height limits at 12m as per Rule 12.5.9, as compared with the ODP building height, would be minimal.⁴⁷¹
569. Ms Jones relied on Mr Church's view and opinion that the role of landmark buildings should be included as a matter of discretion in relation to whether granting restricted discretionary height is appropriate.⁴⁷² She recommended inclusion of this matter as new item d.
570. Taking all of the above into account, particularly the shading analysis, and the prior resource consent history within Precinct 1, we recommend that:
- a. the permitted height limit in Precinct 1 be 12 m;
 - b. between 12 to 14 m be a restricted discretionary activity; and
 - c. above 14 m be non-complying.
571. We also recommend that, in terms of 48 – 50 Beach Street:
- a. 12 m be the permitted height;
 - b. between 12 to 15 m be a restricted discretionary activity; and
 - c. above 15m be non-complying.
572. In coming to this conclusion, we have accepted the shading evidence of Mr Church, and the opinion of Mr Jones that these revised PDP rules would impose a lesser consenting barrier and lower consenting costs. In addition, we agree the increased height is likely to enable or encourage only a modest increase in capacity which would have no significant effect on the number of workers and visitors to the town centre, traffic congestion, pollution or parking.
573. Within Precinct 1 there is an area with a 7m horizontal plane rule, notified as a Rule 12.5.10.1 b including an explanatory diagram. That rule was not the subject of submissions. However, consequent on alterations to the Height Precinct Map, Ms Jones recommended some drafting alterations. We have suggested some clearer wording to this rule as well.
574. Our recommended wording of this rule, renumbered as Rule 12.5.9.b, is set out at the end of our discussion on height rules.

Precinct 1A

575. For Precinct 1A, QLDC⁴⁷³ requested an amendment to notified Rules 12.5.9 and 12.5.10.1 such that building height up to 12 m would be permitted, heights between 12 and 15.5 m would be restricted discretionary, and those beyond 15.5 m would be non-complying. Skyline Enterprises Limited⁴⁷⁴ opposed this relief, seeking an absolute height limit of 17.5 m over Section 1 SO 22971. We note that a further submission may only support or oppose a

⁴⁷¹ ibid at [10.40].

⁴⁷² ibid

⁴⁷³ Submission 383, opposed by FS 1236

⁴⁷⁴ FS1236

submission, not substitute a relief which goes beyond that in the original submission. We therefore disregard this request for additional height.

576. In its original submission⁴⁷⁵, Skyline Enterprises Limited sought that the proposed maximum height allowed in Precinct 1A be changed to 15.5 m.
577. Other submissions⁴⁷⁶ sought minor wording amendments to the Precinct 1A rule, which Ms Jones considered to be clarification only.
578. Ms Jones, referring to the Section 32 Evaluation Report and her further Section 32AA, said she considered the amendments sought by QLDC in terms of height within Precinct 1A to be the most appropriate compared to the alternatives of the ODP permitted building height (7-8 m), or retaining the notified PDP provisions (permitted up to 14 m and non-complying thereafter).⁴⁷⁷
579. As well, it was Ms Jones' view that the key reasons for recommending 12 m as permitted with a recession plane and up to 15.5 m as restricted discretionary, were that doing so would utilise the rule framework that was proposed for Precinct 1.⁴⁷⁸
580. That framework provided a base level of allowable height and an additional height providing the building was well designed. It also enabled more height, 15.5 m rather than 14 m, as is provided for in most parts of Precinct 1, in order to be consistent with building heights on the surrounding properties.
581. Ms Jones noted that on the surrounding properties, ODP Plan Change 50 had become operative with the effect that sites on the opposite side of Isle Street were subject to a 12 m height limit plus an additional 2 m roof bonus.⁴⁷⁹ Also height could further be extended up to 15.5 m if the site exceeded 2000 m² and fronted Isle or Man Street. She considered the ODP 7-8 m limit to be inconsistent with the heights that were enabled by Plan Change 50, which affected many of the properties adjacent to Precinct 1A.⁴⁸⁰
582. Ms Jones pointed out that the notified limits were inconsistent, in that Rule 12.5.10.1 made all buildings over 14 m non-complying, thereby making notified Rule 12.5.9.2, which in theory enabled buildings up to 15.5 m high as restricted discretionary activities, redundant.⁴⁸¹
583. In terms of the requests to increase height, Ms Jones was of the view a height of either 14 m or 15.5 m, as sought by Skyline, to be too high in the context of the site which was highly prominent from Gorge Road, Hallenstein Street and the Cemetery, and could result in unacceptable shading on Brecon Street.⁴⁸²
584. Similar alternatives to those considered in Precinct 1 were assessed. They were the ODP provisions, the notified PDP provisions, or submitter requests. Considering these available

⁴⁷⁵ Submission 574, opposed by FS1063

⁴⁷⁶ Submissions 663 (opposed by FS1139 and FS1191), 667 (opposed by FS1236) and 672

⁴⁷⁷ V Jones, Section 42A Report at [10.45].

⁴⁷⁸ Ibid at [10.46].

⁴⁷⁹ Ibid at [10.45].

⁴⁸⁰ Ibid at [10.46].

⁴⁸¹ Ibid at [10.47].

⁴⁸² Ibid.

alternatives, we agree with Ms Jones that 12 m as a permitted activity with a recession plane, and up to 15.5 m as a restricted discretionary activity, are the preferred outcomes.

585. This has the benefit of utilising the same rule framework as that recommended for Precinct 1, namely a base level of allowable height and additional height provided a building is well designed. However, in the case of Precinct 1A, more height would be allowed, 15.5 m rather than 14 m, so as to be consistent with building heights on surrounding properties.
586. We agree and accept that the ODP height limit for Precinct 1A of 7/8 m is inconsistent with heights enabled by Plan Change 50 and does not synchronise with the Precinct 1 rule framework. We also agree with and adopt Ms Jones' Section 32AA evaluation, particularly as it relates to providing discretionary activity status for height between 12 m and 15.5 m.
587. Accordingly, we recommend these heights be included in what will be a re-numbered Rules 12.5.8 and 12.5.9.
588. The final matters to address in this rule are the recession planes. As notified, the Precinct 1A recession planes were provided for within notified Rule 12.5.9.2.
589. QLDC⁴⁸³ sought to simplify and clarify that rule. Ms Jones recommended acceptance of those amendments. We agree. The amendments assist legibility and clarity of the rule.
590. We recommend adoption of notified Rule 12.5.9.2 as amended and re numbered as rule 12.5.8.2.

Precinct 2

591. Precinct 2 covered the block bounded by Shotover, Camp, Rees and Beach Streets. Ms Jones explained that it was unique in that the narrow width of Upper Beach Street meant that buildings within this precinct must adhere to shallow recession planes off boundaries, yet there were no adverse shading effects from enabling heights to extend up to 14 m, subject to complying with the recession plane.
592. QLDC⁴⁸⁴ had identified clarity issues with notified Rule 12.5.10.1. As notified, it could be interpreted that Precinct 2 would be subject to this rule, as alluded to by Rule 12.5.10.1 (d), or that it would be subject to a 12m height as per the notified Rule 12.5.10.5.
593. Ms Jones recommended this submission be accepted and referred to the reasoning set out in the Section 32 Report. She explained that greater height would be enabled in order to offset the relatively restrictive recession plane/facade height enabled on the Beach Street frontage of that block.⁴⁸⁵ This recognised, she said, that a considerable portion of ownerships within the block run through the whole block and have frontage to both streets.⁴⁸⁶
594. Trojan Holdings Limited and Beach Street Holdings Limited⁴⁸⁷ requested that notified Rule 12.5.10.1 (d), which set a maximum and minimum parapet height along part of each street, be deleted. Modelling various facade heights and differing recession planes which represent the ODP, PDP, and submitter's outcomes, was undertaken in the manner described in relation to

⁴⁸³ Submission 383

⁴⁸⁴ Submission 383

⁴⁸⁵ V Jones, Section 42A Report at [10.52].

⁴⁸⁶ Ibid.

⁴⁸⁷ Submission 616

Precinct 1. These were illustrated in the visuals attached as Appendix A to Mr Church's evidence. The outcome was that at 12:30 PM on 11 August, 2.5 m of public space was fully in sun under the ODP rules, and the only effect on sunlight access at the same time under the PDP rules was minor, along the frontage of Glassons.

595. Ms Jones told us that such minor reduction in sunlight access would remain for about a week.⁴⁸⁸ The modelling also disclosed the effect on sunlight access at the same time under a 7m high recession plane was significant. In Ms Jones' view, that was unacceptable, and not justified by the small increase in building height.⁴⁸⁹
596. For all of the above reasons and those provided with the Section 32 Evaluation Report, Ms Jones was of the opinion the proposed heights for Precinct 2 as amended and clarified as earlier described,⁴⁹⁰ were considered to be the most appropriate way of enabling development within Precinct 2 that would achieve the objectives of the PDP.
597. We accept the reasons supporting the Precinct 2 heights advanced by Ms Jones and we accept and adopt the outcomes of Mr Church's modelling. We have carried through these recommendations into our Appendix 1.
598. Turning to recession lines under notified Rule 12.5.10 d, a breach of this rule within Precinct 2 was a non-complying activity. After reviewing the evidence of Mr Williams⁴⁹¹ and Mr Farrell⁴⁹², Ms Jones accepted this recession rule was more appropriately relocated to notified Rule 12.5.9. She agreed that the breach of the rule was more appropriately a restricted discretionary activity subject to the matters of discretion provided for in Rule 12.5.9.⁴⁹³ We agree for the reasons she advanced and recommend adoption. The rule has been re numbered as Rule 12.5.8.3.

Precinct 3

599. Notified Precinct 3 covered the land directly abutting the QTCWSZ, extending from Poole Street to and including Steamer Wharf, as well as a recently developed block bound by Marine Parade, Church, Earl, and Camp Streets. This precinct allowed the lowest absolute height in the QTC by providing for a maximum height of 8m, above which was non-complying.
600. Ms Jones noted two submitters⁴⁹⁴ supported Rule 12.5.10, including removal of the ODP parapet and recession plane controls. One submitter⁴⁹⁵ sought the operative height rules for the QTC be reinstated. Another submitter⁴⁹⁶ supported the removal of the ODP parapet and recession plane controls that would otherwise be applicable to the Town Pier site and to the Eichardts site.
601. In terms of heights, for the reasons advanced by Ms Jones, we recommend a height of 8m for Precinct 3, above which it would be non-complying.

⁴⁸⁸ V Jones, Section 42A Report at [10.56].

⁴⁸⁹ Ibid.

⁴⁹⁰ 12m permitted, 12m-14m restricted discretionary and above 14m non-complying.

⁴⁹¹ Supporting Submissions 606 and 616

⁴⁹² Supporting Submission 308

⁴⁹³ V Jones, Summary of Evidence at [6(b)]

⁴⁹⁴ Submissions 606 and 609 (opposed by FS1063)

⁴⁹⁵ Submission 417, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248 and FS1249

⁴⁹⁶ Submission 609, opposed by FS1063

602. The other issue that arose was a point of clarification around the boundaries of Precinct 3.
603. QLDC⁴⁹⁷ requested that Precinct 3 be extended to include those areas to the immediate north which are currently either included in Precinct 5 or not included within any precinct. That is, the rear parts of the Marine Parade site at the corner of Marine Parade and Church Street which have no precinct assigned to them.
604. Skyline Investments Limited and O’Connells Pavilion Limited⁴⁹⁸ sought that the same area be included within Precinct 4.
605. These sites were more particularly shown on three figures within Ms Jones’ Section 42A Report⁴⁹⁹. What was clear was that realigning the Precinct 3 boundary to include the two areas referred to above would correspond with the ODP boundary and with the physical buildings and cadastral boundaries. We consider it impractical to split these existing sites into different height precincts.
606. We therefore agree with Ms Jones’ recommendation that the Height Precinct Map be amended so as to include those sites within Height Precinct 3. We have included this site within Precinct 3 within Appendix 1 and recommend this inclusion be adopted.
607. Turning to recession and parapet rules, as notified (Rule 12.5.10.2) this precinct did not have such sub-rules. Relying on Ms Gillies⁵⁰⁰ and the scope provided by Mr Boyle’s submission⁵⁰¹, Ms Jones recommended reinstating the ODP rule specifying that a parapet be between 7.5 and 8.5 m in height and able to protrude through the maximum height plane.⁵⁰² This was because a recession plane commencing just 0.5 m below the maximum allowable height would be ineffective at mitigating shading effects or influencing design in any positive way. We agree and recommend this change to the notified rule be adopted.
608. For the reasons set out in Ms Gilles’ evidence and Ms Jones’ Section 42A Report⁵⁰³, we recommend this amendment be adopted. We have included it re-numbered Rule 12.5.9.3 set out below at the end of our discussion on height.

Precinct 4

609. Notified Precinct 4 included the land to the north of Earnslaw Park on the northern side of Beach Street, the Novotel Hotel site, the land on the north side of Camp Street and east of and including the Post Office, most of the western side of Church Street, and most of the eastern side of Upper Beach Street.
610. The ODP height rule allowed 12 m building heights with a 10m high recession plane. Ms Jones explained these areas had either been recently redeveloped or the shading effects of not imposing a recession plane were not considered acceptable.⁵⁰⁴

⁴⁹⁷ Submission 383

⁴⁹⁸ Submission 606

⁴⁹⁹ V Jones, Section 42A Report at p 39.

⁵⁰⁰ J Gillies, EIC at [7.2].

⁵⁰¹ Submission 417, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248 and FS1249

⁵⁰² V Jones, Section 42A Report at [10.63].

⁵⁰³ Ibid.

⁵⁰⁴ Ibid at [10.66].

611. Notified Rule 12.5.10.5 carried forward the 12m height and the recession plane requirement in clause a.
612. Skyline Investments Limited and O’Connells Pavilion Limited⁵⁰⁵ sought the removal of the recession plane controls in respect of the O’Connell Street site Trojan Holdings Limited and Beach Street Holdings Limited⁵⁰⁶ supported the removal of the ODP parapet control from Stratton House.
613. Mr Boyle⁵⁰⁷, as earlier noted, sought a return to the ODP rules zone wide.
614. Ms Jones noted that both Ms Gillies⁵⁰⁸ and Mr Church⁵⁰⁹, favoured replacing Precinct 4 as applied to the majority of the north side of Church Street (the premises extending from Nomads to the Night and Day), and to the majority of the south side of upper Beach Street, with Precinct 5.⁵¹⁰ Ms Jones explained that the effect of this was that a 45° recession plane commencing at 7.5 m above the street boundary would be applied to these sites rather than the recession plane commencing at 10 m as in notified Rule 12.5.10.5 a.
615. We agree with that reasoning and we recommend a height limit of 12 m for Precinct 4 with retention of the recession line as per notified rule 12.5.10.5 a. We further recommend that those sites identified above be placed within Precinct 5.
616. Turning to recession lines, under notified Rule 12.5.10.5 a, a breach of this rule within Precinct 4 was a non-complying activity. After reviewing the evidence of Mr Williams⁵¹¹ and Mr Farrell⁵¹², Ms Jones accepted this recession rule was more appropriately relocated to notified Rule 12.5.9. Also, she agreed that the breach of the rule was more appropriately a restricted discretionary activity subject to the matters of discretion provided for in Rule 12.5.9. We agree for the reasons she advanced and recommend adoption. The rule has been renumbered as Rule 12.5.8.4.

Precinct 5

617. Notified Precinct 5 included the land either side of The Mall on Lower Ballarat Street and that area on the north eastern side of Rees Street between The Mall and Beach Street.
618. As notified, Rule 12.5.10.5 enabled buildings up to 12 m and a 7.5 m recession plane was imposed, reflecting the fact this area was at the core of the Special Character Area and within a heritage precinct, and acknowledging the narrowness of the Mall.
619. Notified Rule 12.5.10 applying to this area was unchanged from the ODP. The Rule attracted no submissions. Accordingly we recommend the notified Rule 12.5.10.5 be adopted for Precinct 5, renumbered as Rule 12.5.9.5.
620. Turning to recession lines under notified rule 12.5.10.5 b, a breach of this rule within Precinct 5 was a non-complying activity. Consistent with her approach to rules as applied to the

⁵⁰⁵ Submission 606

⁵⁰⁶ Submission 616

⁵⁰⁷ Submission 417, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248 and FS1249

⁵⁰⁸ J Gillies, EIC at [8.1 to 8.6].

⁵⁰⁹ T Church, EIC at [18.1 to 18.7].

⁵¹⁰ V Jones, Section 42A Report at [10.69].

⁵¹¹ On behalf of Submitters 606 and 616

⁵¹² On behalf of Submitter 308

precincts previously discussed, Ms Jones accepted this recession rule was more appropriately relocated to, as it then was, notified Rule 12.5.9, as she considered that the breach of the rule would be more appropriately dealt with as a restricted discretionary activity.⁵¹³ We agree for the reasons she advanced and recommend adoption. The rule has been re-numbered as Rule 12.5.8.5.

Precinct 6

621. Notified Precinct 6 included the triangular parcel of land bound by Duke, Man, Brecon and Shotover Streets. Notified Rule 12.5.10 applied a height limit of 12m, subject to horizontal and recession plane conditions.
622. This represented no change from the ODP and did not attract any submissions.
623. Accordingly we recommend the notified Rule 12.5.10.5 applying to Precinct 6 be adopted as renumbered Rule 12.5.9.5 a.

Precinct 7 and the surrounding Precinct 1 land within the Man Street Block

The Plans and the Precincts

624. Notified Precinct 7 included the majority of the land bound by Man, Brecon, Hay, and Shotover Streets (the Man Street Block) and notified Rule 12.5.10.4 applied a range of site specific height rules to this block. The maximum height limit proposed was 11 m above 327.1 masl, except that the two view shafts identified on the Height Precinct Map imposed a limit of 4 m above 321.7 masl.
625. No recession rules were proposed for Precinct 7.
626. This precinct would apply to the Man Street car park and all of the land in the Man Street Block fronting Shotover Street. The existing Man Street car park we generally refer to as the northern area, and that area fronting Shotover Street we refer to as the southern area.
627. Under the ODP the permitted height provided was up to 8 m above ground level and up to the height allowed on any adjacent sites. Sites below the Man Street car park fronting Shotover Street could be 1.5 m above the Man Street car park. The outcome was a height of 9.5 m. Thereafter, exceedance was non-complying.
628. Under the ODP, on the sites either side of Precinct 7 (fronting Hay and Brecon Streets), buildings up to 8 m were permitted and up to the maximum height permitted on any adjacent site and non-complying thereafter. Sites on the Shotover Street frontage⁵¹⁴ were permitted to 12 m and no more than 1.5 m above Man Street and non-complying thereafter. On other sites, height was permitted to 12 m and no more than 4 m above the level of Man Street and non-complying thereafter.
629. Within the Man Street Block there were, as well, two separate areas of Precinct 1, one to the east and one to the west. To help orientate, 10 Man Street, 10 and 14 Brecon Street and the Language School were located within Precinct 1 at the eastern end of Precinct 7, adjacent the Brecon Street steps. 30 Man Street was within the other area of Precinct 1 at the western end.
630. As notified, Precinct 1, applying notified Rules 12.5.9 and 12.5.10, provided for permitted height of up to 12 m, restricted discretionary between 12m and 14m, and non-complying

⁵¹³ V Jones, Summary of Evidence at [6(b)].

⁵¹⁴ Secs 23-26 The Lofts and Hamilton Extension

thereafter. Horizontal plane requirements were not imposed in Precinct 1 as it applied to the Man Street Block.

The Man Street Block and Issues

631. The Man Street Block slopes downhill from Man Street to Shotover Street. It is understood the slope is not uniform over the whole block. The properties in the block are in different ownership.
632. The issues, as we see them in relation to this area, revolve around determining what the appropriate building heights are for the various parts of the block, and how those heights interrelate to each other and height levels beyond the block.
633. First, there is the northern part of the block, the area above the existing Man Street car park, which includes the two view shafts. The issues for this part of the block include determining height levels that are appropriate given the Man Street streetscape and the need to ensure views via the view shafts are appropriate.
634. The two Precinct 1 areas on the western and eastern end of the Man Street Block had their own separate issues, though both areas step down the slope from Man Street.
635. On the eastern end, or the Language School site, the issues related to what was the appropriate height levels given the sloping nature of the site, the sites' relationship with the adjacent Brecon Street Steps and the adjoining Sofitel Hotel site. The heights selected also needed to relate well to the heights for the balance of the block.
636. For the western end, 30 Man Street, height relative to adjoining surrounding buildings and their height was the issue. Again linkage back to the balance of the block was important.
637. On the remaining part of the block, the southern side, being the area fronting Shotover Street, the issues were: height relative to building heights on the Man Street car park; effect of height on shading Shotover Street; and the impact of differing natural ground levels on how to determine appropriate heights.
638. The first issue we deal with is, we think, a relatively minor one. QLDC⁵¹⁵ requested that the topographical error in notified rule 12.5.10.4 be amended such that the reference to 321.7 masl is changed to 327.1 masl. While this was opposed, we agree with Ms Jones that this was an error which needs correction.⁵¹⁶ Accordingly we recommend accepting that submission.

Submissions on the PDP

639. Dealing with height limits (notified Rule 12.5.10.4) for Precinct 7, Mr Boyle⁵¹⁷ requested that the maximum building heights be no greater than in the ODP and any other related, consequential or alternate relief.
640. In relation to the view shafts above the Man Street car park, Man Street Properties Limited ("MSP")⁵¹⁸ supported the notified height for Precinct 7 at 11 m but requested the view shafts on the site be confirmed or moved so that the Western most view shaft was repositioned to correspond with section 26 Block IX Town of Queenstown.

⁵¹⁵ Submission 383, opposed by FS1274

⁵¹⁶ V Jones, Section 42A Report, Appendix 1 at p12-19.

⁵¹⁷ Submission 417, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248 and FS1249

⁵¹⁸ Submission 398, opposed by FS1274

641. In relation to the two Precinct 1 sites, MSP sought that those sites also be subject to the rules which imposed a maximum height based on specified reduced levels or RLs rather than simply allowing 12 m above ground level.
642. For 30 Man Street, at the western end within Precinct 1, MSP sought height controls alternative to those notified.
643. On the eastern end of Precinct 7, within the Language School site, Maximum Mojo Holdings Limited⁵¹⁹ sought that the building height limit for that site (10 Man Street) be the same as the height limit for Precinct 7.
- Ms Jones' Section 42A Report*
644. Ms Jones advised she relied on the submission of Mr Cowie⁵²⁰ to provide scope to recommend the amended heights, which may be higher than those achievable under the ODP or the PDP on some parts of the Man Street Block.⁵²¹ She also relied on the NZIA submission⁵²² to provide extra height in some areas of the Man Street car park site in lieu of lowering it on the view shafts and other parts so they could serve as open space and potentially as linkages through the site.⁵²³ We note that we return to scope later.
645. Mr Cowie⁵²⁴ sought that all areas should have significantly higher property heights, especially towards the centre of Queenstown, and far greater density with buildings of 4 to 5 storeys as the norm with hotels being higher.
646. NZIA⁵²⁵ sought relief under the zone wide height rules and suggested that there could be incentives within the rules such as an additional height in exchange for linkages offered in desired areas.
647. Ms Jones pointed out⁵²⁶, and we agree with her, that enabling buildings on the Man Street Block to extend up to heights of 14 m above original ground level, including on relatively elevated rear parts of their sites, without corresponding horizontal plane rules, would result in adverse effects on views, visual amenity, mass and bulk. Doing so would also impact on the overall quality of the resultant architectural and urban design outcomes particularly in relation to the Shotover Street frontage.
648. To address the site issues identified above, Ms Jones requested Mr Church to assess a redraft of the notified Rule 12.5.10.4 using modelled outcomes to assist in understanding the effects of those drafted rules on the matters referred to in the immediate preceding paragraphs.⁵²⁷ The modelled outcome of these rules was detailed in Appendix A of Mr Church's evidence.

⁵¹⁹ Submission 548, supported/opposed by FS1117

⁵²⁰ Submission 20

⁵²¹ V Jones, Section 42A Report at [10.82].

⁵²² Submission 238

⁵²³ V Jones, Section 42A Report at [10.82].

⁵²⁴ Submission 20.

⁵²⁵ Submission 238

⁵²⁶ V Jones, Section 42A Report at [10.83].

⁵²⁷ T Church, EiC at [12.8]

649. In Ms Jones' view, while the redrafts were worded differently to those suggested by MSP⁵²⁸, the outcome was not dissimilar to the relief sought, and in Ms Jones' opinion, was the appropriate way of addressing the submitter's key issues as well as achieving the objectives of the PDP.⁵²⁹
650. Ms Jones⁵³⁰ explained the outcome of the different height rules as they applied to labelled areas of Precinct 7 (Areas A, B, C and D) and Precinct 1. Ms Jones included a plan illustrating these areas in her Section 42A Report.⁵³¹ She recommended the plan set out in her Section 42A Report be included within Rule 12.5.10 so as to aid clarity.⁵³² We agree that showing the height areas would aid understanding the Rule.
651. For Precinct 7 Area A, being east of the central view shaft labelled D, buildings could extend to 11m above the known height of the concrete slab, in Area B to the west of the central view shaft labelled D, buildings could be 14m above the concrete slab. Ms Jones recommended Area D, the view shaft, be moved further west as sought by MSP for the reasons set out in that submission. We discuss this point further below. Ms Jones recommended that Area C, which is the eastern view shaft, have no buildings within it. For, Area D, which is the central view shaft, she recommended a maximum 3m building height.
652. This outcome, she said, would provide for two discrete building forms to be constructed of varying levels separated by view shafts/open plazas of approximately 12 m and 16 m width on this northern part of the site.⁵³³
653. In Ms Jones' opinion, this outcome would prevent a long horizontal built form stretching across this highly visible site and enable an extra floor of development in the western block⁵³⁴. This would result, she said, in more consistency with surrounding properties while still providing for three floors with uninterrupted views to the south.⁵³⁵ Also, it would provide for a better streetscape along Man Street, with the buildings on the eastern block extending between approximately 7.5 m and 11 m above street level.
654. By comparison, Ms Jones pointed out that the notified PDP rules would result in the building at the western end of the site protruding between 4.5 m and 9 m above the street, which she considered would appear something of an anomaly.⁵³⁶
655. We acknowledge that evidence⁵³⁷ promoted a different approach, proposing to remove the view shafts and, instead, promoting a comprehensive development plan rule. This evidence raised scope issues which we address subsequently. We also note the issue of the view shafts was canvassed fully in Ms Jones' Reply Statement after consideration of the submitter evidence. We will return to the matter of the view shafts subsequently.

528 Submission 398

529 V Jones, Section 42A Report at [10.83].

530 Ibid at [10.86].

531 Ibid at p43.

532 Ibid at [10.84].

533 Ibid at [10.86].

534 Ibid at [10.86(b)].

535 Ibid.

536 V Jones, Section 42A Report at [10.86(b)].

537 J Edmonds, EIC.

656. As to a height within the balance area of Precinct 7, being the southern area fronting Shotover Street, Ms Jones recommended adding a new rule and a height map which effectively was a redraft of notified Rule 12.5.10.4.⁵³⁸ She labelled these southern areas of the site fronting Shotover Street as Area E and Area F.
657. The redraft would enable buildings to extend to 12 m above (rolling) ground level. Also, it would require that within Area E, they be no more than 17 m above the level of Shotover Street adjacent to the respective site. In addition, buildings in Area F would be no more than 14 m above the level of Shotover Street adjacent to the respective site. Finally, the redraft would require buildings to comply with a 45° recession plane commencing at 10 m, which is a similar control to that within Precinct 4. She also recommended Precinct 7 be slightly expanded. She set out in detail in her report the beneficial outcomes of this redraft as she saw them⁵³⁹.
658. This recommendation was challenged in submitter evidence and subsequently addressed by Ms Jones in two memoranda we received dated 8 and 18 November 2016 and in her Reply Statement. We address this matter further below.
659. Finally, in terms of the remaining sites to the east and west of the Man Street car park, Ms Jones' recommendation⁵⁴⁰ was to retain them within Precinct 1, enabling buildings to be built to 12 m or potentially 14 m in height, as a restricted discretionary activity.
660. Ms Jones acknowledged these were higher than the heights allowed on the car park site. She did not consider those heights would be significantly inconsistent with the carpark heights or those enabled on the opposite side of Man Street under the ODP as amended by Plan Change 50.⁵⁴¹
661. Ms Jones undertook a Section 32AA assessment of her recommended redraft to notified Rule 12.5.10, which we have carefully considered. The southern part of the site, fronting Shotover Street, was also the subject of challenge and submitter evidence. The issues were the appropriate maximum height level allowed in front of the Man Street car park site, including the horizontal plane level, and the use of the district wide rolling plane height. Finally, whether or not there should be a discretionary height allowance between 12 m and 14 m as per Precinct 1.

Changes in the Officer Recommendations

662. We observe here that as the hearing advanced, Ms Jones and Mr Church re-evaluated what they considered to be the appropriate rule response to this challenging site. While, within the Section 42A Report and expert evidence presented at the commencement of the hearings, we received recommendations as to the rules, these recommendations were altered and modified as further modelling was undertaken as a consequence of some oversights in the original modelling. Also some mapping errors were addressed.
663. Before touching on the relevant submitter evidence we record two memoranda were issued by the Council. The first, which we earlier referred to, was dated 8 November 2016. The purpose of this memorandum was to provide the Panel and submitters with updated versions of the height map that replaced those provided in the recommended Chapter 12 in Appendix

⁵³⁸ V Jones, Section 42A Report at [10.87].

⁵³⁹ Ibid at [10.87(a)-(g)].

⁵⁴⁰ Ibid at [10.88].

⁵⁴¹ V Jones, Section 42A Report at [10.88]

1 of the Section 42A Report. This version of the height precinct map showed Precinct 7 as extending down to the southern part of the site, to include the majority of the Man/Hay/Shotover/Brecon Street block within Precinct 7.

664. The second memoranda was dated 18 November 2016 and this provided us with:
- a. updated versions of Figures 2, 11 and 20 in Appendix A to the statement of evidence of Mr Church; and
 - b. updated recommendations to the Queenstown Town Centre chapter in Appendix 1 of the Section 42A Report for Chapter 12.
665. This information was provided prior to the hearing to “allow submitters an opportunity to consider the updated figures and recommendations in advance of the hearing”.⁵⁴²
666. This memorandum made it clear that Ms Jones supported Mr Church’s updated Figure 20⁵⁴³ and the updated version of re-drafted Rule 12.5.10.4 as included in Appendix 2 to that memorandum. It was explained to us that, when using the Council’s shading model to undertake further assessments, both Ms Jones and Mr Church became aware that, with respect to Precinct 7, the model did not accurately represent all of the recommended rules.⁵⁴⁴
667. In particular, the original Figure 20 did not accurately reflect the fact that redraft rules 12.5.10.4 (e) and 12.5.10.4 (f) required the buildings to be no more than 12 m above ground level. In the case of areas E and F, that meant 12 m was a rolling height plane relative to the sloping ground level rather than a flat horizontal plane as was originally modelled.⁵⁴⁵ This was rectified in Mr Church’s updated Figure 20.
668. Further changes resulting from a review of the model resulted in Ms Jones updating her recommendations. In particular, Ms Jones considered it unnecessary from a shading perspective, or for any other reason, to impose a recession plane height on Precinct 7, particularly for the southern part.⁵⁴⁶ It was apparent on review of the model that removing the recession plane rule did not result in any greater shading of the opposite side of Shotover Street than resulted with the recession plane. This effectively reversed her recommendation contained within the Section 42A Report⁵⁴⁷.
669. Consequently, Ms Jones recommended further amending Rule 12.5.10.4 in order to enable a 12 m building height at the Shotover Street boundary. This provided for the same building height at the street facade as would be enabled under notified Rule 12.5.9, being 12m as permitted, 12m-14m as restricted discretionary, and above 14m as non-complying. It was pointed out to us⁵⁴⁸ that no submitter specifically sought the reintroduction of the recession plane rule but rather the general submission by Mr Boyle⁵⁴⁹ was being relied on to recommend this change.
670. Finally, upon further investigation of the reduced levels (RLs) along the Shotover Street frontage of Precinct 7, Ms Jones advised that the levels vary across the block to a greater

⁵⁴² Memorandum of Counsel on behalf of QLDC dated 18 November 2016 at [2]

⁵⁴³ Figure 20 illustrates an indicative height envelope of the Man Street block.

⁵⁴⁴ Memorandum of Counsel on behalf of QLDC dated 18 November 2016 at [6]

⁵⁴⁵ Ibid.

⁵⁴⁶ Ibid at [7a], V Jones, Reply Statement at [6.10].

⁵⁴⁷ V Jones, Section 42A Report at [10.87].

⁵⁴⁸ Ibid at [10.54].

⁵⁴⁹ Submission 417, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248 and FS1249

extent than first thought.⁵⁵⁰ The result was that the built outcome enabled by redraft rules 12.5.10.4 (e) and 12.5.10.4 (f) would be reasonably uncertain.

671. Ms Jones recommended that those rules be further amended so as to ensure that the buildings would not protrude above the car park level slab in Area F, and protrude no more than 3 m in area E.⁵⁵¹
672. The diagrams attached to the 18 November 2016 memoranda provided us with a model view of the Section 42A Report recommended PDP height precincts. This was identified as Figure 2. Figure 11 provided us with a photograph showing the existing circumstances for Shotover Street in terms of street shading. That photograph was accompanied by a diagram which showed the ODP 12 m/45° height recession plane modelled at 11 August 2017 at 12:30 PM, compared with the PDP recommended 12 m height again modelled at the same time. A comparison of the two modelled results showed very little difference.
673. Mr Church's updated Figure 20 provided us with a model of the recommended Precinct 7 height controls from both a south east view and a north west view. Figure 21 related to the Man Street view shafts. The first figure was a photograph of the existing Man Street car park alongside which were human figures illustrating the recommended eastern view shaft and recommended western view shaft. We found these figures to be very helpful in both understanding perspective and evaluating the options.
674. Ms Jones confirmed at the hearing on 25 November her support for the amendments conveyed to us in both memoranda.⁵⁵²

Submitter Evidence

675. Mr Ben Farrell, a planning consultant, appeared for Well Smart Investments Limited⁵⁵³. The submitter has property interests in numbers 51 to 67 Shotover Street, within Area E of the diagram utilised by Ms Jones for notified height standard 12.5.10.4.
676. His evidence recorded many areas of agreement with Ms Jones' Section 42A Report.⁵⁵⁴
677. He disagreed with her recommendations as to height, opining that the permitted height standard should increase from 12 m to 15m, that the activity status for breaching the 10 m +45° height recession plane standard should change from non-complying to discretionary and the proposed 17 m height restriction above Shotover Street should be deleted. Mr Farrell outlined his rationale for this opinion as:⁵⁵⁵
- a. The Sofitel Hotel, Crown Plaza Hotel and Hamilton Building all exceed 17m above the height of Shotover Street;
 - b. Sites within area E, in his view, could absorb additional building height without creating significant adverse effects;
 - c. There should be a level of certainty as to the height of buildings that could be constructed without the need for public notification; and
 - d. There were no special or unique characteristics associated with the frontage of Shotover Street to justify discouraging building heights above 12m.

⁵⁵⁰ Memorandum of Counsel on behalf of QLDC dated 18 November 2016 at [7c].

⁵⁵¹ Ibid.

⁵⁵² V Jones, Summary of Evidence at [4].

⁵⁵³ Submission 308

⁵⁵⁴ Mr Farrell, EiC at [7].

⁵⁵⁵ *ibid* at [11].

678. Mr Williams, providing planning evidence for MSP⁵⁵⁶, agreed that retaining a specific set of height controls for the Man Street Block was the most efficient and effective way to provide certainty to landowners and the building form outcomes given the challenges around understanding of the original ground levels for this block.⁵⁵⁷

679. However, he considered that additional height on the southern side of Man Street over and above that recommended by Ms Jones should be provided.⁵⁵⁸ He was also of the view that because of the interrelationship between development on Man Street and properties fronting Shotover Street, they should be considered together given the influence the development on Shotover Street would have on the building form outcomes and views from development on Man Street.⁵⁵⁹

Ms Jones Reply - Southern Part of Man Street Block/Areas E and F

680. We do note Ms Jones was clearly alive to the need to address the interrelationship between the two parts of the site but she was of the view, as expressed in her Reply Statement, which we agree with, that the matter of views from Man Street should not trump good urban design outcomes for the entire site particularly the Shotover Street frontage.⁵⁶⁰

681. In her Reply⁵⁶¹, Ms Jones responded to Mr Farrell's evidence and questions, by recommending that Areas E and F (as shown in notified Figure 2) be removed from Precinct 7 and replaced with Precinct 1, and consequential changes be made to Rules 12.5.10.4 and 12.5.10.1. These consequential changes included adding a rule to 12.5.10.1 that no building exceed a horizontal plane at 271.1/ 330.1 masl. The recommended rules in Appendix 1 to her Reply Statement would have the effect of providing the restricted discretionary activity status to buildings between 12 and 14m above ground level as in the rest of Precinct 1, while ensuring that anything above either 14m above ground level or 271/ 330 masl respectively would be non-complying. She considered this to be more efficient and effective than redraft Rules 12.5.10.4(e) and 12.5.10.4(f) that applied to this area in the version attached to the Section 42A Report.

682. Ms Jones explained that including the 330 masl building height, as opposed by MSP⁵⁶², would be very similar to that which existed in the ODP and that which was determined through a mediated agreement of all affected parties during the resolution of appeals on submissions to the ODP.⁵⁶³

683. Ms Jones also pointed out that Mr Farrell agreed it was not unreasonably difficult to determine ground level and, from that, the permitted height for Areas E and F.⁵⁶⁴ She also observed that the rule she promoted resulted in an outcome that was relatively consistent with the approach taken for the Ballarat Street car park site, namely notified Rule 12.5.10.1.⁵⁶⁵

⁵⁵⁶ Submission 398

⁵⁵⁷ T Williams, EIC at [17].

⁵⁵⁸ Ibid at [19].

⁵⁵⁹ Ibid at [18].

⁵⁶⁰ V Jones, Reply Statement at [6.12a].

⁵⁶¹ V Jones, Reply Statement at [6.10] page 11.

⁵⁶² Submitter 398

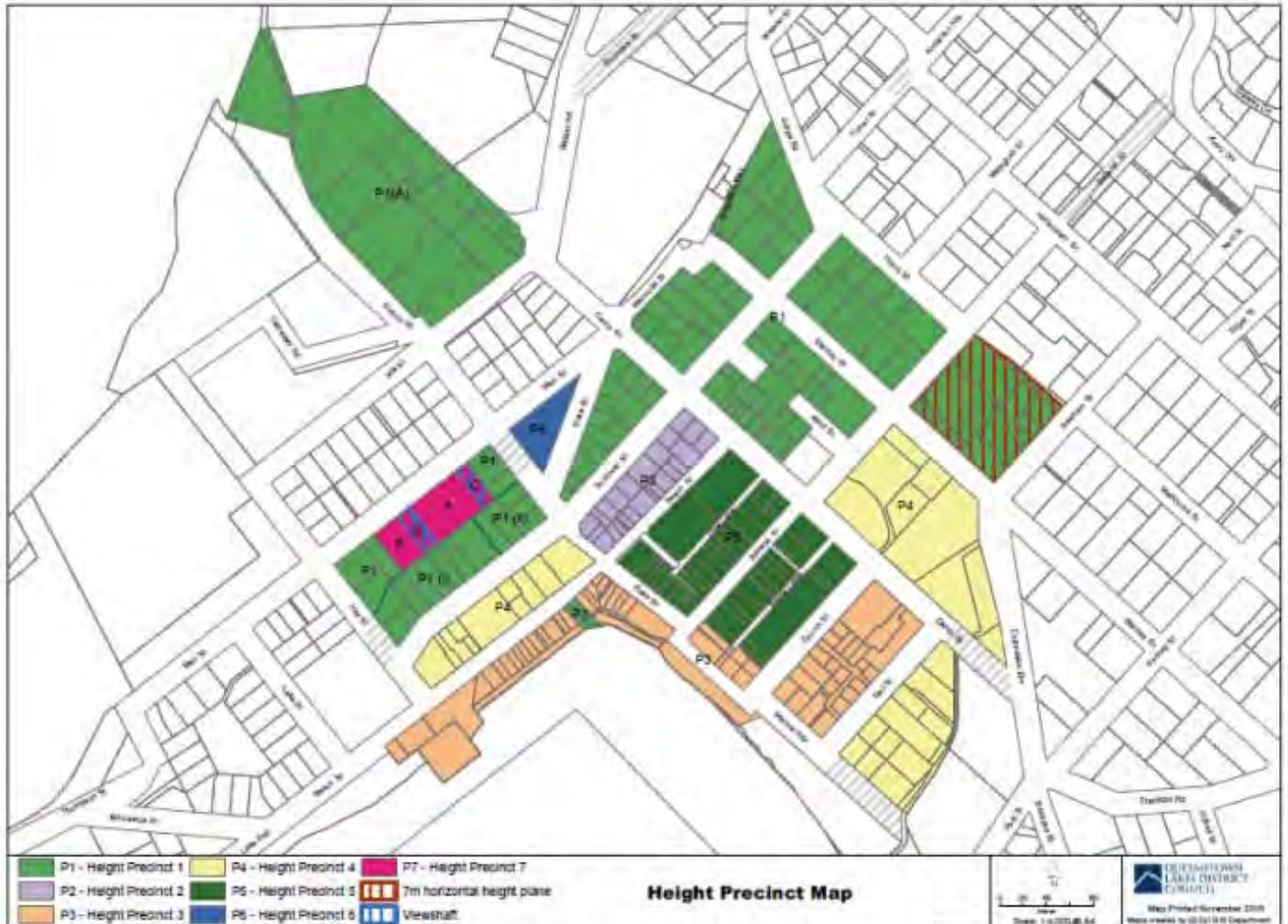
⁵⁶³ V Jones, Reply Statement at [6.12a].

⁵⁶⁴ Ibid at [6.12b].

⁵⁶⁵ Ibid at [6.12c].

Reply Figure 2

684. Included in Ms Jones' Reply Statement was her final recommended Figure 2 (Reply Figure 2). We include this below in order to aid in understanding the recommendations that follow. Reply Figure 2 is also included in our recommended Chapter 12 set out in Appendix 1.



Recommendation on Southern Parts of the Man Street Block/Areas E and F

685. Having carefully considered the evidence of Mr Farrell, the opinions of Mr Church, and in particular Mr Church's amended Figure 20⁵⁶⁶, and the reasons advanced by Ms Jones, particularly within her Reply evidence to support her amendments to the rules relating to areas E and F, we agree with her reasoning and accept the opinions of Mr Church.
686. We have paid careful attention to Ms Jones' Section 32AA evaluation which set out the costs and benefits of adopting her recommended amendments in relation to adopting Precinct 1 rules with sub-set precincts P (i) and P (ii) providing for horizontal plane requirements. These requirements were included in re-drafted rule 12.5.10.1 d. We also agree with her assessment under Section 32AA.
687. Our recommendation relating to the Southern Parts of the Man Street Block/ Areas E and F is that the Council accept the recommended rules as redrafted by Ms Jones, including removing areas E and F from Height Precinct 7 and placing them within Precinct 1 with a permitted

⁵⁶⁶ Included in Appendix 2 of the Council's Memorandum dated 18 November 2016.

building height at 12m, 12m -14m being restricted discretionary and above 14m being non-complying.

688. We also recommend the inclusion of horizontal plane requirements, with breach of them being a non-complying activity.

Ms Jones' Reply Man Street Car Park Portion

689. As to building heights for the Man Street car park, after considering Mr Todd's legal submissions and Mr Williams's evidence, Ms Jones remained of the view that her recommendations in relation to height on the Man Street car park should remain as recommended in her Section 42A Report⁵⁶⁷.

690. Ms Jones' Section 32AA report reflected this position. Her recommended amendments were, we considered, non-substantive as they updated the reference within the rule to Reply Figure 2. The remaining recommendation was to include the RL reference. We recommend both amendments be adopted.

691. We agree with Ms Jones' reasoning for her recommended changes⁵⁶⁸ and adopt it as supporting our recommendation that the wording of renumbered Rule 12.5.9.4, relating to the height of the Man Street carpark in Precinct 7, be as we have as set out in Appendix 1.

Ms Jones Reply on the View Shafts

692. The remaining issue with the Man Street car park related to the view shafts. MSP⁵⁶⁹ supported the notified height rules and sought that the position of the view shafts and figure to be confirmed to ensure the western view shaft was located to align with Section 26 Block IX Town of Queenstown. However, the legal submissions and evidence presented at the hearing promoted a different approach, seeking to remove the view shafts and support a comprehensive development rule.

693. Ms Scott⁵⁷⁰ submitted that MSP's submission did not seek removal of the second (Western) view shaft and accordingly there was no scope to do so. Ms Scott also pointed out that there were no other submitters who had sought removal of the second view shaft. We agree. Therefore, both Mr Todd's legal submissions and the evidence presented by Mr Williams in regard to the second view shaft was beyond scope and requires no consideration by us.

694. We record that Ms Jones, after considering the legal submissions from Mr Todd and the evidence of Mr Williams, advised us that her opinion on the view shafts remained unchanged. Accordingly, she maintained, it was appropriate to show both the view shafts on Reply Figure 2, as well as applying the zone wide coverage and comprehensive development rule to the site.⁵⁷¹

695. Within her Reply Statement, Ms Jones also identified the possible consequences if the key western view shaft were not identified on a planning map to compliment Rule 12.5.1 and to provide greater certainty.⁵⁷²

⁵⁶⁷ At paragraph 10.86.

⁵⁶⁸ *ibid*

⁵⁶⁹ Submission 398.

⁵⁷⁰ Submissions in Reply of Ms Scott at [5.6].

⁵⁷¹ V Jones, Reply Statement at [6.14].

⁵⁷² *Ibid* at [6.15].

Our Recommendation on View Shafts

696. We agree with Ms Jones and accept that, on this relatively large site, both view shafts serve numerous purposes and are a very important determinant of the eventual built form, effectively breaking up the site into discrete component parts, which we consider advantageous.
697. For these reasons, and the reasons Ms Jones advanced, including her Section 32AA evaluation, and for the reasons advanced by Mr Church in his evidence⁵⁷³, we recommend the adoption of Rule 12.5.9.4 as set out in Appendix 1.
698. The final issue with the view shafts related to queries we raised during the hearing about whether the view shafts should be movable or their shape able to be altered. Ms Jones was of the view that she did not consider this to be necessary as the eastern view shaft was set, and she reminded us that there were limited alternate locations for the western view shaft. Overall, she preferred fixing their position on Reply Figure 2.
699. Ms Jones did, however, reconsider the recommended location of the western view shaft (Area D), which she had moved to the location specifically sought in MSP's submission⁵⁷⁴. After taking into account Mr Williams's evidence, she recommended⁵⁷⁵ that the western view shaft be repositioned approximately 13 m to the west to avoid the lean to roof form that Mr Williams referred to in paragraph 11 of his evidence summary.
700. The consequence of this was that recommended Area B was reduced in size and, due to the rising level of Man Street, the height enabled in the view shaft could be raised by 0.5 m without impeding on views from the street. This has the added benefit of enabling more design flexibility for the first floor beneath.
701. We agree with the evidence of Mr Williams and Ms Jones on this point and accept Ms Jones' reasoning for the change in the location of the western view shaft. We recommend adoption of this change as shown on Reply Figure 2.

The Language School

702. The last issue to address is the Language School building heights. The first matter to address is one of jurisdiction. Mr Goldsmith presented legal submissions on behalf of John Thompson and MacFarlane Investments Ltd⁵⁷⁶ (John Thompson). As a general matter, he expressed concern that the height rules in his view repeated earlier mistakes and that they referred to a range of differing measurement criteria.⁵⁷⁷
703. Mr Goldsmith contended that the process by which Council had identified jurisdiction to increase height limits within the Man Street block was questionable and could present a *vires* issue.⁵⁷⁸ After setting out a range of Court authorities he submitted that for submitters to be put on notice of the issues sought to be raised, a submission must sufficiently identify issues with due particularity including the relief sought.⁵⁷⁹

⁵⁷³ particularly at paragraph 12.12

⁵⁷⁴ Submission 398

⁵⁷⁵ V Jones, Reply Statement at [6.19].

⁵⁷⁶ Further Submission 1274

⁵⁷⁷ Amended Legal Submissions of Mr Goldsmith at [10].

⁵⁷⁸ Legal Submissions of Mr Goldsmith at [11].

⁵⁷⁹ Ibid at [12-15, particularly 13].

704. He noted the Council relied upon the Cowie submission⁵⁸⁰ for jurisdiction to increase heights on the Man Street Block. He identified for us that part of the Cowie submission that he considered related to a request for relief relating to height. He submitted that the relief sought by Cowie could provide jurisdiction to increase height limits anywhere in the district by an unspecified amount. He then queried whether or not the relief sought met the relevant tests within the case law he referred us to. It was his submission that it was questionable whether Mr Cowie's submission could be relied upon as fairly and reasonably putting submitters on notice of this potential change to increase height.
705. In his Reply, Ms Scott referred directly to Mr Goldsmith's legal submissions.⁵⁸¹ We here observe that Mr Goldsmith filed these submissions on behalf of the submitter before the hearing in accordance with our Procedural Minute. He then subsequently replaced them with amended submissions at the hearing on 1 December 2016. We took from this that the earlier submissions in which this jurisdictional issue was raised had been formally replaced.
706. Like Ms Scott, we have assumed the question of whether Mr Cowie's submission provides scope for increased height limits in the QTC was not being pursued given those submissions were replaced. However, Ms Scott addressed this issue of jurisdiction in her Reply.
707. Essentially, Ms Scott pointed to the fact that the legal submissions of Mr Todd for MSP disclosed that both MSP and NZIA had made further submissions to the Cowie submission on the very matter of increased height within the QTC.⁵⁸² Ms Scott submitted, and we agree with her, that the existence of further submitters to Mr Cowie submission strongly supports the proposition that the matter of increased height limits in the QTC was a reasonably foreseeable outcome of Mr Cowie's submission.⁵⁸³
708. We agree and accept Council has jurisdiction to increase in height for the Man Street Block.
709. In her reply, Ms Jones accepted some of Mr Goldsmith's suggestions such as consistent use of the term RL throughout the rules and a removal of all references to the Otago datum level in brackets.⁵⁸⁴ These amendments have been included within our recommended rules.
710. Mr John Edmonds, on behalf of John Thompson⁵⁸⁵, presented his opinion on the appropriate approaches to height limits for the Language School site in pre-lodged evidence filed before the hearing. His evidence responded to Ms Jones' Section 42A Report and the pre-circulated urban design evidence of Mr Church. His evidence related to the properties located at 10 Man Street, 14 Brecon Street and 10 Brecon Street, collectively referred to as the "*Language School*."
711. Mr Edmonds raised several issues relating to the Language School. He was concerned about the practicality of using a sloping height limit on the Language School site.⁵⁸⁶ He had concerns relating to the uncertainty of the original ground level which would be the basis of the height limit applicable to the Language School site.⁵⁸⁷ Mr Edmonds considered that there would be

⁵⁸⁰ Submission 20

⁵⁸¹ Submissions in Reply of Ms Scott at [5.1].

⁵⁸² Ibid at [5.2].

⁵⁸³ Ibid.

⁵⁸⁴ V Jones, Reply Statement at [2.3].

⁵⁸⁵ J Edmonds, EiC

⁵⁸⁶ Ibid at [10].

⁵⁸⁷ Ibid at [11].

significant urban design issues in relation to both Brecon Street and the Man Street frontage.⁵⁸⁸ Finally, he was concerned about the very real potential for conflict arising from a contested consent application.⁵⁸⁹

712. Mr Edmonds evidence set out in a proposed alternative approach for the Language School site to address the issues he had identified. He contended his proposed alternative provided a more appropriate method for implementing Objectives 12.2.2 and accorded with Policies 12.2.2.2 and 12.2.2.3.
713. Essentially his alternative approach was that the recommended maximum height limit applicable to the Language School site change from a sloping height limit above original ground level to a flat plane height limit being a specified RL or a masl level.⁵⁹⁰
714. Mr Edmonds contended adopting this approach to determining a height limit for the Language School would be more logical and rational particularly having regard to the context of having the Sofitel Hotel with its height to the north-east and the car park to the south-west.⁵⁹¹
715. Additionally Mr Edmonds requested that area P1 in redraft Rule 10.5.10.4 be changed to Area G. He also considered that an additional sub clause be added to Rule 10.5.10.4 specifying the maximum height in Area G. In his view, the height in this Area G should be determined by Rule 12.5.10.4 rather than Rule 12.5.10.1.
716. Mr Edmonds considered that his suggested approach generally aligned with the relief sought by MSP, except with regard to the RL for the carpark building.⁵⁹²
717. Mr Williams, on behalf of MSP⁵⁹³, in his pre-circulated evidence addressed the Man/Hay/Shotover/Brecon Street block controls. He addressed these controls further in his evidence summary presented at the hearing. He detailed the agreed position between submitters MSP and Mr Thompson.⁵⁹⁴ He set out his opinion supporting, but with some exceptions, the approach recommended in the Council Memorandum dated 18 November.
718. The main exceptions were the cut of plane should avoid buildings above the Man Street Car Park Podium 327.1masl.⁵⁹⁵ Also he still preferred the use of a height cut of plane and recession plane to manage the built form in relation to Shotover Street because of uncertainty around determining ground levels.⁵⁹⁶
719. Ms Jones⁵⁹⁷, with the assistance of Mr Church, assessed this evidence and the alternate proposed approaches contained within it. She noted that there were three sites which comprise the Language School site and the site appeared to be in two separate ownerships, neither of whom had submitted on the height rules in the PDP.⁵⁹⁸ The only submission on the

⁵⁸⁸ Ibid at [13].

⁵⁸⁹ Ibid at [14].

⁵⁹⁰ Ibid at [15a].

⁵⁹¹ Ibid at [19c].

⁵⁹² Ibid at [15a].

⁵⁹³ Submission 398

⁵⁹⁴ T Williams, Summary of Evidence at [2] and Appendix A.

⁵⁹⁵ Ibid at [6].

⁵⁹⁶ Ibid at [10].

⁵⁹⁷ V Jones, Reply Statement at [6.20 to 6.31]

⁵⁹⁸ Ibid at [6.22].

height of the Language School site she identified for us was from Maximum Mojo Holdings limited⁵⁹⁹. The relief sought in that submission was that the height on 10 Man Street be amended to be the same as on the Man Street car park site.

720. When considering Mr Williams and Mr Edmonds' evidence, Ms Jones' conclusions were that it was likely that less development would be enabled on the Language School site under Mr Williams and Mr Edmonds' suggestions, than under the PDP rules.⁶⁰⁰
721. It was her view that following Mr Williams' and Mr Edmonds' rules, the site would have significantly lesser views of the lake due to the level plane allowed over the three lots⁶⁰¹, and the site would be likely to need to be excavated below the Man Street level to achieve a well-designed two storey development along Man Street.⁶⁰²
722. Turning to considering which rules would best achieve an acceptable outcome on Man Street and the Brecon Street steps, Ms Jones was of the view that it was not a sound assumption that the PDP provisions would result in a 14m high building on the street frontage of the Language School site⁶⁰³. She noted that, in any event, Rule 12.5.9 included discretion over urban form and specifically in relation to whether the building would respond sensitively to different heights on adjacent sites and the effect on amenity of the street.⁶⁰⁴
723. In respect of the Man Street landscape, Ms Jones did not consider that, given the Language School site was a stand-alone site with view shafts either side, consistency in height with the adjacent buildings, such as the Man Street car park, when viewed from on the street, to be the most critical issue.⁶⁰⁵ Rather, she considered the rule should enable quality building design and quality relationship between the Language School site and Man Street.⁶⁰⁶
724. Ms Jones considered the 7 m height limit on Man Street proposed by Mr Williams and Mr Edmonds to be too low, particularly in the context of the development enabled on the Man Street car park block and on the opposite side of the road enabled to by Plan Change 50.⁶⁰⁷ She agreed that a high building on the Language School site would be likely to be similar in effect to the Sofitel Hotel.⁶⁰⁸ However, she considered that the western end of the hotel was something of an anomaly and should not, in her view, lead future built form along this street edge.⁶⁰⁹
725. In terms of effects on the Brecon Street steps, Ms Jones noted that the Sofitel Hotel stepped down three times from Man Street to the narrow corner with Duke Street. She referred to this as an example of the sort of built form that can be achieved through a rule that applied a rolling height plane coupled with a horizontal high plane.⁶¹⁰ In her view it was important that

⁵⁹⁹ Submission 548. This submitter owned 19 Man St and sought that height on 10 Man Street be amended to be the same as on the carpark site.

⁶⁰⁰ V Jones, Reply Statement at [6.24].

⁶⁰¹ 10 Man, 10 Brecon and 14 Brecon Streets.

⁶⁰² V Jones, Reply Statement at [6.24].

⁶⁰³ Ibid at [6.25(a)]

⁶⁰⁴ Ibid at [6.25a].

⁶⁰⁵ Ibid at [6.25b].

⁶⁰⁶ Ibid.

⁶⁰⁷ Ibid at [6.25c].

⁶⁰⁸ Ibid.

⁶⁰⁹ Ibid.

⁶¹⁰ Ibid at [6.25d].

both sides of the Brecon Street steps bear some relationship to one another.⁶¹¹ Stepping the built form down the Brecon Street steps would result, she thought, in an appropriate outcome.⁶¹²

726. Ms Jones' primary concern with the rules proposed by Mr Edmonds and Mr Williams was that the allowed height above Brecon Street at the mid-block would be some 21.55 m above the street level.⁶¹³ She considered that to be too high, and that it would potentially create adverse visual dominance effects over Brecon Street.⁶¹⁴ She pointed out that such an outcome did not correspond with the step in the Sofitel Hotel built form, and provided some graphics to illustrate that point⁶¹⁵. Overall, it was Ms Jones' opinion that a consistent height plane across all three properties fronting Brecon Street as supported by Mr Edmonds and Mr Williams, would result in a building that was too low on Man Street to contribute positively to the streetscape.⁶¹⁶ Also it would be an inefficient use of 10 Man Street and would potentially be visually dominating on Brecon Street. She did not support such an approach.

727. We note that having conferred with Mr Church, Ms Jones confirmed the view that the application of Precinct 1 to the Language School site and sloping height plane rules for the site was appropriate.

728. Ms Jones did propose the option of a lower height plane over the two uppermost sites, 10 Man Street and 14 Brecon Street, to 335.1 masl, although this was not her preference.⁶¹⁷ This would provide, she said, a consistent 3 m step between each building height limit and to some extent would match the hotel on the opposite side of Brecon Street.⁶¹⁸ However, she considered 8 m would restrict the building height to two low stories which was not the most appropriate outcome.⁶¹⁹

Our Recommendations on 30 Man Street

729. Submitter evidence challenged Ms Jones' recommendation in relation to the appropriate heights for the Language School site, but as we understood the evidence, there was no challenge in relation to 30 Man Street. We agree with and adopt Ms Jones' recommendations in regard to 30 Man Street.

Our Recommendations on the Language School Site

730. Overall, having considered the various options presented to us by Mr Williams, Mr Edmonds and Ms Jones, we have concluded that applying the Precinct 1 height rules to this site and the adjoining two on Brecon Street would provide the most appropriate outcome. While the graphics included in Ms Jones' Reply Statement show the potential for a building on 10 Man Street to loom over any building on the adjoining 14 Brecon Street, we consider the stepped height regime of permitted, restricted discretionary and non-complying would enable a satisfactory urban design outcome along this portion of Brecon Street. Finally, we see no reason to limit the development potential of 10 Man Street solely to protect private views from another commercial property.

⁶¹¹ ibid at [6.25d].

⁶¹² ibid.

⁶¹³ ibid at [6.26].

⁶¹⁴ ibid.

⁶¹⁵ ibid at p17-18.

⁶¹⁶ ibid at [6.28].

⁶¹⁷ ibid at [6.29].

⁶¹⁸ ibid.

⁶¹⁹ ibid.

731. For these reasons, and for the reasons advanced by Ms Jones, we recommend that the relevant rule version we have set out below be adopted.

Recommended wording of rule 12.5.9 and 12.5.10

732. It is clear that height in the QTCZ is a key issue. These rules attracted many submissions and further submissions and much analysis in particular by Ms Jones and Mr Church.

733. We wish to thank Ms Jones and Mr Church for their input and analysis which enabled us to determine the rule wording which we consider achieves the objectives and policies and ultimately supports the zone purpose as set out earlier in this decision.

734. We recommend these rules be renumbered as Rule 12.58 and Rule 12.5.9, and be adopted with the wording set out in Appendix 1. This wording incorporates necessary consequential changes resulting from the revisions we have discussed above. We also recommend including as Figure 2 the Height Precinct Plan shown as Reply Figure 2 above.

7.17. Rule 12.5.11 Noise

735. As notified, this rule set out the standards for activities in the QTCZ regarding noise. In the PDP, the noise limits were increased slightly throughout the QTC (other than in the TCTZ). The noise rules included a newly identified TCEP where a higher level of noise was allowed in order to encourage noisier venues to locate in the most central part of town, where they would have the least effect on residential zones (within which acoustic insulation is not required).

736. The issues raised by submitters relating to noise focused on:

- a. the appropriateness of the noise levels particularly the more enabling limits relating to music, voices and loud speakers and if those new limits applied to the TCTZ;
- b. establishing the Town Centre Entertainment Precinct and its possible expansion;
- c. determining if the noise limits applied to commercial motorised water based craft was a further issue.

Town Centre Entertainment Precinct (TCEP)

737. Turning first to the issue of whether the TCEP should be established and, if so, expanded.

738. Various submitters⁶²⁰ opposed both the TCEP concept and its rules, requesting it be deleted and the whole of the QTC be subject to lower noise standards. Imperium Group⁶²¹ specifically requested that all consequential amendments necessary be made to remove the TCEP from the chapter.

739. The PDP introduced changes to noise limits resulting in a range of submitters⁶²² requesting that noise limits be lowered through the town centre. They requested the reinstatement of the ODP rules or the deletion of the exclusion of sound from the sources specified in notified Rules 12.5.11.3, 12.5.11.4, 12.5.11.1 and 12.5.11.2. Consequently, the second key issue was the appropriateness of the noise limits within the proposed rules.

740. Submitters opposing the proposed noise rules contended that raising the limits would increase adverse effects on residents and visitors staying in and around the town centre, users of the gardens and detract from amenity values generally.

⁶²⁰ Submissions 599, 151 and FS1318), 654 (supported by FS1043 and FS1063)

⁶²¹ Submission 151.

⁶²² Submissions 151, 503, 506, 654, 302, 474 and 217

741. Conversely a number of submitters⁶²³ either supported the proposed noise rules or requested more lenient noise limits. Primarily they sought extending the TCEP rules to a greater area of the town centre such as Steamer Wharf, the waterfront area, or in discreet cases, such as 1876 Speights Ale House, The Pig & Whistle and Brazz, and to both sides of Seale Lane. They also requested particular exemptions to the rules.
742. Reasons the submitters put forward for extending the TCEP to the above areas included the point that there were no accommodation providers in some of the locations referred to but, rather, these areas were characterised by patrons occupying outdoor areas. Submitters linked to Steamer Wharf explained the wharf was a proven hospitality destination with 11 established bars, a central management structure, a good alcohol record, and resource consents allowing open air bars to operate to 12 am with positive results. They also pointed out there were limited numbers of sensitive receivers in the vicinity and a low possibility of such activities establishing within the complex. Submitters also contended applying the TCEP to Steamers Wharf would result in consolidation of entertainment type activities resulting in minimising conflict with other users and also making enforcement and self-monitoring easier.
743. Including the Queenstown Bay waterfront, according to some submitters⁶²⁴, was essential to maintaining Queenstown's reputation as a premier destination. Those submitters also noted that Pog Mahones was a long-time business associated with this vibrant area and including it within the TCEP was considered appropriate.
744. Similarly with Searle Lane, submitters⁶²⁵ made the point that this was already a busy vibrant hospitality precinct. Including it in the TCEP would ensure its ongoing development. Submitters made the point that the central location of Searle Lane worked well to insulate noise from leaving this area.
745. Other submitters⁶²⁶ requested that the rules that apply to the TCEP, namely notified Rules 12.5.11.3 (a) and 12.5.11.4 (a), should apply throughout the whole QTCZ except the TCTSZ.
746. In considering and determining a response to these submissions, Ms Jones relied upon the expert evidence of Dr Stephen Chiles.⁶²⁷ As well as being well-qualified, Dr Chiles recorded in his evidence that he had worked extensively on acoustic issues in the district for over a decade.⁶²⁸ He told us his involvement in the district has been primarily with respect to disturbance or potential disturbance from various restaurants and bars at nearby residential and visitor accommodation.
747. Before evaluating the noise rules and submitter position, Dr Chiles made what we think is a very important context point: the town centre noise limits in the ODP are, according to Dr Chiles, more stringent than most other districts in New Zealand.⁶²⁹ They do not allow for the degree of night-time entertainment enabled by both the policies and rules in the PDP. The PDP, according to Dr Chiles, would provide more lenient noise limits for night-time

⁶²³ Submissions 714, 804 (opposed by FS1318), 774, 70, 247, 587, 589, 835, 839, 777, 71, 774, 596 (opposed by FS1318), 549 (supported by FS1134, opposed by FS1318)

⁶²⁴ Submissions 70, 71, 714 (opposed by FS1318), 774, 247, 587, 589, 835, 839, and 777.

⁶²⁵ Submissions 549, FS1134.2 (opposed by FS1318.14)

⁶²⁶ Submissions 250, 544 (supported by FS1134), 630 (opposed by FS1043 and FS1318)

⁶²⁷ V Jones, Section 42A Report at [12.19].

⁶²⁸ Dr S Chiles, EiC at [1.5].

⁶²⁹ Ibid at [2.1a].

entertainment.⁶³⁰ As we understood the evidence before us, we did not understand anybody to challenge Dr Chiles on these points.

748. Dr Chiles expressed the opinion that the PDP would be likely to compromise residential amenity in the QTC and to a lesser extent in nearby residential zones.⁶³¹ He went on to note that he was not aware of a practical alternative to avoid compromising either noisy or noise sensitive activities in the QTC.⁶³² He did express the opinion, however, that the proposed compromise of residential amenity in the town centre and nearby residential zones was reasonable and should be acceptable in these environments.
749. Dr Chiles was of the view the PDP noise limits were robust and practical. He noted that while bar and restaurant activity would be enabled to a greater extent than under the ODP, he pointed out that those activities would still need to be subject to standard noise management practices, such as limiting sound system volumes.⁶³³
750. In relation to the TCEP, Dr Chiles made the point that the purpose of the precinct was to provide for fewer restrictions on some bar and restaurant activities in an area.⁶³⁴ He said that area had been selected to minimise effects on residential zones and to avoid conflict with existing residential and visitor accommodation in the QTC, as far as practicable.⁶³⁵
751. Dr Chiles explained to us that due to the distribution of visitor accommodation throughout the QTCZ there were some effects that could not be avoided. This circumstance was aptly demonstrated by the Eichardt's Private Hotel (Eichardt's), given that its location at 2 Marine Parade was immediately adjacent to the proposed TCEP. Dr Chiles noted that the nearest parts of Eichardt's facing the TCEP were occupied by retail units on the ground floor.⁶³⁶ These units were not considered noise sensitive because of the nature of activities performed in them and, more importantly, because they were unlikely to be occupied at night.⁶³⁷
752. Dr Chiles noted the first floor hotel spaces appeared to have sound insulating glazing and in any event they were currently exposed to sound from people in the Mall at night.⁶³⁸ He observed that, based on his past experience, night-time noise from people in the Mall would often generate sound levels similar to or higher than those permitted by the PDP noise limits.⁶³⁹ Finally, he noted that because Eichardt's was not in the entertainment precinct itself, the more stringent noise limits in notified Rules 12.5.11.3 (b) and 12.5.11.4 (b) would apply to any sound within the TCEP received at Eichardt's.⁶⁴⁰
753. He also made the point that the precinct would serve as a guide for future developments in the QTC as the most appropriate location for both noisy and noise sensitive activities.⁶⁴¹ We understood this to mean that the existence of the precinct would encourage noisier activities to locate within it and it would discourage the location of noise sensitive activities.

630 Ibid.

631 Ibid.

632 Ibid.

633 Ibid at [2.1b].

634 Ibid at [2.1c].

635 Ibid.

636 Ibid at [10.2].

637 Ibid.

638 Ibid.

639 Ibid.

640 Ibid.

641 Ibid.

754. As to extending the TCEP to other areas in the QTC, Dr Chiles was clear that to do so would give rise to additional adverse effects.⁶⁴² Consequently, he did not support an extension of the TCEP. In respect of those submitters who sought deletion of the precinct, he responded that he considered the TCEP would serve a useful function that, based on his experience, would not be provided by assessing individual bars on a case by case basis as currently occurred under the ODP.⁶⁴³
755. Having particular regard to Dr Chiles' evidence, particularly the noise contours attached as Appendix C, we are satisfied that the effects on residential amenity as modelled of including Steamer Wharf and/or the Brazz precinct of bars and/or the whole of the QTC would be unacceptable in terms of noise effects.
756. Having carefully considered Dr Chiles' evidence, including his previous reports, we agree with Ms Jones that the location and extent of the proposed TCEP is the most appropriate response to the potential conflicts between bars and restaurants on one hand, and residential and visitor accommodation uses on the other, in and around the QTC. We have paid particular attention to the noise contours in Dr Chiles' evidence, comparing the three sets of noise contours in what he describes as his "*First 2014 Letter*".⁶⁴⁴ We conclude that the contours provide compelling evidence that the proposed location of the TCEP is appropriate.
757. In respect of expanding the TCEP to both sides of Searle Lane, we accept, based on Dr Chiles' evidence, that this may not result in a significant increase in the noise received within the residential zone. We do, however, agree that to expand the TCEP would exacerbate noise effects on Nomads Backpackers and cause sleep disturbance to a large number of people.
758. We have considered the solution of retrofitting this backpacker's facility with noise insulation, but we do not consider the benefits of expanding the TCEP outweigh imposing costs on the backpacker's operator. In any event, the Council cannot compel noise insulation. It follows that we do not recommend extending the TCEP to include Pog Mahones Irish pub, or extending the TCEP as requested by the Good Group, to all of the QTC excluding the TCTSZ.
759. Also we do not support extending the TCEP to include the Pig and Whistle and historic courthouse buildings nor extending the precinct more broadly around the village green to Stanley Street. Having close regard to Dr Chiles' contours in the "*Second 2014 Letter*" and comparing them with scenario 2 in the "*First 2014 Letter*", confirms that, to extend the TCEP in the manner submitters sought, would result in sound levels that would generally be unacceptable, particularly at the interface with the residential zone around Henry Street and Melbourne Street.

Appropriateness of Noise levels

760. As notified the Noise rules provide for noise levels at differing times of the day and night for activities located within the TCZ and the TCTZ. Exceptions to these noise limits were provided for in subsequent rules. Before turning to the exceptions, if noise levels were not complied with by an activity then the status of that activity would become non complying.
761. The exceptions were more permissive enabling higher sound from music, voices and from loudspeakers within any site in the TCEP.

⁶⁴² Ibid at [2.1d].

⁶⁴³ Ibid.

⁶⁴⁴ Ibid at [1.10e].

762. Construction noise and outdoor public events pursuant to Chapter 36 were dealt with differently. As originally notified, the rules did not deal with or were unclear in terms of application to commercial motorised craft operating within the QTCWSZ.
763. Some submitters⁶⁴⁵ wished to see the notified rules reduce allowable noise, and deletion of the exclusion of sound from the sources specified in notified Rules 12.5.11.1 to 12.5.11.4. Reasons for opposing the proposed noise rules included the contention that raising limits would increase adverse effects on residents and visitors staying in and around the QTC and amenity values generally.
764. Other submitters⁶⁴⁶ requested the noise allowed within the TCEP apply throughout the QTC. Some expressed concern as to whether or not the increases would be sufficient to provide for night-time entertainment⁶⁴⁷.
765. Those seeking noise reductions included Mr James Cavanagh⁶⁴⁸ for Imperium Group⁶⁴⁹. He described the impact of existing noise on both The Spire and Eichardt Hotels. He noted both hotels prided themselves on the ability to give guests a luxurious stay without interruption or disturbance.⁶⁵⁰ He detailed instances of a number of complaints from guests regarding noise, from sources such as taking kegs out and or moving outside furniture.
766. However, as Ms Jones pointed out, the noise limits in the PDP in that regard would be the same as the ODP so there would be no change.⁶⁵¹ Also, we observe that, while the PDP does propose more permissive noise limits as usefully described in the evidence of Dr Chiles, this would not promote people shouting or loud music with open doors and windows. Furthermore, sound from patrons on public streets is not directly controlled by either noise rules in the ODP or the PDP. However, we do not doubt either the accuracy or the genuineness of Mr Cavanagh's concerns, particularly in relation to enforcement of the noise rules.
767. In legal submissions for the Imperium Group, Ms Macdonald repeated Imperium's original submission that:⁶⁵²
- a. there was no "justifiable resource management reason for providing separate and increased noise limits" for the TCEP;
 - b. making provision for higher noise limits in the TCEP would result in significant adverse effects on properties within the TCEP and in its vicinity;
 - c. there was no justification for those notified rules which would allow noise to spill over into areas outside the TCEP in a manner that would depart from standard noise provisions; and
 - d. insufficient consideration had been given to alternatives.
768. Essentially reverting to the status quo as per the ODP was sought.⁶⁵³ Ms Macdonald submitted that the adverse effects generated by the higher noise levels were significant and that they

⁶⁴⁵ Submissions 151, 503, 506, 654, FS1063, FS1318, 302, FS1043, 474, 217.

⁶⁴⁶ Submissions 544, FS1134, 630, 250 (opposed by FS1043 and FS1313).

⁶⁴⁷ Submission 630

⁶⁴⁸ J Cavanagh, EiC at [3.1 to 3.13]

⁶⁴⁹ Submission 151

⁶⁵⁰ J Cavanagh, EiC at section 3.

⁶⁵¹ V Jones, Reply Statement at [11.1].

⁶⁵² Legal Submissions of Ms Macdonald at [1a].

⁶⁵³ Ibid at [21].

had not been adequately assessed or addressed in proposed Chapter 12, Dr Chiles' evidence or Ms Jones' Section 42A Report.

769. As much as Mr Cavanagh's evidence presented concerns, we do have to consider what both Dr Chiles and Ms Jones told us about the existing noise environment.
770. In particular, as Ms Jones recorded⁶⁵⁴, in practice the rules would allow activity and noise levels of a very similar nature to what in fact has actually been able to occur regularly through non-complying resource consents over the years. We understood Dr Chiles to confirm the same point. Returning to the status quo would not appropriately deal with this circumstance. We think it more appropriate that the PDP recognise and provide for the current noise environment in a manner which both recognises that existing noise environment and provides appropriate levels of protection for noise sensitive activities. We are satisfied that the TCEP and the noise levels within the notified rules would achieve that difficult balance. We also agree with Dr Chiles that, given the current noise environment, there are very few practical alternatives available.⁶⁵⁵
771. Dr Chiles and Ms Jones pointed to the history of resource consent applications which sought to exceed the noise limits.⁶⁵⁶ This demonstrated to us those ODP plan provisions did not adequately provide for or meet the community's demand for those activities in the QTC. As well, noise assessment and controls in relation to those resource consents could be costly, inefficient and potentially ineffective.
772. It seemed to us that Dr Chiles explicitly recognised the shortcomings in this consenting approach in supporting the PDP noise rules. As we note below, he also explicitly recognised the important shift in noise-related policies because that shift would recognise the effects of the current noise environment on residential amenity and visitor accommodation is largely unavoidable. This effect on residential amenity would be specifically recognised in recommended Policies 12.2.1.4 and 12.2.3.4.
773. We do accept that notified Rules 12.5.12 and 12.5.13 would not relate to the existing critical listening areas. However, those notified rules would at least address this circumstance for a new noise sensitive activity wishing to locate either within or nearby the TCEP. We see that as an improvement.
774. Also, in our view notified Rules 12.5.11.1 to 12.5.11.5 would give effect to recommended Policies 12.2.1.3, 12.2.1.4, 12.2.3.3 and 12.2.3.4. All of these policies seek to enable bar and restaurant activity in the QTC at the expense of compromised residential amenity in the QTC, while minimising effects on nearby residential zones.
775. In respect of notified Rule 12.5.11.5, Evan Jenkins⁶⁵⁷ sought to have all outside loudspeakers banned on the basis that the noise from them could not be contained, they infected public space and disturbed customers of other establishments. The Queenstown Chamber of Commerce⁶⁵⁸ sought confirmation that the noise limits in the PDP were consistent with other resort towns. Dr Chiles confirmed the noise limits in the PDP as notified were consistent with

⁶⁵⁴ V Jones, Section 42A Report at paragraph 12.57

⁶⁵⁵ Dr S Chiles, EiC at[2(1)a].

⁶⁵⁶ Ibid at [3.2], Section 42A Report of Ms Jones at [12.61].

⁶⁵⁷ Submission 474

⁶⁵⁸ Submission 774

other towns seeking to enable night entertainment.⁶⁵⁹ He did note, however, that in the QTC outside of the TCEP, the PDP noise limits would remain relatively stringent for some restaurants and bars and would, in his opinion, still constrain activity at night.⁶⁶⁰

776. Peter Fleming⁶⁶¹ submitted that notified Rule 12.5.11 was unworkable. Dr Chiles disagreed. In his view, the rules were consistent with the approach of other towns and the noise limits are measured and assessed against relevant New Zealand Standards.⁶⁶²
777. Dr Chiles also responded that it would explicitly address several issues in making the application of the noise limits more practical, particularly in the light of experience with the ODP.⁶⁶³ For example, the outdoor loudspeaker noise limit in notified Rule 12.5.11.4 would provide a simple practical control that could be readily verified by measurements on site at the same time as there being people in the vicinity. We were satisfied by Dr Chiles' evidence on this point.
778. Dr Chiles identified a drafting issue with notified Rule 12.5.11 in that it did not give effect to the structure of noise limits as originally intended.⁶⁶⁴ The intention was for these rules not to apply within the TCTSZ so that a buffer was created between activities with more lenient noise limits and surrounding residential zones. Relying on several submissions⁶⁶⁵, Ms Jones recommended amendments to give effect to the original intention of the rules. We agree and recommend those changes.
779. While on the point of amendments, Ms Jones pointed out that notified Rules 12.5.11.3 and 12.5.11.4 potentially conflicted with Rule 36.3.2.9 in Chapter 36 (Noise). She explained that those rules do not require noise from music or voices to meet residential noise levels on the boundary of that zone, yet reply Rule 36.3.2.9 provided otherwise.⁶⁶⁶
780. Ms Jones recommended amending the notified purpose within Chapter 36 at 36.1 and amending reply Rule 36.3.2.9 to deal with this potential conflict.⁶⁶⁷ Some of the changes to Section 36.1 were promoted as non-substantive and we agree with both the amendment and the basis of that amendment.
781. Ms Jones identified the submissions⁶⁶⁸ relied on to provide scope for her recommended changes to the notified Section 36.1 and also to Rule 36.3.2.9.⁶⁶⁹ We agree with her changes and recommend to the Stream 5 Hearing Panel that those amendments be made. We have included those changes within our Appendix 8.

Noise from Commercial Motorised Craft

782. Real Journeys⁶⁷⁰ sought that vessels carrying out navigational procedures be exempt from notified Rule 12.5.11, making such noise permitted. This submission identified for Ms Jones

⁶⁵⁹ Dr S Chiles, EIC at [4.1].

⁶⁶⁰ Ibid.

⁶⁶¹ Submission 599

⁶⁶² Dr S Chiles, EIC at [4.3].

⁶⁶³ Ibid at [4.4].

⁶⁶⁴ Ibid at [4.5].

⁶⁶⁵ Submissions 151, 503, 506, 654, 302, 217

⁶⁶⁶ V Jones, Section 42A Report at [12.55].

⁶⁶⁷ Ibid.

⁶⁶⁸ Submissions 151, 503, 506, 654, 302, 474, 217.

⁶⁶⁹ V Jones, Section 42A Report at [12.52].

⁶⁷⁰ Submission 621

an inconsistency between the rules relating to vessels within the WSZ and Chapter 12.⁶⁷¹ Dr Chiles agreed.⁶⁷²

783. Ms Jones pointed out that Chapter 36 proposed a specific noise limit for commercial motorised craft on the lake.⁶⁷³ It also proposed exempting craft from other zone noise limits, whereas such craft operating in the WSZ would be subject to the general QTC noise limits of Chapter 12.

784. Dr Chiles preferred the limits and methodology contained in Chapter 36 over those contained in Chapter 12.⁶⁷⁴ Ms Jones recommended that notified Rule 12.5.11 be amended by adding a further provision exempting water and motor-related noise from commercial motorised craft within the QTZ WSZ from meeting the limits set out in Rules 12.5.11.1 and 12.5.11.2.⁶⁷⁵ This would have the effect of such noise being subject to (reply version) Rule 36.5.14. Further Purpose 36.1 and Rule 36.3.2.9 would need minor amendment to clarify this point. We agree and so recommend to the Stream 5 Hearing Panel. The changes we recommend to Chapter 36 are set out in Appendix 8.

Our Recommendations

785. In our view the noise levels within the notified rules based on the expert evidence of Dr Chiles and the opinion of Ms Jones are appropriate as they largely reflect the existing noise environment. The notified rules support the zone purpose and policy framework.

786. We consider the TCEP is also appropriate and extension or modification to allow application of it to additional areas is not warrant

787. We also consider clarifying the appropriate noise rule that applies to commercial motorised craft operating within the QTCWS is appropriate.

788. Accordingly, we recommend Rule 12.5.10 (notified Rule 12.5.11) be as set out below, with our amendments shown as strikethrough and underlined.

12.5.110	<p>Noise</p> <p>10.1.2.1 <i>Sound* from activities in the Town Centre Zone and Town Centre Transition Sub-Zone (excluding sound from the sources specified in rules 12.5.11.3 to 12.5.11.5 below) shall not exceed the following noise limits at any point within any other site in these zones:</i></p> <p style="margin-left: 40px;">a. daytime (0800 to 2200 hrs) 60 dB L_{Aeq}(15 min)</p> <p style="margin-left: 40px;">b. night-time (2200 to 0800 hrs) 50 dB L_{Aeq}(15 min)</p>	NC
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⁶⁷¹ V Jones, Section 42A Report at [12.54].

⁶⁷² Dr S Chiles, EiC at [8.3].

⁶⁷³ V Jones, Section 42A Report at [12.55].

⁶⁷⁴ Dr S Chiles, EiC at [8.3].

⁶⁷⁵ V Jones, Section 42A Report at [12.55].

	<p>c. night-time (2200 to 0800 hrs) 75 dB L_AF_{max}</p> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008</p>	
10.1.2.2	<p><i>Sound from activities in the Town Centre Zone and Town Centre Transition Sub-Zone (excluding sound from the sources specified in rules 12.5.11.3 and 12.5.11.4 below) which is received in another zone shall comply with the noise limits set for the zone the sound is received in;</i></p>	
10.1.2.3	<p><i>Within the Town Centre Zone only <u>excluding the Town Centre Transition Sub-Zone</u>, sound* from music shall not exceed the following limits:</i></p> <p>a. 60 dB LAeq(5 min) at any point within any other site in the Entertainment Precinct; and</p> <p>b. At any point within any other site outside the Entertainment Precinct.</p> <p>i. daytime (0800 to 0100 hrs) 55 dB L_Aeq(5 min)</p> <p>ii. Late night (0100 to 0800 hrs) 50 dB LAeq(5 min)</p> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008, and excluding any special audible characteristics and duration adjustments.</p>	
10.1.2.4	<p><i>Within the Town Centre Zone only <u>excluding the Town Centre Transition Sub-Zone</u>, sound* from voices shall not exceed the following limits:</i></p> <p>a. 65 dB LAeq(15 min) at any point within any other site in the Entertainment Precinct; and</p> <p>b. At any point within any other site outside the Entertainment Precinct.</p> <p>i. daytime (0800 to 0100 hrs) 60 dB L_Aeq(15 min)</p> <p>ii. Late night (0100 to 0800 hrs) 50 dB LAeq(15 min)</p> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008.</p>	

	<p>10.1.2.5 <i>Within the Town Centre Zone only excluding the Town Centre Transition Sub-Zone,, sound* from any loudspeaker outside a building shall not exceed 75 dB L_{Aeq(5 min)} measured at 0.6 metres from the loudspeaker.</i></p> <p>* measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008, excluding any special audible characteristics and duration adjustments.</p> <p><u>Exemptions from Rule 12.5.11:</u></p> <p>The noise limits in 12.5.11.1 and 12.5.11.2 shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999;- The noise limits in 12.5.11.1 to 12.5.11.5 shall not apply to outdoor public events pursuant to Chapter 35 of the District Plan;-</p> <p><u>The noise limits in 12.5.11.1 and 12.5.11.2 shall not apply to motor/ water noise from commercial motorised craft within the Queenstown Town Centre Waterfront Sub-Zone which is, instead, subject to Rule 36.5.13.</u></p>	
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7.18. Rule 12.5.12 Acoustic insulation, other than in the Entertainment Precinct and Rule 12.5.13 Acoustic insulation within the Entertainment Precinct.

789. Two submitters⁶⁷⁶ supported the new provisions for insulation and mechanical ventilation. Other submitters,⁶⁷⁷ primarily as a consequence of overarching relief, requested the deletion of notified Rule 12.5.13 which required insulation and ventilation in the TCEP. Other submitters⁶⁷⁸, as a consequence of requesting that the TCEP be extended, requested that the rule be amended to apply to those additional areas.

790. Dr Chiles explained that these rules would require both mechanical ventilation/cooling and enhanced sound insulation of facades.⁶⁷⁹ To meet the facade sound insulation requirements both inside and outside the TCEP, glazing would generally need to be a high performance secondary or triple glazed system with a large cavity of approximately 100 mm between panes of glass. He said that could be achieved by installing a second window inside the main window.⁶⁸⁰

791. Dr Chiles referred us to section 5 of the 2011 report that explained the need for the sound insulation to result in internal sound levels that should provide reasonable protection from

⁶⁷⁶ Submissions 217 and 774

⁶⁷⁷ Submissions 302 and 151

⁶⁷⁸ Submissions 714 and 774

⁶⁷⁹ Dr S Chiles, EIC at [9.1].

⁶⁸⁰ Ibid

sleep disturbance. He was clear in his view⁶⁸¹ that the acoustic treatment required by these rules was essential to give effect to notified Policies 12.2.1.3, 12.2.1.4, 12.2.3.3 and 12.2.3.4.

792. It was Dr Chiles' view that, even if the noise limits were not being increased within the PDP, it would still be appropriate to include an acoustic treatment requirement.⁶⁸² This reinforced for us the point about the already existing noisy environment.
793. Ms Jones recommended that it was essential that all new critical listening areas wishing to establish in the TCEP be required to be insulated to the standard required by these rules.⁶⁸³ It was her understanding that the costs associated with achieving the necessary insulation would not be significant in the context of a new commercial building.
794. However, she acknowledged these rules could deter some owners from developing residential and visitor accommodation within this relatively small area and instead developing upper stories for office, light manufacturing secondary retail or some other use.⁶⁸⁴
795. Ms Jones did not see this as an adverse outcome. Rather, she considered this was simply internalising the environmental and economic cost of establishing residential development within the TCEP and as such would very likely result in efficient land use in the long-term.⁶⁸⁵
796. Also, Ms Jones noted that, for those where cost does not present a financial barrier to developing residential and visitor accommodation, then these provisions would enable the development in a manner that should not result in adverse effects on health and well-being.⁶⁸⁶
797. Finally, Ms Jones reminded us that removal of this requirement would not enable the achievement of notified Objective 12.2.3, as it would not result in a reasonable level of residential amenity for those seeking to reside in the TCEP.⁶⁸⁷
798. We accept the opinions and the reasons for them as advanced by both Dr Chiles and Ms Jones in relation to acoustic installation and ventilation and we recommend inclusion of those rules as we have set out below. We think the rules advanced are realistic given the existing noise environment. We also consider these rules are appropriate and are to be preferred having considered the alternatives promoted within submissions.
799. We show our recommended wording as underlined or strikethrough, including renumbering to Rule 12.5.11 and 12.5.12 (notified Rules 12.5.12 and 12.5.13) as follows:

<p>12.5.12 <u>12.5.11</u></p>	<p>Acoustic insulation, other than in the Entertainment Precinct</p> <p><u>Where any new building is erected or a building is modified to accommodate a new activity:</u></p>	<p>RD*</p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>the noise levels that will be received within the critical listening environments, with</u></p>
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⁶⁸¹ Ibid at [9.2].

⁶⁸² Ibid

⁶⁸³ V Jones, Section 42A Report at [12.67].

⁶⁸⁴ Ibid.

⁶⁸⁵ Ibid.

⁶⁸⁶ Ibid.

⁶⁸⁷ Ibid.

	<p>12.5.121.1 A mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 5 in Chapter 36;</p> <p>12.5. 121.2 All elements of the façade of any critical listening environment shall have an airborne sound insulation of at least 40 dB R_w+C_{tr} determined in accordance with ISO 10140 and ISO 717-1.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> • the noise levels that will be received within the critical listening environments, with consideration including the nature and scale of the residential or visitor accommodation activity; • the extent of insulation proposed; and • whether covenants exist or are being volunteered which limit noise emissions on adjacent sites such that such noise insulation will not be necessary. 	<p><u>consideration including the nature and scale of the residential or visitor accommodation activity;</u></p> <p>b. <u>the extent of insulation proposed; and</u></p> <p>c. <u>whether covenants exist or are being volunteered which limit noise emissions on adjacent sites such that such noise insulation will not be necessary.</u></p>
<p>12.5.13 <u>12.5.12</u></p>	<p>Acoustic insulation within the Entertainment Precinct</p> <p><u>Where any new building is erected or a building is modified to accommodate a new activity:</u></p> <p>12.5. 132.1 A mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 5 in Chapter 36;</p> <p>12.5. 132.2 All elements of the façade of any critical listening environment shall have an airborne sound insulation of at least 40 dB R_w+C_{tr} determined in accordance with ISO 10140 and ISO 717-1.</p>	<p>NC</p>

7.19. Rule 12.5.14 Glare

800. This Rule, as notified, raised two issues. The first was in relation to limiting effects of glare on the night sky. The reporting officers had recommended deletion of the words “*and so as to limit the effects on the night sky*” because those words were uncertain and would make the standard *ultra vires*. However, they stated, simply excising the words in the phrase would make the standard *intra vires*.

801. During the hearing we asked Mr Winchester to consider whether there was scope within submissions to delete that phrase within any submissions received. In particular, the

submissions of Grant Bisset⁶⁸⁸ and Ros and Dennis Hughes⁶⁸⁹ (Hughes). Ms Scott, in the Legal Submission in Reply, submitted that those submissions did not provide scope to delete the phrase, but they did provide scope to make the zone provisions more measurable and specific.⁶⁹⁰

802. Mr Bisset's submission stated that the night sky was a valuable resource and the ability to clearly view it was an amenity value of the district. The submission also supported the provisions controlling the effects of lighting⁶⁹¹ and stated that "*a greater level of direction is required*" to achieve this.
803. Ms Scott explained that the Hughes similarly submitted that the PDP did not adequately recognise the significance of the night sky, and sought that it be given greater prominence and recognition in the PDP.⁶⁹²
804. We agree that a consistent approach in the Plan should be taken to this phrase.
805. It is apparent that we have two alternatives. Relying upon Ms Scott's analysis that submissions do provide scope to make the provisions more measurable and specific, we could amend the relevant words in Rule 12.5.13.1 to read "*directed downward ... so as to limit effects on views of the night sky*". We think that wording is more certain.
806. The other alternative is to delete the words altogether. Doing so would conclusively address the problem but would leave a vacuum and the rule would not support Policy 12.2.3.6, which is directed at promoting lighting design that mitigates adverse effects on views of the night sky.
807. We prefer amending the wording because we think in this way the rule is made clearer and supports Policy 12.2.3.6. We have carried this recommendation through into our Appendix 1 and set it out below and we have applied this approach to this glare rule in all Stream 8 Chapters.
808. The other issue related to notified Rule 12.5.14.4. This related to reflectance and exterior materials. Several submitters⁶⁹³ opposed this rule and sought that it be deleted. Considering this issue, Ms Jones was of the view that this notified rule was not the most appropriate way of achieving the objectives.⁶⁹⁴ She noted that the QTC was a relatively shady part of the district and consequently glare was not a significant issue.⁶⁹⁵ She also considered that there were no landscape values that needed to be considered and, in her view, allowing a range of colours and materials would add vibrancy and diversity to highly urbanised areas.⁶⁹⁶

⁶⁸⁸ Submission 568.

⁶⁸⁹ Submission 340.

⁶⁹⁰ Legal Submissions in Reply of Ms Scott at [3.5].

⁶⁹¹ in Chapters 6 (Landscape) and 21 (Rural Zone).

⁶⁹² Legal Submissions in Reply of Ms Scott at [3.4].

⁶⁹³ Submissions 398 (opposed by FS1274), 606 (opposed by FS1063) 609 (opposed by FS1063), 614 (supported by FS1200), 616, 617.

⁶⁹⁴ V Jones, Section 42A Report at [13.36].

⁶⁹⁵ Ibid.

⁶⁹⁶ Ibid.

809. Also, in so far as it was necessary, Ms Jones considered Rule 12.4.6.1 provided the Council with control over colour where necessary.⁶⁹⁷ In addition, the guidelines for the SCA considered reflective colours such as cream to be appropriate from a character perspective, which she said, could be in direct conflict with the rule. Finally, she was of the view that there were no objectives or policies that supported this particular glare rule.⁶⁹⁸
810. Ms Jones' recommendation was to remove Rule 12.5.14.4, but to retain the objectives, policies and guidelines as notified in respect of this matter.
811. For all of the reasons she advanced we recommend deletion of Rule 12.5.14.4 and recommend the Council accept the submissions seeking to delete Rule 12.5.14.4 and reject those further submissions in opposition.
812. Real Journeys Limited⁶⁹⁹ requested that this rule be amended to include a standard limiting glare from the Queenstown Bay foreshore so as to avoid interference with the navigational safety of vessels. Ms Black produced evidence and photographs showing light spill over the Queenstown Bay foreshore area in calm water conditions. Ms Jones did not respond to this evidence in her reply.
813. In our view the evidence produced by Ms Black detailed an existing circumstance. It is not possible by amendment to the plan to remedy those existing navigation challenges. While Ms Black did promote additional wording⁷⁰⁰, we do not think that wording is required because the rule as we are recommending it be amended, would require that lighting be directed away from public places. The Queenstown Bay foreshore area is a public place. In that way then, while not specifically addressing the safe operation and navigation of the TSS Earnslaw, the issue of light spill effecting the TSS Earnslaw, would be partially addressed in an indirect way. In any event, perhaps this issue is best dealt with in the transport chapter. We do not recommend any change and recommend rejection of Submission 621.
814. Our recommended wording of Rule 12.5.13 is as follows:

12.5. 14 13	Glare 12.5. 14 13.1 All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places and downward so as to limit effects on views of the night sky. 12.5. 14 13.2 No activity in this zone shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any property within the zone, measured at any point inside the boundary of any adjoining property. 12.5. 14 13.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining	NC
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⁶⁹⁷ Ibid at [13.37].

⁶⁹⁸ Ibid.

⁶⁹⁹ Submission 621

⁷⁰⁰ Suggested wording included in Submission #621 at p 14. "Light from any activity shall not be directed out over the water in Queenstown Bay in such a way that interferes with the safe operation and navigation of the "TSS Earnslaw"."

	<p>property which is zoned High Density Residential measured at any point more than 2m inside the boundary of the adjoining property.</p> <p>12.5.14.4 External building materials shall either:</p> <p style="padding-left: 40px;">a. Be coated in colours which have a reflectance value of between 0 and 36%; or</p> <p style="padding-left: 40px;">b. Consist of unpainted wood (including sealed or stained wood), unpainted stone, unpainted concrete, or copper;</p> <p>Except that:</p> <p style="padding-left: 40px;">Architectural features, including doors and window frames, may be any colour; and roof colours shall have a reflectance value of between 0 and 20%.</p>	
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7.20. Rule 12.6 Rules - Non-Notification of Applications

815. This section provided for applications for controlled activities to proceed without any written consents and on a non-notified basis. It also provided for certain restricted discretionary activities to proceed on the same basis, and for certain restricted discretionary activities to require limited notification.

816. NZTA⁷⁰¹ requested that Rule 12.6.1 be amended to read:

“Applications for Controlled activities shall not require the written consent of other persons and shall be notified or limited-notified except for 12.6.1.1 visitor accommodation adjacent to the State highway where the road controlling authority shall be deemed an affected party”

817. Regarding the request that NZTA be notified of all visitor accommodation on state highways, Ms Jones was of the view that while it was inappropriate to deem NZTA an affected party in all instances, it was appropriate to remove from the non-notification clause, instances where visitor accommodation proposed access onto the state highway; thus enabling the Council to determine if NZTA was affected on a case by case basis, even in the absence of special circumstances.⁷⁰²

818. Ms Jones considered this was an appropriate exemption given the existing traffic congestion levels in the town centre, including on those portions of the state highway that are located within the zone and the traffic generation/disruption that can result from visitor accommodation.⁷⁰³

819. The only issue with this rule was that it contained a deeming provision that would exempt the road controlling authority from rules precluding notification or limited notification. We raised this issue through questions during the course of the hearing.

820. Ms Scott, in her Reply Submissions, agreed that section 77D does not allow a local authority to make a rule constraining, nor provide an exemption from, non-notification for particular parties.⁷⁰⁴ However, she noted Ms Jones had recommended amending Rule 12.6.1.1 so that the exemption would be framed in terms of vehicle access and egress on to a state highway.

⁷⁰¹ Submission 719

⁷⁰² V Jones, Section 42A Report at [18.5e].

⁷⁰³ Ibid.

⁷⁰⁴ Legal Submissions in Reply of Ms Scott at [3.10].

She submitted that this would be *intra vires* because it specified an activity rather than a party.⁷⁰⁵ With the addition of the word vehicle, he said, this recommendation would be consistent with what was recommended in the Reply version of the rule.⁷⁰⁶

821. We agree and recommend the change to renumbered Rule 12.6.1.1 as we have set out below.
822. Foodstuffs⁷⁰⁷ supported notified Rule 12.6.2, stating that removing the need to affected party approvals and notification for new buildings in the QTCZ would streamline decision-making process, minimise consenting risk and reduce processing costs/delays.
823. Christine Byrch⁷⁰⁸ sought that Rule 12.6.2.2 be amended to reflect that a breach of the building coverage rule in relation to large developments in the TCTSZ, and comprehensive development of sites 1800m² or more, should be notified.
824. Kopuwai Investments Limited⁷⁰⁹ sought that Rule 12.6.2 be amended to also list licenced premises and the sale and supply of alcohol within the Steamer Wharf entertainment precinct as being non-notified.
825. In response to those submissions, Ms Jones supported the non-notification clause for new buildings on the basis that it provided greater efficiencies and certainty in respect of timeframes and costs, and provided an appropriate counterbalance to the fact the activity status has changed from controlled in the ODP to restricted discretionary in the PDP.⁷¹⁰
826. Further, Ms Jones stated that, as a consequence of changing the status of licenced premises after 11:00pm (6:00pm) to controlled, such applications would not be notified unless special circumstances existed, pursuant to Rule 12.6.1.⁷¹¹
827. Ms Jones concluded, and we agree, that it is inappropriate and unnecessary to have a rule stating that certain activities will always be publicly notified⁷¹² (as requested in respect of developments that breach the building coverage rule or subject to limited notification).
828. In respect of whether a breach in building coverage should be non-notified by default, on the basis of efficiency and certainty and in order to be consistent with the approach taken for the Plan Change 50 area, Ms Jones was of the view that the clause regarding non-notification for such breaches should be retained.⁷¹³ We agree with her.
829. The final change we recommend is a clarification change by including the word height before Precinct 1 and Precinct 1A as it appears in standard 12.6.3.1.
830. Our recommended wording for rule 12.6 is:

⁷⁰⁵ Ibid at [3.11].

⁷⁰⁶ Ibid at [3.11].

⁷⁰⁷ Submissions 650 and 673

⁷⁰⁸ Submission 243, opposed by FS1224

⁷⁰⁹ Submission 714

⁷¹⁰ V Jones, Section 42A Report at [18.5a].

⁷¹¹ Ibid at [18.5b].

⁷¹² Ibid at [18.5c].

⁷¹³ Ibid at [18.5d].

- “12.6.1 Applications for Controlled activities shall not require the written approval of other persons and shall not be notified or limited-notified, except:
 12.6.1.1 Where visitor accommodation includes a proposal for vehicle access directly onto a State Highway.*
- 12.6.2 The following Restricted Discretionary activities shall not require the written approval of other persons and shall not be notified or limited-notified:*
- 12.6.2.1 Buildings.*
- 12.6.2.2 Building coverage in the Town Centre Transition Sub-Zone and comprehensive developments.*
- 12.6.2.3 Waste and recycling storage space.*
- 12.6.3 The following Restricted Discretionary activities will not be publicly notified but notice will be served on those persons considered to be adversely affected if those persons have not given their written approval:*
- 12.6.3.1 Discretionary building height in Height Precinct 1 and Height Precinct 1(A).”*

7.21. Further Recommendations of the Panel

831. We have included this section in order to identify matters that we think warrant consideration but are out of scope.
832. Ms Jones considered possible amendments to provisions that would be desirable, either from an effectiveness and efficiency point of view or in order to achieve consistency between the QTCZ and other zones.
833. In particular, Ms Jones referred to Dr Chiles’ view in the Residential hearing⁷¹⁴ that he did not support the use of no complaints covenants as a tool for managing noise issues as they did not, in his view, address the noise effects other than potentially providing some forewarning for people purchasing a property. While there were no submissions in relation to this matter, it was Ms Jones’ preference, based on Dr Chiles’ view, and in respect of her own experience with such covenants, that this matter of discretion within renumbered Rule 12.5.11.2 be removed. We agree.
834. We recommend the Council consider a variation to make such a change.
835. We recommend the Council review Rule 12.5.1 where the rule drafting confuses activities and standards in such a way as to make avoidance of the intent of the rule a probable outcome. We have explained this in detail above in Section 8.1 under the heading Minor Amendments.

7.22. Recommendation to Stream 10 Hearings Panel

836. There are three definitions recommended for inclusion in Chapter 2. These are:
- a. Comprehensive development;
 - b. Landmark building;
 - c. Sense of place.

⁷¹⁴ 10 October 2016

837. These definitions and our reasoning for including them in the PDP are set out in Section 6 above. We have listed the recommended definitions in Appendix 8.
838. We recommend that the Stream 10 Hearings Panel:
- a. Include the recommended definitions as set out in Appendix 8 in Chapter 2 for the reasons we have provided in Section 6 above; and
 - b. Recommend that the relevant submissions be accepted, accepted in part, or rejected as set out in Appendix 9.

7.23. Recommendation to Stream 5 Hearings Panel

839. As noted earlier, Ms Jones identified a conflict between Rules 12.5.11.3 and 12.5.11.4 and Rule 36.3.2.9. She explained that Rules 12.5.11.3 and 12.5.11.4 did not require noise from music or voices to meet residential noise levels on the boundary of that zone, yet reply Rule 36.3.2.9 stated that:

The noise standards in this chapter still apply to noise generated within the Town Centre zones but received in other zones.

840. In order to amend this inconsistency, Ms Jones recommended amending the notified purpose within Chapter 36 at 36.1 and amending reply Rule 36.3.2.9.⁷¹⁵ Some of the changes to purpose at 36.1 were promoted as non-substantive and we agree with both the amendment and the basis of that amendment.
841. Ms Jones identified the submissions⁷¹⁶ relied on to provide scope for her recommended changes to the notified Section 36.1 and also to Rule 36.3.2.9.⁷¹⁷ We agree with her changes and recommend to the Stream 5 Hearing Panel that those amendments be made. We have included those changes within our Appendix 8.
842. Consequently, with regard to the Zone Purpose in Section 36.1 and reply Rule 36.3.2.9 as discussed above, we recommend that the Stream 5 Hearings Panel
- a. Accept the recommended provisions as set out in Appendix 8 and
 - b. The submissions be accepted, accepted in part, or rejected as set out in Appendix 9.

8. CONCLUSION

843. For the reasons advanced through this part of the report, we conclude that the recommended amendments support the zone purpose and enable the objectives of the chapter to be achieved and are more effective and efficient than the notified chapter and further changes sought by submitters that we recommend rejecting.
844. We consider that the amendments will improve the clarity and consistency of the Plan; contribute towards achieving the objectives of the District Plan and Strategic Direction goals in an effective and efficient manner and give effect to the purpose and principles of the RMA.
845. Consequently, we recommend that:
- a. Chapter 12 be adopted as set out in Appendix 1; and
 - b. The submissions be accepted, accepted in part, or rejected as set out in Appendix 7.

⁷¹⁵ Ibid.

⁷¹⁶ Submissions 151, 503, 506, 654, 302, 474, 217.

⁷¹⁷ V Jones, Section 42A Report at [12.52].

PART C: CHAPTER 13 - WANAKA TOWN CENTRE

9. BACKGROUND

846. Ms Victoria Jones prepared the Section 42A Report for this chapter, which provided a background to the WTCZ in addition to identifying the issues that arose from reviewing the ODP provisions.
847. The PDP zone provisions seek to address these issues, being:
- a. Development capacity and opportunities for expansion
 - b. Appropriateness of the height, bulk, location and design of the buildings, and urban design outcomes resulting from the ODP
 - c. Adverse environmental effects from activities in the town centre
 - d. Flood risk and provisions to address this issue.

10. PRELIMINARY MATTERS

10.1. Wanaka Height Precinct

848. The Panel's Minute entitled "Minute Concerning Wanaka Height Precinct" dated 6 November 2016 directed that all submissions on the Wanaka Height Precinct were to be dealt with in Stream 8, rather than in the Upper Clutha Mapping Stream.
849. The Minute stated that the "sole effect of the Height Precinct is to provide for increased building height in selected parts of the Wanaka Town Centre",⁷¹⁸ and this is a rules issue, rather than a mapping issue.
850. The submissions relating to the height precinct have been considered and have led to recommended changes to the extent of the Wanaka Height Precinct. In addition to the rules, DD and KK Dugan Family Trust⁷¹⁹ requested that the Council confirm the Wanaka Height Precinct in the Wanaka Town Centre Zone and Precinct applying to the land owned by the submitter.
851. Gem Lake Limited⁷²⁰ requested that the Wanaka Town Centre zoned part of Helwick Street be included within the Wanaka Height Precinct and that further or consequential or alternative amendments be made to give effect to this.
852. These submissions are discussed further in relation to the relevant rules, including the introduction of a new height precinct in Wanaka.
853. Mr Church, urban design expert on behalf of the Council, considered all these options regarding the location and extension of the Height Precinct and his expert opinion informed Ms Jones' recommendation to extend the Height Precinct (by amending notified Planning Map 21) to include those sites that front Helwick Street and are north of Dunmore Street. This is discussed further at Rule 13.5.9.

⁷¹⁸ Minute Concerning Wanaka Height Precinct dated 6 November 2016, at [2]

⁷¹⁹ Submission 54

⁷²⁰ Submission 240

10.2. Wanaka Town Centre Guideline 2011

854. We questioned Ms Jones at the hearing with regard to the fact that although the WTC Guideline was referred to in the Section 32 Evaluation Report for the WTC chapter and a hyperlink provided, the WTC Guideline was not included in the list of '*material incorporated by reference*' into the PDP at notification of Stage 1.
855. Ms Scott responded to this line of questioning in her legal submissions in reply. She told us that it was an oversight by the Council. She said that it was not intentional and that it is a "*matter of form over substance in that it is evident to submitters what was intended from the rules*".⁷²¹
856. Ms Scott went on to say that there are clear references in the rules to the WTC Guideline and that submitters would have looked at the notified rules first to work out that they were clearly referenced. As an example, Ms Scott referred to Mr Greaves⁷²², who, when giving his evidence and in response to questions from the Panel, made it clear that he understood the WTC Guideline would have statutory weight under the PDP.
857. It is also important to note that the WTC Guideline was provided as a link to the Section 32 Evaluation Report that was notified alongside the WTCZ chapter, and therefore we agree with the Council that submitters were "*alive to the statutory effect of the Guidelines*".⁷²³
858. This is not an ideal situation. However, we accept Ms Scott's submission and agree with the point that submitters would have understood the intent from their reading of the notified rules.
859. We also acknowledge the fact that a variation can be undertaken to notify the WTC Guidelines as a document incorporated by reference under Schedule 1 of the RMA. We do not think that this is necessary however, due to the reasons advanced by Ms Scott and as such we accept that the WTC Guidelines have been incorporated by reference.

10.3. Minor Amendments

860. We make a number of recommendations that we consider minor, and in the main are necessary for clarification and consistency with other chapters in the Plan.
861. We identify these minor amendments throughout the decision together with our reasons for the recommendations. We consider that these can be made under Clause 16(2) because they are non-substantive, but are, in our view necessary for a cohesive, clear and effective Plan.

11. ASSESSMENT OF SUBMISSIONS

862. There were 69 original submissions received from 30 submitters, and 51 further submissions received from 13 further submitters.
863. We have reviewed all submissions and expert evidence presented in relation to this chapter and have recommended amendments where we consider it is appropriate.
864. The amended version of Chapter 13 that we are recommending is contained in Appendix 2.

⁷²¹ Legal Submissions in Reply on behalf of QLDC dated 13 December 2016 at [5.19]

⁷²² Expert witness on behalf of Gem Lake Limited.

⁷²³ Legal Submissions in Reply on behalf of QLDC dated 13 December 2016 at [5.20].

11.1. General Submissions

865. There are several submissions that require consideration before discussing the provisions in the chapter and the submissions on those provisions.
866. N & B Teat Family Trust⁷²⁴, Mr Kain Froud⁷²⁵, and Foodstuffs South Island Ltd and Foodstuffs South Island Properties Ltd⁷²⁶ submitted in support of the proposed WTCZ; the provisions; and the inclusion of New World Wanaka within the zone. As we are recommending changes to the chapter, we recommend these submissions be accepted in part.
867. Dr Maggie Lawton⁷²⁷ sought no specific relief, but submitted that the Town Centre is better to be really people friendly, somewhat low-key and friendly, not commercial, and suggested that Helwick Street be pedestrianised. As no specific relief was sought and physical pedestrianisation is beyond the scope of this review, no recommendation is made.
868. NZIA⁷²⁸ submitted in part supporting the zone with additional provisions to ensure that the QLDC UDP review all projects in the Town Centre in order to give effect to the design objectives and rules.
869. Ms Jones considered this in her Section 42A Report⁷²⁹. In her view all new buildings, significant projects (such as a structure plan in the Town Centre), or significant alterations should be reviewed by an urban design professional or panel of urban design professionals. Notwithstanding this, not all resource consents in the WTCZ would warrant such a review, nor would they need to be undertaken by a UDP.
870. Ms Jones also advised us that the Terms of Reference of the Wanaka UDP (2008)⁷³⁰ state the following:
- ... will primarily consider proposals or resource consent applications for discretionary and non-complying development in the town centres ... and for urban subdivisions which have the potential to significantly affect the quality of the urban amenity.*
871. Currently, advice is sought from the Wanaka and Queenstown UDPs to provide input regarding proposals for new buildings in the Town Centre Zones, either prior to the resource consent process formally commencing or during the course of assessing an application. The council planner processing the application uses their discretion as to whether advice from the UDP or an urban designer, is required.
872. Ms Jones advised that UDP's can be engaged at an early stage in the process, prior to lodgement of the application and again throughout the final design phase with good success in improving the design outcomes for development.
873. Taking this into consideration, we agree with Ms Jones when she stated there was no need to recommend or require in the PDP, that the UDP review all projects in the Town Centre or that

⁷²⁴ Submission 602

⁷²⁵ Submission 19

⁷²⁶ Submission 650

⁷²⁷ Submission 117

⁷²⁸ Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249

⁷²⁹ V Jones, Section 42A Report at [11.4].

⁷³⁰ http://www.qldc.govt.nz/assets/OldImages/content/planning/Urban_Design_Panel_Terms_of_Reference_November_2008.pdf

any reference is made to such a review in the District Plan. Firstly, use of the UDP is primarily for discretionary and non-complying activities, and for projects at these levels we consider more often than not, the applicant will have recognised urban design principles and incorporated them into their design and application.

874. Where resource consent applicants have not considered urban design principles or utilised an urban planner, then the consenting authority can request an urban design review pursuant to section 92 of the Act. Where the processing planner considers this necessary, then this advice can be sought in the processing of the application.
875. Therefore, we recommend that this relief is rejected and no changes are made to the provisions as sought, because a review of all would be unnecessary. Current practice, as explained by Ms Jones, is that applications may include an urban design assessment, and if they do not, the Council can, in appropriate circumstances, use section 92. We consider that it is more effective and efficient not to include a mandatory UDP review for all new developments.

12. SECTION 13.1 – ZONE PURPOSE

876. This section begins with a generic description for town centres, stating that they provide for community life, retail, entertainment, business and services. Town centres serve the needs of the residents as well as providing a key destination for tourists requiring visitor accommodation and related businesses.
877. The zone purpose then goes on to describe the unique elements of Wanaka – that the Wanaka town centre is located in a prime lakeside setting, noted for its spectacular mountain views, accessibility to the lake, walkways and public parks.
878. The WTCZ will serve a growing resident population and visitor numbers, providing a vital role as the focal point for community activities and amenities. WTCZ will be large enough to provide a range of retailing, business and entertainment options, but remain compact enough to be accessible on foot. The purpose further notes that intensifying residential properties and visitor accommodation will adjoin the fringes of the centre adding to its vibrancy.
879. There was one submission⁷³¹ received that referred to the notified purpose, indicating support and asking that it be emphasised. We recommend retaining the zone purpose as notified with only a minor grammatical change to the wording in paragraph two. This is set out in Appendix 2.

13. 13.2 OBJECTIVES AND POLICIES

880. Objectives are stated as a desired outcome, and the policies are designed to implement the objective. For this reason, we have decided that these will be considered and discussed in their respective groupings.
881. NZIA⁷³² submitted that to achieve the objectives and policies relating to the WTC being a vibrant hub it was necessary to measure whether the objectives were being achieved. Also

⁷³¹ Submission 292

⁷³² Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249

that a baseline Health Check needed to be undertaken urgently before the development of an additional commercial centre at Three Parks.

882. Ms Jones explained to us in her Section 42A Report⁷³³, that the RMA does not require the Council to prove the objectives are being achieved, rather the requirement is to show the objectives are appropriate in the context of the purpose of the RMA, and that the provisions that implement these objectives (in this case, those that apply to Three Parks) are appropriate.
883. Ms Jones then explained that she agreed with the Section 32 Evaluation Report that concluded the PDP WTC objectives and the methods proposed to achieve them are appropriate. Based on this, she said the onus is on the developer of Three Parks to undertake the Town Centre Health Check. And as such, she recommended rejection of this submission.
884. Section 13.2 as notified included six objectives, each with a suite of associated policies.

13.1. Objective 13.2.1 and Policies 13.2.1.1 - 13.2.1.5

885. Objective 13.2.1 and its accompanying policies as notified read:

13.2.1 Objective

Wanaka town centre remains the principal focus for commercial, administrative, cultural, entertainment and visitor activities in the Upper Clutha area.

Policies

- 13.2.1.1 *Provide for a diverse range of activities that meet the needs of residents and visitors, and enable the town centre to have a broad economic base that maintains its status as the principal centre for the Upper Clutha area.*
- 13.2.1.2 *Enable residential activities and visitor accommodation activities above ground floor level whilst acknowledging that there will be a lower level of residential amenity due to the mix of activities and late night nature of the town centre.*
- 13.2.1.3 *Recognise the important contribution that night time activity makes to the vibrancy and economic prosperity of the town centre by enabling restaurant and bar activities to occur without unduly restrictive noise controls.*

886. There was one submission received in support⁷³⁴ of this objective and one in opposition⁷³⁵. The submission in support simply noted that they “*totally agree*”, and we recommend this submission be accepted.
887. Ms Whitney Thurlow⁷³⁶ opposed Objective 13.2.1 stating that she did not believe that current noise restrictions are “*unduly restrictive*”. This reference to unduly restrictive noise controls relates in particular to the wording in Policy 13.2.1.3, however the submission does not refer to this policy.
888. The Zone Purpose above notes the importance of entertainment in the WTC. Ms Jones in her Section 42A Report⁷³⁷ considered that continued development of restaurants and bars is

⁷³³ V Jones, Section 42A Report at [13.6].

⁷³⁴ Submission 156

⁷³⁵ Submission 196

⁷³⁶ Submission 196

⁷³⁷ V Jones, Section 42A Report at [10.4].

important to maintain this principal focus and therefore noise levels would need to be increased to enable this.

889. We agree and consider that the wording of the objective best achieves the purpose of the WTCZ. In our view, after having considered these submissions and the Section 42A Report we consider the wording within 13.2.1 is appropriate, and we recommend Submission 196 is rejected.
890. The policies in support of this objective attracted few submissions. Mr John Walker⁷³⁸ sought that Policy 13.2.1.1 be strengthened. We, however, consider that the policy as notified to be sufficiently strong and therefore recommend no changes to this wording.
891. After considering the Section 42A Report and relevant submissions we recommend that Objective 13.2.1 and its associated policies remain as notified.

13.2. Objective 13.2.2 and Policies 13.2.2.1 - 13.2.2.4

892. Objective 13.2.2 and its accompanying policies as notified read:

13.2.2 Objective

Wanaka is a compact, convenient and attractive town centre that has opportunities for controlled expansion and intensification.

Policies

13.2.2.1 *Provide for future controlled growth opportunities through the Town Centre Transition Overlay, which enables appropriate town centre activities to establish in a discrete area of residential-zoned land adjoining the town centre.*

13.2.2.2 *Discourage outward expansion of town centre activities in areas other than the Town Centre Transition Overlay in order to ensure that the town centre maintains a compact form.*

13.2.2.3 *Enable opportunities for further intensification of development in the town centre by providing more generous building heights in the Wanaka Height Precinct.*

13.2.2.4 *Acknowledge and celebrate our cultural heritage, including incorporating reference to tangata whenua values, in the design of public spaces, where appropriate.*

893. This objective was generally supported by Kai Whakapai⁷³⁹ and Wanaka Residents Association⁷⁴⁰ and no submissions were received requesting any amendment to its wording.
894. Mr Walker⁷⁴¹ sought that Policy 13.2.2.1 (among others) be strengthened, with no specific wording proposed. This point was accepted by Ms Jones, who recommended some additional wording to “*better explain what distinguishes that land within the transition overlay area from the residential zone beyond it*”.⁷⁴²
895. The revised policy with Ms Jones’ recommended wording shown as underlined, read:

⁷³⁸ Submission 292

⁷³⁹ Submission 156

⁷⁴⁰ Submission 728

⁷⁴¹ Submission 292

⁷⁴² V Jones, Section 42A Report at [13.13]

13.2.2.1 *Provide for future controlled growth opportunities through the Town Centre Transition Overlay, which enables appropriate town centre activities to establish in a discrete area of residential-zoned land adjoining the town centre, recognises the existing mixed use character of that area, and makes a clear distinction between that transition area and the adjacent residential zone.*

896. We agree with Ms Jones' recommended wording which we consider will discourage any further spread. We also recommend additional grammatical amendments by changing the word "recognises" to "recognising" and "makes" to "making" in the interests of clarity for all readers.

897. JWA & DV Smith Trust⁷⁴³ requested that notified Policy 13.2.2.3 be amended as follows:

Enable opportunities for further intensification of development in the town centre ~~by providing more generous~~ where such development complies with the building heights in the Wanaka Height Precinct.

898. We recommend rejection of this submission as we consider there is already sufficient clarity as to the limited occasions when there is an acceptable extent of height intrusion. This is provided for by the non-complying status for activities that breach the height limits of Rules 13.5.8 and 13.5.9 and Policy 13.2.3.2 (discussed below).

899. There were multiple submissions supporting the height rules, opposing the height rules and also submitters requesting the height precincts be extended. It is clear to us that the height precinct, and in particular the extent of the height precinct, is a very real issue in the WTCZ. We have considered all submissions and expert evidence very carefully and thoroughly in order to fully understand and appreciate the effects of those options when making our recommendations, mindful to provide for future growth and capacity of the town centre.

900. The Section 32 Evaluation Report⁷⁴⁴ noted several benefits of the height precinct and these outweighed the potential adverse effects in terms of shading and blocking views. Height precincts would enable well designed three and four-storey developments, thereby increasing the capacity of the Town Centre, providing both residential development and leasing space for commercial activities.

901. Enabling higher building heights in targeted areas would signal appropriate locations for taller buildings, where the effects would not have significant adverse effects on the receiving environment.

902. The rules supporting the height precincts are further discussed under Rule 13.5.9.

903. On behalf of Gem Lake⁷⁴⁵, Mr Greaves suggested that minor changes were needed to reflect the inclusion of an additional Height Precinct as suggested.⁷⁴⁶ At the time of drafting the notified rules, there was only one Height Precinct proposed, however now there are two precincts and the wording needed to be amended to show a plural. This change is both recorded below and in Appendix 2.

⁷⁴³ Submission 505

⁷⁴⁴ Section 32 Report at p15.

⁷⁴⁵ Submission 240

⁷⁴⁶ I Greaves, Summary of Evidence at [1.7].

904. After considering the submissions and the Section 42A Report, we do not recommend any changes to Objective 13.2.2 or Policies 13.2.2.2 and 13.2.2.4.

905. We do however, for the reasons discussed above recommend rewording of Policies 13.2.2.1 and 13.2.2.3 as follows:

13.2.2.1 Provide for future controlled growth opportunities through the Town Centre Transition Overlay, which enables appropriate town centre activities to establish in a discrete area of residential-zoned land adjoining the town centre, recognising the existing mixed use character of that area, and making a clear distinction between that transition area and the adjacent residential zone.

12.2.2.3 Enable opportunities for further intensification of development in the town centre by providing more generous building heights in the Wanaka Height Precincts.

13.3. Objective 13.2.3 and Policies 13.2.3.1 - 13.2.3.2

906. Objective 13.2.3 and its accompanying policies as notified read:

13.2.3 Objective

Wanaka town centre retains a low scale built form that maintains a human scale.

Policies

13.2.3.1 Ensure that development generally comprises a scale of two to three storeys, with potential to develop a recessed fourth storey in the Wanaka Height Precinct.

13.2.3.2 Provide for consideration of minor height infringements where they help achieve higher quality design outcomes and do not significantly adversely affect amenity values.

907. Ms Virginia Bush⁷⁴⁷ and Kai Whakapai cafe-bar (legal name The Homestead Ltd)⁷⁴⁸ supported notified Objective 13.2.3 and Ms Bush further supported notified Policies 13.2.3.1, 13.2.3.2, 13.2.3 and the rules that give effect to these provisions.

908. Objective 13.2.3 was the only objective in this chapter to attract any amendments sought by a submitter. The JWA & DV Smith Trust⁷⁴⁹ requested that this objective be amended stating that this objective did not align with its policies or reflect the language of the RMA. Their suggested wording was:

Wanaka town centre ~~retains~~ provides a low scale built form where appropriate ~~that maintains a human scale.~~

909. The JWA & DV Smith Trust also noted that they supported policies 13.2.3.1 and 13.2.3.2 in part as it “should acknowledge the appropriate intensification of development in a way that is consistent with the purpose of this zone”.

910. Ms Jones disagreed with this submission. She set out her reasoning in paragraph 9.6 (c) of her report, stating that notified Objective 13.2.3 was more appropriate than the amended version

⁷⁴⁷ Submission 504

⁷⁴⁸ Submission 156

⁷⁴⁹ Submission 505

sought by JWA & DV Smith Trust. She said the wording sought by the submitter suggested that it was appropriate that some parts of the WTC did not need to maintain a human scale.

911. Ms Jones considered this was inappropriate. We concur. Ms Jones told us that while she accepted the concept of low scale and human scale are subjective, she considered the scale enabled in the height precinct can be undertaken in a manner that maintains human scale at ground level.⁷⁵⁰
912. Development at a “human scale” means that the buildings do not overpower public streets and spaces.⁷⁵¹ While development is typically low rise, slightly higher building heights are enabled in targeted locations where they would not have significant adverse impacts.
913. We recognise the wording of Objective 13.2.3 sought to retain the low scale built form that is of a human scale throughout the zone, but not going so far as seeking to maintain the existing low scale. We consider that the wording of Objective 13.2.3 achieves this and as such we recommend rejection of the JWA & DV Smith submission.
914. Ms Jones recommended only a minor change to Policy 13.2.3.1 in order to acknowledge what is allowed by the rules. The JWA & DV Smith Trust submission requested rewording of Policy 13.2.3.1 to encourage development to generally comprise 2-3 storeys with a potential for 4 stories in the Wanaka Height Precinct, rather than to “ensure” development of this sort.
915. Ms Jones considered that as worded, the rules do essentially ensure no more than 2-3 storeys due to non-complying status and this policy. Ms Jones did state that although the notified rules do not prevent the development of a generous single storey development, they do ensure against a 4th storey *other than* in the height precinct.
916. As notified, Policy 13.2.3.1 referred to a generic height precinct as there was only one in operation at the time of notification. Mr Greaves⁷⁵² pointed out that as a consequence to creating an additional height precinct, Policy 13.2.3.1 would need to be amended to specify that it only applies to Height Precinct 1.⁷⁵³
917. We recommend retaining Objective 13.2.3 and Policy 13.2.2.2 as notified and rewording Policy 13.2.3.1 as follows:

Ensure that the scale of development generally comprises no more than a scale of two to three storeys, with the potential to develop a recessed fourth storey in the Wanaka Height Precinct P1.

13.4. Objective 13.2.4 and Policies 13.2.4.1 - 13.2.4.2

918. Objective 13.2.4 and its accompanying policies as notified read:

13.2.4 Objective

New development achieves high quality urban design outcomes that respond to the town’s built character and sense of place.

Policies

⁷⁵⁰ V Jones, Section 42A Report at [9c]

⁷⁵¹ Section 32 Evaluation Report at p12.

⁷⁵² On behalf of Gem Lake

⁷⁵³ I Greaves, Summary of Evidence at [1.7].

- 13.2.4.1 *Encourage new developments to be consistent with the design outcomes sought by the Wanaka Town Centre Character Guideline 2011.*
- 13.2.4.2 *Encourage building design that integrates with public spaces and facilitates the flow of pedestrians through the town centre by providing guidance through the Wanaka Town Centre Character Guideline 2011.*
- 13.2.4.3 *Control the height, scale, appearance and location of buildings in order to achieve a built form that complements the existing patterns of development and is consistent with the amenity values of the town centre.*
- 13.2.4.4 *Encourage building appearance that is responsive to and reflects the essential character of the town centre and its unique environmental setting.*
- 13.2.4.5 *Control the design and appearance of verandas so they integrate well with the buildings they are attached to and complement the overall streetscape, whilst providing appropriate cover for pedestrians.*
- 13.2.4.6 *Ensure that outdoor storage areas are appropriately located and screened to limit any adverse visual effects and to be consistent with the amenity values of the town centre.*

919. Kai Whakapai⁷⁵⁴ supported notified Objective 13.2.4 as long as changes were not required to existing verandas. The Council cannot impose a retrospective requirement for provisions in the Plan and therefore there will be no provision requiring changes to existing verandas. Therefore we recommend this submission is accepted.

920. ORC⁷⁵⁵ also submitted noting that poorly designed shop front veranda setbacks and heights can interfere with kerbside bus movement, however no specific relief was requested.

921. We agree with the risk noted in the ORC submission, and further agree with the additional wording proposed by Ms Jones in her Section 42A Report for Policy 13.2.4.5⁷⁵⁶. Although the ORC submission referred to Rule 13.4.2, we consider that this policy needs to include specific reference to veranda design.

922. We recommend that the wording of Objective 13.2.4 and associated policies are retained as notified, with the exception of Policy 13.2.4.5. We recommend this policy be reworded as follows:

13.2.4.5 Control the design and appearance of verandas so they integrate well with the buildings they are attached to and complement the overall streetscape and do not interfere with kerbside movements of high-sided vehicles, whilst providing appropriate cover for pedestrians.

923. Ms Jones proposed Policy 13.2.4.7 as an additional policy for comprehensive developments. This was consequential on proposing Rule 13.5.13 regarding building coverage for comprehensive developments on properties over 1400m² in area. As a rule seeks to implement

⁷⁵⁴ Submission 156

⁷⁵⁵ Submission 798

⁷⁵⁶ V Jones, Section 42A Report at [11.11]

a policy which in turn seeks to achieve the objectives, it is necessary, we think, to also include a policy directive for comprehensive development.

924. As we discussed in respect of Chapter 12, we think it is the largest sites which offer the opportunity to make a significant and positive contribution to the overall quality and character of the town. This outcome can be achieved particularly through the provision of pedestrian links or lanes, and open spaces and we consider including this wording in Policy 13.2.4.7 is helpful because it identifies with more precision outcomes or actions which better support Objective 13.2.4.

925. Ms Jones' recommended Policy 13.2.4.7 is consistent with the wording in recommended Policy 12.2.2.9 which seeks to achieve the same outcome with regard to high quality comprehensive developments.

926. Subject to a small grammatical amendment, we recommend inclusion of Policy 13.2.4.7 as recommended by Ms Jones. This reads as follows:

13.2.4.7 Require high quality comprehensive developments on large sites to provide primarily for pedestrian links and lanes, open spaces, outdoor dining, and well planned storage and loading/ servicing areas within the development.

13.5. Objective 13.2.5 and Policies 13.2.5.1 - 13.2.5.7

927. Objective 13.2.5 and its accompanying policies as notified read:

13.2.5 Objective

Appropriate limits are placed on town centre activities to minimise adverse environmental effects received both within and beyond the town centre.

Policies

13.2.5.1 Provide appropriate noise limits for town centre activities to minimise adverse noise effects received within the town centre and by nearby properties.

13.2.5.2 Acknowledge that some activities occurring in vibrant town centres can generate higher noise emissions by providing a higher noise limit in the Lower Ardmore Entertainment Precinct.

13.2.5.3 Locate the Lower Ardmore Entertainment Precinct so as to minimise the impacts of the higher noise limit on properties in the Residential Zones near the town centre.

13.2.5.4 Require acoustic insulation for critical listening environments (including residential activities and visitor accommodation) to limit the impact of town centre noise on occupants.

13.2.5.5 Ensure that the location and direction of lights in the town centre does not cause significant glare to other properties, roads, and public places and promote lighting design that mitigates adverse effects on the night sky.

13.2.5.6 Acknowledge that parts of the Wanaka town centre are susceptible to flood risk and require appropriate measures to limit the impact of flooding or ponding in areas of known risk.

13.2.5.7 *Avoid the establishment of activities that are not consistent with the amenity values of the town centre, cause inappropriate environmental effects, and are more appropriately located in other zones.*

928. Wanaka Residents Association⁷⁵⁷ generally supported notified Objective 13.2.5 and its policies, with the express exception of 13.2.5.2 where they sought current noise rules be retained. Wanaka on Water's submission sought confirmation of Objective 13.2.5 and Policy 13.2.5.1. We recommend acceptance of this point⁷⁵⁸, however we recommend other points relating to deletion of the Lower Ardmore Entertainment Precinct (TCEP) and related policies be rejected.
929. Various submitters⁷⁵⁹ supported the TCEP as proposed, with NZIA⁷⁶⁰ requesting a management plan to ensure that the TCEP is actively controlled by QLDC and further definition of the zone.
930. The evidence of Dr Stephen Chiles explained that the rationale of the TCEP concept is to allow for "fewer restrictions on some bar and restaurant activity in an area that has been selected to result in the fewest adverse effects in residential zones around the town centre."⁷⁶¹
931. Ms Jones did not suggest any amendments to these policies. Rather, she noted her opinion that the TCEP was an appropriate method of providing for restaurants and bars. She recognised the burden of having to obtain resource consent for such activities which she considered to be entirely consistent with the night time atmosphere that is anticipated in a resort town such as Wanaka. Implementing the TCEP would encourage consolidation of such activities in the most appropriate location which, in turn, would discourage such activities in the balance of the Town Centre.
932. Further she did not consider a management plan necessary (in response to NZIA's submission), noting that the provision of such a management plan is likely to be required as a condition of consent to operate a licensed premise after 11 pm or to breach the noise limits, much in the same way as it is currently.
933. We wondered if the policy direction was strong enough to distinguish between anticipated activities in the TCEP versus the balance of the WTCZ, namely whether the objectives and policies would allow a noisy activity to be declined outside the TCEP. We raised this with Ms Jones and, in response, her recommendation was to delete notified policies 13.2.5.1 and 13.2.5.4 and add new policies at 13.2.5.8 and 13.2.5.9.
934. These new policies are much more detailed and direct and we consider that they recognise the rationale for the TCEP as explained by Dr Chiles, address several points made by submitters⁷⁶² and help achieve Objective 13.2.5. Together this objective and the associated policies support the zone purpose by providing a framework and hierarchy to locate a range of retail, business and entertainment options in the TCEP, the balance of the Town Centre and in the area north of Ardmore Street.

⁷⁵⁷ Submission 728

⁷⁵⁸ Submission 707

⁷⁵⁹ Submissions 112, 705, 156, 129, 260

⁷⁶⁰ Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, and FS1249

⁷⁶¹ Dr S Chiles, EIC at [10.1].

⁷⁶² Submitters 196, 707, 112, 129, 156, 238, 260 and 705.

935. We additionally recommend some minor grammatical changes to improve the wording of the provisions. We recommend retaining policies 13.2.5.2, 13.2.5.3, 13.2.5.6, 13.2.5.7 as notified and 13.2.5.5, 13.2.5.8 and 13.2.8.9 to read as follows, with amended numbering to reflect the recommended deletions above:

13.2.5.3 *Ensure that the location and direction of lights in the town centre does not cause significant glare to other properties, roads, and public places and promote lighting design that mitigates adverse effects on views of the night sky.*

13.2.5.6 *Minimise conflicts between the Town Centre and the adjacent residential zone by avoiding high levels of night time noise being generated on the periphery of the Town Centre.*

13.2.5.7 *Recognise the important contribution that night time activity makes to the vibrancy and economic prosperity of the Town Centre and specifically provide for those activities while mitigating effects on residential amenity by:*

a. *Enabling night time dining and socialising, both indoors and outdoors, to varying degrees throughout the Town Centre depending on the location of the activity and*

b. *Providing for noisier night time activity within the Lower Ardmore Entertainment Precinct in order to minimise effects on residential zones adjacent to the Town Centre and*

c. *Ensuring that the nature and scale of licensed premises located north of Ardmore Street result in effects that are compatible with adjoining residential zones and*

d. *Enabling night time activities within the Town Centre Zone provided they comply with the noise limits and*

e. *Requiring acoustic insulation for new and redeveloped critical listening environments (including residential activities and visitor accommodation) to limit the impact of town centre noise on occupants.*

13.6. Objective 13.2.6 and Policies 13.2.6.1 - 13.2.6.4

936. Objective 13.2.6 and its accompanying policies as notified read:

13.2.6 Objective

Pedestrian, cycle and vehicle linkages are safe and convenient, enabling people to easily negotiate their way through and around the town centre.

Policies

13.2.6.1 *Implement programmes of street and other public open space improvements to enhance pedestrian amenity and improve the flow of pedestrians, cyclists and vehicles through the town centre.*

13.2.6.2 *Provide pedestrian linkages that promote coherence of the built form of the town centre and are designed so as to receive levels of sunlight and weather protection as appropriate to the overall character of the particular locality.*

13.2.6.3 *To minimise opportunities for criminal activity through incorporating Crime Prevention Through Environmental Design (CPTED) principles as appropriate in the design of lot configuration, public and semi-public spaces, linkages and landscaping.*

13.2.6.4 *Provide an adequate range of parking options so residents and visitors can access the town centre with off-street parking predominantly located at the periphery in order to limit the impact of vehicles.*

937. Whilst there were submissions⁷⁶³ received on this objective and policy suite, Ms Jones recommended only one change⁷⁶⁴ - to make a minor amendment to notified Policy 13.2.6.1 to acknowledge that traffic and car parking management are integral to enhancing pedestrian amenity.

938. Ms Jones recommended that these submitters consider submitting in Stage 2, as issues raised in the submissions would be better addressed in the Transport Hearing. We agree with Ms Jones' comments, consider that this is the correct approach and we adopt her recommendations. For completeness, we describe the submissions below:

939. Mr John Barlow⁷⁶⁵ requested that onsite parking or a contribution to off-site parking should be required (by the District Plan). Similarly, Mr Quentin Smith⁷⁶⁶ requested that a financial parking levy be introduced in lieu of providing onsite parking. Graham Dickson⁷⁶⁷ requested that a parking requirement be added specifically for visitor accommodation in the Town Centre Zone (Rule 13.5)

940. The submission by JWA & DV Smith Trust⁷⁶⁸ requested that notified Objective 13.2.6 be amended as follows:

Objective 13.2.6 - Pedestrian, cycle and vehicle linkages are safe and convenient, providing for an easily accessible town centre ~~enabling people to easily negotiate their way through and around the town centre~~

941. And that the following policies are amended as follows:

Policy 13.2.6.1

Implement programmes of street, traffic and car parking management, and other public open space improvements to enhance ~~pedestrian~~ amenity values and improve the flow of pedestrians, cyclists and vehicles through the town centre.

Policy 13.2.6.4

⁷⁶³ Submissions 218, 225 and 202

⁷⁶⁴ V Jones, Section 42A Report at [12.1]

⁷⁶⁵ Submission 218

⁷⁶⁶ Submission 225

⁷⁶⁷ Submission 202

⁷⁶⁸ Submission 505, supported by FS1048

Provide an adequate range of parking options so residents and visitors can access the town centre with adequate on-site car parking where appropriate ~~predominantly located at the periphery in order to limit the impact of vehicles~~

942. The submission also requested the addition of two more policies.
943. Ms Jones in her Section 42A Report recommended accepting the suggested amendments to notified Policy 13.2.6.1 in part, with some rewording to “*pedestrian amenity*” rather than general amenity as sought.⁷⁶⁹ This wording further acknowledges that traffic and car parking management are integral to enhancing pedestrian amenity.
944. Ms Jones considered this fundamental to achieving notified Objective 13.2.6 and Policy 13.2.6.1, and that it was not fully dealt with by notified Policy 13.2.6.4. We agree.
945. The recommended wording by Ms Jones was as follows:

Policy 13.2.6.1 - Implement street, traffic and car parking management, and other public open space improvements to enhance pedestrian amenity and improve the flow of pedestrians, cyclists and vehicles through the town centre.

946. We agree with Ms Jones’ recommendation and reasoning and therefore recommend accepting the wording as stated above.

13.7. Summary

947. There have been no amendments to any of the notified objectives relating to the WTCZ. There are some minor amendments to the policies of this section in order to achieve the purpose of the Act.
948. We are also satisfied that once all amendments have been incorporated, all objectives and related policies will be effective in achieving the zone purpose as described in 13.1, which is to provide a thriving town hub with a range of retail, business and entertainment options, whilst also remaining accessible on foot due to compactness. We are also satisfied that the objectives and policies will assist in achieving the Strategic Objectives, particularly 3.2.1 and 3.2.1.2 and Strategic Policy 3.3.2.

14. 13.2 OTHER PROVISIONS AND RULES

14.1. 13.3.1 District Wide Rules

949. This section is a cross reference to other District Wide Rules that may apply in addition to the rules in Chapter 13. There were no submissions received nor any comment in the officer’s report relating to this section. Ms Jones recommended only minor amendments proposed in the interests of clarification and consistency with other parts of the Plan.
950. In part we agree with Ms Jones. Consistent with our approach in other chapters we recommend minor amendments that can be made pursuant to Clause 16(2). The recommended layout is shown in Appendix 2.

⁷⁶⁹ V Jones, Section 42A Report at [12.7(b)]

14.2. 13.3.2 Clarification

951. As with other chapters, this section contains a series of provisions that establish how the rules work, including which chapters have precedence over others.
952. Consistent with our approach in other chapters, we recommend that the heading of this section be *“Interpreting and Applying the Rules”* to better identify the purpose of the provisions contained.
953. Other than some non-substantive changes, the only other amendment recommended by Ms Jones was to move the definition of *“comprehensive developments”* from Rule 13.5.13 to this section for clarification. We consider, as we did in respect of Chapter 12, that this should be included in Chapter 2 and recommend as such to the Stream 10 Hearing Panel.
954. We are satisfied these are non-substantive minor amendments and recommend they be made as a minor change in accordance with Clause 16(2).
955. We set out in Appendix 2 our recommended layout of this section.

15. 13.4 RULES – ACTIVITIES

15.1. Rule 13.4.1 Activities not listed in this table and comply with all standards

956. This rule effectively provides a default permitted activity status to any activity that complies with all standards and is not otherwise listed in Activity Table 13.1.
957. There were no submissions received regarding this rule. However as discussed earlier in Chapter 12, this was an area where we directed the Council officers to consider whether such a rule was necessary.
958. We have discussed this in detail in respect of Rule 12.4.1 and will not repeat that here. In summary, we recommend the rule be adopted as notified.

15.2. Rule 13.4.2 Verandas

959. The ORC submission⁷⁷⁰ previously discussed in relation to Section 13.2, noted that *“poorly designed shop front veranda setbacks and heights can interfere with kerbside bus movement.”* Ms Jones suggested inclusion of this as a matter of control. This is consistent with the approach taken in the LSCZ where verandas are also a controlled activity. Including this suggested wording will provide greater certainty as to the rule requirements.
960. We agree with Ms Jones’ suggested additional wording. We also recommend minor amendments in accordance with Clause 16(2). We recommend the Rule read as follows:

⁷⁷⁰ Submission 798

13.4.2	<p>Verandas, in respect of <u>Control is reserved to:</u></p> <p>Design, appearance, materials, impact on and relationship to adjoining verandas (to be guided by the Wanaka Town Centre Character Guideline 2011) to avoid, remedy or mitigate adverse effects on:</p> <ul style="list-style-type: none"> i. Neighbouring buildings and verandas ii. The extent to which the veranda affects the use and enjoyment of the streetscape and iii. The appearance of the building iv. <u>The enabling of unobstructed kerbside movements of high-sided vehicles.</u> 	C
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15.3. Rule 13.4.3 Visitor Accommodation

961. There were no submissions received on this rule, and there is only one minor non-substantive amendment in accordance with Clause 16(2). Subject to that change (shown in Appendix 2), we recommend the rule be adopted as notified.

15.4. Rule 13.4.4 Buildings (including external alterations to existing buildings)

962. JWA & DV Smith Trust⁷⁷¹ sought inclusion of “adequate on-site car parking” to the matters of discretion. This issue is better considered in the Transport Chapter in Stage 2 of the Plan Review, and we recommend rejecting this submission in this hearing.

963. The only changes recommended by Ms Jones were small non-substantive changes to make the rule easier to read, some formatting changes, and rephrasing of the discretion matter regarding natural hazards. With regard to the last suggestion, she explained this amendment clarifies that the last bullet point of the rule is an assessment matter rather than a matter of discretion. It also removes the reference to ensuring that a hazard assessment is provided, as this is already dealt with (and contradicts) Chapter 28 (Natural Hazards). We recommend a slightly different version of this matter of discretion consistent with that proposed by the Stream 6 Panel (see Report 9A).

964. We think the amended wording will be effective and efficient at achieving objective 13.2.5, policy 13.2.5.6 and the objectives and policies in Chapter 28.

965. Accordingly, we consider that the minor rewording be adopted and the Rule read as follows:

13.4.4	Buildings	RD*
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⁷⁷¹ Submission 505 (supported by FS1048)

	<p>*Discretion is restricted to consideration of all of the following: external appearance, materials, signage platform, lighting, impact on the street (to be guided by the Wanaka Town Centre Character Guideline 2011), and natural hazards to ensure that:</p> <ol style="list-style-type: none"> a. External appearance and materials b. Signage platforms c. Lighting d. Impact on the street (to be guided by the Wanaka Town Centre Character Guideline 2011), and e. Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ol style="list-style-type: none"> i. <u>the nature and degree of risk the hazard(s) pose to people and property;</u> ii. <u>whether the proposal will alter the risk to any site; and</u> iii. <u>the extent to which such risk can be avoided or sufficiently mitigated.</u> <p>To ensure that:</p> <ol style="list-style-type: none"> a. The design of the building blends well with and contributes to an integrated built form b. The external appearance of the building is sympathetic to the surrounding natural and built environment. The use of stone, schist, plaster or natural timber is encouraged c. The views along a street or of significant view-shafts have been considered and responded to d. The building facade provides an active interface to open space on to which it fronts, and the detail of the facade is sympathetic to other buildings in the vicinity, having regard to: <ol style="list-style-type: none"> i. Building materials ii. Glazing treatment iii. Symmetry iv. External appearance v. Human scale and vi. Vertical and horizontal emphasis and 	
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	vii. Storage areas are appropriately located and screened-	
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15.5. Rule 13.4.5 Licenced Premises

966. There were no submissions received or comment on this rule in Ms Jones’ Section 42A Report, however the content was the subject of discussion at the hearing.

967. We did not consider it appropriate to include a provision that refers to “*Any relevant Council alcohol policy or bylaw*”. Earlier evidence in respect of the QTCZ (Chapter 12) noted that there are no current alcohol policies in place and that breach of any bylaw could result in enforcement action being required.

968. We asked Ms Jones to consider whether this discretion matter should be removed, as was recommended in Chapter 12. Although Ms Jones accepted this view and noted her recommendation to remove this point from a merits perspective, she did not consider there was scope for her to make this recommendation as no submissions were received on this point.

969. Ms Jones made reference to Ms Swinney’s evidence given in Chapter 12, and we reference this in making our decision. We adopt Ms Swinney’s evidence. In our view, there is no policy or bylaw and therefore this discretion matter is inappropriate and should be deleted accordingly.

970. Ms Jones also considered that “*carparking and traffic generation*” should be removed as a matter of discretion. However she did not consider there was any scope to do so. She noted that Chapter 12 has removed this as a matter of control for Rule 12.4.4, and for consistency Chapter 13 should do the same.

971. We disagree with this recommendation. Both Chapter 13 and 14, Wanaka and Arrowtown, prescribe licensed premises as restricted discretionary activities, and both recommend retaining “*carparking and traffic generation*” as a matter of discretion. These chapters are consistent and changes recommended are in response to submissions received.

972. By contrast, Chapter 12 assigns controlled status to licensed premises and seeks to remove carparking and traffic generation as a matter of control. We are satisfied with this rule and therefore do not recommend the additional change suggested by Ms Jones.

973. We therefore recommend this rule be worded as follows:

13.4.5	<p>Licensed Premises</p> <p>Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor:</p> <p>13.4.5.1 to any person who is residing (permanently or temporarily) on the premises; and/or</p> <p>13.2.5.2 to any person who is present on the premises for the purpose of dining up until 12am.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <p>a. The scale of the activity</p> <p>b. Car parking and traffic generation</p> <p>c. Effects on amenity (including that of adjoining residential zones and public reserves)</p> <p>d. The configuration of activities within the building and site (e.g. outdoor seating, entrances)</p> <p>e. Noise issues <u>and</u></p> <p>f. Hours of operation. ; <u>and</u></p> <p>Any relevant Council alcohol policy or bylaw.</p>	RD
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- 15.6. Rule 13.4.6 Industrial Activities not otherwise provided for in this table, 13.4.7 Factory Farming; 13.4.8 Forestry Activities; 13.4.9 Mining Activities; 13.4.10 Airport
974. No submissions were received on these notified rules, nor were there any changes proposed by Ms Jones in her Section 42A Report.
975. Accordingly, we recommend that these rules be accepted as notified and set out in Appendix 2.
- 15.7. Rule 13.4.11 Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket), or any activity requiring an Offensive Trade Licence under the Health Act 1956.
976. Although there were no submissions received or comment in the Section 42A report; as per the other chapters in Stream 8, Ms Jones recommended splitting the activities in notified rule 13.4.11 for consistency with the other chapters in Stream 8.
977. We agree with that amendment and recommend it be made as a minor change in accordance with Clause 16(2).

13.4.11	Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket), or any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR
<u>13.4.12</u>	<u>Fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket).</u>	<u>PR</u>
<u>13.4.13</u>	<u>Any activity requiring an Offensive Trade Licence under the Health Act 1956.</u>	<u>PR</u>

16. 13.5 RULES – STANDARDS

16.1. 13.5.1 Setbacks and sunlight access – sites adjoining a Residential zone

978. There were two submissions⁷⁷² received in support of this rule and it is recommended to accept both submissions. Both submissions considered the 3m setback would “enable greater flexibility in design that, coupled with building height and recession plane requirements will not compromise the character and amenity of adjoining residential properties.” We recommend accepting these submissions in support.

979. The only change is a small non-substantive change for consistency with as outlined in Report 1. We recommend the rule be adopted with the wording set out below:

13.5.1	<p>Setbacks and sunlight access – sites adjoining a Residential zone</p> <p>13.5.1.1 Buildings shall not project beyond a recession line constructed at an angle of 34° inclined towards the site from points 3m above any Residential Zone boundary.</p> <p>13.5.1.2 Where a site adjoins a Residential Zone all buildings shall be set back not less than 3m.</p> <p>*Discretion is restricted to consideration of all of the following: The visual effects of the height, scale, location and appearance of the building, in terms of dominance and loss of privacy on adjoining properties and any resultant shading effects.</p>	<p>RD*</p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>The visual effects of the height, scale, location and appearance of the building, in terms of dominance and loss of privacy on adjoining properties and any resultant shading effects.</u></p>
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⁷⁷² Submissions 650 and 673

16.2. 13.5.2 Storage; 13.5.3 Residential Activities

980. There were no submissions received on these rules and our only amendments relate to those matters outlined in Report 1, consistent with the previous rule. We recommend these rules be adopted with the wording as set out in Appendix 2.

16.3. 13.5.4 Flood Risk

981. No submissions were received with regard to this rule. In addition to an amendment in accordance with Report 1, only one change was proposed after the hearing. We questioned Ms Jones as to whether it was necessary to include the words “(381.9m Otago Datum) at Wanaka”. Ms Jones considered this and in her reply recommended removing these superfluous words from the rule.

982. The Council have made it clear in their closing submissions, that where proposed changes are of “neutral effect, there is no legal or procedural barrier preventing the Panel from recommending them, and the Council subsequently making the changes under clause 16(2).”⁷⁷³

983. Therefore we recommend removing “381.9m Otago Datum” from the provision and adopting the wording as follows:

13.5.4	<p>Flood Risk</p> <p>No building greater than 20m² shall be constructed or relocated with a ground floor level less than RL 281.9 masl. (381.9m Otago Datum) at Wanaka</p> <p>Note: This ground floor minimum includes 1.3 metres to allow for wave action where necessary.</p> <p>*Discretion is restricted to consideration of all of the following: the level of risk from flooding and whether the risk can be appropriately avoided or mitigated; and the extent to which the construction of the building will result in the increased vulnerability of other sites to flooding.</p>	<p>RD*</p> <p>Discretion is restricted to:</p> <p>a. the level of risk from flooding and whether the risk can be appropriately avoided or mitigated and</p> <p>b. the extent to which the construction of the building will result in the increased vulnerability of other sites to flooding.</p>
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16.4. 13.5.5 Verandas

984. The ORC submission referred to the risk of poorly designed shop front veranda setbacks interfering with bus movements. Ms Jones noted that despite there being a height restriction, there is no requirement for the veranda to extend to cover the full width of the footpath⁷⁷⁴, and therefore she does not consider any change necessary to this rule.

985. We agree with Ms Jones. We note that in addition to this rule, the ORC submission referred to notified Rule 13.4.2 and this rule set out matters of control for verandas as a controlled

⁷⁷³ Legal Submissions on behalf of QLDC in Reply Hearing Stream 5 – District Wide, dated 22 September 2016 at [5.2].

⁷⁷⁴ V Jones, Section 42A Report at [11.11].

activity. We consider that these matters of control respond to the risk noted in the ORC submission and we do not think any additional amendments are required to give effect to this submission.

986. Ms Jones considered it would be appropriate to add “(excluding repainting)” and remove the words “in a way that substantially changes the external appearance”. We disagree with this recommendation and in fact we recommend adding the additional wording “at the road frontage” with regard to the alterations. We think that without this clarification, this rule could result in an onerous requirement for anyone renovating or altering a building with road frontage – regardless of whether the alterations are visible from the road frontage. We consider this additional wording is necessary for clarification to the reader.

987. We recommend the following wording:

13.5.5	<p>Verandas</p> <p>Every building with road frontage to Helwick Street, Dunmore Street and Ardmore Street shall, on its erection or on being reconstructed or altered in a way that substantially changes its external appearance <u>at the road frontage</u>, be provided with a veranda which shall be situated no higher than 3m above pavement level and shall provide continuous cover for pedestrians.</p> <p>*Discretion is restricted to consideration of all of the following: Consistency with the Wanaka Town Centre Character Guideline (2011); Effects on pedestrian amenity; The human scale of the built form; and Historic heritage values (where relevant).</p>	<p>RD*</p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>Consistency with the Wanaka Town Centre Character Guideline (2011)</u></p> <p>b. <u>Effects on pedestrian amenity</u> <u>The human scale of the built form and</u></p> <p>c. <u>Historic heritage values (where relevant).</u></p>
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16.5. 13.5.6 Setbacks from front boundaries; 13.5.7 Acoustic insulation

988. There were no submissions received on these rules and our only amendments relate to those matters discussed in Report 1. We recommend they be adopted with the wording set out in Appendix 2.

16.6. 13.5.8 Maximum building height for all buildings other than those in the Wanaka Height Precinct

989. The New Zealand Fire Service⁷⁷⁵ submitted to retain this standard as notified as, in their view, this standard would enable the establishment of Fire Stations as they require drying towers which allow for a higher height. We recommend acceptance of this submission.

⁷⁷⁵ Submission 438

990. Mr Graham Dickson⁷⁷⁶ and Mr Quentin Smith⁷⁷⁷ opposed the proposed height overlay and height rules. Mr Dickson submitted that the rule should be amended to state a maximum building height of 10 m and two stories. In her Section 42A Report, Ms Jones responded to this request by stating that it would not necessarily enable any meaningful opportunities for intensification or provide for a range of activities and would therefore be considerably less effective at achieving notified Objectives 13.22.1 and 13.2.2.⁷⁷⁸
991. Mr Smith considered that the amenity loss and parking demand associated with additional height allowances is a massive future problem for Wanaka. He submitted that imposing a financial levy in lieu of onsite parking is required before development is promoted.
992. In her Section 42A Report, Ms Jones noted that as the Council collects development contributions under the LGA and its Development Contribution Policy 2016-2017 (DC Policy), it would be inefficient in her opinion to collect some levies under the PDP and others under the DC Policy.⁷⁷⁹
993. We agree with Ms Jones, and recommend these submissions are rejected. The only amendments proposed are pluralising Wanaka Height Precincts and reformatting to create a single rule as follows, which we recommend as a minor change in accordance with Clause 16(2):

13.5.8	Maximum building height for all buildings other than those in the Wanaka Height Precincts	NC
	13.5.8.1 The maximum building height shall be 8m to the eave line and 10m to the ridge line.	

16.7. Maximum building height for buildings in the Wanaka Height Precinct

994. Multiple submissions⁷⁸⁰ were received in support of the Wanaka Height Precinct and rules requesting that they be retained as notified. Foodstuffs agreed that the Height Precinct would enable more flexible building design and be a more efficient use of land and built resource. We recommend these submissions are accepted.
995. NZIA⁷⁸¹ supported the proposed WTCZ height provisions subject to reference to the WTC Guideline to ensure sunlight to streets was not blocked and that upper levels were set back where appropriate to retain solar access to public spaces, and that all projects in the Wanaka Height Precinct be subject to design review. We recommend acceptance of this submission in part.
996. The submission by Gem Lake⁷⁸² sought to include the WTC zoned part of Helwick Street in the Wanaka Height Precinct. The submitter owned the property at 28 Helwick Street (Part Section 17 Block XII Town of Wanaka). The submission also requested any further or consequential or alternative amendments be made to give effects to this.

⁷⁷⁶ Submission 202

⁷⁷⁷ Submission 225

⁷⁷⁸ V Jones, Section 42A Report at [9.13]

⁷⁷⁹ ibid

⁷⁸⁰ Submissions 13, 438, 650, and 705.

⁷⁸¹ Submission 238, opposed by FS1314, FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249

⁷⁸² Submission 240

997. Ms Jones did not consider any changes necessary when preparing her Section 42A Report and recommended the rule be accepted as notified.
998. However, after considering evidence filed by Mr Greaves and Ms Louise Wright on behalf of Gem Lake, Ms Jones reconsidered her initial comment⁷⁸³, and in her summary of evidence given at the hearing she recommended creating a second height precinct.
999. Mr Greaves explained in his evidence presented at the hearing, that in his view there were *“sound design and planning reasons to incentivise greater height limits in the Town Centre Zone of Helwick Street”*.⁷⁸⁴ He went on to say that Helwick Street acts as an important gateway into WTC and it is the central retail space of Wanaka.
1000. Mr Greaves said that incentivising greater building heights would better define Helwick Street as the central retail space. Furthermore, he thought this would also strengthen the view shaft down Helwick Street, emphasising its role as the gateway into the town centre and strengthening the link with the Lakefront.
1001. Prior to the hearing, Ms Jones requested further shading diagrams in relation to the three height scenarios (8-10m, 10-12m, 12-14m) and Ms Wright presented these as a part of her evidence.⁷⁸⁵ These diagrams demonstrated that a 10-12m height limit would not create significant shadowing effects over and above the 8-10m height limit.
1002. Mr Greaves also noted his support⁷⁸⁶ of a second height precinct as proposed by Ms Jones, as in his opinion, this would align with the key provisions of the Strategic Directions (notified Objective 3.2.1.1 and Policies 3.2.1.1.1 and 3.2.1.1.3) and Objective 13.2.4.
1003. Ms Wright also supported the introduction of a second height precinct, as it would allow for three storeys of development with sufficient height to support quality architectural outcomes. She considered that *“while the height limits are not still not consistent to the entirety of Helwick Street, the majority is consistent except the perimeter block at Ardmore Street, therefore an improved hierarchy is achieved for Helwick Street.”*
1004. Mr Church was involved in the correspondence⁷⁸⁷ between Ms Jones and Mr Greaves and Ms Wright regarding the updated shading modelling for WTC prior to the hearing, and he recorded his agreement with Ms Jones’ recommendations for a second height precinct.⁷⁸⁸
1005. The recommendation of Ms Jones in her Reply was to amend Rule 13.5.9 to include Height Precinct 2, within which a height of 10 m to the eave and 12 m to the ridgeline and up to a maximum of 3 storeys would be enabled.⁷⁸⁹
1006. Ms Jones thoroughly set out the costs, benefits and efficiencies and effectiveness of the second Height Precinct in the Section 32AA Evaluation included in her Reply.

⁷⁸³ V Jones, Summary of Evidence at [6].
⁷⁸⁴ I Greaves, Summary of Evidence at p2.
⁷⁸⁵ L Wright, Summary of Evidence at [1.7].
⁷⁸⁶ I Greaves, Summary of Evidence at [1.5].
⁷⁸⁷ T Church, Summary of Evidence at [13].
⁷⁸⁸ *ibid* at [13].
⁷⁸⁹ V Jones, Summary Evidence at [6, 7] and Appendix 2.

1007. In this assessment, it was acknowledged that this amendment may not necessarily enable more development capacity, significantly greater intensification or land use efficiency within the WTC (Objective 13.2.2) in that a partial third storey could already be achieved within the 8/10 m height limit. However the addition of Height Precinct 2 would more appropriately achieve Objective 13.2.4 regarding quality urban design outcomes in that it would enable higher quality internal spaces with more flexibility and more generous stud heights, reinforce Helwick Street’s role as the main retail street and evolving role as the entranceway into the WTC, and encourage its redevelopment, while resulting in only minor shading effects. Shading effects and the desire to strengthen the perimeter block were the primary reason for reducing the notified permitted height on those sites facing Dunmore Street.
1008. We agree with the creation of a second height precinct, which we believe would enable Objectives 13.2.2, 13.2.3 and 13.2.4. We think that this would aid in retaining a low human scale and achieving a high quality urban design; enabling higher quality internal spaces providing for adaptable uses; and high quality retail space and more desirable lease space which would be consistent and complimentary to the amenity values of the town centre.
1009. Implementing a new Height Precinct 2 means that several of the rules need to be reworded to account for more than one precinct. The most significant change in the rules resulting from the new height precinct however, lies within Rule 13.2.5.9, which sets out the maximum building heights for buildings in the height precincts.
1010. Ms Jones recommended adding criteria for Height Precinct 2, and as noted above, we agree with the rationale and inclusion for a new height precinct. We consider this Rule needs to be clear to ensure certainty for the reader as to which provisions apply in each precinct. Accordingly we recommend the following:

13.5.9	Maximum building height for buildings in the Wanaka Height Precincts	NC
13.5.9.1	<u>In Height Precinct P1</u> , the maximum building height shall be 12m to the eave line and 14m to the ridge line	
13.5.9.2	<u>In Height Precinct P1</u> , any fourth storey (excluding basements) and above shall be set back a minimum of 3m from the building frontage.	
13.5.9.3	<u>In Height Precinct P2</u> , the maximum building height shall be 10m to the eave line and 12m to the ridge line and shall comprise no more than 3 storeys, excluding basements.	

1011. Subsequent to the addition of the extended height precinct, amendments are required to Planning Map 21. Ms Jones presented a recommended plan for us at the hearing to demonstrate these precincts. We agree with her recommendation and recommend that two Height Precincts be adopted. We show the relevant areas below, with Height Precinct 1 shown in red and Height Precinct 2 shown in green below:



16.8. 13.5.10 Noise

1012. Two submitters⁷⁹⁰ supported the notified provisions and requested that the curfew for outside drinking/dining be extended to 11pm (from 1 November to 30 April or year around) or, alternatively, Kai Whakapai⁷⁹¹ suggested allowing the conditions of liquor licence applications to reflect the circumstances of each individual case.

1013. Mr Wild’s⁷⁹² submission explained that in his experience of working in hospitality, that supplying entertainment to visitors is important and, currently, patrons are confused when they are asked to move inside at a certain time. The increases proposed by the proposed rule from the allowable noise levels in the ODP would enable the town centre to maintain its vibrancy and, to some extent, the relief sought is likely to be satisfied by the proposed provisions, and therefore their submissions are accepted in part.

1014. In his evidence, Mr Gardiner⁷⁹³ told us in his view it was draconian and embarrassing to ask diners to vacate their tables due to an “arbitrary 10pm curfew”.⁷⁹⁴ He explained that with a diverse range of tourists, some are not beginning their meals until 9pm in the summertime.

1015. There is no rule proposed in the PDP to impose a curfew and conditions relating to liquor licenses is outside the scope of the RMA. Ms Jones provided a useful response to these submitters in her Section 42A Report which will assist in understanding this.⁷⁹⁵ Rather than repeat it here, we summarise that due to the stricter noise controls being imposed from 10pm, this acts as a pseudo curfew. The night time noise levels, (from 10pm) would still apply,

⁷⁹⁰ Submissions 156 and 129

⁷⁹¹ Submission 156

⁷⁹² Submission 466

⁷⁹³ Submission 260

⁷⁹⁴ R Gardiner, EiC at p3.

⁷⁹⁵ V Jones, Section 42A Report at [10.17].

however it is proposed that they be increased, therefore enabling some outdoor dining and drinking after 10pm.

1016. In contrast, some submitters⁷⁹⁶ opposed increasing the noise levels as proposed in the notified PDP, with the Wanaka Residents Association⁷⁹⁷ commenting that more noise was not a prerequisite for greater enjoyment. Wanaka on Water⁷⁹⁸ also requested that any noise mitigation be undertaken by noise producers (and any additional or consequential relief to give effect to this submission).
1017. Wanaka on Water also sought that appropriate amendments be made such that no bar or restaurant activity occurring on road reserves and reserve land created noise beyond the ODP noise limits.
1018. Dr Chiles presented evidence on behalf of the Council which Ms Jones relied on for her recommendation. She considered that the proposed noise limits are an appropriate way of achieving the purpose of the RMA and the proposed objectives, except in respect of the level of noise that could be received in the adjacent residential zone, where no transition zone exists.
1019. In her view there is some form of buffer between the Town Centre and the residential zone with the Town Centre transition overlay along Brownston and Russell Streets. However, her concern was the lack of mechanism proposed to ensure lower, more appropriate noise levels at the interface with residentially zoned properties along Monley Lane and Hedditch Street.
1020. In response to the submissions, and to address these concerns, Ms Jones recommended amending the notified rules⁷⁹⁹ so that they do not apply to the Town Centre-zoned sites north of Ardmore Street. This would mean that all noise generated in that area must be mitigated such that it complies with the residential limit at the boundary. This is similar to the rules in the ODP, and partially accepts the submissions that asked for no increase to the noise limits.
1021. After reviewing the evidence presented by the Council and submitters and Ms Jones' reports, we agree with this approach and recommend that in Rules 13.5.10.3, 13.5.10.4 and 13.5.10.5 additional text, excluding the sites north of Ardmore Street, be included.
1022. We also recommend including a Note as follows:
- Sound from activities in this zone which is received in another zone shall comply with the noise limits set out in Chapter 6 for that zone.*
1023. This explanatory note is consistent with all other chapters in this stream and in the interests of clarity and consistency we recommend this is added as a minor amendment pursuant to Clause 16(2).
1024. Accordingly, we recommend the rule read as follows:

⁷⁹⁶ Submissions 9, 196, 707, and 728

⁷⁹⁷ Submission 728

⁷⁹⁸ Submission 707

⁷⁹⁹ Rules 13.5.10.3, 13.5.10.4, and 13.5.10.5

13.5.10	<p>Noise Town Centre Zone (including the Lower Ardmore Entertainment Precinct):</p> <p>13.5.10.1 Sound* from activities in the Town Centre Zone (excluding sound from the sources specified in rules 13.5.10.3 to 13.5.10.5 below) shall not exceed the following noise limits at any point within any other site in this zone:</p> <p>13.5.10.1.1 daytime (0800 to 2200 hrs) 60 dB LAeq(15 min)</p> <p>13.5.10.1.2 night-time (2200 to 0800 hrs) 50 dB LAeq(15 min)</p> <p>13.5.10.1.3 night-time (2200 to 0800 hrs) 75 dB LAFmax</p> <p>* measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008</p> <p>13.5.10.2 Sound from activities in the Town Centre Zone (excluding sound from the sources specified in rules 13.5.10.3 and 13.5.10.4 below) which is received in another zone shall comply with the noise limits set for the zone the sound is received in.</p> <p>13.5.10.3 Within the Town Centre Zone, only, <u>but excluding those sites north of Ardmore Street</u>, sound* from music shall not exceed the following limits:</p> <p>13.5.10.3.1 60 dB LAeq(5 min) at any point within any other site in the Lower Ardmore Entertainment Precinct; and</p> <p>13.5.10.3.2 55 dB LAeq(5 min) at any point within any other site outside the Lower Ardmore Entertainment Precinct.</p> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008, and excluding any special audible characteristics and duration adjustments.</p> <p>13.5.10.4 Within the Town Centre Zone, only, <u>but excluding those sites north of Ardmore Street</u>, sound* from voices shall not exceed the following limits:</p>	NC
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	<p>13.5.10.4.1 65 dB LAeq(15 min) at any point within any other site in the Entertainment Precinct; and</p> <p>13.5.10.4.3 60 dB LAeq(15 min) at any point within any other site outside the Entertainment Precinct.</p> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008.</p> <p>13.5.10.5 Within the Town Centre Zone, only, <u>but excluding those sites north of Ardmore Street</u>, sound* from any loudspeaker outside a building shall not exceed 75 dB LAeq(5 min) measured at 0.6 metres from the loudspeaker.</p> <p>* measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008, excluding any special audible characteristics and duration adjustments.</p> <p>Exemptions:</p> <p>a. The noise limits in 13.5.10.1 and 13.5.10.2 shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999.</p> <p>b. The noise limits in 13.5.10.1 to 13.5.10.5 shall not apply to outdoor public events pursuant to Chapter 35 of the District Plan.</p> <p><u>Note:</u> <i>Sound from activities in this zone which is received in another zone shall comply with the noise limits set out in Chapter 36 for that zone.</i></p>	
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16.9. 13.5.11 Glare

1025. There were no submissions received on Rule 13.5.11 and the only changes recommended by Ms Jones in her Section 42A Report were due to it being *ultra vires* for uncertainty.⁸⁰⁰

1026. As notified, this rule included reference to limiting the effects on the night sky. Ms Jones considered that this was too subjective. She further noted, that while there were no submissions seeking deletion, given this rule's *ultra vires* nature, its removal would not result in a substantive change.

1027. At the hearing, we questioned this recommendation in order to determine whether there was any scope in other submissions to remove the phrase "and so as to limit the effects on the night sky" as Ms Jones recommended.

⁸⁰⁰ V Jones, Section 42A Report at [11.13].

1028. While Ms Jones responded that she did not consider there to be any scope to delete the phrase; the view expressed by Ms Scott was that the uncertainty made the standard *ultra vires* and should therefore be deleted.⁸⁰¹
1029. While we somewhat agree with Ms Scott’s view that as worded the standard was *ultra vires*, we recommend rewording the rule to make the standard achievable and ensure its ability to implement Policy 13.2.5.3. This Policy seeks to mitigate any adverse effects arising from lighting and glare on “*views of the night sky*”. To implement this policy, we consider the rule should require exterior lighting to be directed downwards so as to limit the effects on views of the night sky. Given the policy direction, we consider this to be a non-substantive change that we recommend be made under Clause 16(2).
1030. Ms Jones further recommended that Rule 13.5.11.4 as notified, be removed as it is overly onerous. Ms Jones did not consider there to be scope to remove this, however we see merit in her recommendation and will discuss this further at Further Recommendations of the Panel.
1031. It is recommended this rule read as follows:

13.5.11	<p>Glare</p> <p>13.5.11.1 All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, and <u>directed downward</u> so as to limit the effects on <u>views of the night sky</u>.</p> <p>13.5.11.2 No activity shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining property within the Zone, measured at any point inside the boundary of any adjoining property.</p> <p>13.5.11.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is zoned residential measured at any point more than 2m inside the boundary of the adjoining property.</p> <p>13.5.11.4 External building materials shall either be coated in colours which have a reflectance value of between 0 and 36%; or consist of unpainted wood (including sealed or stained wood), unpainted stone, unpainted concrete, or copper.</p> <p>Except that:</p> <p>a. architectural features, including doors and window frames, may be any colour and</p>	NC
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⁸⁰¹ Legal Submissions (Right of Reply) of Ms Scott dated 13 December 2016 at [3.7-3.8]

	b. Roof colours shall have a reflectance value of between 0 and 20%.	
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16.10. Table – 13.5.12 Service Lanes

1032. There were no submissions received on this rule, and it did not warrant any comment by Ms Jones in her reports. We recommend accepting this rule as notified and shown in Appendix 2.

16.11. New Rule - Maximum building coverage in relation to comprehensive developments

1033. NZIA⁸⁰² requested the reinstatement of the ODP discretionary 80% building coverage rule in Wanaka to ensure pedestrian linkages were retained and parking provided for. Foodstuffs South Island Limited and Foodstuffs South Island Properties Limited⁸⁰³ supported removal of the ODP site coverage maximum.

1034. Generally consistent with the approach taken for the Queenstown Town Centre Zone in Chapter 12 (notified Rule 12.5.1.2), Ms Jones recommended a new rule imposing a maximum coverage for any development of an area over 1,400m².⁸⁰⁴ Her reasoning for only applying this to larger sites was:

... that these larger scale developments offer the greatest opportunity to achieve quality comprehensive developments (which might include pedestrian links, open space, well planned service lanes and storage areas, viewshafts, etc.); and if located on the edge of the Town Centre (as many are), can help to provide a transition to the adjacent residential area if done well.

1035. In our view, including this rule would be effective and efficient at achieving Objective 13.2.3 which seeks to maintain a human scale, Objective 13.2.4, which is concerned with quality urban design and responding to the town’s built character and Objective 13.2.6 regarding accessibility. Furthermore, Policy 13.2.4.2 encourages building design that integrates with public spaces and facilitates the flow of pedestrians through the town centre and Policy 13.2.6.2 seeks to provide pedestrian linkages that promote coherence of the built form of the town centre.

1036. We agree with Ms Jones’ assessment and recommend inclusion of this rule as suggested in her Section 42A Report. We recommend the rule read as follows:

	Maximum building coverage in relation to comprehensive developments	
13.5.13.1	When undertaking a comprehensive development (as defined), the maximum building coverage calculated over the whole land area, shall be 75%.	RD Discretion is restricted to: a. The adequate provision of pedestrian links, open spaces, outdoor dining opportunities b. The adequate provision of storage and loading/ servicing areas
13.5.13.2	When undertaking a comprehensive development the application shall include a comprehensive development	

⁸⁰² Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249

⁸⁰³ Submissions 650 and 673

⁸⁰⁴ V Jones, Section 42A Report, at [11.8]

	<p>plan that covers the entire development area and is of sufficient detail to enable the matters of discretion listed to be fully considered.</p>	<p>c. The provision of open space within the site, for outdoor dining or other purposes</p> <p>d. The site layout and location of buildings, public access to the buildings, and landscaping, particularly in relation to how the layout of buildings and open space interfaces with the street edge and any adjoining public places and how it protects and provides for view shafts, taking into account the need for active street frontages, compatibility with the character and scale of nearby residential zones, and the amenity and safety of adjoining public spaces and designated sites.</p>
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16.12. 13.6 Rules – Non-notification of Applications

1037. The only submission received on Rule 13.6 was from Foodstuffs South Island Limited and Foodstuffs South Island Properties Limited⁸⁰⁵. This was in support, stating that the removal of the need for affected party approvals and notification for new buildings in the Town Centre Zones would streamline decision making processes, reduce processing times and cost and minimise consenting risks. We recommend accepting this submission.

1038. The only amendment proposed is one that arises due to the inclusion of Rule 13.5.13 in response to the NZIA submission. This amendment is to add “*building coverage in relation to comprehensive development*” as a restricted discretionary activity. We consider that this amendment is necessary for consistency and clarity and therefore recommend that this additional activity be included in this section.

1039. Our recommended Rule 13.6 is included in Appendix 2.

17. FURTHER RECOMMENDATIONS OF THE PANEL

1040. We have included this section in order to identify matters that we think warrant consideration but are out of scope.

17.1. Notified Rule 13.5.11 Glare

1041. As identified earlier, Notified Rule 13.5.11 includes the requirement that:

13.5.11.4 External building materials shall either be coated in colours which have a reflectance value of between 0 and 36%; or consist of unpainted wood (including sealed or stained wood), unpainted stone, unpainted concrete, or copper.

⁸⁰⁵ Submission 650

Except that:

- a. architectural features, including doors and window frames, may be any colour and*
- a. Roof colours shall have a reflectance value of between 0 and 20%.*

1042. We agree with the view of Ms Jones set out in her Section 42A Report.⁸⁰⁶ This rule as notified is very onerous and the same provisions (12.5.14.4 and 16.5.10.4) have been removed in the decision report for Chapter 12 and Chapter 16.
1043. We consider that the WTC Guidelines, at page 25 set out the principles and guidelines in relation to colour including avoiding high gloss and highly reflective finishes; use of stains and oils to reveal the natural grain of timber; and roof colour that blends with the natural environment. The WTC Guidelines have been incorporated into the Rules and as such, we prefer the guidance provided in these guidelines rather than the overly prescriptive wording in notified Rule 13.5.11.
1044. There was no submission relating to this, however we recommend removing this in the interests of consistency and in order to make the rule more workable. As it is, and based on the discussion in Chapter 12 and Ms Jones' view, it would be very onerous on any development in the WTCZ.

18. CONCLUSION

1045. For the reasons advanced through this report, we conclude that the recommended amendments support the zone purpose and enable the objectives of the chapter to be achieved and are more effective and efficient than the notified chapter and further changes sought by submitters that we recommend rejecting.
1046. We consider that the amendments will improve the clarity and consistency of the Plan; contribute towards achieving the objectives of the District Plan and Strategic Direction goals in an effective and efficient manner and give effect to the purpose and principles of the RMA.
1047. Consequently, we recommend that:
- a. Chapter 13 be adopted as set out in Appendix 2;
 - b. The submissions be accepted, accepted in part, or rejected as set out in Appendix 7; and
 - c. The Council initiate a variation to amend Rule 13.5.11Glare, by removing Rule 13.5.11.4.

⁸⁰⁶ V Jones, Section 42A Report at [13.8].

PART D: CHAPTER 14 - ARROWTOWN TOWN CENTRE

19. BACKGROUND

1048. The Section 42A Report for this chapter was prepared by Ms Amy Bowbyes. Ms Bowbyes provided an overview of the ATCZ and its purpose. This can be summarised as providing a town centre that functions as both a tourist destination and a commercial centre for the Arrowtown community. The purpose of the ATCZ planning framework is twofold; to enable the ATCZ to continue to function as described; and also to recognise the heritage values of the ATCZ and ensure those values continue to be maintained.

20. PRELIMINARY MATTERS

20.1. Design Guidelines

1049. Variation 1 to the PDP was notified on 20 July 2016 and replaced the Arrowtown Design Guidelines 2006 with the new Arrowtown Design Guidelines 2016 (AD Guidelines 2016). Accordingly any reference to these guidelines in Chapter 14 is now to the AD Guidelines 2016. Submissions on Variation 1 were heard in Stream 6 and that hearing Panel (differently constituted) has recommended various amendments to the text of chapter 14. We have adopted those amendments.

1050. The AD Guidelines 2016 are “focused on protecting, conserving and enhancing the heritage character and urban amenity values of this character area. This area is more sensitive than others and requires more detailed guidance.”⁸⁰⁷

20.2. Preliminary Matter (2) Historic Characteristics of Arrowtown

1051. We feel it is important to make reference to the historic setting of Arrowtown. Historic buildings define the character and scale of the built environment, and significantly contribute to the town’s high levels of amenity. They serve as an attraction for visitors, contributing to the diverse range of visitor experiences offered throughout the District.

1052. These historic characteristics are a real point of difference between Arrowtown and the other town centres of the District. For this reason, the rules that apply to the Arrowtown Town Centre respond to these differing needs and are not the same as those that apply in other zones.

21. ASSESSMENT OF SUBMISSIONS

1053. There were 17 submission points and 8 further submissions points received on the ATCZ chapter. Ms Bowbyes grouped the submissions by topic in her report, however we will discuss the entire chapter beginning with the zone purpose, and working our way through the objectives and policies, rules and other relevant matters. As we move through the various sections of Chapter 14 we will refer to any relevant submissions.

1054. We have reviewed all submissions on this chapter and recommended amendments where we consider it appropriate. The amended version of Chapter 14 that we are recommending is contained in Appendix 3.

⁸⁰⁷ Page 50, notified version of Arrowtown Design Guidelines 2016

21.1. General Submissions

1055. Mr Craig Douglas⁸⁰⁸ submitted in general support of Chapter 14 and we recognise this support and recommend accepting this submission point.
1056. NW and CE Beggs⁸⁰⁹ largely supported the ATCZ provisions, however requested that vehicles be excluded from Buckingham Street, specifically the section between Berkshire Street and Wiltshire Street, and that appropriate management be implemented to allow daily delivery access and use for special events.
1057. Ms Bowbyes noted that in its capacity as the Road Controlling Authority the Council does have the ability to place restrictions on the use of public roads; however the process for that sits outside the District Plan and this review. She consulted the Council's Property and Infrastructure Team who confirmed that they were aware of this issue and advised that the formal mechanism for the closure of any road is via a change to the Council's Traffic and Parking Bylaw. They also confirmed that road closures do occur on Buckingham Street from time-to-time to restrict vehicle access during public events.
1058. Although not restricting all access to Buckingham Street, Notified Rule 14.5.6 sought to limit the impact of vehicles accessing on-site loading and storage spaces by requiring alternative access to be first considered.
1059. Ms Bowbyes considered that introducing a policy such as that requested by the submitter should be considered in conjunction with the review of the Transport Chapter, which was notified as part of Stage 2 of the District Plan Review in November 2017. We agree that it is more appropriate to consider this relief as part of that process.
1060. We imagine that locals are aware of the limitations of Buckingham Street caused by road width and the inconvenience of blocking the street for other users, and as such would be aware of alternative accesses. We think that based on this, any issues with Buckingham Street would be limited.
1061. For these reasons, we recommend the relief be rejected.

22. SECTION 14.1 – ZONE PURPOSE

1062. Although two submissions⁸¹⁰ were received on the zone purpose, Ms Bowbyes did not recommend any change to the zone description. Ms Gent⁸¹¹ opposed the zone purpose, but gave no further explanation as to why. We recommend rejecting this submission.
1063. Mr Kain Froud⁸¹² submitted in support with no reasons given, and NZIA⁸¹³ submitted in support of additional density within the urban growth boundary, noting that any residential development outside or adjacent to the urban growth boundary would erode Arrowtown's character and "*undermine the value of establishing a growth boundary*". The further submissions in opposition to this submission contained no substantive reasons and we cannot be certain that they even pertain to this submission point.

⁸⁰⁸ Submission 199

⁸⁰⁹ Submission 255

⁸¹⁰ Submission 19 in support, and Submission 223 opposing

⁸¹¹ Submission 223

⁸¹² Submission 19

⁸¹³ Submission 238, opposed by FS1107, FS1157, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249

1064. As we have already noted, we consider that the historic buildings and heritage define the character of Arrowtown. It is this historic setting that attracts visitors to the town. This is captured in the zone purpose and also encapsulated in the objectives and policies that follow. The overarching purpose of the ATCZ is to enable a variety of activities to occur that meet the needs of residents and visitors, whilst ensuring that this special heritage character is not compromised.

1065. As notified, we consider that the zone purpose articulates this. Accordingly, we recommend retaining the zone purpose as notified with no amendments.

23. 14.2 OBJECTIVES AND POLICIES

23.1. Objective 14.2.1 and Policies 14.2.1.1 - 14.2.1.5

1066. Objective 14.2.1 and its accompanying policies as notified read:

14.2.1 Objective

New development celebrates the town's historic character and is sympathetic to its environmental setting.

Policies

14.2.1.1 *Control the height, scale, appearance and location of buildings in order to achieve a built form that complements the existing patterns of development and reflects the essential historic character of the town centre and its unique environmental setting.*

14.2.1.2 *Ensure that any additions or alterations to buildings are undertaken in a manner that complements and respects the historic character and is consistent with the outcomes sought by the Arrowtown Design Guidelines 2016.*

14.2.1.3 *Acknowledge that new buildings do not necessarily need to replicate historic building styles, but must blend in with and contribute to the established character of the town centre.*

14.2.1.4 *Encourage building design that integrates with public spaces and facilitates the flow of pedestrians through the town centre.*

14.2.1.5 *Control the design and appearance of verandas so they integrate well with the buildings they are attached to and, complement the overall streetscape, while providing appropriate cover for pedestrians.*

1067. Ms Gent⁸¹⁴ submitted in opposition to Objective 14.2.1. However no further detail was provided and no relief was specified. Ms Bowbyes did not propose any amendments to this objective and we consider that it is a suitable goal to achieve the overarching purpose of the ATCZ. Therefore we recommend rejection of this submission and propose no amendments to Objective 14.2.1.

1068. As stated earlier, a consequential change arising from Variation 1 to the PDP means that the reference to the Arrowtown Design Guidelines has been updated from 2006 and has been replaced with 2016.

⁸¹⁴ Submission 223

1069. The Otago Regional Council (ORC) submission⁸¹⁵ contained a section entitled “*Effects of development on Public Transport*”. This submission refers to specific rules in this chapter⁸¹⁶, however there is no relief requested. Whilst this submission does not directly mention Policy 14.2.1.5, it does note the issue with “*poorly designed shop front veranda setbacks and heights can interfere with kerbside bus movement*”.
1070. We consider that as Policy 14.2.1.5 seeks to control the design and appearance of verandas that the issue in the submission is relevant and can be addressed at a policy level as well as in the ATCZ rules-activities.
1071. Ms Bowbyes recommended an amendment to notified Rule 14.4.2 (to be discussed in more detail later in the report) and an amendment to Policy 14.2.1.5 in response to the issue identified in the ORC submission. She recommended adding the additional wording “*and do not interfere with kerbside movements of high-sided vehicles*”.
1072. We disagree with this additional wording, as it would mean the Policy and rule are incompatible with the heritage character of Arrowtown and the AD Guidelines 2016. These guidelines seek to ensure that future development will occur in ways that retain the *town's* unique historic character. As explained earlier, Arrowtown is noted for its historic buildings and verandas down its main street. These verandas are often held up by veranda posts and removal of these to provide for high sided vehicles would compromise the historic values.
1073. We also note that buses and service vehicles have the option of utilising other available streets in Arrowtown, thus avoiding Buckingham Street and its verandas. We therefore recommend the policy is retained as notified.
1074. Consequently, we recommend that, other than the amendment resulting from Variation 1, Objective 14.2.1 and Policies 14.2.1.1 to 14.2.1.5 inclusive, be adopted as notified.

23.2. Objective 14.2.2 and Policies 14.2.2.1 - 14.2.2.5

1075. Objective 14.2.2 and its accompanying policies as notified state as follows:

14.2.2 Objective

Arrowtown is a compact, convenient and attractive town centre that has a low scale built form, with limited opportunities for expansion.

Policies

- 14.2.2.1 *Provide for the controlled expansion of town centre activities through the Town Centre Transition Overlay, which enables appropriate town centre activities to establish in a discrete area of residential-zoned land adjoining the town centre.*
- 14.2.2.2 *Discourage outward expansion of town centre activities in areas other than the Town Centre Transition Overlay in order to ensure that the town centre maintains a compact form.*
- 14.2.2.3 *Ensure that development generally comprises a low scale to maintain consistency with the scale and character of existing town centre buildings.*

⁸¹⁵ Submission 798

⁸¹⁶ Notified Rules 14.4.2 and 14.4.3

14.2.2.4 *Provide for consideration of minor height infringements where they help achieve higher quality design outcomes and do not significantly adversely affect amenity values.*

14.2.2.5 *Acknowledge and celebrate our cultural heritage, including incorporating reference to tangata whenua values, in the design of public spaces, where appropriate.*

14.2.2.6 *Ensure that outdoor storage areas are appropriately located and screened to limit adverse visual effects and to be consistent with the amenity values of the town centre.*

1076. Ms Gent⁸¹⁷ submitted in opposition to this objective, however no further detail was provided and no relief was specified. On this basis, we recommend this submission be rejected.

1077. In her Section 42A Report, Ms Bowbyes did not propose any amendments to Objective 14.2.2. However, as it is currently worded in the notified version, we considered that it was not consistent with the nature of an objective, as it was framed as a statement of fact, rather than stating a desired outcome.

1078. When questioned, Ms Bowbyes gave an explanation of the objective, noting that there had been an increase of commercial activity in the ATCZ, and the objective sought to limit any further expansion. We did not feel that the current wording would achieve the objective as explained by Ms Bowbyes. In light of this, we requested that Ms Bowbyes consider redrafting Objective 14.2.2 so as to specify an outcome, rather than the simply describing the current circumstance.

1079. Ms Bowbyes redrafted the objective, consistent with the definitions and guidance provided in the Fourth Procedural Minute and this amended wording was included in her reply. We have amended this a little further and recommend adoption of the following wording for this objective:

14.2.2 Objective – Arrowtown ~~is~~ remains a compact, convenient and attractive town centre that has a low scale built form, with limited opportunities for expansion.

1080. There were no submissions received on Policies 14.2.2.1 – 14.2.2.6 and we recommend that these policies as be adopted as notified.

23.3. Objective 14.2.3 and Policies 14.2.3.1 - 14.2.3.2

1081. Objective 14.2.3 and its accompanying policies as notified read:

14.2.3 Objective

Arrowtown town centre is a focus for commercial, cultural, entertainment and visitor activities.

Policies

14.2.3.1 *Provide for a diverse range of activities that meet the needs of residents and visitors, and enables the town centre to have a broad economic base.*

14.2.3.2 *Enable residential activities and visitor accommodation activities above ground floor level whilst acknowledging that there will be a lower level of residential amenity due to the mix of activities of the town centre.*

⁸¹⁷ Submission 223

1082. Ms Gent⁸¹⁸ submitted in support of this objective, and this submission is accepted, subject to the rewording directed to better state the objective.

1083. In her Section 42A Report, Ms Bowbyes did not propose any amendments to this objective. However, as was the case with Objective 14.2.2, this objective as notified was also not expressed as a desired goal. Again we requested that Objective 14.2.3 be redrafted to specify an outcome, and we recommend adoption of the following wording for this objective:

14.2.3 Objective- Arrowtown town centre ~~is~~ remains a focus for commercial, cultural, entertainment and visitor activities.

1084. There were no submissions received on Policies 14.2.3.1 – 14.2.3.2 and we recommend that these policies as be adopted as notified.

23.4. Objective 14.2.4 and Policies 14.2.4.1 - 14.2.4.4

1085. Objective 14.2.4 and its accompanying policies as notified read:

14.2.4 Objective

Appropriate limits are placed on town centre activities to minimise adverse environmental effects within and beyond the town centre.

Policies

14.2.4.1 Provide appropriate noise limits for town centre activities to minimise adverse noise effects received within the town centre and by nearby properties.

14.2.4.2 Avoid the establishment of activities that cause noxious effects that are not appropriate for the town centre.

14.2.4.3 Ensure that the location and direction of lights in the town centre does not cause significant glare to other properties, roads, and public places and promote lighting design that mitigates adverse effects on the night sky.

14.2.4.4 Avoid the establishment of activities that are not consistent with the amenity values of the town centre, cause inappropriate environmental effects, and are more appropriately located in other zones.

1086. Ms Gent⁸¹⁹ submitted in support of this objective. There were no reasons given and we recommend accepting this submission.

1087. In her Section 42A Report, Ms Bowbyes did not propose any amendments to this objective. There were no submissions received on policies 14.2.4.1 – 14.2.4.4.

1088. We recommend a minor amendment to Policy 14.2.4.3 to make it consistent with the wording of Policy 4.2.2.10. Consequently, we recommend adding the additional words “views of” to clarify the effects that the policy is seeking to minimise. Our recommended policy reads:

⁸¹⁸ Submission 223

⁸¹⁹ Submission 223

Ensure that the location and direction of lights in the town centre does not cause significant glare to other properties, roads, and public places and promote lighting design that mitigates adverse effects on views of the night sky.

1089. Other than that amendment, we recommend that the Objective 14.2.4 and related policies be adopted as notified.

23.5. Objective 14.2.5 and Policies 14.2.5.1 - 14.2.5.6

1090. Objective 14.2.5 and its accompanying policies as notified read:

14.2.5 Objective

The town centre's transport network and pedestrian linkages recognise Arrowtown's heritage values, enabling the safe and convenient movement of people and goods.

Policies

14.2.5.1 *Implement programmes of street and other public open space improvements in a manner that is consistent with the town's heritage values, to enhance pedestrian amenity and improve the flow of pedestrians through the town centre.*

14.2.5.2 *Pedestrian linkages enable people to easily negotiate their way through and around the town centre, including linkages with the Arrow River recreation area.*

14.2.5.3 *Minimise opportunities for criminal activity through incorporating Crime Prevention Through Environmental Design (CPTED) principles as appropriate in the design of lot configuration, public and semi-public spaces, and landscaping.*

14.2.5.4 *Encourage vehicle loading areas to be located in streets other than Buckingham Street to avoid impacting on pedestrian and vehicle movements, and to limit any adverse effects on amenity.*

14.2.5.5 *Encourage the location of off-street parking at appropriate locations on the periphery of the town centre so as to limit the impact of vehicles on town centre amenity, particularly during peak visitor periods.*

14.2.5.6 *Manage the transport network and traffic so as to reduce its negative impacts on the town centre and to increase safety and amenity for pedestrians.*

1091. Ms Gent⁸²⁰ submitted in support of this objective. There were no reasons given and we recommend accepting this submission.

1092. In her Section 42A Report, Ms Bowbyes did not propose any amendments to this objective. There were no submissions received on Policies 14.2.5.1 – 14.2.5.6.

1093. We recommend that the Objective 14.2.5 and Policies 14.2.5.1-14.2.5.6 be adopted as notified.

23.6. Summary

1094. There have been no significant additions or refinements to the objectives and policies as part of our recommendations.

⁸²⁰ Submission 223

1095. We are satisfied that reworded Objectives 14.2.2 and 14.2.3 are now phrased as desired outcomes rather than existing scenario descriptions, and that this is the most appropriate way to achieve the purpose of the Act.
1096. We are also satisfied that all objectives and their associated suite of policies will be effective in achieving the zone purpose as described in the PDP, namely a town centre that functions as both a tourist destination and a commercial centre for the Arrowtown community, whilst also recognising and maintaining the unique heritage values of Arrowtown.

24. OTHER PROVISIONS AND RULES

24.1. 14.3.1 District Wide Rules

1097. This section is a cross reference to other District Wide Rules that may apply in addition to the rules in Chapter 14. There were no submissions received nor any comment in the officer's report relating to this section. Ms Bowbyes recommended only minor amendments proposed in the interests of clarification and consistency with other parts of the Plan.

24.2. 14.3.2 Clarification

1098. As with other chapters, this section contains a series of provisions that establish how the rules work, including which chapters have precedence over others.
1099. Consistent with our approach in other chapters, we recommend that the heading of this section be "*Interpreting and Applying the Rules*" to better identify the purpose of the provisions contained.
1100. There are some other non-substantive changes proposed by Ms Bowbyes in the Recommended Revised Chapter appended to her Section 42A Report⁸²¹ that we have incorporated into our recommended chapter.
1101. We consider these minor amendments are necessary for consistency and as such recommend they are accepted.
1102. We set out in Appendix 3 our recommended layout of this section.

25. RULES

25.1. 14.4 Rules - Activities

1103. Ms Gent⁸²² submitted in opposition to these rules with no reason, and in the absence of any reasoning we recommend to reject this submission.

25.2. Rule 14.4.1 Activities not listed in this table and comply with all standards

1104. This rule effectively provides a default permitted activity status to any activity that complies with all standards and is not otherwise listed in Activity Table 14.1.
1105. There was one submission received in support of this rule by The New Zealand Fire Service⁸²³. Although Ms Bowbyes had no recommendations on this rule in her Section 42A Report, we asked her at the hearing to consider whether this rule was necessary.

⁸²¹ Appendix 1. Recommended Revised Chapter at p14-3

⁸²² Submission 223

⁸²³ Submission 438.

1106. Ms Bowbyes response was contained in her Right of Reply⁸²⁴ which stated she considered this rule is necessary and that she remained of the view that she has no recommended changes to this rule. Ms Bowbyes justified her reasoning by reference to the discussion provided by Ms Jones in her Reply Statement for Chapter 12. This matter was also considered by Ms Scott in her Reply⁸²⁵ and is discussed in detail in Part B: Chapter 12.
1107. We thank the Council and the Section 42A authors for their consideration of this issue and we accept their collective view that inclusion of a default rule is necessary.
1108. We appreciate that there are other zones where the default status of an activity that is not listed is non-complying, whereas in the Business Chapters⁸²⁶ these activities default to permitted. Therefore we concur with the reasons given for inclusion and there are no changes considered necessary. We recommend the New Zealand Fire Service submission be accepted and that the rule be adopted as notified.

25.3. Rule 14.4.2 Verandas

1109. The ORC submission⁸²⁷ mentioned above, noted that “*poorly designed shop front veranda setbacks and heights can interfere with kerbside bus movement.*” Recognising this, Ms Bowbyes recommended including a specific element of veranda design in the listed matters of control.
1110. As already discussed at Policy 14.2.1.5, we disagree with this reference as it is incompatible with the heritage character of Arrowtown. The Arrowtown Design Guidelines 2016 have been incorporated into the District Plan, and these guidelines clearly explain the verandas are very much a part of the historic heritage character of Arrowtown. These guidelines must be considered and incorporated into the design when a resource consent is required. As such, we do not consider that there needs to be reference to veranda design with regard to traffic implications. Historic heritage has precedence over traffic issues (see Strategic Objective 3.2.3.1 and Strategic Policy 3.3.16), especially in the instance where there are alternative traffic routes available.
1111. In order to achieve consistency across the entire Plan, Ms Bowbyes has also reworded the direction of the Rule itself, adding the phrase “*Control is reserved to the following*”. We have recommended throughout our reports that this be reduced to “*Control is reserved to:*” for simplicity.
1112. Subject to the minor wording amendments discussed in Report 1, we recommend this rule be adopted as notified, as shown in Appendix 3.

25.4. Rule 14.4.3 Visitor Accommodation

1113. There were no submissions received on this rule, and the only amendments proposed are those minor amendments discussed in Report 1. Subject to those changes, we recommend this. Rule be adopted as notified, as shown in Appendix 3.

⁸²⁴ A Bowbyes, Reply Statement at [5.1-5.3].

⁸²⁵ Legal Submissions in Reply dated 13 December 2016 at [2.1-2.6].

⁸²⁶ Chapters 12-17

⁸²⁷ Submission 798

25.5. Rule 14.4.4 Buildings (including external alterations to existing buildings)

1114. The ORC submission⁸²⁸ regarding effects of development on public transport included this rule, although no specific relief was specified.
1115. The subject of the ORC submission was considered at Policy 14.2.1.5 and Rule 14.4.2, which relate specifically to the design elements of verandas. As previously explained, the verandas are very much a part of the historic heritage which is celebrated and iconic for Arrowtown. This is evidenced by reference to the discretion matter regarding relationship to heritage values which is guided by the Arrowtown Design Guidelines 2016. These guidelines must be considered and incorporated into the design when a resource consent is required. As such, we do not consider that there needs to be reference to veranda design with regard to traffic implications.
1116. Minor changes proposed by Ms Bowbyes included rephrasing of the discretion matter regarding natural hazards. We have further amended this to be consistent with the wording adopted. By the Stream 6 Panel. We recommend the rule be adopted subject to the Clause 16(2) amendment, as set out below:

⁸²⁸ Submission 798

14.4.4	<p>Buildings (including external alterations to existing buildings) *Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> a. external appearance b. Materials c. signage platform d. Lighting e. impact on the street f. relationship to heritage values (to be guided by the Arrowtown Design Guidelines 2016) g. compatibility with adjoining buildings h. the retention of pedestrian linkages between Arrow Lane, Buckingham Street and Ramshaw Lane, having regard to the National Guidelines for Crime Prevention Through Environmental Design (CPTED) and i. Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses including considering the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated. <ul style="list-style-type: none"> i. <u>the nature and degree of risk the hazard(s) pose to people and property;</u> ii. <u>whether the proposal will alter the risk to any site; and</u> iii. <u>the extent to which such risk can be avoided or sufficiently mitigated.</u> 	RD*
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25.6. Rule 14.4.5 Licenced Premises

1117. Although there were no submissions received or comment on this rule in the Section 42A Report, we consider that this rule requires amending.

1118. We did not consider it appropriate to include a provision that refers to “*Any relevant Council alcohol policy or bylaw*” when earlier evidence in respect of the QTCZ (Chapter 12) noted that there are no current alcohol policies in place and that breach of any bylaw could result in enforcement action being required.

1119. We asked Ms Bowbyes at the hearing to consider whether this discretion matter should be removed, as was recommended in Chapter 12. Although Ms Bowbyes accepted this view and noted her recommendation to remove this point in her Reply⁸²⁹, she did not consider there was scope for her to make this recommendation as no submissions were received on this point.⁸³⁰

1120. However, with reference to the evidence⁸³¹ of Ms Swinney, Team Leader Alcohol Licensing at QLDC, (given in Chapter 12) we were advised that there is no policy or bylaw. Therefore this discretion matter is non-existent and we recommend that it be deleted accordingly. We recommend this rule read:

14.4.5	<p>Licensed Premises Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor:</p> <p>14.4.5.1 to any person who is residing (permanently or temporarily) on the premises;</p> <p>14.4.5.1 to any person who is present on the premises for the purpose of dining up until 12am.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> a. The scale of the activity b. Car parking and traffic generation c. Effects on amenity (including that of adjoining residential zones and public reserves) d. The configuration of activities within the building and site (e.g. outdoor seating, entrances) e. Noise issues <u>and</u> f. Hours of operation. <u>And</u> <p style="padding-left: 40px;">a) Any relevant Council alcohol policy or bylaw.</p>	RD*
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25.7. Rule 14.4.6 Industrial Activities not otherwise provided for in this table, 14.4.7 Factory Farming; 14.4.8 Forestry Activities; 14.4.9 Mining Activities; 14.4.10 Airport

1121. There were no submissions received on these proposed rules, nor was there any comment or change proposed by Ms Bowbyes in her Section 42A Report, evidence summary or Reply.

1122. Accordingly we recommend that these rules be adopted as notified.

⁸²⁹ A Bowbyes, Reply Statement at [3.1-3.3].

⁸³⁰ Ibid at [3.3].

⁸³¹ S Swinney, EiC at [5.32].

- 25.8. Rule 14.4.11 Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket), or any activity requiring an Offensive Trade Licence under the Health Act 1956.
1123. Although there were no submissions received or comment by Ms Bowbyes in her Section 42A report; in her reply Ms Bowbyes recommended amending the layout of this rule.
1124. We accept this amendment and recommend rewording to maintain consistency across the chapters in the Business Stream:

14.4.11	Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket), or any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR
<u>14.4.12</u>	<u>Fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket).</u>	<u>PR</u>
<u>14.1.13</u>	<u>Any activity requiring an Offensive Trade Licence under the Health Act 1956.</u>	<u>PR</u>

26. 14.5 RULES – STANDARDS

26.1. Rules 14.5.1 – 14.5.7

1125. There are nine rules in this section of the chapter, and only one submission was received, which was in relation to Rule 14.5.7 – Building Height. This submission was received from the New Zealand Fire Service⁸³² and sought to exempt fire station towers from the height limit of 7m proposed in notified Rule 14.5.7.
1126. This submission point was the topic of discussion in the Section 42A Report, identified by Ms Bowbyes as issue 3.⁸³³
1127. We agree with Ms Bowbyes statement that it is appropriate that fire stations should be subject to the same rigour as other developments in the ATCZ, including compliance with the prescribed building heights set out in notified Rule 14.5.7.
1128. To allow an exemption for fire station towers, in our view, would potentially allow towers of unlimited height and undermine the heritage and amenity values that are important in Arrowtown. We further agree with Ms Bowbyes, that an exemption would not achieve Objectives 14.2.1 and 14.2.2 or Policies 14.2.1.1, 14.2.1.2, 14.2.1.3, 14.2.2.3 and 14.2.2.4 and that the requested relief should be rejected, and the wording of the notified rule is accepted.
1129. We consider that many of the other amendments proposed by Ms Bowbyes to be minor formatting changes identified earlier in this decision. We have also amended to format consistent with our approach in other chapters such that the matters of discretion are in the

⁸³² Submission 438

⁸³³ A Bowbyes, Section 42A Report at [11.3 – 11.5].

non-compliance column. These changes are non-substantial in nature and therefore we recommend that they be adopted by the Council utilising Clause 16(2).

1130. Subject to those changes, we recommend Rules 14.5.1, 14.5.2, 14.5.3, 14.5.4, 14.5.5, 14.5.6 and 14.5.7 be adopted as notified and as shown in Appendix 3.

26.2. Rule 14.5.8 Noise

1131. This rule relates to noise in the ATCZ. There were no submissions received in relation to this rule, and there were no comments in the Section 42A report.

1132. When Ms Bowbyes presented her evidence at the hearing, we questioned whether the wording of this rule had enough clarity, and suggested that it be reworded to clarify which parts of the rule were exemptions and which parts were explanatory notes.

1133. Ms Bowbyes has addressed this in her Reply⁸³⁴ and we recommend the accompanying explanation to Rule 14.5.8.1 be amended as set out below:

14.5.8	<p>Noise</p> <p>14.5.8.1 Sound* from activities shall not exceed the following noise limits at any point within any other site in this zone:</p> <p>14.5.8.1.1 daytime (0800 to 2200 hrs) 60 dB L_{Aeq(15 min)}</p> <p>14.5.8.1.2 night-time(2200 to 0800 hrs) 50 dB L_{Aeq(15 min)}</p> <p>14.5.8.1.3 night time (2200 to 0800 hrs) 75 dB L_{AFmax}</p> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008</p> <p>Exemptions:</p> <p>a. The noise limits in rule 14.5.8.1 shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999.</p> <p>b. The noise limits in rule 14.5.8.1 shall not apply to <u>permitted</u> outdoor public events pursuant to <u>Rule 35.4.7 Chapter 35</u> of the District Plan.</p> <p><u>Note:</u> Sound from activities which is received in another zone shall comply with the noise limits set out in Chapter 36 for that zone.</p>	NC
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⁸³⁴ A Bowbyes, Reply Statement at [6.1].

26.3. Rule 14.5.9 Glare

1134. There were no submissions received on this rule and the only changes recommended by Ms Bowbyes were in relation to the effects on the night sky.
1135. As notified, this rule included reference to limiting the effects on the night sky. Ms Bowbyes considered that this was too subjective. She further noted, that while there are no submissions seeking deletion, given its *ultra vires* nature, its removal would not result in a substantive change.
1136. Ms Scott addressed this issue in her legal submissions with regard to the phrasing in Rule 14.5.9 where she submitted that uncertainty made the standard *ultra vires*, and therefore should be deleted.⁸³⁵
1137. We have discussed this rule which is common to all chapters in Chapter 12 and 13, and for the reasons given in our discussion of those chapters we consider the rule can be corrected by wording it so that it implements Policy 14.2.4.3. This Policy seeks to mitigate any adverse effects arising from lighting and glare on “*views of the night sky*”. To implement this policy, we consider the rule should require exterior lighting to be directed downwards so as to limit the effects on views of the night sky. Given the policy direction, we consider this to be a non-substantive change that we recommend be made under Clause 16(2).
1138. Notified Rule 14.5.9.4 stated that “All roofs of buildings shall be finished or treated so they do not give rise to glare when viewed from any public place or neighbouring property”.
1139. Ms Bowbyes considered that nearly all surfaces, especially all roofs that comprise pressed steel (i.e. brands such as colorsteel) emit a reflectance value to some degree.⁸³⁶ Ms Bowbyes directed us to a website to show that even the more recessive coloursteel colours on the market have a light reflectance value in the order of 10% (Ironsand).⁸³⁷
1140. However, there is no submission relating to this and therefore Ms Bowbyes did not consider there was scope to remove this. We will discuss this further in the section entitled *Further Recommendations of the Panel*.
1141. At this stage, we therefore recommend this rule be adopted as set out below:

⁸³⁵ Legal Submissions (Right of Reply) of Ms Scott dated 13 December 2016 at [3.7-3.8]

⁸³⁶ A Bowbyes, Section 42A Report at [14.4]

⁸³⁷ http://www.roof.co.nz/uploads/resources/Colorsteel_luminous_reflectance_values.pdf.

14.5.9	Glare	NC
	14.5.9.1 All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places and <u>directed downwards</u> so as to limit the effects on <u>views of the night sky</u> .	
	14.5.9.2 No activity in this zone shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any property within the zone, measured at any point inside the boundary of any adjoining property.	
	14.5.9.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is zoned residential measured at any point more than 2m inside the boundary of the adjoining property.	
	14.5.9.4 All roofs of buildings shall be finished or treated so they do not give rise to glare when viewed from any public place or neighbouring property.	

26.4. 14.6 Rules – Non-notification of Applications

1142. There were no submissions received on Rule 14.6 and the only amendment proposed was one in the interests of clarity to add the rule reference (14.4.4) to 14.6.2.1 Buildings.

1143. We recommend that this reference is included as set out in Appendix 3.

27. FURTHER RECOMMENDATIONS OF THE PANEL

1144. We have included this section in order to identify matters that we think warrant consideration but are out of scope.

27.1. Notified Rule 14.5.9 Glare

1145. As identified earlier, Notified Rule 14.5.9.4 included the requirement that:

All roofs of buildings shall be finished or treated so they do not give rise to glare when viewed from any public place or neighbouring property.

1146. Ms Bowbyes told us that nearly all surfaces, especially all roofs that comprise pressed steel (i.e. brands such as colorsteel) emit a reflectance value to some degree. Even the more recessive coloursteel colours on the market have a light reflectance value in the order of 10% (Ironsand).⁸³⁸

1147. There is no submission relating to this, however we recommend removing this requirement in order to make the rule more workable. This is also consistent with our recommendation in other Business Chapters. As it is, and based on Ms Bowbyes advice above, it is ultra vires and would be very onerous on any development in the ATCZ.

⁸³⁸ A Bowbyes, Section 42A Report at [17.4-17.5].

1148. Therefore, we recommend to the Council that it incorporate this change by way of a variation to the PDP.

28. CONCLUSION

1149. For the reasons advanced through this report, we conclude that the recommended amendments support the zone purpose and enable the objectives of the chapter to be achieved and are more effective and efficient than the notified chapter and further changes sought by submitters that we recommend rejecting.

1150. We consider that the amendments will improve the clarity and consistency of the Plan; contribute towards achieving the objectives of the District Plan and Strategic Direction goals in an effective and efficient manner and give effect to the purpose and principles of the RMA.

1151. Consequently, we recommend that:

- a. Chapter 14 be adopted as set out in Appendix 3;
- b. The submissions be accepted, accepted in part, or rejected as set out in Appendix 7; and
- c. The Council initiate a variation to amend Rule 14.5.9

PART E – CHAPTER 15 LOCAL SHOPPING CENTRE ZONE

29. BACKGROUND TO CHAPTER 15

1152. Ms Amy Bowbyes prepared the Section 42A Report for this chapter. The LSCZ replaces the Corner Shopping Centre Zone of the ODP. The purpose of the LSCZ is to enable small scale commercial and business activities that are accessible to residential areas and people in transit.

30. PROCEDURAL MATTERS

30.1. LSCZ at Cardrona Valley Road and 1 Hansen Road – Deferral of Submission Points to Hearing on Mapping

1153. The Panel's Minute of 2 December 2016, directed that submissions that specifically related to the LSCZ at Cardrona Valley Road in Wanaka and 1 Hansen Road in Frankton were deferred to the hearings on mapping.

1154. During the course of the hearing, we became aware that some submissions were site specific and in our view it would be more appropriate to deal with those in the Mapping hearings.

Cardrona Valley Road

1155. In his opening, Mr Winchester submitted that the submission of Mr Stuart Ian and Ms Melanie Kiri Agnes Pinfold and Satomi Enterprises Limited⁸³⁹, (Pinfolds and Satomi) raised matters that were site specific. He suggested that those submitters should be given the opportunity to be heard in the mapping hearing stream when the application of the zone was to be considered.

1156. In a further submission, the Gordon Family Trust⁸⁴⁰ opposed "*all of the submission and the relief sought*" in the Pinfolds and Satomi submission and the WDL submission. The Gordon Family Trust lodged economic evidence of Mr John Polkinghorne supporting provision for two larger tenancies in the LSCZ at Cardrona Valley Road. This evidence included comment on Mr Timothy Heath's economic evidence prepared on behalf of the Council as part of the Section 42A Report.

1157. On 29 November 2016, the Hearing Panel received a memorandum from Counsel for the Pinfolds and Satomi acknowledging that the submission was site specific and seeking clarification as to whether it would be heard as part of the Business Hearing Stream, or the mapping stream. Following this, the Council also advised us that there were other submissions relating to this site.⁸⁴¹

1158. In response to this information, the Panel Chair asked the Committee Secretary to inquire as to whether the Gordon Family Trust (having already lodged evidence) wished to defer its submission to the mapping hearing.

1159. We were advised that as the evidence had already been lodged on behalf of the Gordon Family Trust, and that the Council's expert witness, Mr Heath had already responded to this contrary evidence, that they would prefer to continue to be heard in this Hearing Stream.

⁸³⁹ Submission 622

⁸⁴⁰ FS1193

⁸⁴¹ Memorandum of Counsel on behalf of QLDC dated 1 December 2016

1160. The Panel Chair advised in a Minute dated 2 December 2016, that it would be preferable and more efficient to deal with all submissions on a particular site together.⁸⁴² However, with regard to the evidence presented on behalf of the Gordon Family Trust, that evidence was not site specific. Mr Polkinghorne’s evidence responded to Mr Heath’s evidence, which related to the whole of the LSCZ. Therefore, we deal with that matter in this Report.
1161. Taking all of this into consideration, the Chair directed that the following submissions be transferred to the Mapping Hearing:⁸⁴³
- a. Pinfolds and Satomi⁸⁴⁴
 - b. Ms Susan Meyer⁸⁴⁵
 - c. Aspiring Lifestyle Retirement Village⁸⁴⁶ and
 - d. Wanaka Lakes Health Centre⁸⁴⁷.
1162. Ms Bowbyes also advised in her Reply that the submission by JA Ledgerwood⁸⁴⁸ was also specific to the Cardrona Valley Road LSCZ and therefore, it was appropriate to transfer this submission to the mapping hearing to be heard with the above submissions.
1163. These submissions have been heard in the Stream 12 Panel and recommendations on them can be found in Report 16.
- 1 Hansen Road
1164. Ms Bowbyes advised us at the hearing that she understood a resource consent application was imminent for 1 Hansen Road and that the activity proposed was more akin to residential than business. Mr Tony MacColl for NZTA, also confirmed that was his understanding.
1165. There are some site specific rules proposed in the PDP that relate to 1 Hansen Road. Taking into account the information provided by Ms Bowbyes and Mr MacColl, those provisions may not be appropriate for the use of the site.
1166. In our view, site specific provisions would be best heard in parallel with submissions relating to the zoning of a specific site. Taking all of this into consideration, we directed that the following submissions were transferred to the Stream 13 Hearing:⁸⁴⁹
- a. Spence Farms Limited⁸⁵⁰; Board of Airline Representatives of New Zealand Incorporated⁸⁵¹
Queenstown Airport Corporation Limited⁸⁵²
 - b. New Zealand Transport Agency⁸⁵³

⁸⁴² Minute directing that certain submissions be transferred to mapping hearings dated 2 December 2016 at [5].

⁸⁴³ Minute directing that certain submissions be transferred to mapping hearings dated 2 December 2016

⁸⁴⁴ Submission 622

⁸⁴⁵ Submission 274

⁸⁴⁶ FS1101

⁸⁴⁷ FS1212

⁸⁴⁸ Submission 507

⁸⁴⁹ Minute directing that certain submissions be transferred to mapping hearings dated 2 December 2016

⁸⁵⁰ Submission 698

⁸⁵¹ FS1077

⁸⁵² FS1340

⁸⁵³ Submission 719

c. Queenstown Airport Corporation Limited⁸⁵⁴; Board of Airline Representatives of New Zealand Incorporated⁸⁵⁵; Queenstown Park Limited⁸⁵⁶; Remarkables Park Limited⁸⁵⁷.

1167. For this reason, there is no discussion or substantive recommendations pertaining to:

- a. Policy 15.2.3.5
- b. Rule 15.4.3.2
- c. Rule 15.5.1 (in part)
- d. Reply Rule 15.5.5 and
- e. Rule 15.6.2.2 (in part).

1168. These submissions have been heard by the Stream 13 Panel and recommendations on them can be found in Report 17.

31. MINOR AMENDMENTS

31.1. Local Shopping Centre Heading

1169. As notified, the heading of this zone listed the Local Shopping Centres as “Albert Town, Arrowtown, Fernhill, Frankton, Hawea, Sunshine Bay and Wanaka”. We found that list quite misleading in referring to Wanaka, which has a Town Centre Zone applied. It appears that the reference is intended to be to the area zoned LSCZ at Cardrona Valley Road.

1170. We recommend this list be amended to refer to “Cardrona Valley Road” in the interim until the Council can identify an appropriate suburban name for the area.

32. ASSESSMENT OF SUBMISSIONS

1171. There were 39 original submissions received from 16 submitters, and 70 further submissions received.

1172. We have reviewed all submissions on this chapter and recommend amendments where we consider it appropriate to support and achieve the purpose and function of the LSCZ. We identify changes in the text by underlying throughout this Report and provide an amended version of Chapter 15 that we are recommending in Appendix 4.

32.1. Preliminary Matter – Limitations on Retail Floor Space and Activity Types

1173. Willowridge Developments Limited⁸⁵⁸ sought that rules be included in Rule 15.4 to restrict retail activities to those providing a local service with a gross floor area of no more than 400m², or rules to like effect. The submitter considered the zone provisions to be too permissive and the range of activities could undermine the town centres and other commercial centres, particularly where the LSCZ was of a significant size.

1174. In preparing her Section 42A Report, Ms Bowbyes sought the advice of Mr Heath from Property Economics. As a result of that advice, Ms Bowbyes recommended a new policy that restricted identified retail activities to ensure the role of town centres was not threatened⁸⁵⁹, and a new

⁸⁵⁴ Submission 433

⁸⁵⁵ FS1077

⁸⁵⁶ FS1097

⁸⁵⁷ FS1117

⁸⁵⁸ Submission 249, opposed by FS1193

⁸⁵⁹ A Bowbyes, Section 42A Report, Appendix 1, Policy 15.2.1.5

rule that prescribed a non-complying activity status for identified retail activities⁸⁶⁰. She also recommended a new policy⁸⁶¹ and related rule limiting individual retail activities to 300m² and individual office activities to 200m² in the zone⁸⁶².

1175. In his evidence in chief, Mr Heath explained that, in his experience, convenience stores (supermarkets excluded) fall well below 400m² GFA⁸⁶³. Mr Heath went on to state the average store size in higher order town centres he has audited in recent years has been between 275m²- 330m² GFA, including minor department stores and supermarkets. In smaller convenience centres he noted that the average store size was around 170m² GFA. Both fall well below the 400m² GFA maximum sought by WDL.
1176. Although discussed primarily in the context of the 1 Hansen Road LSC, Mr Heath concluded that an office tenancy cap of 200m² per tenancy in the LSCZ would ensure that any office establishing in this zone was small scale and focussed on the local residential area, as contemplated by the purpose, objectives and policies of the LSCZ⁸⁶⁴.
1177. It was also Mr Heath's view that restricting certain store types would provide greater certainty of outcome. He noted that the vast majority of retail stores are normally below 300m² GFA, and that some of the store types commonly at this smaller size, are important store types to have in town centres in order for town centres to perform and role successfully in the market⁸⁶⁵. It was Mr Heath's opinion that the policy regime of the PDP meant that the LSCZ should be available for convenience shopping rather than comparison shopping. Consequently, he recommended excluding some non-convenience store types from the LSCZ, including fashion stores, electronic and electrical goods stores, appliance stores, and furniture and floor covering stores, which he considered would rely on attracting customers from well beyond any local market to generate sales⁸⁶⁶.
1178. It was in reliance on this evidence that Ms Bowbyes recommended the additional policies and rules.
1179. At the hearing, we heard evidence from Mr Polkinghorne, a retail economist appearing for the Gordon Family Trust. Mr Polkinghorne's evidence was largely focussed on the Cardrona Valley Road LSCZ, but in part responded to Mr Heath's evidence in a general sense.
1180. Mr Polkinghorne told us that while he agreed with Mr Heath that a retail tenancy cap is desirable for the Cardrona Valley Road LSCZ, he disagreed with the 300m² limit suggested by Mr Heath, rather he suggested a 400m² GFA was more appropriate⁸⁶⁷. He also suggested special provision could be made at the Cardrona Valley Road LSCZ for larger tenancies⁸⁶⁸.
1181. It was Mr Polkinghorne's opinion that the 300m² threshold recommended by Mr Heath and incorporated into Ms Bowbyes proposed Rule 15.5.9 would result in those retailers seeking to establish premises of the 300m² to 400m² range having limited options.

⁸⁶⁰ *ibid*, Appendix 1, Rule 15.4.6

⁸⁶¹ *ibid*, Appendix 1, Policy 15.2.1.4

⁸⁶² *ibid*, Appendix 1, Rule 15.5.9

⁸⁶³ T Heath, EiC, at paragraph 3.14

⁸⁶⁴ *ibid* at paragraph 3.33

⁸⁶⁵ *ibid*, at paragraph 3.18

⁸⁶⁶ *ibid*, at paragraph 3.20

⁸⁶⁷ J Polkinghorne, EiC, at paragraphs 163-164

⁸⁶⁸ *ibid*, paragraphs 165 and 183-188

1182. While Mr Polkinghorne provided extensive evidence on the growth in population and tourism in the District, and in Wanaka in particular, and the demand that would create for additional retail floor space, he did not, in our view, consider how that additional space should be properly allocated around the various business areas in Wanaka, having regard to both the Strategic Objectives and Policies of the PDP, or the objectives and policies of the LSCZ. We have left his specific comments on the Cardrona Valley Road LSCZ to be considered by the Stream 12 Hearing Panel.
1183. When appearing before us, Mr Heath told us that '*scale*' was an important focus of the zone as was the convenience nature of the retail and commercial service offer anticipated within the LSCZ.⁸⁶⁹ In his view, a 400m² maximum GFA threshold was well above the average convenience store size and was likely to require a significant proportion of a store's sales to be derived from customers who reside beyond the local area to remain viable.
1184. Mr Heath concluded that Mr Polkinghorne had failed to consider the appropriate policy context or wider policy implications of his proposed policies relating to floor size, especially when assessed against the entire LSCZ across the district and the objectives and policies in the Strategic Directions chapters.⁸⁷⁰
1185. At the hearing, we asked Ms Bowbyes to consider the 300m² limit for retail activities and compare it to some existing activities that are occurring in the LSCZ. Ms Bowbyes provided this information to us in her Reply⁸⁷¹, which clearly identified that the wide range of existing activities in the LSCZ are well below the proposed 300m² threshold.
1186. Ms Bowbyes also noted in her Reply, that, by Mr Polkinghorne's own admission, the Business Mixed Use Zone (BMUZ) was not considered in his modelling, and in her view the BMUZ would be more appropriate for activities with GFA of between 300m² and 400m² as the BMUZ did not place limits on the GFA of retail activities.⁸⁷²
1187. Turning now to the recommended limit of office tenancy floor space, Mr Graeme Todd, Counsel for the Gordon Family Trust submitted that there was no scope to apply a 300m² limit in recommended Rule 15.5.9, or to consider office activities.
1188. Ms Scott addressed this in her Reply⁸⁷³. She submitted that scope was provided by the WDL submission to consider office activity as the original submission criticised the LSCZ provisions for being too permissive for retail and commercial activity. Ms Scott noted that the definition of "*commercial activity*" included commercial and administrative offices and as such the appropriate GFA for office activity in the LSCZ could be considered and a recommendation made by the Panel.⁸⁷⁴
1189. Ms Bowbyes proposed an upper limit of 200m² for office activities in the LSCZ. Mr Polkinghorne considered the 200m² GFA cap to be arbitrary and that it could impede businesses from establishing.⁸⁷⁵

⁸⁶⁹ T Heath, Summary of Evidence, at paragraph 12.

⁸⁷⁰ *ibid* at paragraph 15.

⁸⁷¹ A Bowbyes, Reply Statement, at paragraphs 6.1-6.4.

⁸⁷² *ibid* at paragraph 6.12.

⁸⁷³ Legal Submissions (Right of Reply) of Mr Winchester dated 13 December 2016 at [6.4]

⁸⁷⁴ *ibid* at paragraphs 6.5 and 6.6

⁸⁷⁵ J Polkinghorne, EIC at [194].

1190. It was Mr Polkinghorne's view that the tenancy cap for office activities should be removed, or in the alternative that it be set at 400m² GFA, in line with the cap for retail.⁸⁷⁶
1191. Mr Heath disagreed with that view. He noted that Mr Polkinghorne had not provided any relevant evidence to support this opinion, nor any economic evidence on the implications of such a policy setting.⁸⁷⁷
1192. Mr Heath stated that in his view, office activity up to 400m² was of a scale that went well beyond the intent and purpose of the LSCZ, and potentially could result in an outcome that did not resemble a local convenience centre.⁸⁷⁸ Ms Bowbyes did not consider the changes recommended by Mr Polkinghorne with regard to GFAs to be consistent with the zone intent and purpose or the planning framework of the LSCZ.⁸⁷⁹
1193. When considering the exclusion of certain retail activities, Mr Polkinghorne supported the exclusion of electronic and electrical goods stores, appliance stores, furniture and floor covering stores, and department stores from the LSCZ, but he did not support the exclusion of fashion stores. He also suggested other types which he would support: a shop which primarily sold cellphones, Simcards, accessories, or an independent homewares store which could sell furniture.⁸⁸⁰
1194. Mr Heath did not consider these type of stores promoted by Mr Polkinghorne to be those anticipated in the LSCZ. In Mr Heath's view, these were more suited to the function and amenity of larger town centres.⁸⁸¹ In the LSCZ it was more appropriate to sell convenience/frequently required goods, or day-to-day requirements, in Mr Heath's opinion.
1195. Having considered the evidence of Mr Heath and Mr Polkinghorne, we prefer the evidence of Mr Heath. As we noted above, Mr Polkinghorne did not evaluate the provisions in the context of the Strategic Chapters, or the objectives and policies of the LSCZ. Nor did his evidence examine the wider consequences of his recommendations on all parts of the District.
1196. In our view, Strategic Policies 3.3.3, 3.3.6, 3.3.9 and 3.3.10 are the relevant high level policies which the LSCZ provisions should be implementing. Although differently numbered and slightly rephrased, these policies were in Chapter 3 as notified. We are satisfied that Mr Heath's recommendations, as expressed in the policies and rules recommended by Ms Bowbyes, reinforce those policies. We consider that Mr Polkinghorne has essentially disregarded the Strategic Direction for the District in coming to his conclusions.
1197. For these reasons, we recommend the following provisions are included in Chapter 15:
- 15.2.1.4 Avoid individual retail activities exceeding 300m² gross floor area and individual office activities exceeding 200m² gross floor area that would adversely affect the:
- a. retention and establishment of a mix of activities within the local shopping centre

⁸⁷⁶ *ibid* at [196].

⁸⁷⁷ T Heath, Summary of Evidence, at paragraph 16.

⁸⁷⁸ *ibid*.

⁸⁷⁹ A Bowbyes, Reply Statement at paragraph 6.14.

⁸⁸⁰ J Polkinghorne, EiC, at paragraphs 18.-181

⁸⁸¹ *Ibid* at paragraph 14.

- b. role and function of town centres and commercial zones that provide for large scale retailing and
- c. safe and efficient operation of the transport network.

15.2.1.5 Restrict identified retail activities to ensure that the role and function of town centres as the District’s principal centres of retailing activity is not threatened.

Activities

		Activity Status
15.4.6	Appliance Stores, Electronic and Electrical Goods Stores, Fashion Stores, Furniture and Floor Covering Stores	NC

Standards

		<u>Non-compliance Status</u>
15.5.10	<p>Retail and Office activities:</p> <p>15.5.10.1 Individual Retail activities shall not exceed 300m² gross floor area</p> <p>15.5.10.2 Individual Office activities shall not exceed 200m² gross floor area</p> <p>Note: All associated office, storage, staffroom and bathroom facilities used by the activity shall be included in the calculation of the gross floor area.</p>	NC

1198. After hearing the submissions and further submissions on the zoning of the Cardrona Valley Road centre, the Stream 12 Panel has additionally recommended the inclusion of the following provisions:

15.2.1.6 Limit the total gross floor area of retail and office activities within the Local Shopping Centre Zone located on Cardrona Valley Road to ensure that the commercial function of Wanaka Town Centre and Three Parks is not adversely affected.

15.5.11	<p>Retail and Office Activities in the Local Shopping Centre Zone located at Cardrona Valley Road, Wanaka</p> <p>The total combined area of retail and office activities shall occupy no more than 3,000m² gross floor area.</p> <p>Note: For the purposes of this rule the gross floor area calculation applies to the total combined area of retail and office activities within the entire Local Shopping Centre Zone at Cardrona Valley Road, and</p>	D
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	shall not be interpreted as applying to individual sites within the zone.	
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1199. We accept and adopt their recommendation and include these provisions in the recommended chapter in Appendix 4.

1200. We do note that the LSCZ is applied to a range of existing shopping centres and it does not appear, on the basis of the economic evidence we heard, that all of them are consistent with the provisions and intent of this zone. Such inconsistencies have the potential to undermine the zone provisions further when newly zoned sites are developed, or existing centres are expanded. We recommend the Council undertake of review of the zone provisions and the centres it is applied to and consider whether alternative or additional business zones should be applied to existing and proposed centres.

32.2. Section 15.1 – Zone Purpose

1201. The zone purpose provided that the LSCZ enables small scale commercial and business activities in discrete pockets of land that would be accessible to residential areas and people in transit – in summary the intent was to provide for a range of accessible activities at a limited scale.

1202. The aim of the LSCZ sought to reduce the necessity for people to travel longer distances to town centres to purchase convenience goods and access services. The purpose further described how the LSCZ were located in predominantly residential environments, and therefore standards in the zone would limit potential adverse effects on residential amenity and discourage the establishment of inappropriate activities.

1203. Visitor accommodation and residential activities were provided for in the Zone, adding to the vibrancy and viability of the Zone, whilst contributing to the diversity of housing options enabled by the District Plan.

1204. Mr Kain Froud⁸⁸² supported the zone purpose, while QAC⁸⁸³ sought to add additional text to the notified Zone Purpose highlighting reverse sensitivity effects within the OCB. Dr Maggie Lawton⁸⁸⁴ submitted that this was an “excellent purpose”, although she suggested that more amenities were needed at Northlake. However there was no further detail provided.

1205. In her Section 42A Report, Ms Bowbyes considered that the purpose as notified, provided a “*very salient and high level overview of the purpose*” of the LSCZ. We agree with Ms Bowbyes, and consider the zone purpose as notified identified the purpose and intent of the zone and no amendments are required. As such, we recommend that the QAC submission be rejected.

1206. We recommend a minor change, for clarification, to remove the reference to “*zone standards*” and rather use the term “*standards*”. The term “*zone standards*” has a specific meaning in the ODP and we would not want to create any confusion. We recommend that the Council make this change under Clause 16(2).

1207. Thus we recommend the Zone Purpose be adopted as notified, subject to that minor amendment, as shown in Appendix 4.

⁸⁸² Submission Point 19

⁸⁸³ Submission 433, supported by FS433.61 opposed by FS1097, FS1117

⁸⁸⁴ Submission 117

33. 15.2 OBJECTIVES AND POLICIES

33.1. Objective 15.2.1 and Policies 15.2.1.1 - 15.2.1.3

1208. Objective 15.2.1 and its accompanying policies as notified read:

15.2.1 Objective

Enable a range of activities to occur in the Local Shopping Centre Zone to meet the day to day needs of the community and ensure that they are of a limited scale that supplements the function of town centres.

Policies

15.2.1.1 *Provide for a diverse range of activities that meet the needs of the local community, enable local employment opportunities and assist with enabling the economic viability of local shopping centres.*

15.2.1.2 *Ensure that local shopping centres remain at a small scale that does not undermine the role and function of town centres.*

15.2.1.3 *Enable residential and visitor accommodation activities, but limit their establishment to above ground floor level to ensure that the integrity of activities occurring at street level is maintained, and that the core commercial function of the centres is not eroded.*

1209. Only one submission⁸⁸⁵ was received in relation to Objective 15.2.1 and that was in support.

1210. In her Section 42A Report, Ms Bowbyes recommended rewording Objective 15.2.1⁸⁸⁶ to be consistent with the definitions and guidance provided in the Fourth Procedural Minute in order to articulate it as an objective rather than an action.

1211. We felt that this objective should be amended further in order to convey that the LSCZ provides a focal point for those activities listed. We questioned Ms Bowbyes at the hearing as to whether it would be appropriate to amend Objective 15.2.1 for that purpose.

1212. Ms Bowbyes reconsidered the wording and in her Reply she recommended further rewording which she thought provided further acknowledgement of the differences between the LSCZ and the Commercial Precincts that are embedded within the Township Zones of the ODP (and that would be reviewed in a subsequent stage of the PDP).⁸⁸⁷

1213. We additionally recommend a minor grammatical change, and recommend Objective 15.2.1 be adopted as follows:

~~*Enable Local Shopping Centres provide a focal point for a range of activities to occur in the Local Shopping Centre Zone to that meet the day to day needs of the community and ensure they are of at a limited scale that supplements the function of town centres.*~~

⁸⁸⁵ Submission Point 380

⁸⁸⁶ A Bowbyes, Section 42A Report, Appendix 1

⁸⁸⁷ A Bowbyes, Reply Statement at [5.1].

1214. In her Section 42A Report, Ms Bowbyes also recommended a minor non-substantive change for clarity in Policy 15.2.1.3.⁸⁸⁸ We agree and recommend the words “local shopping” be added as a minor change under Clause 16(2).

1215. This recommended change is shown as underlined, with Policy 15.2.1.3 recommended to read as follows:

Enable residential and visitor accommodation activities, but limit their establishment to above ground floor level to ensure that the integrity of activities occurring at street level is maintained, and that the core commercial function of the ~~centres~~ local shopping centre is not eroded.

1216. We recommend Policies 15.2.1.1 and 15.2.1.2 be adopted as notified.

33.2. Objective 15.2.2 and Policies 15.2.2.1 - 15.2.1.6

1217. Objective 15.2.2 and its accompanying policies as notified read:

15.2.2 Objective

Buildings respond to the existing character, quality and amenity values of their neighbourhood setting.

Policies

15.2.2.1 *Control the height, scale, appearance and location of buildings in order to achieve a built form that complements the existing patterns of development and is consistent with established amenity values.*

15.2.2.2 *Ensure that development generally comprises a scale that is commensurate with the receiving built environment.*

15.2.2.3 *Provide for consideration of minor height infringements where they help achieve higher quality design outcomes and do not significantly adversely affect amenity values.*

15.2.2.4 *Place specific controls on the bulk and location of buildings on sites adjoining Residential-zoned properties to ensure that an appropriate standard of residential amenity is maintained.*

15.2.2.5 *Control the design and appearance of verandas so they integrate well with the buildings they are attached to and complement the overall streetscape, while providing appropriate cover for pedestrians.*

15.2.2.6 *Ensure that outdoor storage areas are appropriately located and screened to limit any adverse visual effects and to be consistent with established amenity values.*

1218. NZIA⁸⁸⁹ noted their support for Objective 15.2.2 and requested an additional requirement that any new or remedial work over 100m² or remedial works over 30% of GFA of a building be reviewed by the UDP.

⁸⁸⁸ A Bowbyes, Section 42A Report, Appendix 1

⁸⁸⁹ Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249

1219. There was no elaboration or evidence as to why UDP review and the thresholds for such a review were sought and Ms Bowbyes discussed in detail why she disagreed with such a requirement in her Section 42A Report.⁸⁹⁰
1220. We agree with her view that there are no changes required to the current process with the UDP. Setting thresholds as requested by the submitter to make UDP involvement mandatory is not necessary. In addition to the current case-by-case approach to UDP involvement, we think notified Objective 15.2.2 and associated policies also assist with achieving good urban design outcomes and a consideration of the receiving environment. Accordingly this submission is recommended to be rejected for these reasons.
1221. As has already been discussed throughout this Report, the ORC submission⁸⁹¹ contained a section entitled “*Effects of development on Public Transport*”. The submission referred to the example that “*poorly designed shop front veranda setbacks and heights can interfere with kerbside bus movement*”.
1222. Ms Bowbyes recommended an amendment to notified Rule 15.4.2 (to be discussed in more detail later in the decision) in her Section 42A Report and an amendment to Policy 15.2.2.5 in response to the issue identified in this submission. We consider that due to the fact that Policy 15.2.2.5 provides for design and appearance of verandas that this submission is relevant. In our view, it is both efficient and effective to provide for this issue at a policy level as well as in the rules.
1223. We recommend the adoption of the underlined additional text as recommended by Ms Bowbyes, so that the policy reads:
1224. Other than that change, we recommend Objective 15.2.2 and its policies be adopted as notified.
- 33.3. **Objective 15.2.3 and Policies 15.2.3.1 - 15.2.3.5**
1225. Objective 15.2.3 and its accompanying policies, as notified, read:

Policy 15.2.2.5 Control the design and appearance of verandas so they integrate well with the buildings they are attached to and, complement the overall streetscape and do not interfere with kerbside movements of high-sided vehicles, while providing appropriate cover for pedestrians.

15.2.3 Objective

Appropriate limits are placed on activities to minimise adverse environmental effects received both within and beyond the zone.

Policies

15.2.3.1 *Provide appropriate noise limits to control adverse noise effects generated by activities occurring within the Local Shopping Centre Zone and received by nearby properties.*

15.2.3.2 *Require acoustic insulation for critical listening environments (including residential activities and visitor accommodation) to limit the impact of noise generated within the Zone on occupants.*

⁸⁹⁰ A Bowbyes, Section 42A Report at [10.1-10.6].

⁸⁹¹ Submission 798

15.2.3.3 *Ensure that the location and direction of lights does not cause significant glare to other properties, roads, and public places and promote lighting design that mitigates adverse effects on the night sky.*

15.2.3.4 *Avoid the establishment of activities that are not consistent with established amenity values, cause inappropriate environmental effects, or are more appropriately located in other zones.*

15.2.3.5 *For development of the site(s) at 1 Hansen Road, between Hansen Road and the Frankton Cemetery (as shown on Planning Maps 31, 31a and 33), in addition to other Zone-wide requirements:*

a. Ensure that development is undertaken in an integrated manner, having particular regard to

b. ensuring the safe and efficient operation of the transport network

c. Implement specific controls to limit effects on the historic values of the neighbouring cemetery.

1226. In her Section 42A Report, Ms Bowbyes recommended rewording this objective consistent with the definitions and guidance provided by the Panel in the Fourth Procedural Minute.⁸⁹² We agree with her changes in order to articulate it as an objective rather than an action.

1227. NZTA⁸⁹³ submitted in support of Objective 15.2.3 and policies 15.2.3.3, 15.2.3.4 and 15.2.3.5 and sought that they be retained. We recommend accepting this submission, subject to the change recommended above in relation to the objective and Policies 15.2.3.3 and 15.2.3.4. Policy 15.2.3.5 has been dealt with in the Stream 13 hearings.

1228. QAC⁸⁹⁴ sought that an additional policy be included under Objective 15.2.3 which would read:

For sites within the Outer Control Boundary of Queenstown Airport require, as necessary, mechanical ventilation of any Critical Listening Environment within any new buildings, relocated buildings, and alterations and additions to existing buildings that contain an Activity Sensitive to Aircraft Noise to achieve an Indoor Design Sound Level of 40dB Ldn, based on the 2037 Noise Contours.

1229. The rationale was stated as being to implement and give effect to PC35⁸⁹⁵. In her Section 42A Report, Ms Bowbyes recommended this submission be accepted in part by rewording Policy 15.2.3.2 to acknowledge the Airport and OCB at the policy level, given that a portion of the LSCZ is within the OCB.⁸⁹⁶ Ms Bowbyes further recommended wording to recognise the reverse sensitivity effects on Queenstown Airport for development within the OCB.

⁸⁹² A Bowbyes, Section 42A Report, Appendix 1

⁸⁹³ Submission 719

⁸⁹⁴ Submission Point 433, supported by FS1077, opposed by FS1097, FS1117

⁸⁹⁵ *ibid*, Sections 4.29-4.42

⁸⁹⁶ A Bowbyes, Section 42A Report at [11.11].

1230. Mr Kyle, planning witness for QAC, did not comment on Ms Bowbyes recommended amendment to this policy, and suggested no changes to her recommendation in his version of Chapter 15 presented at the hearing⁸⁹⁷.

1231. We consider that, as Policy 15.2.3.2 is concerned with acoustic insulation for critical listening environments, it is the most appropriate location for acknowledging reverse sensitivity effects on Queenstown Airport for development within the OCB.

1232. We generally agree with Ms Bowbyes with regard to the additional wording, however recommend a minor change to the policy so that it refers to the potential for reverse sensitivity effects. Accordingly, we recommend accepting the QAC submission in part, and amending the policy as underlined, to read:

Require acoustic insulation for critical listening environments (including residential activities and visitor accommodation) to:

a. limit the impact of noise generated within the Zone on occupants; and,

b. where relevant, limit the potential for reverse sensitivity effects on Queenstown Airport of buildings within the Queenstown Airport Outer Control Boundary.

1233. We also recommend that Policy 15.2.3.3 be amended slightly, to focus on mitigating adverse effects on views of the night sky, rather than on the night sky itself. Therefore we recommend the following wording:

Policy 15.2.3.3 Ensure that the location and direction of lights does not cause significant glare to other properties, roads and public places, and promote lighting design that mitigates adverse effects on views of the night sky.

1234. We recommend that Policies 15.2.3.1 and 15.2.3.4 be adopted as notified.

34. SUMMARY

1235. We recommend limited amendments to the objectives and policies section of Chapter 15. We are satisfied that once these amendments have been incorporated, the objectives will be the most appropriate to achieve the purpose of the Act, and the policies will be effective and efficient at implementing the objectives. We also consider they will be consistent with the higher order policies in Chapters 3 and 4.

35. 15.3 OTHER PROVISIONS AND RULES

35.1. 15.3.1 District Wide Rules

1236. This section is a cross reference to other District Wide Rules that may apply in addition to the rules in Chapter 15. There were no submissions received nor any comment in the officer's report relating to this section. Ms Bowbyes recommended only minor amendments proposed in the interests of clarification and consistency with other parts of the Plan.

1237. We agree in part with Ms Bowbyes recommendations and have made further amendments for consistency with other chapters. We recommend these be made as a minor change in accordance with Clause 16(2).

⁸⁹⁷ J Kyle, Summary of Evidence (1 December 2016), Appendix 3

1238. The recommended layout is shown in Appendix 4.

35.2. 15.3.2 Clarification

1239. As with other chapters, this section contains a series of provisions that establish how the rules work, including which chapters have precedence over others.

1240. Consistent with our approach in other chapters, we recommend that the heading of this section be *“Interpreting and Applying the Rules”* to better identify the purpose of the provisions contained. We also recommend some minor non-substantive changes that Ms Bowbyes included in her Section 42A Report.

1241. We consider these minor amendments are necessary for consistency and as such recommend they are accepted. These are minor amendments and recommend they be made as a minor change in accordance with Clause 16(2).

1242. We set out in Appendix 4 our recommended layout of this section.

36. RULES

36.1. Rule 15.4.1 Activities not listed in this table and comply with all standards

1243. This rule effectively provided a default permitted activity status to any activity that complied with all standards and was not otherwise listed in Activity Table 15.1.

1244. Throughout Stream 8, the reporting officers were asked to consider this rule and whether it was necessary. It was also discussed by Mr Winchester in the Council’s legal submissions⁸⁹⁸ and addressed by Ms Jones in detail in her Right of Reply for the Queenstown Town Centre Chapter.⁸⁹⁹ Ms Bowbyes agreed with Ms Jones’ reasoning in her reply.

1245. We thank counsel and the Section 42A Report authors for their consideration of this issue and we accept their collective view that inclusion of a default rule is necessary. We appreciate that there are other zones where the default status of an activity that is not listed is non-complying, whereas in the business chapters⁹⁰⁰ these activities default to permitted.

1246. Therefore we concur with the reasons given for inclusion and recommend the rule be adopted as notified.

36.2. Rule 15.4.2 Verandas

1247. Notified Rule 15.4.2 provided for verandas as a controlled activity with listed matters of control to apply for any resource consent applications.

1248. The ORC submission⁹⁰¹ mentioned above under Policy 15.2.2.5, noted that “poorly designed shop front veranda setbacks and heights can interfere with kerbside bus movement”.

1249. None of the matters of control listed in Rule 15.4.2 would enable consideration of this issue. Ms Bowbyes recommended an additional matter of control in response to the ORC submission. We agree with this wording and Ms Bowbyes’ reasons for including it.

⁸⁹⁸ Legal Submissions in Reply of Mr Winchester dated 13 December 2016 at section 2.

⁸⁹⁹ V Jones, Reply Statement at paragraphs 3.1 to 3.4

⁹⁰⁰ Chapters 12-17

⁹⁰¹ Submission 798

1250. Consequently, we recommend the Rule be adopted as follows:

15.4.2	<p>Verandas, in respect of: <u>Control is reserved to:</u></p> <p>15.4.2.1 Design</p> <p>15.4.2.2 Materials</p> <p>15.4.2.3 Materials</p> <p>15.4.2.4 External appearance and</p> <p>15.4.2.5 The impact on, and relationship to, adjoining verandas <u>and</u></p> <p>15.4.2.6 <u>The enabling of unobstructed kerbside movements of high-sided vehicles.</u></p>	C
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36.3. Rule 15.4.3 Buildings

15.4.3.1 Buildings

1251. Notified Rule 15.4.3 provided a restricted discretionary activity status for all new buildings in the LSCZ, and listed the matters discretion was restricted to.
1252. Minor changes proposed by Ms Bowbyes in her Section 42A Report, related to wording of the restriction of discretion, and rephrasing of the discretion matter regarding natural hazards, for consistency with other chapters.
1253. NZIA⁹⁰² noted that it supported this rule, but requested additional wording requiring that building work over a certain size be reviewed by the UDP. The relief sought was to add the wording “New or remedial Building work over 100m² or if remedial over 30% of GFA is reviewed by Urban Design Panel”.
1254. The merits of this have been discussed earlier with regard to Objective 15.2.2. Just as no changes were recommended to Objective 15.2.2, Ms Bowbyes, in her Section 42A Report, did not consider any changes were required to this rule due to the current process with the UDP working well. There is a discretion as to whether the UDP services are utilised and we do not consider that this should be a mandatory requirement based on the thresholds suggested by NZIA.
1255. As we have noted above in discussing Chapter 13, we do not consider there would be any benefit in making reviews by the UDP mandatory. It appears from the evidence we received that the current process is effective and efficient. Accordingly we recommend this submission be rejected.
1256. We do recommend some minor changes in the interests of consistency. These are minor amendments and we recommend they be made under Clause 16(2), so the rule reads as follows:

⁹⁰² Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249

15.4.3	<p>15.4.3.1 Buildings:</p> <p>Discretion is restricted to consideration of all of the following: external appearance, materials, sign platform, lighting, impact on the street, and natural hazards to ensure that:</p> <ul style="list-style-type: none"> a. <u>External appearance, including materials, glazing treatment vertical and horizontal emphasis and the location of storage;</u> b. <u>Signage platforms</u> c. <u>Lighting</u> d. <u>The impact of the building on the streetscape, compatibility with adjoining buildings and contribution to an integrated built form</u> e. The design of the building blends well with and contributes to an integrated built form; f. The external appearance of the building is sympathetic to the surrounding natural and built environment; g. The detail of the facade is sympathetic to other buildings in the vicinity, having regard to; building materials, glazing treatment, symmetry, external appearance, vertical and horizontal emphasis and storage; h. Where residential units are proposed as part of a development, the extent to which open space is provided on site, <u>provision of open space either through private open space or communal open space, or a combination thereof and</u> i. Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses including considering the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated. <ul style="list-style-type: none"> i. <u>the nature and degree of risk the hazard(s) pose to people and property</u> ii. <u>whether the proposal will alter the risk to any site and</u> iii. <u>the extent to which such risk can be avoided or sufficiently mitigated.</u> 	RD*
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Rule 15.4.3.2 – Development of 1 Hansen Road

1257. As noted above, the Chair directed that submissions in relation to this rule be heard along with the zoning of the land in Stream 13. As reported by the Stream 13 Hearing Panel (differently constituted), no evidence was received in respect of this rule. Thus we recommend it remain unchanged as shown in Appendix 4.

Requested Rule 15.4.3.3

1258. QAC⁹⁰³ requested that a new non-complying activity be included for the Frankton Local Shopping Centre Zone and a restricted discretionary activity included for all other LSCZ relating to acoustic installation with reference to PC35.
1259. In her Section 42A Report Ms Bowbyes considered that notified Rule 15.5.3 achieved the insulation and ventilation requirements endorsed by PC35 for new buildings in the OCB. Dr Stephen Chiles presented acoustics evidence on behalf of the Council, regarding these submissions and the specific relief sought at the rule level. At paragraph 15, Dr Chiles stated:
- I do not consider that any of the proposed changes with respect to rules for acoustic treatment and ventilation are necessary, and I consider that the PDP as notified is already consistent with PC35. There are two key factors:*
- a. The sound insulation requirements of Rule 15.5.3 for other sources are significantly more stringent than sound insulation requirements under PC35 for airport noise*
- b. In the vast majority of the Frankton Local Shopping Centre Zone no sound insulation or ventilation is required for airport noise. This is because the zone is at the periphery of the OCB and exposed to less than 57 dB Ldn airport noise.*
1260. Relying on his evidence Ms Bowbyes recommended rejecting changes to Notified Tables 15.4 and 15.5.
1261. Mr Kyle, planning witness for QAC, agreed with Ms Bowbyes that no change was required in respect of sound insulation⁹⁰⁴. With respect to mechanical ventilation, he recommended a new standard be inserted rather an amendment in the activities table. We return to this when discussing Rule 15.5.
1262. We recommend that no additional provision be included in this Rule 15.4.3 in response to the QAC submission.
- 36.4. Rule 15.4.4 Visitor Accommodation**
1263. Notified Rule 15.4.4 provided for visitor accommodation in the BMUZ as a restricted discretionary activity.
1264. NZTA⁹⁰⁵ submitted in support of this rule, seeking to retain this rule as notified.
1265. Ms Bowbyes in her Section 42A Report, recommended only one non-substantive change for the purposes of consistency with other chapters. We recommend the rule be amended under Clause 16(2) for consistency, such that it reads as follows:

⁹⁰³ Submission 433, supported by FS1077, opposed by FS1097, FS1117

⁹⁰⁴ J Kyle, EiC, paragraph 8.6

⁹⁰⁵ Submission 719

15.4.4	<p>Visitor Accommodation</p> <p>‡Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> a. The location, provision, and screening of access and parking, traffic generation, and Travel Demand Management b. Landscaping c. The location, nature and scale of visitor accommodation and ancillary activities relative to one another within the site and relative to neighbouring uses d. The location and screening of bus and car parking from public places and e. Where the site adjoins a residential zone: <ul style="list-style-type: none"> i. Noise generation and methods of mitigation and ii. Hours of operation of ancillary activities. 	RD‡
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36.5. Rule 15.4.5 Licenced Premises

1266. There were no submissions received on this rule, nor any comment within the Section 42A Report.

1267. However, with reference to Miss Swinney’s evidence as the Council’s Team Leader Alcohol Licensing, there was discussion with regard the merits of including reference to *“Any relevant Council alcohol policy or bylaw”*.

1268. Referring to the QTCZ, Ms Swinney explained to us that there are no current alcohol policies in place; and that breach of any bylaw could result in enforcement action being required.⁹⁰⁶

1269. Ms Bowbyes recognised the merits of this, and noted her agreement with the comments of Ms Swinney. We also agree that this matter of discretion should be removed along with other minor amendments for consistency, as follows:

⁹⁰⁶ Evidence of Ms Swinney at [5.32].

15.4.5	<p>Licensed Premises Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor:</p> <p>15.4.5.1 to any person who is residing (permanently or temporarily) on the premises and/or</p> <p>15.4.5.2 to any person who is present on the premises for the purpose of dining up until 12am.</p> <p>*Discretion is restricted to consideration of all of the following: The scale of the activity</p> <ul style="list-style-type: none"> a. Car parking and traffic generation b. Effects on amenity (including that of adjoining residential zones and public reserves) c. The configuration of activities within the building and site (e.g. outdoor seating, entrances) d. Noise issues <u>and</u> e. Hours of operation <u>and</u> f. Any relevant Council alcohol policy or bylaw. 	RD*
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36.6. Rule 15.4.6 Industrial Activities not otherwise provided for in this table, 15.4.7 Factory Farming; 15.4.8 Forestry Activities; 15.4.9 Mining Activities; 13.4.10 Airport

1270. There were no submissions relating to these rules. We recommend they be renumbered and otherwise adopted as notified.

36.7. Rule 15.4.11 Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket), or any activity requiring an Offensive Trade Licence under the Health Act 1956.

1271. There were no submissions received on notified Rule 15.4.11, but Ms Bowbyes recommended splitting the activities into separate rules for consistency and improved legibility.

1272. We agree with this amendment and recommend under Clause 16(2) that the rule numbering and text reads as follows:

15.4.11 15.4.12	Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket), or any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR
15.4.13	Fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket).	PR
15.4.14	Any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR

37. 15.5 RULES – STANDARDS

1273. Ms Gent⁹⁰⁷ submitted in support of this section, however there was no further explanation given, and therefore we recommend this submission is accepted in part.

37.1. 15.5.1 Building Coverage

1274. As notified, Rule 15.5.1 provided that maximum building coverage in the LSCZ was 75%, and any proposal that did not comply would be a restricted discretionary activity. Additionally, the rule contained a special provisions limiting the coverage at 1 Hansen Road to 50%, with an additional matter of discretion.

1275. The only submission on this rule related to 1 Hansen Road and was deferred to the Stream 13 Hearing by the Chair’s Minute of 2 December 2016. No change was recommended to this rule by that Panel. We recommend re-organising the rule to make it clearer under Clause 16(2).

1276. Accordingly, we recommend the rule be adopted with the only changes being those referred to in Section X.X of Report 1, as shown below:

15.5.1	<p>Building Coverage</p> <p>15.5.1.1 Maximum building coverage - 75%.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> • The effects on the quality of the overall streetscape; and • The ability to meet outdoor storage requirements. <p>Except that in the Local Shopping Centre Zone located between Hansen Road and Frankton Cemetery (as shown on Planning Maps 31, 31a and 33) the maximum building coverage shall be 50% with discretion restricted to the above matters and:</p> <p style="padding-left: 20px;">2. The traffic effects of additional building coverage, including the effects on the State Highway, particularly with particular regard to the intersection between Hansen Road and State Highway 6.</p> <p>15.5.1.2 Except that in the Local Shopping Centre Zone located between Hansen Road and Frankton Cemetery the maximum building coverage shall be 50%</p>	<p>RD*</p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>The effects on the quality of the overall streetscape and</u></p> <p>b. <u>The ability to meet outdoor storage requirements.</u></p> <p>RD*</p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>The effects on the quality of the overall streetscape;</u></p>
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⁹⁰⁷ Submission 223

		<p>b. <u>The ability to meet outdoor storage requirements; and</u></p> <p>c. <u>The traffic effects of additional building coverage, including the effects on the State Highway, with particular regard to the intersection between Hansen Road and State Highway 6</u></p>
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37.2. 15.5.2 Setbacks and Sunlight Access – sites adjoining any Residential zone, Township Zone or Public Open Space

1277. There were no submissions received on this rule and no recommendations in Ms Bowbyes’ Section 42A Report. The only changes we recommend are the minor changes described in Section X.X of Report 1:

15.5.2	<p>Setbacks and Sunlight Access – sites adjoining any Residential zone, Township Zone or public open space</p> <p>15.5.2.1 Buildings shall not project beyond a recession line constructed at an angle of 35° inclined towards the site from points 3m above any Residential Zone or Township Zone boundary.</p> <p>15.5.2.2 Where the site adjoins any Residential zone, Township Zone or public open space the setback shall be not less than 3m.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> • The visual effects of the height, scale, location and appearance of the building, in terms of <ul style="list-style-type: none"> – Dominance; – Loss of privacy on adjoining properties; and – Any resultant shading effects. 	<p>RD*</p> <p>Discretion is restricted to:</p> <p>a. The visual effects of the height, scale, location and appearance of the building, in terms of</p> <ul style="list-style-type: none"> i. Dominance ii. Loss of privacy on adjoining properties and iii. -Any resultant shading effects.
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37.3. 15.5.3 Acoustic installation

1278. Notified Rule 15.5.3 set out the requirements for acoustic insulation for buildings in the LSCZ.

1279. Spence Farms Limited⁹⁰⁸ requested that notified Rule 15.5.3 be deleted and replaced with the PC35 controls for buildings within the Queenstown Airport Air Noise Boundary (ANB). The further submission lodged by QAC⁹⁰⁹ pointed out that no area of the LSCZ is within the ANB. We recommend the relief sought by Spence Farms Ltd be rejected as being inappropriate. We also note that this submission was not supported by evidence.
1280. There were no changes proposed by Ms Bowbyes in her Section 42A Report. As we discussed above in relation to Rule 15.4.3, Mr Kyle, planning witness for QAC, considered that Rule 15.5.3 adequately addressed the insulation issue, but he suggested that the mechanical ventilation requirements that were proposed during Hearing Stream 5 should be applied to the LSCZ in Frankton.⁹¹⁰
1281. Mr Chris Day, on behalf of QAC, and Dr Chiles for the Council agreed with this view. Mr Kyle included a marked up set of changes to address the points in the QAC submission.⁹¹¹ Ms Rebecca Wolt in her legal submissions on behalf of QAC considered that there was scope to include these amendments insofar as they relate to airport related mechanical ventilation requirements in the LSCZ.⁹¹²
1282. We agree that the QAC submission on Rule 15.4.3 provides scope for this amendment. However, we agree with Ms Bowbyes that the rule should refer to development within the OCB, rather than referring to the Frankton LSCZ.
1283. We have also amended the references in the Rules to the recommended version of Chapter 36. We therefore recommend Rules 15.5.3 and 15.5.4 read as follows:

15.5.3	<p><u>Acoustic insulation (excluding development within the Outer Control Boundary (OCB) Queenstown)</u></p> <p>15.5.3.1 A mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 65 in Chapter 36.</p> <p>15.5.3.2 All elements of the façade of any critical listening environment shall have an airborne sound insulation of at least 40 dB R_w+C_{tr} determined in accordance with ISO 10140 and ISO 717-1.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> • the noise levels that will be received within the critical listening 	<p>RD*</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. the noise levels that will be received within the critical listening environments, with consideration including the nature and scale of the residential or visitor accommodation activity b. the extent of insulation proposed and c. whether covenants exist or are being volunteered which limit noise emissions on adjacent sites and/or impose no complaints covenants on the site.
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⁹⁰⁸ Submission 698, opposed by FS1077, FS1340

⁹⁰⁹ FS1340

⁹¹⁰ J Kyle, EiC at 8.7.

⁹¹¹ ibid at Appendix B.

⁹¹² Legal submissions of Ms Wolt on behalf of QAC, dated 29 November 2016 at [196-197].

		<p>environments, with consideration including the nature and scale of the residential or visitor accommodation activity;</p> <ul style="list-style-type: none"> • the extent of insulation proposed; and • whether covenants exist or are being volunteered which limit noise emissions on adjacent sites and/or impose no complaints covenants on the site. 	
15.5.4	15.5.4.1	Acoustic insulation: development within the Outer Control Boundary (OCB) Queenstown	NC
	15.5.4.2	A mechanical ventilation system shall be installed for all critical listening environments in accordance with Rule 36.6.2 in Chapter 36.	
	15.5.4.3	All elements of the façade of any critical listening environment shall have an airborne sound insulation of at least 40 dB Rw+Ctr determined in accordance with ISO 10140 and ISO 717-1.	

37.4. 15.5.4 Development of 1 Hansen Road

1284. The hearing of submissions on this Rule was deferred to Hearing Stream 13. The only amendment recommended by the Stream 13 Hearing Panel is the deletion of the floor area limitation on individual tenancies and the limit on the number of tenancies in clause a. We agree with that Panel’s reasoning and recommend that amendment, as shown in Appendix 4.

37.5. 15.5.5 Residential and Visitor Accommodation Activities

1285. Notified Rule 15.5.5 required that all residential and visitor accommodation activities are located on first floor level or above, with breaches considered as a non-complying activity.

1286. Spence Farms Limited⁹¹³ sought that notified Rule 15.5.5 be deleted. Ms Bowbyes did not recommend any amendments to this rule as notified.

1287. Together with Policy 15.2.1.3, this rule sought to protect the core function of the zone, which Ms Bowbyes described as to *“provide for commercial and business activities, with the residential and visitor accommodation components being secondary.”*⁹¹⁴

1288. We agree with Ms Bowbyes when she stated, that in her view, as notified, Rule 15.5.5 was an appropriate tool for achieving this policy and giving effect to the Zone Purpose.⁹¹⁵ As such,

⁹¹³ Submission 698, opposed by FS1340

⁹¹⁴ A Bowbyes, Section 42A Report at [12.3].

⁹¹⁵ Ibid at [12.3]

we recommend the Spence Farms Limited submission is rejected and Rule 15.5.5 is retained as notified, subject to renumbering.

37.6. 15.5.6 Building Height

1289. The only submission on this rule was directed specifically at 1 Hansen Road. The hearing of this submission was deferred by the Chair’s Minute of 21 December 2016 to the Stream 13 hearing. We note that no evidence was presented at that hearing in support of this submission and the Stream 13 Hearing Panel has not recommended any changes to it.

1290. Therefore, we recommend this rule be adopted as notified, subject to renumbering and changing the reference to Wanaka to Cardrona Valley Road, consistent with our recommendation regarding the heading of the Chapter.

37.7. 15.5.7 Noise

1291. Notified Rule 15.5.7 provided the noise thresholds for activities within the LSCZ.

1292. There were no submissions on this rule and nor did Ms Bowbyes recommend any changes in her Section 42A Report.

1293. We asked Ms Bowbyes to consider the rule and whether any amendments should be made with regard to the exemptions for sound associated with airports or windfarms.

1294. We did not consider it likely that such activities would occur in the LSCZ and as such these exemptions appeared to us superfluous and able to be removed.

1295. While Ms Bowbyes agreed with us, she did not consider there to be any scope to make changes to this rule. We discuss this in the final section of this decision report, where we identify matters that we think warrant consideration but are out of scope.

1296. The only change that Ms Bowbyes recommended was a small non-substantive change to clarify which part of the rule was a note and which were exemptions. We recommend adopting this change as per her reply with a further small minor grammatical change for clarification of the note, consistent with all other chapters in Stream 8.

1297. We recommend that the Council make the changes under Clause 16(2) as shown below:

15.5.78	<p>Noise Sound* from activities shall not exceed the following noise limits at any point within any other site in this zone:</p> <p>15.5.8.1 Daytime (0800 to 2200 hrs) 60 dB LAeq(15 min)</p> <p>15.5.8.2 night-time (2200 to 0800 hrs) 50 dB LAeq(15 min)</p> <p>15.5.8.3 night-time (2200 to 0800 hrs) 75 dB LAFmax</p> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008</p> <p>Exemptions:</p>	NC
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	<p>a. The noise limits in (a) shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999</p> <p>b. The noise limits in (a) shall not apply to sound associated with airports or windfarms. Sound from these sources shall be assessed in accordance and comply with the relevant New Zealand Standard, either NZS 6805:1992, or NZS 6808:1998. For the avoidance of doubt the reference to airports in this clause does not include helipads other than helipads located within any land designated for Aerodrome Purposes in this Plan</p> <p>c. The noise limits in (a) shall not apply to sound from aircraft operations at Queenstown Airport.</p> <p>b) <u>Note:</u> Sound from activities in this zone which is received in another zone shall comply with the noise limits set in the zone standards for that zone.</p>	
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37.8. 15.5.8 Glare

1298. There were no submissions received in relation to this rule. Ms Bowbyes however considered that there were some changes necessary as she considered 15.5.8(a) and 15.5.8(d) to be *ultra vires* and should be deleted.
1299. Notified Rule 15.5.8(a) included reference to limiting the effects on the night sky. Ms Bowbyes considered this provided too much discretion and subjectivity associated with whether an activity would be compliant. She further noted that its removal would lessen the regulatory effect of the rule.
1300. We discussed this with Mr Winchester, Legal Counsel for the Council and questioned whether there was any scope in other submissions to remove the phrase “*and so as to limit the effects on the night sky*”.
1301. Ms Scott addressed this issue in her legal submissions with regard to Rule 14.5.9 (which contains the same phrase) where she submitted as part of the reply that uncertainty made the standard *ultra vires*, and therefore should be deleted.⁹¹⁶
1302. We however, disagree with deleting this phrase. We prefer including the wording of Policy 15.2.3.3 “*directed downward so as to limit the effects on views of the night sky*” to quantify and better clarify what effects we are seeking to mitigate. We consider scope for this amendment is provided for by Submission 340, which sought that greater prominence be given to protecting the views of the night sky. It also gives effect to Strategic Policy 4.2.2.10. This is consistent with our recommendation on all the other rules in this stream that relate to glare and in our view the amendment deals with the uncertainty of the rule as notified.⁹¹⁷
1303. Notified Rule 15.5.8(d) states that “.. All roofs of buildings shall be finished or treated so they do not give rise to glare when viewed from any public place or neighbouring property.”

⁹¹⁶ Legal Submissions (Right of Reply) of Ms Scott dated 13 December 2016 at [3.7-3.8].

⁹¹⁷ For discussion regarding scope for amendment and reasoning see Chapter 12, Rule 12.5.14 Glare.

1304. Ms Bowbyes considered that nearly all surfaces, especially all roofs that comprise pressed steel (i.e. brands such as colorsteel) emit a reflectance value to some degree.⁹¹⁸ Ms Bowbyes directed us to a website to show that even the more recessive coloursteel colours on the market have a light reflectance value in the order of 10% (Ironsand).⁹¹⁹

1305. These points will be discussed further below under the heading *Further Recommendations of the Panel*.

1306. We recommend this rule read as follows:

15.5.89	Glare	NC
	<p>15.5.9.1 <i>All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, and <u>directed downward</u> so as to limit the effects on <u>views of the night sky</u>.</i></p> <p>15.5.9.2 <i>No activity shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining property within the Zone, measured at any point inside the boundary of any adjoining property.</i></p> <p>15.5.9.3 <i>No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is in any Residential zone or Township Zone measured at any point more than 2m inside the boundary of the adjoining property.</i></p> <p>15.5.9.4 <i>All roofs of buildings shall be finished or treated so they do not give rise to glare when viewed from any public place or neighbouring property.</i></p>	

38. RULES – NON-NOTIFICATION OF APPLICATIONS

1307. This section provides for application for controlled activities to proceed without any written consents and on a non-notified basis. It also provides for certain restricted discretionary activities to proceed on the same basis.

1308. The QAC submission⁹²⁰ sought to include a requirement for notice to be served on the Requiring Authority for Queenstown Airport of applications that did not comply with acoustic treatments within the OCB.

1309. Ms Bowbyes disagreed with this stating that notified Rule 15.6 did not propose any restrictions on the ability for breaches of notified Rule 15.5.3 (Acoustic insulation) to be publicly notified or limited notified. Therefore a requirement such as the one sought by QAC would be onerous.

⁹¹⁸ Reply of Ms Bowbyes dated 13 December 2016

⁹¹⁹ http://www.roof.co.nz/uploads/resources/Colorsteel_luminous_reflectance_values.pdf.

⁹²⁰ Supported by FS1077.47 and opposed by FS1097.353 and FS1117.116

1310. Further, Ms Bowbyes considered that the determination of affected parties in these instances should occur on a case-by-case basis, as intended by section 95 of the Act. This would depend largely on the extent of departure from the threshold and requirements of the relevant rule. The notified rule provides scope for this to occur and as such she recommended the relief sought by QAC be rejected.

1311. We agree with the reasons advanced by Ms Bowbyes, that to require notification on QAC as the Requiring Authority for every application to breach notified Rule 15.5.3 would be too onerous and we recommend rejection of the QAC submission.

1312. Ms Bowbyes recommended a small amendment in the interests of clarity to add the rule reference (15.4.3) to 15.6.2.1 Buildings. This is consistent with the other chapters in the business stream, and as it adds an initial clarification for the reader. We recommend this small amendment utilising Clause 16(2) as underlined:

15.6.2.1 Buildings (Rule 15.4.3).

1313. The submission on Rule 15.6.2 seeking that the road controlling authority be notified in relation to any consent required to exceed building coverage at 1 Hansen Road was deferred to the Stream 13 hearing.

1314. The Stream 13 Hearing Panel has recommended that Rule 15.6.2.2 be amended to read as follows:

15.6.2.2 Building coverage, except for applications to exceed permitted building coverage between Hansen Road and Frankton Cemetery (Rule 15.5.1.2).

1315. We agree with this amendment and recommend it be adopted.

1316. Apart from that amendment and the minor change proposed by Ms Bowbyes, we recommend this provision be adopted as notified.

39. FURTHER RECOMMENDATIONS OF THE PANEL

1317. We have included this section in order to identify matters that we think warrant consideration but are out of scope.

39.1. Notified Rule 15.5.7 Noise

1318. We asked Ms Bowbyes to consider the rule and whether any amendments should be made with regard to the exemptions for sound associated with airports or windfarms.

1319. As notified, this Rule provides standards for noise limits and exempts some activities. This exemption includes:

a. *The noise limits shall not apply to sound associated with airports or windfarms. Sound from these sources shall be assessed in accordance and comply with the relevant New Zealand Standard, either NZS 6805:1992, or NZS 6808:1998. For the avoidance of doubt the reference to airports in this clause does not include helipads other than helipads located within any land designated for Aerodrome Purposes in this Plan.*

b. *The noise limits shall not apply to sound from aircraft operations at Queenstown Airport.*

1320. We do not consider it likely that airports or windfarms would be located in the LSCZ and as such we recommend these are deleted from the Rule.

1321. We also do not consider that rules in this zone should be attempting to regulate noise produced in another zone. Thus, we also consider the provision relating to aircraft operations should be deleted.

39.2. Notified Rule 15.5.8 Glare

1322. As identified earlier, Notified Rule 15.5.8 includes the requirement that:

a. All roofs of buildings shall be finished or treated so they do not give rise to glare when viewed from any public place or neighbouring property.

1323. Ms Bowbyes told us that nearly all surfaces, especially all roofs that comprise pressed steel (i.e. brands such as colorsteel) emit a reflectance value to some degree. Even the more recessive coloursteel colours on the market have a light reflectance value in the order of 10% (Ironsand).⁹²¹

1324. There is no submission relating to this, however we recommend removing Notified Rule 15.5.8(d) in order to make the rule more workable. This is also consistent with our recommendation in Chapter 14 – Arrowtown Town Centre. As it is, and based on Ms Bowbyes advice above, it is ultra vires and would be very onerous on any development in the LSCZ.

40. CONCLUSION

1325. For the reasons advanced through this report, we conclude that the recommended amendments support the zone purpose and enable the objectives of the chapter to be achieved and are more effective and efficient than the notified chapter and further changes sought by submitters that we recommend rejecting.

1326. We consider that the amendments will improve the clarity and consistency of the Plan; contribute towards achieving the objectives of the District Plan and Strategic Direction goals in an effective and efficient manner and give effect to the purpose and principles of the RMA.

1327. Consequently, we recommend that:

- a. Chapter 15 be adopted as set out in Appendix 4;
- b. The submissions be accepted, accepted in part, or rejected as set out in Appendix 7; and
- c. The Council initiate a variation to amend Rules 15.5.7 and 15.5.8.

⁹²¹ A Bowbyes, Section 42A Report at [17.4-17.5].

PART F – CHAPTER 16 BUSINESS MIXED USE

41. PRELIMINARY

41.1. General Submissions

1328. There were 95 submission points received from 29 submitters, and 188 further submissions received. Two submitters⁹²² submitted in general support of the whole chapter, with one⁹²³ submitting that the objective, policies and rule framework of the zone would provide a “*compatible mix of activities with appropriate built form controls.*”
1329. Ledge Properties Ltd and Edge Properties Ltd⁹²⁴ (Ledge) submitted in support of the general direction proposed for the BMUZ, stating that in their view the Gorge Road BMUZ has an important strategic role to play in supporting the town centre with complementary activities and allowing people to live and stay close to the town centre. Further with appropriate emphasis on the quality of design, development in Gorge Road could reinforce the compact, vibrant character of central Queenstown.
1330. Ross & Judith Young Family Trust⁹²⁵ submitted in general support of the provisions of Chapter 16 and sought confirmation of the provisions and zoning of the BMUZ in Anderson Heights.
1331. We have reviewed all submissions and expert evidence presented in relation to this chapter and have recommended amendments where we consider it is appropriate. The amended version of Chapter 16 that we are recommending is contained in Appendix 5. Our specific recommendations on submissions are in Appendix 7.

42. SECTION 16.1 – ZONE PURPOSE

1332. There were several submissions⁹²⁶ in support of the zone purpose as notified but with no substantive comment explaining the reasons for that submission. Identical submission points from Skyline Enterprises Ltd⁹²⁷ and Trojan Holdings Ltd⁹²⁸ noted their agreement with the overarching purpose of the BMUZ as this zoning structure would allow the regeneration of the commercial area along Gorge Road with an appropriate mix of compatible commercial and residential activities.
1333. NZIA⁹²⁹ requested a name change to “Mixed Use”, however Ms Bowbyes disagreed with this submission, explaining that the zone would evolve from a business zone to a mixed use zone and the name “*Business Mixed Use*” reflected this. We agree with Ms Bowbye’s reasoning.
1334. Downtown QT⁹³⁰ submitted in support of the BMUZ along Gorge Road, as they sought to encourage additional residential accommodation close to where residents work and play. That aligns with the purpose of this zone.

⁹²² Submissions 223 and 591 (opposed by FS1059)

⁹²³ Submission 591

⁹²⁴ Submission 700

⁹²⁵ Submission 704

⁹²⁶ Submissions 30, 102 (supported by FS1059, FS1118), 329 (supported by FS1288, FS1059, FS1059)

⁹²⁷ Submission 556

⁹²⁸ Submission 634, opposed by FS1059

⁹²⁹ Submission 238, opposed by FS1314, FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249, FS1242.

⁹³⁰ Submitter 630, opposed by FS1043

1335. Feldspar Capital Management⁹³¹ requested that residential accommodation be provided for in Andersons Height as well as Gorge Road, and that there be provision for lower cost residential developments suitable for rentals. Ms Bowbyes pointed out that residential activities were provided for in both BMUZs and as such no change was required.⁹³² Although the BMUZ does not specifically require lower cost developments, Ms Bowbyes was of the view that apartments are encouraged due to the building heights enabled.⁹³³ We do not consider any amendments are required to recognise this submission point.

1336. We recommend there be no amendments to the zone purpose that it be adopted as notified.

43. 16.2 OBJECTIVES AND POLICIES

43.1. Objective 16.2.1 and Policies 16.2.1.1 - 16.2.1.9

1337. As notified, Objective 16.2.1 and its accompanying policies read:

16.2.1 Objective

An area comprising a high intensity mix of compatible residential and non-residential activities is enabled.

Policies

16.2.1.1 *Accommodate a variety of activities while managing the adverse effects that may occur and potential reverse sensitivity.*

16.2.1.2 *To enable a range and mix of compatible business, residential and other complementary activities and to achieve an urban environment that is desirable to work and live in.*

16.2.1.3 *Avoid activities that have noxious, offensive, or undesirable qualities from locating within the Business Mixed Use Zone to ensure that appropriate levels of amenity are maintained.*

16.2.1.4 *Residential and visitor accommodation activities are enabled, while acknowledging that there will be a lower level of amenity than residential zones due to the mix of activities provided for.*

16.2.1.5 *For sites fronting Gorge Road in Queenstown, discourage the establishment of high density residential and visitor accommodation activities at ground floor level, except where commercial and/or business activities continue to have primacy at the interface with the street.*

16.2.1.6 *Provide appropriate noise limits to minimise adverse noise effects received within the Business Mixed Use Zone and by nearby properties.*

16.2.1.7 *Ensure that residential development and visitor accommodation provide acoustic insulation over and above the minimum requirements of the Building Code to avoid reverse sensitivity.*

⁹³¹ Submission 136

⁹³² A Bowbyes, Section 42A Report, Appendix 2 at p1

⁹³³ *ibid.*

16.2.1.8 *Ensure that the location and direction of lights does not cause significant glare to other properties, roads and public places and promote lighting design that mitigates adverse effects on the night sky.*

16.2.1.9 *Ensure that outdoor storage areas are appropriately located and screened to limit any adverse visual effects and to be consistent with the appropriate levels of amenity.*

1338. Four submissions supported Objective 16.2.1 in full⁹³⁴. Ms Spijkerbosch⁹³⁵ also submitted in support of Objective 16.2.1, but submitted strongly to exclude visitor accommodation from the BMUZ.

1339. NZIA⁹³⁶ sought to amend Objective 16.2.1 to include visitor accommodation, requesting the following underlined additional wording:

An area comprising a high intensity mix of compatible residential, visitor accommodation and non-residential activities is enabled within a high quality urban environment.

1340. Ms Bowbyes did not consider that Objective 16.2.1 required any rewording. In her view, as visitor accommodation was specifically excluded from the definition of “residential”, it fell within the category of non-residential activities. She explained that she did not see any reason to warrant singling visitor accommodation out and therefore recommended retaining the objective as notified.⁹³⁷

1341. We questioned Ms Bowbyes on this matter, as to whether including the words “*visitor accommodation*” would cause any harm, or would it in fact improve legibility for the reader.

1342. Ms Bowbyes responded in her Reply, that she remained of the view that the Objective did not require any changes.

1343. In her view there was no uncertainty as to the status of visitor accommodation. If there was any uncertainty, Ms Bowbyes said, this was easily resolved by referring the plan user to the definitions, where visitor accommodation was excluded from residential activities.

1344. Ms Bowbyes also opined that singling out one activity that, in her view, fell under the broad category of “*non-residential*” activities, would be confusing and was not warranted.

1345. We note that Policies 16.2.1.4, 16.2.1.5 and 16.2.1.7 explicitly provide for visitor accommodation as an activity distinct from residential. We are satisfied that when the objectives and policies are read together, as they should be, it is clear that provision is made for visitor accommodation in this zone.

1346. The NZIA suggested amendment also sought to include “*within a high quality urban environment*.” We are satisfied that Objective 16.2.1 is concerned with achieving a compatible mix of activities, while Objective 16.2.2 seeks to achieve “*high quality design outcomes*”. Therefore there is no need to duplicate the wording here.

⁹³⁴ Submissions 237, 380, 556 and 634

⁹³⁵ Submission 392, supported by FS1059

⁹³⁶ Submission 238, opposed by FS1314, FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249, FS1242

⁹³⁷ A Bowbyes, Section 42A Report at [9.3].

1347. There were no submissions received on 16.2.1.1 and only one submission in support of 16.2.1.2, by NZIA⁹³⁸.

1348. NZIA supported notified Policy 16.2.1.3 with some suggested amendments as shown below:

Avoid activities that have noxious, offensive or undesirable qualities from locating within the ~~business mixed use zone~~ to ensure that ~~appropriate levels of amenity are maintained~~ a high quality urban environment is maintained.

1349. The NZIA submission stated that “*amenity is a difficult word to assess*” and that the emphasis of the policy should be on the desired outcomes. Ms Bowbyes agreed with this submission and reasoning in part and recommended the additional wording “*a high quality urban environment is maintained*” be included.

1350. We accept Ms Bowbyes reasoning for amending the latter part of this policy, as we consider it will be more effective in achieving the objective. We have already set out our reasons for retaining the zone name unaltered. We recommend Policy 16.2.1.3 be amended to read as follows:

Avoid activities that have noxious, offensive or undesirable qualities from locating within the Business Mixed Use Zone to ensure that a high quality urban environment is maintained.

1351. Ledge⁹³⁹ submitted that as notified, Policy 16.2.1.4 would invite applications for and approvals of poor building designs. Recognising that there would be a different level of amenity in a mixed use environment, Ledge suggested the following wording as underlined:

Residential and visitor accommodation activities of a nature consistent with a mixed use environment are enabled, while acknowledging that there will be a lower level of amenity than residential zones due to the mix of activities provided for.

1352. NZIA⁹⁴⁰ questioned why there would be a lower level of amenity, and submitted that a higher level of amenity should be sought in high density environments. They sought that notified policy 16.2.1.4 be removed and replaced with the following:

A high level of amenity will be achieved by creating an interesting vibrant street life by bringing together a diverse range of people and activities.

1353. Ms Bowbyes was of the view that notified Policy 16.2.1.4 sought to acknowledge that residents of the BMUZ could not expect the same amenity that might be expected in a residential zone.⁹⁴¹ She did, however, consider the wording to be problematic as it contained no explanation as to what a “*lower level*” was and would, as drafted, contradict Policy 16.2.2.3 which required that a high standard of amenity be achieved. We agree with Ms Bowbyes and accordingly we recommend that Policy 16.2.1.4 is deleted, accepting in part both the Ledge and the NZIA submissions.

⁹³⁸ Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249

⁹³⁹ Submission 700, opposed by FS1059, FS1314

⁹⁴⁰ Submission 238, opposed by FS1314, FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249, FS1242

⁹⁴¹ A Bowbyes, Section 42A Report at [9.18].

1354. The NZIA⁹⁴² also sought that notified Policy 16.2.1.5 be removed and replaced with the following wording:

For sites fronting Gorge Road (and other main streets) avoid residential activities on the ground floor.

1355. While Ms Bowbyes considered the notified wording more appropriate, she did recommend a small change to the policy – removing the reference to 'high density' residential, thus ensuring that the policy applied to any form of residential and visitor accommodation activities.⁹⁴³

1356. Further to discussion at the hearing and evidence presented by Mr Freeman⁹⁴⁴, Ms Bowbyes reconsidered the wording in this policy. In his evidence, Mr Freeman raised concern with the use of the word "fronting". In his opinion this term was "open to interpretation"⁹⁴⁵ and he suggested that the better approach was to include a specific setback distance for ground floor residential or visitor accommodation activities that fronted Gorge Road.

1357. In response to this Ms Bowbyes proposed rewording⁹⁴⁶ the policy further by replacing the word *fronting* with *adjoining*.

1358. In our view, Mr Freeman raises some valid concerns with "fronting". Replacing "fronting" with "adjoining" will mean more certainty and clarity for plan users and therefore we recommend Policy 16.2.1.5 be renumbered and amended to read:

For sites adjoining Gorge Road in Queenstown, discourage the establishment of residential and visitor accommodation activities at ground floor level, except where commercial and/or business activities continue to have primacy at the interface with the street.

1359. The only submission on Policy 16.2.1.6 was in support⁹⁴⁷. Subject to renumbering, we recommend it be adopted as notified.

1360. NZIA⁹⁴⁸ sought that notified Policy 16.2.1.7 be amended to set out the noise thresholds to be achieved to avoid reverse sensitivity. It must be pointed out that notified Rule 16.5.8 set out the noise thresholds and Ms Bowbyes explained in her Section 42A Report that this approach was consistent with the other business zones of the PDP.⁹⁴⁹ In her view, putting the thresholds in the policy would remove any flexibility for applications that breached the noise thresholds to be approved. However at the rule level, such breaches would be a non-complying activity.

1361. We agree with Ms Bowbyes and further note that no explanation or evidence was provided by the submitter as to why thresholds should be provided at a policy level in addition to the rule level.

⁹⁴² Submission 238, supported by FS 1059, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249

⁹⁴³ A Bowbyes, Section 42A Report at [10.23].

⁹⁴⁴ Providing planning evidence in support of Submissions 542, 545, 550, 556 and 634.

⁹⁴⁵ S Freeman, EIC, at [36].

⁹⁴⁶ A Bowbyes, Reply Statement at [6.3].

⁹⁴⁷ Submission 238, opposed by FS1059, FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249

⁹⁴⁸ Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249

⁹⁴⁹ A Bowbyes, Section 42A Report at [13.6].

1362. We also asked Ms Bowbyes to consider the use of the word “avoid” and whether that was the true intent of the policy or should the wording be amended. Ms Bowbyes agreed with our comments that this policy did need rewording however she did not consider there was scope to do so as no submissions were made to amend the policy.⁹⁵⁰

1363. In our view, the word “avoid” should be replaced with “limit the potential for reverse sensitivity effects” which we think is more achievable and also more practical in its application. We consider this wording would more effectively achieve the objective, and recommend the Council initiate a variation to amend the policy.

1364. NZIA⁹⁵¹ sought that notified Policy 16.2.1.8 be amended to include the following underlined wording:

Ensure that the location and direction of street lights does not cause significant glare to other properties roads and public places and promote lighting design that mitigates adverse effects on the night sky, and provide a safe well lit environment for pedestrians.

1365. The submission noted that while the night sky was largely irrelevant in Gorge Road, good lighting was a priority for safety. Ms Bowbyes considered that because this amendment incorporated CPTED principles it was appropriate. She took this a step further by recommending a new policy that required CPTED principles to be incorporated in site design in response to this submission.⁹⁵²

1366. We agree with the submitter and Ms Bowbyes that safety provided by lighting is important, and that it is appropriate that the importance of incorporating CPTED principles is reflected in a standalone policy. We also recommend that the policy be amended to make it clear that it is views of the night sky that are to be protected, consistent with wording we have recommended in other chapters.

1367. Consequently, we recommend renumbered Policies 16.2.1.7 and 16.2.19 be adopted wording as follows:

Ensure that the location and direction of street lights does not cause significant glare to other properties roads and public places and promote lighting design that mitigates adverse effects on views of the night sky, and provide a safe well-lit environment for pedestrians.

Minimise opportunities for criminal activity through incorporating Crime Prevention Through Environmental Design (CPTED) principles as appropriate in the design of lot configuration and the street network, carparking areas, public and semi-public spaces, accessways/pedestrian links/lanes, and landscaping.

1368. NZIA also sought the inclusion of a policy requiring the undergrounding of all overhead wires to enable a successful streetscape to evolve. Ms Bowbyes considered this to be outside the scope of matters to be considered by the BMUZ, as it related to activities within the roading

⁹⁵⁰ A Bowbyes, Reply Statement at [3.1].

⁹⁵¹ Submission 238, supported by FS1059, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249 ort at [13.2].

⁹⁵¹ A Bowbyes, Section 42A Report

⁹⁵² A Bowbyes, Section 42A Report at [13.2].

corridor, which was not within the BMUZ.⁹⁵³ We agree with this view and note that this was a matter considered in Hearing Stream 5 in relation to the rules applying to utilities.

1369. NZIA⁹⁵⁴ questioned use of the phrase “*appropriate levels of amenity*” in Policy 16.2.1.9. Ms Bowbyes agreed with the submitter that the phrasing created uncertainty due to its subjective nature.⁹⁵⁵

1370. Ms Bowbyes recommended removing the words “*to be consistent with the appropriate levels of amenity*” as sought, and additionally rewording the policy to tie it to the effects that outdoor storage could have on public places and residential zones.

1371. We agree with Ms Bowbyes assessment. The recommended wording creates more certainty uses similar phrasing to that used in Rule 16.5.2. We recommend adopting the wording below with consequential renumbering:

Ensure that outdoor storage areas are appropriately located and screened to limit any adverse visual effects on public places and adjoining residential zones.

1372. Our recommended wording of Objective 16.2.1 and Policies 16.2.1.1 to 16.2.1.9 inclusive as amended and renumbered are set out in Appendix 5.

43.2. Objective 16.2.2 and Policies 16.2.2.1 - 16.2.1.7

1373. As notified, Objective 16.2.2 and its accompanying policies read:

16.2.2 Objective

New development achieves high quality design outcomes that minimises adverse effects on adjoining residential areas.

Policies

16.2.2.1 *Require the design of buildings to contribute positively to the visual quality, vitality, safety and interest of streets and public spaces by providing active and articulated building frontages, and avoid large expanses of blank walls fronting public spaces.*

16.2.2.2 *Require development close to residential zones to provide suitable screening to mitigate adverse visual effects, loss of privacy, and minimise overlooking and shading effects to residential neighbours.*

16.2.2.3 *Require a high standard of amenity, and manage compatibility issues of activities within and between developments through site layout and design measures.*

16.2.2.4 *Utilise and, where appropriate, link with public open space nearby where it would mitigate any lack of open space provision on the development site.*

16.2.2.5 *Incorporate design treatments to the form, colour or texture of buildings to add variety, moderate their scale and provide visual interest from a range of distances.*

⁹⁵³ A Bowbyes, Section 42A Report at [9.11].

⁹⁵⁴ Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249

⁹⁵⁵ A Bowbyes, Section 42A Report at [11.38].

16.2.2.6 *Where large format retail is proposed, it should be developed in association with a variety of integrated, outward facing uses to provide reasonable activation of building facades.*

16.2.2.7 *Provide for significantly taller development above the permitted height limit in the Business Mixed Use Zone in Queenstown, subject to high design quality.*

1374. Four submissions supported the objective⁹⁵⁶. NZIA⁹⁵⁷ sought amendments to the objective to encourage a positive urban outcome.

1375. Ms Bowbyes agreed with the NZIA submission, in that there was a strong emphasis on urban design throughout the policies and rules. She recommended accepting in part the relief sought by NZIA to reword the objective.⁹⁵⁸ We agree and think that the proposed changes will make the objective clearer in its intent. Several of the policies that support this objective implement urban design treatments. As these consider the impact on the public realm it is important for the objective to reflect this intention also. With this in mind, we recommend Objective 16.2.2 be adopted as follows:

New development achieves high quality building and urban design outcomes that minimise adverse effects on adjoining residential areas and public spaces.

1376. There were no submissions on Policies 16.2.2.1, 16.2.2.2, 16.2.2.4, 16.2.2.5 and 16.2.2.6. We recommend they be adopted as notified.

1377. Ms Spijkerbosch⁹⁵⁹ sought landscaping of 2m (for example) along the street frontage to soften the appearance of taller buildings on either side. Ms Bowbyes noted that although the notified BMUZ, in Policy 16.2.2.3 has emphasis on high quality building design and a high standard of amenity, there was no minimum requirement for landscaping at the 'rule' level.⁹⁶⁰

1378. Ms Bowbyes considered that due to the emphasis on providing a high quality environment in the BMUZ, landscaping should be considered further. As such, she asked Mr Church to provide expert advice.

1379. Mr Church addressed this question in his evidence at length. He described that landscape strips are "effective in helping to unify a potentially disparate and intensive mix of uses, while also helping to soften the scale of development and generally improving the visual amenity of the zone."⁹⁶¹ He went on to say that "Landscape strips can also be effective in screening and mitigating the visual impact of car parking, service and storage areas, although these should be discouraged along more pedestrian orientated corridors."⁹⁶²

1380. Mr Church did note that the BMUZ was silent on any requirement for landscaping, other than as a matter of discretion for buildings. As such he recommended a rule requiring a minimum

⁹⁵⁶ Submissions 380, 392, 556 and 634

⁹⁵⁷ Submission 238, opposed by FS1314, FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249

⁹⁵⁸ A Bowbyes, Section 42A Report at [9.14-9.16].

⁹⁵⁹ Submission 392.

⁹⁶⁰ A Bowbyes, Section 42A Report at [9.38].

⁹⁶¹ T Church, EiC at [35.3]

⁹⁶² *ibid* at [35.6]

of 10% landscaping, which he considered had the potential to contribute to achieving a higher amenity and more unifying approach to the street frontage.

1381. We discuss the matter of a rule later in this report.
1382. Returning to Policy 16.2.2.3, Ms Bowbyes recommended that it be amended to specifically include landscaping.⁹⁶³ We agree with this, and recommend that Ms Spijkerbosch's submission be accepted in part by adopting Policy 16.2.2.3 as worded below:

Require a high standard of amenity, and manage compatibility issues of activities within and between developments through site layout, landscaping and design measures.

1383. Notified Policy 16.2.2.7 aimed to provide for significantly taller development in the BMUZ, subject to design quality. That was a reflection of the purpose for the zone which specifically stated that "*significantly greater building heights are enabled*".
1384. This policy attracted one submission⁹⁶⁴ supporting the provision for height increase subject to high design quality. Notified Rule 16.5.7.1 provided the standards for activities with regard to their height and attracted submissions. Mr Church discussed this rule in his expert urban design evidence. In her Section 42A Report, Ms Bowbyes also identified the higher order provisions that she considered relevant to the issue of building heights and capacity in the BMUZ.
1385. After taking all this into consideration, Ms Bowbyes concluded⁹⁶⁵:
- a. *The BMUZ is consistent with the strategic direction to encourage intensification within existing urban areas that are close to town centres*
 - b. *When a high quality design bar, such as that of the BMUZ is met, enabling taller buildings significantly increases the zone's capacity. The Gorge Road area of the BMUZ is strategically located and, in my view, is an appropriate location for taller buildings. The landscape values of our District pose constraints on the ability for intense forms of development to be provided*
 - c. *The BMUZ is consistent with the strategic direction to enable a mix of housing typologies close to town centres. Providing the opportunity for taller buildings in the BMUZ would assist with realising this goal due to the increased capacity that height enables.*

1386. Ms Bowbyes recommended rewording notified Policy 16.2.2.7 and further amendments to notified Rule 16.5.7 which we discuss later in this report. Ms Bowbyes' redrafted Policy 16.2.2.7 contains qualifiers that are more directive and provide for consideration of sunlight access, which is a key effect on neighbouring residential and/or public spaces. We consider the redrafted policy to be more targeted and to provide guidance and clarity to those preparing proposals in the BMUZ. The policy would provide further guidance to landowners as to the type of development anticipated in the BMUZ. We consider it is very clear from the amended wording of the policy that while buildings of a greater height are to be enabled, that can only occur when a high quality design outcome is achieved.

1387. We recommend Policy 16.2.2.7 be worded as follows:

⁹⁶³ A Bowbyes, Section 42A Report at [9.46].

⁹⁶⁴ Submission 321, supported by FS1059

⁹⁶⁵ A Bowbyes, Section 42A Report at [11.18]

~~Provide for significantly taller development above the permitted height limit~~ Allow buildings between 12m and 20m heights in the Queenstown Business Mixed Use Zone in Queenstown, subject to situations when:

- a. The outcome is of high ~~design~~ quality design
- b. The additional height would not result in shading that would adversely impact on adjoining residential-zoned land and/or public space and
- c. The increase in height would facilitate the provision of residential activity.

1388. The BMUZ contemplates a mix of residential and non-residential activities. Bunnings⁹⁶⁶, however, considered that the framework was weighted towards facilitating residential activities and did not achieve a complementary integration of both non-residential and residential activities as set out in the purpose of the BMUZ. They sought that the urban design-related matters for restricted discretion on all buildings (Rule 16.4.2) be 'de-tuned' to allow for flexible built form for non-residential activities.

1389. Bunnings also proposed an additional policy in order to recognise the requirements for business, worded as follows:

Ensure that the operational and functional requirements of non-residential activities are recognised and provided for.

1390. Bunnings submitted their proposed policy wording to be included under Objective 16.2.1, however Ms Bowbyes considered that as the subject relates to design, that inclusion under Objective 16.2.2 would be more appropriate.⁹⁶⁷ She proposed inclusion of a new Policy 16.2.2.8 with wording as follows:

Apply consideration of the operational and functional requirements of non-residential activities as part of achieving high quality building and urban design outcomes.

1391. We agree with the inclusion of this policy as it reflects a more pragmatic, flexible and zone appropriate approach. We also think this new policy supports the zone purpose.

1392. We recommend a new Policy 16.2.2.8 be included worded as recommended by Ms Bowbyes (shown above).

1393. Ms Bowbyes recommended a new policy and matters of discretion with regard to encouraging the naturalisation and daylighting of Horne Creek.

1394. NZIA⁹⁶⁸, in those parts of its submission relating to Rule 16.4, sought that consideration be given to "opening up Horne Creek". Ms Bowbyes was of the view that Horne Creek would provide a source of local amenity and warranted specific consideration.⁹⁶⁹ We note that Horne Creek runs through private land, and also receives stormwater discharges.

⁹⁶⁶ Submission 746

⁹⁶⁷ A Bowbyes, Section 42A Report at [9.6].

⁹⁶⁸ Submission 238, opposed by FS1314, FS1059, FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249

⁹⁶⁹ A Bowbyes, Section 42A Report at [9.29].

1395. In her Section 42A Report, Ms Bowbyes stated that she consulted with the QLDC Property and Infrastructure Team and they advised that daylighting of the Creek could assist with water attenuation.⁹⁷⁰ Ms Bowbyes also sought the opinion and advice of Mr Church on this issue.
1396. Mr Church, in his evidence, stated that it was his understanding that it was best practice to daylight streams and that a number of environmental benefits would arise from this practice.⁹⁷¹ He concluded that it would be appropriate that *“public access, daylighting and remediation of Horne Creek be incentivised through the consenting process.”*⁹⁷²
1397. Whilst accepting Mr Church’s opinion, Ms Bowbyes also noted that Horne Creek flows through a number of sites on the eastern side of Gorge Road. With this in mind, she recorded her reluctance in her Section 42A Report to require that daylighting be achieved in every instance, as imposing such a requirement on these properties would severely limit the ability for development.⁹⁷³
1398. As such, Ms Bowbyes, took a more pragmatic approach and recommended a new policy that provided a level of flexibility in those instances where daylighting of Horne Creek may not be appropriate.
1399. In response to Ms Bowbye’s proposed policy, Mr Freeman⁹⁷⁴ highlighted some concerns, including uncertainty of interpretation and application of the policy as drafted by Ms Bowbyes.. He proposed that the daylighting of Horne Creek should be subject to a separate process outside of the PDP process⁹⁷⁵.
1400. Additional concerns were raised by Mr Ridd, on behalf of Ms Spijkerbosch⁹⁷⁶. In particular he queried how outdoor living space could be integrated with the stream, unless ground floor residential or visitor accommodation activities were proposed.
1401. Ms Macdonald⁹⁷⁷ questioned whether opening up Horne Creek was a matter for the District Council, or whether it fell under the jurisdiction of the Otago Regional Council.⁹⁷⁸
1402. These concerns led to Ms Bowbyes’ reconsidering the wording of policy 16.2.2.9 within her Reply⁹⁷⁹. She proposed a simplified wording that removed references to daylighting.
1403. We have reviewed Ms Bowbyes recommended policy in the light of the evidence and submissions received. While we can see value in recognising the creek as a natural feature, and recognising that Section 6 of the Act and higher order objectives and policies seek to protect natural waterways, we consider if this policy is to be included in this zone, it should not conflict with other policies in the zone. Policy 16.2.1.4 discourages ground floor residential and visitor accommodation activities. Given that policy direction, we consider it would be inappropriate to be encouraging outdoor living spaces integrating with Horne Creek in this

⁹⁷⁰ ibid at [9.31].

⁹⁷¹ T Church, EIC at [31.4]

⁹⁷² ibid at [2.26].

⁹⁷³ A Bowbyes, Section 42A Report at [9.33]

⁹⁷⁴ In expert evidence in support of Submissions 542, 545, 550, 556 and 634

⁹⁷⁵ S Freeman, EIC at paragraphs 52 - 61

⁹⁷⁶ Submission 392

⁹⁷⁷ Appearing for Submission 545 (High Peaks Limited) and 634 (Trojan Holdings Limited)

⁹⁷⁸ J Macdonald, Legal Submissions at p2.

⁹⁷⁹ A Bowbyes, Reply Statement at [5.1-5.8].

policy. We also agree that the policy should not require daylighting of Horne Creek, but do not think that possibility should be excluded.

1404. Taking all those matters into account, we recommend that a new Policy 16.2.2.9 be included reading:

Encourage the layout and design of new buildings and landscaping to integrate with Horne Creek where feasible.

43.3. New Objective and Policies

1405. The Stream 13 Hearing Panel is recommending the zoning of an area of land at Frankton North as Business Mixed Use. Part of that recommendation is the insertion of a specific objective and policies and rules applying to that area. We agree with the reasoning of the Stream 13 Panel and recommend the following objective and policies be inserted:

16.2.3 ***Objective - The development of land north of State Highway 6 (between Hansen Road and Ferry Hill Drive) provides a high quality environment which is sensitive to its location at the entrance to Queenstown, minimises traffic impacts to the State Highway network, and is appropriately serviced.***

Policies

16.2.3.1 *Encourage a low impact stormwater design that utilises on-site treatment and storage / dispersal approaches.*

16.2.3.2 *Avoid the impacts of stormwater discharges on the State Highway network.*

16.2.3.3 *Provide a planting buffer along the State Highway frontage to soften the view of buildings from the State Highway network.*

16.2.3.4 *Provide for safe and legible transport connections that avoid any new access to the State Highway, and integrates with the road network and public transport routes on the southern side of State Highway 6.*
Note: *Attention is drawn to the need to consult with the New Zealand Transport Agency (NZTA) prior to determining an internal and external road network design under this policy.*
Note: *Attention is drawn to the need to obtain a Section 93 notice from the NZ Transport Agency for all subdivisions on State Highways which are declared Limited Access Roads. The NZ Transport Agency should be consulted and a request made for a notice under Section 93 of the Government Roading Powers Act 1989.*

16.2.3.5 *Require that the design of any road or vehicular access within individual properties is of a form and standard that accounts for long term traffic demands for the area between Hansen Road and Ferry Hill Drive, and does not require the need for subsequent retrofitting or upgrade.*

16.2.3.6 *Provide a safe and legible walking and cycle environment that links to the other internal and external pedestrian and cycle networks and destinations on the southern side of State Highway 6 along the safest, most direct and convenient routes.*

Note: Attention is drawn to the need to consult with the New Zealand Transport Agency (NZTA) to determine compliance with this policy.

- 16.2.3.7 *Require the provision of an internal road network that ensures road frontages are not dominated by vehicular access and parking.*
- 16.2.3.8 *Ensure coordinated, efficient and well-designed development by requiring, prior to, or as part of subdivision and development, construction of the following to appropriate Council standards:*
- a. A 'fourth leg' off the Hawthorne Drive/SH6 roundabout;*
 - b. All sites created in the area to have legal access to either Hansen Road or the Hawthorne Drive/SH6 roundabout; and*
 - c. New and safe pedestrian connections between the Hawthorne Drive/SH6 roundabout, Ferry Hill Drive and the southern side of SH6.*
- 16.2.3.9 *Encourage the creation of a legal internal road between Hansen Rd and Ferry Hill Drive*

43.4. Summary

1406. There are some substantive changes recommended for the objectives and policies of Chapter 16. We recommend also recommend some minor limited amendments to those objectives and policies. We are satisfied that once these amendments have been incorporated, the objectives will be the most appropriate to achieve the purpose of the Act, and the policies will be effective and efficient at implementing the objectives. We also consider they will be consistent with the higher order policies in Chapters 3 and 4.

44. 16.3 OTHER PROVISIONS AND RULES

44.1. 16.3.1 District Wide Rules

1407. We recommend this section be amended under Clause 16(2) for the reasons set out in Section 1.10 of Report 1.

1408. The recommended layout is shown at Appendix 5.

44.2. 16.3.2 Clarification

1409. As with the previous section, we recommend renaming and amending provisions in the section under Clause 16(2) for the reasons set out in Section 1.10 of Report 1.

1410. We set out in Appendix 5 our recommended layout of this section.

45. 16.4 RULES – ACTIVITIES

1411. The table at rule 16.4 prescribes the activity status of activities located in the BMUZ. Two submissions were received in general support of Section 16.4⁹⁸⁰.

⁹⁸⁰ Submissions 30 and 237

45.1. Rule 16.4.1 Activities not listed in this table and comply with all standards

1412. This rule effectively provides a default permitted activity status to any activity that complies with all standards and is not otherwise listed in Activity Table 16.1. Bunnings⁹⁸¹ sought this Rule be retained.

1413. We questioned the need for this rule, and requested further consideration from the Section 42A Officers. This matter is discussed further in Chapter 12, with regard to Ms Scott's legal submissions and the reasons for inclusion of a default rule.

1414. Again we thank the Council and the Section 42A authors for their consideration of this issue and we accept their collective view that inclusion of a default rule is necessary and there are no changes considered necessary.

1415. We recommend Rule 16.4.1 be adopted as notified.

45.2. Rule 16.4.2 Buildings

1416. As notified, Rule 16.4.2 provided a restricted discretionary activity status for all new buildings in the BMUZ.

1417. Several submitters⁹⁸² requested that notified Rule 16.4.2 be amended to shift the activity status of buildings from restricted discretionary to controlled. Coronet Property Investments Limited⁹⁸³ requested that the activity status of the establishment of, and alteration to, buildings be amended to controlled rather than restricted discretionary. Submission 344 sought an amendment to Rule 16.4.2 such that it would be a controlled activity to establish a building or trade supplier up to 1000m² GFA.

1418. The Section 32 Evaluation Report appended to the Section 42A Report was thorough and set out the reasoning as to why buildings in the BMUZ had the status of restricted discretionary, rather than controlled. Ms Bowbyes considered this carefully, concluding that in her view the restricted discretionary status to be more appropriate.⁹⁸⁴

1419. We agree with this. Restricted discretionary buildings would proceed on a non-notified basis, which would reduce uncertainty, time and cost, whilst also providing for achieving the high quality design outcomes as sought by the zone purpose and objective 16.2.2. By attributing a status of restricted discretionary to buildings, it means the Council would have the ability to decline any resource consent application that was not achieving the objectives and policies of the zone.

1420. Therefore we recommend these submissions be rejected and the activity status remain restricted discretionary.

1421. NZIA⁹⁸⁵ requested additional information and assessment criteria in this rule. The submission noted outside spaces, urban amenity, promoting the use of urban design panel and Horne Creek with regard to hazard-flood issues as matters that should be considered.

⁹⁸¹ Submission 746

⁹⁸² Submissions 556, 634, 542, 545 and 550.

⁹⁸³ Submission 321, supported by FS1059

⁹⁸⁴ A Bowbyes, Section 42A Report at [12.3-12.5].

⁹⁸⁵ Submission 238, opposed by FS1314, FS1059, FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, and FS1249

1422. As discussed earlier, Ms Spijkerbosch raised the idea of landscaping in order to soften the appearance of tall buildings and contribute to the amenity of the zone. In response to this submission and the redrafted policies that place a strong emphasis on urban design, Ms Bowbyes recommended including additional matters of discretion, including landscaping, in Rule 16.4.2.⁹⁸⁶
1423. We questioned whether these, as notified, were in fact assessment matters, rather than matters of discretion. We asked Ms Bowbyes to consider this and this resulted in her rephrasing the provisions to reflect that they were assessment matters. This is consistent with the other parts of the Plan and also much clearer for the reader when trying to understand what the relevant considerations are.
1424. Daylighting of Horne Creek has been discussed earlier in this report and we apply the same rationale to the matters of discretion for buildings in the BMUZ. Rather than requiring daylighting of the Creek, the matter to be considered is integration of the development with Horne Creek with regard to site layout and landscaping.
1425. The Ledge submission⁹⁸⁷ expressed concern regarding the practicality of meeting the requirements of the matter of discretion pertaining to natural hazards in this rule. The submission suggested that there needed to be exemptions for small consents and minor natural hazards.
1426. As notified, the relevant matter of discretion for Rule 16.4.2 at bullet-point 5 stated:
- Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated.*
1427. Ms Bowbyes agreed that as worded, the notified version would place a burdensome requirement on applicants proposing minor developments, or for instances where the risk posed by the natural hazard is low. In her view, this was a partial mix of an assessment matter and a matter of discretion.⁹⁸⁸
1428. Whilst Ms Bowbyes recommended the matter of discretion remains, she did recommend removing the requirement for an assessment by a suitably qualified person which provides consistency with Notified Policy 28.3.2.3. That policy provided further guidance as to information requirements and does not contain a requirement for all hazard assessments to be completed by a suitably qualified person.⁹⁸⁹
1429. We consider that the changes recommended by Ms Bowbyes will provide a level of flexibility for the assessment to be proportionate to the level of risk posed. This is also consistent with the approach in other chapters and the provisions of Chapter 28 as recommended.
1430. We have made further changes to Ms Bowbyes recommended wording of this rule. We do not think it is necessary to specify that integration with Horne Creek only relates to the Gorge

⁹⁸⁶ A Bowbyes, Section 42A Report at [9.41-9.42].

⁹⁸⁷ Submission 700

⁹⁸⁸ A Bowbyes, Section 42A Report at [12.22].

⁹⁸⁹ *ibid* at [12.23].

Road area. We consider it would be better to make the matter relevant “where applicable”. It will not be applicable on every site in Gorge Road.

1431. We also consider the matter of discretion relating to open space for residential development still reads somewhat akin to an assessment matter. We have simplified this further to make it clearly a matter of discretion.

1432. We recommend Rule 16.4.2 be adopted with the wording set out below (we have not used a underline/strike-out format as that format was too difficult to follow):

16.4.2	<p>Buildings</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Building materials b. Glazing treatment c. Symmetry d. Vertical and horizontal emphasis e. Location of storage f. Signage platforms g. Landscaping h. Where residential units are proposed as part of a development, provision made for open space on site, whether private or communal i. Where applicable, integration of the development with Horne Creek including site layout and landscaping and j. Where a site is subject to any natural hazard and the proposal will result in an increase in gross floor area: <ul style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated. <p>Assessment matters relating to buildings:</p> <ul style="list-style-type: none"> a. The impact of the building on the streetscape including whether it contributes positively to the visual quality, vitality, safety and interest of streets and public places by providing active and articulated street frontages and avoids large expanses of blank walls fronting public spaces b. Whether the design of the building blends well with and contributes to an integrated built form and is sympathetic to the surrounding natural environment. 	RD
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45.3. Rule 16.4.3 Licenced Premises

1433. There were no submissions received in relation to this Rule and Ms Bowbyes recommended only a minor non-substantive change utilising Clause 16(2) in respect of grammatical changes for consistency.

1434. The content however of this rule, was the subject of discussion at the hearing. With reference to evidence presented by Ms Swinney, Team Leader Alcohol Licensing for the Council, we did

not consider it appropriate to include a matter of discretion as “Any relevant Council alcohol policy or bylaw”.

1435. Ms Swinney told us that there are no current alcohol policies in place and that breach of any bylaw could result in enforcement action being required.⁹⁹⁰

1436. Ms Bowbyes recognised the merits of this, and noted her agreement with the comments of Ms Swinney. We also agree that this matter of discretion should be removed as shown below with strikeout as follows:

16.4.3	<p>Licensed Premises Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor:</p> <p>This rule shall not apply to the sale and supply of alcohol:</p> <p>a. to any person who is residing (permanently or temporarily) on the premises and/or</p> <p>b. to any person who is present on the premises for the purpose of dining up until 12am.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <p>a. The scale of the activity</p> <p>b. Car parking and traffic generation</p> <p>c. Effects on amenity (including that of adjoining residential zones and public reserves)</p> <p>d. The configuration of activities within the building and site (e.g. outdoor seating, entrances)</p> <p>e. Noise issues <u>and</u></p> <p>f. Hours of operation; <u>and</u></p> <p>Any relevant Council alcohol policy or bylaw.</p>	RD*
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45.4. Rule 16.4.4 Visitor Accommodation

1437. Notified Rule 16.4.4 provided for visitor accommodation in the BMUZ as a restricted discretionary activity.

1438. Several submissions⁹⁹¹ were received seeking to change the activity status from restricted discretionary to controlled for visitor accommodation. The submissions also considered that the notified matters of discretion would be appropriate as the matters of control.

1439. Ms Bowbyes compared the matters for discretion listed in the notified rule and noted that they were very similar to the visitor accommodation rules of QTCZ⁹⁹², WTCZ⁹⁹³ and ATCZ⁹⁹⁴ which all provided for visitor accommodation as a controlled activity. The LSCZ however, provided for visitor accommodation as a restricted discretionary activity.

⁹⁹⁰ S Swinney, EIC at [5.32].

⁹⁹¹ Submissions 542 (supported by FS 1059), 550, 556, 571, 634 (opposed by FS1059) and 1366

⁹⁹² Notified Rule 12.4.2

⁹⁹³ Notified Rule 13.4.3

⁹⁹⁴ Notified Rule 14.4.3

1440. Neither the submissions nor the Section 32 analysis provided much discussion as to the benefits of a controlled activity versus a restricted discretionary. However Ms Bowbyes recommended that due to the close proximity of the BMUZ to the Queenstown and Wanaka Town Centres that it was appropriate for visitor accommodation to have a controlled status.⁹⁹⁵ Further, Ms Bowbyes considered that the notified matters of discretion were appropriate matters of control.

1441. We agree. The Queenstown and Wanaka town centres are the main centres for tourism and therefore it is appropriate to encourage visitor accommodation in close proximity to those centres. The BMUZ is within walking distance of these town centres, and visitor accommodation in such close proximity would be enabled through controlled status. Controlled status is both consistent with and would achieve the zone purpose.

1442. Therefore we recommend that these submissions be accepted and visitor accommodation is amended to have controlled activity status. In addition to minor grammatical changes for consistency and clarity, we recommend that rule be relocated to 16.4.2 with consequential renumbering. The recommended wording is as follows:

16.4.2	<p>Visitor Accommodation</p> <p>*Discretion is restricted to consideration of all of the following:</p> <p><u>Control is reserved to:</u></p> <ul style="list-style-type: none"> a. The location, provision, and screening of access and parking and traffic generation; b. Landscaping; c. The location, nature and scale of visitor accommodation and ancillary activities relative to one another within the site and relative to neighbouring uses; d. The location and screening of bus and car parking from public places; and e. Where the site adjoins a residential zone: <ul style="list-style-type: none"> i. Noise generation and methods of mitigation; and ii. Hours of operation, in respect of ancillary activities. 	RDC*
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45.5. Rule 16.4.5 Daycare Facilities

1443. There were no submissions received regarding this rule. Ms Bowbyes recommended that wording in the final matter of discretion be deleted to clarify the matter. We agree that the simplified wording is less likely to be misinterpreted, and that it is a non-substantive change.

1444. We recommend that Rule 16.4.5 be adopted with that modification and the other minor non-substantive changes consistent with our recommendations throughout this report, as worded below:

⁹⁹⁵ A Bowbyes, Section 42A Report at [10.19].

16.4.5	<p>Daycare Facilities</p> <p>*Discretion is restricted to consideration of all of the following:</p> <p>a. The compatibility of the development with respect to existing land uses on the subject site and nearby properties;</p> <p>b. Potential reverse sensitivity issues;</p> <p>c. Traffic, parking and access limitations; and</p> <p>d. Noise associated with the activity on the subject site.</p>	RD*
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45.6. Rule 16.4.6 Warehousing, Storage & Lock-up Facilities (including vehicle storage) and Trade Suppliers

1445. As notified, Rule 16.4.6 provided for Warehousing, Storage & Lock-up Facilities (including vehicle storage) and Trade Suppliers as a restricted discretionary activity.

1446. Bunnings⁹⁹⁶ sought deletion of notified Rule 16.4.6, or as an alternative that the rule be amended to delete reference to “*trade suppliers*” on the grounds that it was not defined in the PDP. Fletcher Distribution Ltd and Mico Ltd⁹⁹⁷ also made reference to the fact that trade supplier was not included in the definitions of notified Chapter 2. These submitters requested amendments to the definition of building supplier to remove the reference to Three Parks and the Industrial B Zone.

1447. Ms Bowbyes did not recommend any amendments in respect of the rule itself, however she did consider it was appropriate to amend the definitions relating to this rule.⁹⁹⁸ This included the addition of a definition for “*Trade Suppliers*” and some amendments to “*Building Suppliers*”. In Ms Bowbyes view, those amendments would sufficiently address the matters included in the submissions and provide an appropriate degree of certainty as to the activities captured by 16.4.6. We discuss these definitions further at the end of this report.

1448. We agree with Ms Bowbyes that the changes sought to the rule by Bunnings would make the rule inconsistent with the objectives and policies of the zone. Consequently, we recommend the standard minor amendments, and that the rule be adopted with the wording set out below:

16.4.6	<p>Warehousing , Storage & Lock-up Facilities (including vehicle storage) and Trade Suppliers</p> <p>*Discretion is restricted to consideration of all of the following:</p> <p>a. The impact of buildings on the streetscape and neighbouring properties in terms of dominance impacts from large, utilitarian buildings;</p> <p>b. The provision, location and screening of access, parking and traffic generation; and</p> <p>c. Landscaping.</p>	RD*
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⁹⁹⁶ Submission 746

⁹⁹⁷ Submission 344, supported by FS1164 and opposed by FS1314

⁹⁹⁸ A Bowbyes, Section 42A Report at [12.12 -12.19].

- 45.7. Rule 16.4.7 Industrial Activities not otherwise provided for in this Table; Rule 16.4.8 Service Stations; Rule 16.4.9 Panelbeating, spray painting, motor vehicle repair or dismantling.
1449. There were no submissions received relating to these rules, nor any comment or discussion by Ms Bowbyes.
1450. However, Ms Bowbyes did note in her Section 42A Report, that the shift in the zone purpose from that in the ODP could result in uncertainty for existing activities within the BMUZ⁹⁹⁹ resulting from the change of the default status to non-complying when it was permitted under the ODP.
1451. The HW Richardson Group submission¹⁰⁰⁰ requested that the Allied Concrete site at 105 Gorge Road be either rezoned to a zone that permitted service and industrial activities or, in the alternative, requested that the BMUZ be amended to provide for those activities on that site as permitted. The rezoning component of the submission was heard in Hearing Stream 13.
1452. The site at 105 Gorge Road was a rear site on the eastern side of the road, with access located opposite the entrance to Sawmill Road.¹⁰⁰¹ It was therefore centrally located within the Gorge Road area of the BMUZ.
1453. Ms Bowbyes explained that, in her view, enabling industrial activities in the BMUZ could result in effects that would not achieve the levels of amenity consistent with a mixed use environment.¹⁰⁰² She was concerned that the relief sought by HW Richardson would not assist with achieving notified Objectives 16.2.1 and 16.2.2, nor would it assist with the implementation of notified Policies 16.2.1.1, 16.2.1.2, 16.2.1.3, proposed Policy 16.2.1.5, and notified Policy 16.2.2.3. She therefore recommended that the changes to the BMUZ provisions sought by the HW Richardson Group be rejected.¹⁰⁰³
1454. At the hearing, we asked Ms Bowbyes to provide us more information regarding the industrial activities currently operating within the Gorge Road area of the BMUZ. Ms Bowbyes addressed this in her Reply¹⁰⁰⁴, noting that she had carried out a site visit and based on this she considered there to be three activities operating¹⁰⁰⁵ that would be captured by the PDP definition of industrial activity, one of which was Allied Concrete.
1455. We also requested site areas for these activities, however Ms Bowbyes said these occupied only part of the sites where they are situated, and as such it was hard to determine site areas with confidence.¹⁰⁰⁶ She did however note, that they were established in a cluster on the eastern side of Gorge Road.¹⁰⁰⁷ This demonstrated that there was very little industrial activity in the zone and we are satisfied that the rules as notified with regard to industrial activities were appropriate for this zone, because the existing industrial activities were so limited in extent.

⁹⁹⁹ A Bowbyes, Section 42A Report at [10.9].

¹⁰⁰⁰ Submission 252

¹⁰⁰¹ A Bowbyes, Section 42A Report at [10.7].

¹⁰⁰² *ibid* at [10.10].

¹⁰⁰³ *ibid* at [10.11].

¹⁰⁰⁴ A Bowbyes, Reply Statement at [12.1-12.3].

¹⁰⁰⁵ Rockgas: 119 Gorge Road; Otago Southland Waste Services: 121 Gorge Road; and Allied Concrete: 105 Gorge Road.

¹⁰⁰⁶ A Bowbyes Right of Reply at [12.4].

¹⁰⁰⁷ *Ibid*.

1456. We also consider that as the zone further develops into a mixed use zone, it is unlikely that existing industrial activities located within the zone would seek to expand. We also think it unlikely that new industrial activities would seek to locate within the BMUZ as the PDP will provide more suitable zones for industrial activities. We note that the new Coneburn Industrial Zone recommended by Hearing Stream 13 would be a more appropriate location for industrial activities of the type presently found in Gorge Road.
1457. The Stream 13 Hearing Panel has recommended a minor change to Rule 16.4.7 so as to exclude Warehousing, Storage & Lock-up Facilities and Trade Suppliers from the Frankton North BMUZ. This is in association with the insertion of a new Rule 16.4.18 which classifies such activities as prohibited in the Frankton North BMUZ. We agree with that Panel’s reasoning and recommend those changes be made.
1458. Consequently, we recommend:
- Rules 16.4.8, 16.4.9 be adopted as notified;
 - Rule 16.4.7 be adopted as notified with the insertion of the following wording after “Trade Suppliers” – “except as provided for by Rule 16.4.18”; and
 - The insertion of a new Rule 16.4.8 which reads:

<u>16.4.18</u>	Warehousing, Storage & Lock-up Facilities (including vehicle storage) and Trade Suppliers in the zone at Frankton North	PR
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- 45.8. Rule 16.4.10 Fibreglassing, sheet metal work, bottle or scrap storage, motorbody building or wrecking, fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket), or any activity requiring an Offensive Trade Licence under the Health Act 1956.
1459. Although there were no submissions received or comment by the reporting officer in her Section 42A Report; in her reply Ms Bowbyes recommended amending the layout of this rule, by splitting the activities in notified rule 16.4.10 for consistency and improved legibility.¹⁰⁰⁸
1460. We agree this is a minor non-substantive amendment and recommend the following three rules be adopted:

16.4.10	Fibreglassing, sheet metal work, bottle or scrap storage, motorbody building or wrecking, fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket), or any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR
<u>16.4.11</u>	<u>Fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket).</u>	
<u>16.4.12</u>	<u>Any activity requiring an Offensive Trade Licence under the Health Act 1956.</u>	

¹⁰⁰⁸ A Bowbyes Section 42A Report, Appendix 1 at p16-7.

45.9. Rule 16.4.11 Factory Farming; Rule 16.4.12 Mining Activities; Rule 16.4.13 Forestry Activities; Rule 16.4.14 Airport

1461. There were no submissions relating to these notified rules. We recommend these rules be renumbered and adopted as notified, as shown in Appendix 5.

45.10. New Rule – Activities Sensitive to Aircraft Noise

1462. The Stream 13 Hearing Panel has recommended the insertion of a new Rule 16.4.17 prohibiting the establishment of Activities Sensitive to Aircraft Noise within the Outer Control Boundary of Queenstown Airport. This is consequential on that Panel recommending the rezoning of an area at Frankton North as BMUZ. We agree with the reasoning of that Panel and recommend the new rule be included as set out in Appendix 5.

46. 16.5 RULES – STANDARDS

46.1. 16.5.1 Setbacks and sunlight access – sites adjoining a Residential zone or separated by a road from a Residential zone

1463. In addition to a 3m setback, notified Rule 16.5.1 required that buildings on sites adjoining, or separated by a road from, a Residential Zone shall not project beyond a recession line constructed at an angle of 35 degrees inclined towards the site from points 3m above the Residential Zone boundary.

1464. Five submissions¹⁰⁰⁹ sought a relaxation of the angle for the recession line to 45 degrees. Mr Church¹⁰¹⁰ provided his opinion as to whether the relief sought in these submissions was appropriate to achieve Objective 16.2.2 and whether the height recession and setbacks would be effective in limiting the impact of building heights on adjoining residential zoned land.

1465. Mr Church explained in his evidence that he undertook modelling of both the 35 degree and 45 degree scenarios. He supported the relief sought insofar as it applies to the northern boundary of a site.¹⁰¹¹ In his view, the 35 degree recession plane should be retained on the southern, eastern and western boundaries. He further suggested adding the terms “*visual dominance*” and “*residential privacy*” to provide specificity to the matters of discretion within Rule 16.5.1, and the addition of “*screen planting*” as a further matter of discretion.¹⁰¹²

1466. The second element of notified Rule 16.5.1 was that buildings on sites adjoining a residential zone be set back no less than 3m. Three submissions¹⁰¹³ supported this rule. In the absence of any opposition, we recommend Rule 16.5.1.2 be retained as notified.

1467. With regard to the recession lines, we agree with Mr Church and Ms Bowbyes. We consider relaxing the recession plane applied at the northern boundary would provide additional flexibility for site development. Retaining the 35 degree recession plane at all other boundaries would ensure that issues such as visual dominance and residential privacy continue to be appropriate.

1468. We have considered the changes Mr Church has recommended be made to the matters of discretion. We consider the inclusion of ‘visual’ and ‘residential’ to be minor changes which make the provision more certain. However, we consider the addition of ‘screen planting’ as

¹⁰⁰⁹ Submissions 556, 634, 550, 542, 545

¹⁰¹⁰ T Church, EIC at paragraph 34.2.

¹⁰¹¹ *ibid* at paragraphs 34.6, 34.8.

¹⁰¹² *ibid* at paragraphs 34.13 – 34.15.

¹⁰¹³ Submissions 565, 634 and 344 (supported by F51059)

matter of discretion to be beyond scope. No submission sought that inclusion and it would add a potential limitation on applicants which the public have not had the opportunity to comment on.

1469. Taking into account our standard recommended changes to standards, we recommend the rule is adopted with the wording shown below:

16.5.1	<p>Setbacks and sunlight access – sites adjoining a Residential zone or separated by a road from a Residential zone</p> <p><i>16.5.1.1 Buildings on sites adjoining, or separated by a road from, a Residential zone shall not project beyond a recession line constructed at an <u>the following</u> angles of 35° <u>inclined towards the site from points 3m above the Residential zone boundary:</u></i></p> <p><i>a. <u>45° applied on the northern boundary; and</u></i></p> <p><i>b.</i></p> <p><i>c. <u>35° applied on all other boundaries</u></i></p> <p><i>16.5.1.2 Where a site adjoins a Residential Zone all buildings shall be set back not less than 3m.</i></p> <p>*Discretion is restricted to consideration of all of the following:</p> <p>the visual effects of the height, scale, location and appearance of the building, in terms of dominance and loss of privacy on adjoining properties and any resultant shading effects.</p>	<p>RD*</p> <p>Discretion is restricted to:</p> <p>a. the visual effects of the height, scale, location and appearance of the building, in terms of <u>visual</u> dominance and loss of <u>residential</u> privacy on adjoining properties and any resultant shading effects.</p>
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46.2. 16.5.2 Storage

1470. There were no submissions received regarding this rule.

1471. Accordingly, we recommend adopting this rule with our standard recommended amendments, as follows:

16.5.2	<p>Storage</p> <p>Outdoor storage and storage of waste and recycling shall be screened from public places and adjoining Residential zones.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <p>a. the effects on visual amenity;</p> <p>b. the location relative to the public realm and adjoining residential properties;</p> <p>c. consistency with the character of the locality; and</p> <p>d. whether pedestrian and vehicle access is compromised.</p>	<p>RD*</p> <p>Discretion is restricted to:</p> <p>a. the effects on visual amenity</p> <p>b. the location relative to the public realm and adjoining residential properties</p> <p>c. consistency with the character of the locality and</p> <p>d. whether pedestrian and vehicle access is compromised.</p>
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46.3. 16.5.3 Residential activities and visitor accommodation located on sites fronting Gorge Road in Queenstown

1472. Notified Rule 16.5.3 required that all residential and visitor accommodation activities on sites fronting Gorge Road be at first floor level or above. Non-compliance required consent as a restricted discretionary activity.

1473. NZIA¹⁰¹⁴ requested some changes relating to outdoor living requirements, use of the urban design panel and opening up of Horne Creek. To a large extent these points have been discussed throughout this report.

1474. As discussed with regard to notified Policy 16.2.1.5, Mr Freeman¹⁰¹⁵ highlighted his concern with the potential misinterpretation arising from the word “*fronting*” and questioned what constitutes “*fronting*” in terms of location or proximity to Gorge Road for residential or visitor accommodation activities.

1475. Mr Freeman suggested that it was more appropriate to prescribe a setback for ground floor residential and visitor accommodation. He explained this by reference to the example of a residential building with residential activities on the ground floor could be set back 50m (a significant distance in an urban environment) on the Wakatipu High School site and still deemed to front Gorge Road.¹⁰¹⁶ He suggested that in order to achieve the goals of Policy 16.2.1.5, Rule 16.5.3 should include a specific setback distance (i.e. 10 m) for the allowance of ground floor residential or visitor accommodation activities that front Gorge Road.

1476. Taking this evidence into consideration, Ms Bowbyes recommended replacing the word “*fronting*” with “*adjoining*” and also adopting Mr Freeman’s suggestion of a 10 m setback.¹⁰¹⁷ She considered this 10m setback to be appropriate to add, so that the rule only applies to residential and visitor accommodation activities at ground floor level located within 10m of

¹⁰¹⁴ Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, and FS1249

¹⁰¹⁵ On behalf of submitters G H and P J Hensman (542), High Peaks Limited (545), Ngai Tahu Property Limited (550), Skyline Enterprises Limited (556) and Trojan Holdings Limited (634).

¹⁰¹⁶ S Freeman, EiC at [36].

¹⁰¹⁷ A Bowbyes, Summary of Evidence at [6].

the site boundary adjoining Gorge Road.¹⁰¹⁸ We noted that Mr Freeman confirmed that he supported this approach at the hearing.¹⁰¹⁹

1477. We agree that as notified there was potential for misinterpretation, and that both notified Policy 16.2.1.4 and Rule 16.5.3 require rewording. Ms Bowbyes' recommended changes ensure that the outcome sought by the Policy is implemented by Rule 16.5.3(a) without placing unintended restrictions on residential and visitor accommodation activities establishing on sites adjoining Gorge Road. We consider that the additional wording proposed by Ms Bowbyes is effective in providing greater certainty regarding the application of redrafted Policy 16.2.1.4.
1478. Ms Bowbyes, relying on Mr Church's evidence, also recommended the imposition of a 2m landscaping strip on all sites in the zone where residential activities occurred at ground floor level¹⁰²⁰. For scope she relied on Submission 392. We have examined this submission. We consider it clear that the submitter was only seeking that a landscaping strip be imposed where taller buildings were allowed (as a restricted discretionary activity). In our view, that would only apply to notified Rule 16.5.7.1(b). We consider that persons reading Submission 392 could not anticipate that it would lead to the imposition of a 2 m landscaping strip in the BMUZ in Wanaka, for instance. We do not accept Ms Bowbyes' recommendation on this point.
1479. Ms Bowbyes also recommended clarification in regard to the matters for discretion by adding additional wording¹⁰²¹, which we agree with in as matters that can be adopted pursuant to Clause 16(2).
1480. Ms Bowbyes recommended inclusion of a fourth matter of discretion worded: "*the effects on privacy for occupants and visual amenity.*" Again she referenced Submission 392 as scope for this addition. We consider there is no scope to be found in that submission for this addition and do not accept that recommendation.
1481. Consequently, taking into account our own standard amendments, we recommend Rule 16.5.3 be adopted with the following wording:

¹⁰¹⁸ A Bowbyes, Reply Statement at [6.3].

¹⁰¹⁹ S Freeman, Supplementary Evidence at [3].

¹⁰²⁰ A Bowbyes, Section 42A Report, at paragraph 9.41

¹⁰²¹ A Bowbyes Section 42A Report, Appendix 1 at p16-9.

16.5.3	<p>Residential activities and visitor accommodation activities located on sites fronting Gorge Road in Queenstown</p> <p>All residential activities and visitor accommodation <u>activities on sites adjoining Gorge Road in Queenstown located within 10m of the boundary adjoining Gorge Road</u> shall be restricted to first floor level or above, with the exception of foyer and stairway spaces at ground level to facilitate access to upper levels.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <p>a. the effects on surrounding buildings and activities;</p> <p>b. location relative to the public realm; and</p> <p>c. the maintenance of active and articulated street frontages</p>	<p>RD*</p> <p>Discretion is restricted to:</p> <p>a. the effects of <u>residential and visitor accommodation activities at ground floor level</u> on surrounding buildings and activities;</p> <p>b. location of <u>residential and visitor accommodation activities at ground floor level</u> relative to the public realm; and</p> <p>c. the maintenance of active and articulated street frontages.</p>
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46.4. 16.5.4 Building Coverage

1482. As notified, Rule 16.5.4 stated that maximum building coverage in the BMUZ was 75%, and any proposal that did not comply would be a discretionary activity.

1483. The sole submission on this rule sought that it be retained¹⁰²².

1484. We recommend that Rule 16.5.4 be adopted as notified.

46.5. 16.5.5 Acoustic Installation; 16.5.6 Fencing

1485. There were no submissions received on these rules nor any comment by the reporting officer.

1486. We recommend adopting these rules as notified.

46.6. Proposed Rule - Landscaping

1487. Ms Bowbyes recommended a new standard be included that would require a minimum landscaped coverage of 10%, relying on Mr Church's evidence¹⁰²³.

1488. While this may be a laudable outcome, there was no scope within the submissions for such a rule. Consequently we do not recommend it be adopted.

1489. If the Council wishes to include specific provisions requiring landscaping, it will need to initiate a variation.

¹⁰²² Submission 344, supported by FS1059

¹⁰²³ A Bowbyes, Section 42A Report at [9.46].

46.7. 16.5.7 Maximum Building Height

1490. Notified Rule 16.5.7 provides for buildings up to 12m as a permitted activity in both the Gorge Road and the Anderson heights areas. Buildings between 12m to 20m in Gorge Road are anticipated through the use of the restricted discretionary activity status. The notified matters of discretion are:
- a. *the design and quality of the building, including the use of articulated facades and active street frontages*
 - b. *The avoidance of large monolithic buildings and*
 - c. *The impact on the street scene.*
1491. Notified Rule 16.5.7.1 also stipulates that buildings exceeding 20m height in the Gorge Road area of the BMUZ would require resource consent for a non-complying activity, as would buildings exceeding 12m height in the Anderson Heights area under notified Rule 16.5.7.2.
1492. This rule was supported by Placemakers¹⁰²⁴, and Coronet Property Investments Limited.¹⁰²⁵
1493. Ms Spijkerbosch¹⁰²⁶, opposed notified Rule 16.5.7 insofar as it applied to Gorge Road, submitting that the 20m restricted discretionary height should only apply on the eastern side of Gorge Road, and that up to 25m heights should be 'allowed' at the eastern edge of the BMUZ, and finally building heights should be staggered to a height of 12m at the Gorge Road frontage. She also considered that proposed buildings above 12m should be notified, unless they are on the eastern side of Gorge Road. In addition, she considered a 2m landscaping strip should be imposed to soften the impact of taller buildings.
1494. Mr Church provided urban design evidence on the suitability of enabling the restricted discretionary heights across the entire Gorge Road BMUZ. This including modelling and illustrations appended to his evidence. He supported the retention of the 12m to 20m restricted discretionary heights on the eastern side of Gorge Road, with the exception of two areas at the northern and southern ends of the eastern side of Gorge Road.¹⁰²⁷
1495. These two sites were described in Mr Church's evidence¹⁰²⁸ as:
- a. Gorge Road Centre – site of an existing low rise business park at the very northern end of Gorge Road (east), beyond Bush Creek reserve and to the west of Matakauri Park; and
 - b. Caltex Service Station – a site at the corner of Gorge Road and Hallenstein Street.
1496. Mr Church considered that these two sites should have a lower permitted and/or RD height range because, in his view tall buildings on these two sites could potentially obstruct view shafts up and down the Gorge, and visual connections to the steep rock walls at the top of the Gorge.¹⁰²⁹
1497. In addition to keeping these heights lower, Mr Church was concerned with the possibility of a “visually dominant band of tall buildings stretching across the valley floor and potentially

¹⁰²⁴ Submission 344, supported by FS1059

¹⁰²⁵ Submission 321

¹⁰²⁶ Submission 392, supported by FS1288, FS1059, opposed FS1216, FS1228, FS1238, FS1246

¹⁰²⁷ T Church, EIC, at paragraphs 31.34 – 31.35

¹⁰²⁸ *ibid* at paragraph 31.34.

¹⁰²⁹ *Ibid* at [31.35].

extend up the lower slopes of Ben Lomond.”¹⁰³⁰ He supported Ms Spijkerbosch’s submission to keep the building heights lower on the western side of Gorge Road.¹⁰³¹

1498. Mr Church explained that in his view the PDP represents a “significant change to the character in this section of the gorge and it will need to be developed in a way that the community can readily adapt to and accept this change. Provisions need to ensure sufficient quality design to appropriately integrate with the gorge context and, where possible, maintain and enhance the experience of living and working in Queenstown.”¹⁰³²
1499. Mr Church also supported the provision for a stepped frontage to enable simple building forms while creating a more comfortable human scale at street level and managing other effects along the Gorge Road corridor.¹⁰³³ He referenced the fact that Auckland City have introduced a similar provision into its mixed use zone, creating a podium-type development.¹⁰³⁴
1500. Ms Bowbyes considered Mr Church’s views, however she noted the importance of balancing these considerations against other matters.¹⁰³⁵ Taking the concerns of Mr Church, Ms Bowbyes drafted a rule that she believed responded to these concerns, by including them as matters to be considered in the consenting process.¹⁰³⁶
1501. Ms Bowbyes considered the Gorge Road BMUZ to provide a significant opportunity for brownfield development within walking distance of the Queenstown town centre, which is the District's principal hub for commercial activities, employment, and tourism.¹⁰³⁷ She referenced the Section 32 Evaluation Report which states the additional residential capacity enabled within the BMUZ would assist with supplying more land zoned for residential uses.¹⁰³⁸ Building heights would be an important component in considering the capacity of the zone, given that most residential activities would be provided for above street level.
1502. Ms Bowbyes stated her view that “the restricted discretionary status of buildings between 12m and 20m and the accompanying policy framework, which sets a high expectation for the design of buildings, would achieve the 'strict design rules' that the submitter seeks.”¹⁰³⁹ Height recession planes would apply for sites adjoining residential-zoned properties, limiting the ability of sites adjoining a residential zone to be built above the permitted 12m threshold.
1503. For these reasons, she did not consider it necessary to apply a different height range to the west of Gorge Road, as suggested by Mr Church to be 12m-15m as RD status. Any proposal for development above 12m would require a resource consent, which would require consideration of the matters of discretion as part of the decision-making process.
1504. The matters of discretion proposed by Ms Bowbyes to address the urban design matters raised by Mr Church, were:

¹⁰³⁰ *ibid* at [31.37].

¹⁰³¹ *ibid* at [31.36].

¹⁰³² *ibid* at [31.22].

¹⁰³³ *ibid* at [33.2].

¹⁰³⁴ *ibid* at [33.2].

¹⁰³⁵ A Bowbyes Section 42A Report at [11.8].

¹⁰³⁶ *ibid* at [11.20].

¹⁰³⁷ *ibid* at [11.9].

¹⁰³⁸ *ibid* at [11.10].

¹⁰³⁹ *ibid* at [11.13].

- a. *the design and quality of the building, including the use of articulated facades, active street frontages and the treatment of corner sites*
- b. *modulated roof forms, including screening of plant and services*
- c. *material use and quality*
- d. *the avoidance of large monolithic buildings*
- e. *the impact on the street scene*
- f. *privacy and outlook for residential uses*
- g. *sunlight access to adjoining residential zoned land and/or public space*
- h. *Crime Prevention Through Environmental Design (CPTED) considerations*
- i. *where appropriate, the integration of Horne Creek into the development and landscaping and*
- j. *facilitation of the provision of residential activities.*

1505. In addition to these matters, Policy 16.2.2.7 also would provide guidance as to when buildings between 12-20m would be appropriate in the BMUZ.
1506. It is clear to us that Ms Bowbyes has considered this rule in great detail, with regard to its application in Gorge Road. In addition to considering the expert opinion of Mr Church, Ms Bowbyes has balanced this with the relevant higher order goals, objectives and policies of the Strategic Directions Chapter and the Urban Development Chapter. Her views are recorded above in the discussion pertaining to Policy 16.2.2.7 and we do not seek to repeat them here.
1507. In addition to rewording Policy 16.2.2.7, Ms Bowbyes recommended adding additional matters of discretion which will give effect to the changes at policy level.¹⁰⁴⁰ She also recommended accepting Ms Spijkerbosch's submission in part, by including a rule requiring stepped frontage of buildings from the fourth storey and above in Gorge Road.¹⁰⁴¹
1508. However with regard to the request to taper the heights to 12m at the Gorge Road frontage, Ms Bowbyes did not consider this necessary.¹⁰⁴² The evidence of Mr Church also supported the retention of the 12m-20m restricted discretionary height range on the east of Gorge Road¹⁰⁴³; and in practice anything above 20m would require resource consent for a non-complying activity.
1509. With regard to Anderson Heights, Mr Church supported the permitted 12m height limit, within a generally smaller scale context and a more open, rolling landscape. He did not consider heights up to 20m would be appropriate in that context.¹⁰⁴⁴ We think the context of Anderson Heights is very different to Gorge Road, and as such we agree with and adopt Mr Church's views to retain the 12m maximum permitted height, with anything above this attracting the status of non-complying.
1510. We note the detailed assessment completed by Mr Church in response to questions posed by Ms Bowbyes regarding building heights. This assessment, and indeed the further discussion completed by Ms Bowbyes, was very informative for us and provided an efficient level of detail to enable us to consider the issues and make our recommendation.

¹⁰⁴⁰ A Bowbyes Section 42A Report at [11.19].

¹⁰⁴¹ Ibid at [11.20].

¹⁰⁴² Ibid at [11.21].

¹⁰⁴³ T Church, EiC at [2.27].

¹⁰⁴⁴ Ibid at [32.6]

1511. We agree with Ms Bowbyes' recommended additional discretion matters and the additional provision requiring steeped frontage in Gorge Road (recommended Rule 16.5.9.3) and the recommendation to retain the maximum building heights as notified. Increasing the height limit from the ODP limits will increase the development capacity of sites within the zone, which, in turn, will enhance the zone's viability. We are satisfied the enhanced building height opportunity in Queenstown reflects the ability of Gorge Road to absorb taller built forms, taking into account Mr Church's expert opinion.
1512. We consider it appropriate that the matters for discretion will act to limit the impact of any buildings between 12m and 20m, and ensure high-quality design which, we think, will be more effective in implementing the relevant objectives and policies. As such, we recommend adopting the wording as set out above for Rule 16.5.8.
1513. We did however request that Ms Bowbyes consider amending redraft Rule 16.5.8 to make the format of the rule consistent with that of Rules 12.5.9 and 12.5.10 of the Queenstown Town Centre Chapter. Ms Bowbyes did not think this was necessary, however we disagree.¹⁰⁴⁵ We recommend rewording this rule and separating it into two separate standards of differing activity status, which is not only consistent with Chapter 12, but also easier for the reader to understand.
1514. Taking account of that, and including our standard amendments, we recommend Rule 16.5.7 be split into Rules 16.5.7 and Rule 16.5.8, with the wording set out below:

¹⁰⁴⁵ Ms Bowbyes Right of Reply at [11.2].

16.5.7	<p>Discretionary Building Height (Queenstown Only)</p> <p>In Queenstown the discretionary maximum building height shall be 12 m</p> <p>Discretion is restricted to consideration of all of the following:</p> <p>a. the design and quality of the building, including the use of articulated facades, active street frontages;</p> <p>b. modulated roof forms, including screening of plant and services</p> <p>c. material use and quality;</p> <p>d. the avoidance of large monolithic buildings; and</p> <p>e. the impact on the street scene</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the design and quality of the building, including the use of articulated facades, active street frontages <u>and the treatment of corner sites;</u></p> <p>b. modulated roof forms, including screening of plant and services</p> <p>c. material use and quality;</p> <p>d. the avoidance of large monolithic buildings; and</p> <p>e. the impact on the street scene.;</p> <p>f. <u>privacy and outlook for residential uses</u></p> <p>g. <u>sunlight access to adjoining residential zoned land and/or public space;</u></p> <p>h. <u>Crime Prevention Through Environmental Design (CPTED) considerations;</u></p> <p>i. <u>where appropriate, the integration of Horne Creek into the development and landscaping; and</u></p> <p>j. <u>facilitation of the provision of residential activities.</u></p>
16.5.8	<p>Maximum building height</p> <p>16.5.8.1 The <u>absolute</u> maximum building height shall be:</p> <p style="padding-left: 40px;">a. Queenstown - 20m</p> <p style="padding-left: 40px;">b. Wanaka – 12m</p> <p>16.5.8.2 <u>Any fourth storey (excluding basements) and above shall be set back a minimum of 3m from the building frontage.</u></p>	<p>NC</p>

46.8. 16.5.8 Noise

1515. Notified Rule 16.5.10 set out the noise thresholds for activities within the BMUZ.

1516. There were no submissions received regarding this rule. Ms Bowbyes recommended a minor change to clarify the provision.

1517. We recommend further amendment for clarification to the “note” by including the words “in this zone” to demonstrate that the note relates to sound from activities in this zone. We recommend these changes be made under Clause 16(2) of the First Schedule, and the rule be consequently renumbered, so it reads as follows:

16.5.8 <u>9</u>	<p>Noise</p> <p>16.5.8.1 Sound* from activities shall not exceed the following noise limits at any point within any other site in this zone:</p> <p>a. Daytime (0800 to 2200hrs) 60 dB L_{Aeq}(15 min)</p> <p>b. night-time (2200 to 0800hrs) 50 dB L_{Aeq}(15 min)</p> <p>c. night-time (2200 to 0800hrs) 75 dB L_{AFmax}</p> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008</p> <p>Exemptions:</p> <p>a. The noise limits in rule 16.5.8.1 shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999.</p> <p><u>Note:</u> Sound from activities <u>in this zone</u> which is received in another zone shall comply with the noise limits set out in Chapter 36 for that zone.</p>	NC
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46.9. 16.5.9 Glare

1518. There were no submissions received on this rule, however much like the other Chapters in this Stream, the rule generated discussion in relation to the effects of lighting on the night sky. Ms Bowbyes considered that the reference to limiting the effects on the night sky provided too much discretion and subjectivity when considering whether an activity is compliant. She further noted, the rule is considered *ultra vires* and should therefore be deleted. However as there were no submissions received she did not consider there was scope to make this recommendation.¹⁰⁴⁶
1519. We asked Ms Bowbyes to reconsider this position, having regard to submissions that specifically referred to the effects of lighting on views of the night sky. Ms Bowbyes considered two submissions, being 568 and 340, and concluded that these did not provide scope to delete the phrase.¹⁰⁴⁷
1520. This was further considered in the Council's closing submissions, where Ms Scott submitted that uncertainty makes the standard *ultra vires*, and therefore should be deleted.¹⁰⁴⁸
1521. We however consider there is another option and that is to amend the wording to be consistent with Policy 16.2.1.7, which seeks to mitigate any adverse effects on views of the night sky by directing the lighting downward.

¹⁰⁴⁶ A Bowbyes, Section 42A Report, Appendix 1 at p16-11.

¹⁰⁴⁷ A Bowbyes, Reply Statement at [9.1-9.5].

¹⁰⁴⁸ Legal Submissions (Right of Reply) of Ms Scott dated 13 December 2016 at [3.7-3.8]

1522. This is discussed further in Chapter 12¹⁰⁴⁹, and we recommend adopting the same approach in this chapter to maintain consistency across the stream. Furthermore, we think this phrase and is more certain although we accept it remains subjective.
1523. We prefer amending the wording to Ms Scott’s suggestion to delete the phrase, as this rule will support the implementation of Policy 16.2.1.7.
1524. Consequently, we recommend Rule 16.5.9 be renumbered and amended under Clause 16(2) of the First Schedule so it reads as follows:

<u>16.5.910</u>	Glare	NC
	<p>16.5.910.1 All exterior lighting installed on sites or buildings shall be directed away from adjacent sites, roads and public places, except footpath or pedestrian link amenity lighting, and directed <u>downward</u> so as to limit the effects on <u>views of</u> the night sky.</p> <p>16.5.910.2 No activity shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining property within the Business Mixed Use Zone, measured at any point inside the boundary of any adjoining property.</p> <p>16.5.910.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is in a Residential Zone measured at any point more than 2m inside the boundary of the adjoining property.</p> <p>16.5.910.4 External building materials shall either:</p> <p style="margin-left: 20px;">a. Be coated in colours which have a reflectance value of between 0 and 36%; or</p> <p style="margin-left: 20px;">b. Consist of unpainted wood (including sealed or stained wood), unpainted stone, unpainted concrete, or copper;</p> <p>Except that:</p> <ul style="list-style-type: none"> • Architectural features, including doors and window frames, may be any colour; and roof colours shall have a reflectance value of between 0 and 20%. 	

46.10. New Standard to Apply at Frankton North

1525. Associated with their recommendation to rezone part of the land at Frankton North as BMUZ, the Stream 13 Hearing Panel has recommended a new standard the same as that recommended for the MDRZ to deal traffic access and landscaping along State Highway 6. We agree with that Panel’s reasoning and recommend the following standard be included as Rule 16.5.11:

¹⁰⁴⁹ For discussion regarding scope for amendment and reasoning see Chapter 12, Rule 12.5.14 Glare

16.5.11	<p>Development on land north of State Highway 6 between Hansen Road and Ferry Hill Drive shall provide the following:</p> <p>16.5.13.1 Transport, parking and access design that: Ensures connections to the State Highway network are only via Hansen Road, the Hawthorne Drive/SH6 Roundabout, and/or Ferry Hill Drive</p> <p>There is no new vehicular access to the State Highway Network.</p> <p>16.5.13.2 Where a site adjoins State Highway 6, landscaping provides a planting buffer fronting State Highway 6 as follows:</p> <p>a. A density of two plants per square metre located within 4m of the State Highway 6 road boundary selected from the following species:</p> <ul style="list-style-type: none"> i. Ribbonwood (<i>Plagianthus regius</i>) ii. <i>Corokia cotoneaster</i> iii. <i>Pittosporum tenuifolium</i> iv. <i>Grisilinea</i> v. <i>Coprosma propinqua</i> vi. <i>Olearia dartonii</i> <p>b. Once planted these plants are to be maintained in perpetuity.</p>	NC
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46.11. 16.6 Rules – Non-notification of Applications

1526. There were several submissions received in support of this section¹⁰⁵⁰. We recommend the section be adopted as notified.

47. FURTHER RECOMMENDATIONS OF THE PANEL

1527. We have included this section in order to identify matters that we think warrant consideration but are out of scope.

47.1. Redraft Rule 16.5.11 Glare

1528. As identified earlier, Redraft Rule 16.5.10 (Notified Rule 16.5.9) includes the requirement that:

16.5.10.4 External building materials shall either:

- a. be coated in colours which have a reflectance value of between 0 and 36% or*
- b. consist of unpainted wood (including sealed or stained wood), unpainted stone, unpainted concrete, or copper.*

Except that:

- a. architectural features, including doors and window frames, may be any colour; and*

¹⁰⁵⁰ Submissions 30, 321 (supported by FS1059), 392 (supported by FS1288, FS1059), 556, 634

b. Roof colours shall have a reflectance value of between 0 and 20%.

1529. We agree with the view of Ms Bowbyes. This rule as notified is very onerous and the same provisions (12.5.14.4 and 13.5.11.4) have been removed in the decision report for Chapter 12 and Chapter 13.

1530. There was no submission relating to this, however we recommend removing the requirement in Rule 16.5.11.4 in the interests of consistency and in order to make the rule more workable. As it is, and based on the discussion in Chapter 12 and Ms Bowbyes' view, it would be very onerous on any development in the MBUZ.

47.2. Comprehensive Development

1531. We must also make mention of Comprehensive Development in the BMUZ. It was pointed out to us by both Ms Bowbyes and Mr Church that the notified BMUZ does not include a requirement for development of large sites to provide a Comprehensive Development Plan.¹⁰⁵¹

1532. Ms Bowbyes was of the opinion that introducing this requirement would give effect to Strategic Direction Policy 3.2.3.1.2 which seeks that development on large sites is undertaken in a comprehensive manner.¹⁰⁵² Ms Bowbyes mentioned that a rule akin to Rule 12.4.6.2 in the QTCZ which she thinks would be an appropriate addition to this zone.¹⁰⁵³

1533. Mr Church recommended that the Council prepare non-statutory design guidance relating to the anticipated design outcomes and common mitigation approaches between uses to give more direction and certainty to applicants and Plan administrators.¹⁰⁵⁴

1534. We agree with these comments, and recommend to the Council that they consider, in particular, Mr Church's suggestion of Design Guidelines for the BMUZ.

48. RECOMMENDATIONS TO STREAM 10 PANEL

1535. As discussed above, with reference to Rule 16.4.6, Bunnings¹⁰⁵⁵ and Fletcher Distribution Ltd (trading as Placemakers) and Mico Ltd (Placemakers and Mico)¹⁰⁵⁶ highlighted the fact that this chapter referred to "trade supplier" however notified Chapter 2: Definitions did not provide a definition for this activity. Placemakers and Mico summarised the issue clearly in their submission, stating that:

Given building suppliers are typically a subset of trade suppliers, it would be helpful to provide a definition for Trade Suppliers to create some distinction between the uses and to reduce confusion within the Plan.

1536. In order to implement notified Rule 16.4.6 with efficiency and certainty, Ms Bowbyes recommended this term be defined. We agree with that recommendation.

1537. Placemakers and Mico included a suggested definition in their submission for consideration. In considering this suggested definition, Ms Bowbyes undertook a search of the notified Plan

¹⁰⁵¹ A Bowbyes, Section 42A Report at [13.14] and T Church, EiC at [29.10].

¹⁰⁵² A Bowbyes, Section 42A Report at [13.15].

¹⁰⁵³ Ibid

¹⁰⁵⁴ T Church, EiC at [29.13].

¹⁰⁵⁵ Submission 746

¹⁰⁵⁶ Submission 344, supported by FS1164, opposed by FS1314.

to identify where these terms arise.¹⁰⁵⁷ She explained in her Section 42A Report that the term Building Supplier does not occur in any notified Chapter (aside from notified Chapter 2: Definitions), and the term Trade Supplier only occurs in the BMUZ.¹⁰⁵⁸

1538. Ms Bowbyes also provided her view that the list of activities included in the suggested definition were appropriate.¹⁰⁵⁹
1539. Ms Bowbyes noted that the definition would result in Building Suppliers becoming a subset of Trade Suppliers, meaning that the activities listed within the Building Suppliers definition would also be subject to notified Rule 16.4.6.¹⁰⁶⁰ This is considered appropriate in the context of the BMUZ as, the activities listed in the Building Suppliers definition warrant the restricted discretionary activity status prescribed by notified Rule 16.4.6.
1540. We therefore recommend the relief sought by submission 344.11 be accepted, and the following definition is included:

Trade Supplier

means a business engaged in sales to businesses and institutional customers and may also include sales to the general public, and wholly consists of suppliers of goods in one or more of the following categories:

- a. automotive and marine suppliers*
- b. building suppliers*
- c. catering equipment suppliers*
- d. farming and agricultural suppliers*
- e. garden and patio suppliers*
- f. hire services (except hire or loan of books, video, DVD and other similar home entertainment items)*
- g. industrial clothing and safety equipment suppliers and*
- h. office furniture, equipment and systems suppliers.*

1541. Submissions¹⁰⁶¹ were received requesting the removal of “Three Parks and Industrial B Zones” from the Building Supplier definition.
1542. Placemakers and Mico submitted that Placemakers and Mico would fit within the notified definition of Building Supplier, however as notified, the definition was limited in its application. As this could result in inconsistencies with the application of the term “*building suppliers*”, we consider this relief is appropriate and necessary to reduce the scope for varied interpretation.
1543. Therefore we recommend accepting the Placemakers and Mico submission, and the Bunnings submission insofar as it requested deleting the reference to Three Parks and Industrial B Zones. Bunnings also requested the addition of “*garden and patio suppliers*” to be added to the list of goods sold under the definition of building supplier. This has been included under the definition of “*trade supplier*” as noted above, and therefore we do not consider it appropriate to duplicate, and recommend this element of the relief is rejected.

1544. The definition recommended reads as follows:

¹⁰⁵⁷ A Bowbyes, Section 42A Report at [12.13].

¹⁰⁵⁸ *ibid*

¹⁰⁵⁹ *ibid.*

¹⁰⁶⁰ *ibid.*

¹⁰⁶¹ Submission Point 344.10 supported by FS1314.9 and Submission Point 746.5

Building Supplier

Means a business primarily engaged in selling goods for consumption or use in the construction, modification, cladding, fixed decoration or outfitting of buildings and without limiting the generality of this term, includes: glaziers; locksmiths; and suppliers of:

- a. awnings and window coverings*
- b. bathroom, toilet and sauna installations*
- c. electrical materials and plumbing supplies*
- d. heating, cooling and ventilation installations*
- e. kitchen and laundry installations, excluding standalone appliances*
- f. paint, varnish and wall coverings*
- g. permanent floor coverings*
- h. power tools and equipment*
- i. safes and security installations and*
- j. timber and building materials*

1545. We consider that the amendments to the above definitions will improve the clarity and consistency of the Plan.

1546. Consequently, with regard to the definitions discussed above, we recommend that the Stream 10 Hearings Panel:

- a. Accept the recommended definitions as set out in Appendix 8; and
- b. The submissions be accepted, accepted in part, or rejected as set out in Appendix 9.

49. CONCLUSION

1547. For the reasons advanced through this report, we conclude that the recommended amendments support the zone purpose and enable the objectives of the chapter to be achieved and are more effective and efficient than the notified chapter and further changes sought by submitters that we recommend rejecting.

1548. We consider that the amendments will improve the clarity and consistency of the Plan; contribute towards achieving the objectives of the District Plan and Strategic Direction goals in an effective and efficient manner and give effect to the purpose and principles of the RMA.

1549. Consequently, we recommend that:

- a. Chapter 16 be adopted as set out in Appendix 5;
- b. The submissions be accepted, accepted in part, or rejected as set out in Appendix 7;
- c. The Council initiate a variation to amend recommended Rule 16.5.11; and
- d. The Council give consideration to Mr Church's recommended Design Guidance for the BMUZ.

PART G – CHAPTER 17 AIRPORT ZONE

50. PRELIMINARY

50.1. Wanaka Airport

1550. As notified, this zone was titled “Airport Mixed Use” and the zone applied to, and the objectives, policies and rules only related to, Queenstown Airport.
1551. The first point we note is that Ms Holden recommended the name of the zone be simplified to the Airport Zone. While there was not specific recommendation on this name change in her Section 42A Report, it is the name she referred to the zone as throughout the report. Given that the PDP contains a Business Mixed Use Zone which provides for a mix of business and residential activities, we agree that simplifying the name to the Airport Zone avoids potential confusion as to the intent of zones. We consider the name change to be a minor non-substantive for clarity that can be made under Clause 16(2), and so recommend. We refer to the zone as the Airport Zone (or “AZ”) throughout this report.
1552. In the notified PDP, Wanaka Airport was zoned Rural, and was subject to a designation for “Aerodrome Purposes”. QAC¹⁰⁶² lodged submissions seeking amendments to the Rural Zone to provide for airport and airport related activities at Wanaka Airport. The amendments proposed included objectives, policies and rules to be inserted into the Rural Zone.
1553. These submissions by QAC were heard in Stream 2 in May 2016. After hearing the legal submissions and evidence presented on behalf of QAC, the Stream 2 Hearing Panel (differently constituted from this Panel) advised the Council of its preliminary conclusions that some specific zoning provision should be made for Wanaka Airport. Following the receipt of the Council’s Reply for the Stream 2 hearing, the Chair issued a Minute¹⁰⁶³ directing that the QAC submissions concerning the zone provisions for Wanaka Airport be transferred to this hearing stream. The Chair noted in the Minute that the Panel would prefer not to see a proliferation of site specific zones and would be more favourably disposed to a single Airport Zone than two very similar zones.
1554. As a result, Ms Holden was able to advise us in her Section 42A Report that she had received a working draft of a revised Chapter 17 from QAC, which she had further refined, to make provision in this zone for Wanaka Airport. The changes involved:
- a. The inclusion of a new objective (inserted after Objective 17.2.1) and associated policies
 - b. A new set of activities applying to Wanaka Airport inserted in Table 1
 - c. A new Table 3 containing standards applying to activities at Wanaka Airport and
 - d. Various minor consequential changes.
1555. We note for completeness that the further submissions¹⁰⁶⁴ on QAC’s submission relating to Wanaka Airport were also heard in this Hearing Stream in relation to the provisions recommended by Ms Holden.
1556. We will discuss the provisions of chapter and relevant submissions in the order the provisions were notified, but where Ms Holden proposed insertion of a provision relating to Wanaka Airport, we will consider that in the location recommended in her Section 42A Report.

¹⁰⁶² Submission 433

¹⁰⁶³ Minute Concerning Provisions Applying to Wanaka Airport, dated 16 June 2016

¹⁰⁶⁴ FS1030, FS1097 and FS1117

1557. We have reviewed all submissions and expert evidence presented in relation to this chapter and have recommended amendments where we consider it is appropriate. The amended version of Chapter 17 that we are recommending is contained in Appendix 6.

51. GENERAL SUBMISSIONS

1558. There were 22 original submissions and further submissions received with 70 points of submission.

1559. Submitters Mr Kain Froud¹⁰⁶⁵ and the Board of Airline Representatives of New Zealand¹⁰⁶⁶ (BARNZ) submitted in support of all provisions in Chapter 17. We recommend these submissions are accepted in part as modifications to the chapter are recommended below.

52. EXTENT OF THE AIRPORT ZONE AT QUEENSTOWN

1560. A matter we need to deal with at the outset is the extent to which the Airport Zone applies to Queenstown Airport.

1561. The boundary of the notified Airport Zone extended beyond the boundary of the operative QAMUZ to include 99 additional hectares of land zoned Rural General in the ODP. This was shown on notified Planning Map 31a.

1562. RPL¹⁰⁶⁷ submitted on, and provided evidence in opposition to the extent of the activities provided for within the notified Queenstown AZ on that land that extends beyond the operative zone.

1563. This extension of the zone is best illustrated in Attachment 4 of Mr Serjeant's¹⁰⁶⁸ evidence in chief, which we replicate below, with the current AMUZ shown in the south-west corner and the proposed boundary shown in yellow:



¹⁰⁶⁵ Submission 19
¹⁰⁶⁶ Submission 271
¹⁰⁶⁷ Submission 807
¹⁰⁶⁸ appearing for RPL

1564. Ms Holden did not make any recommendation regarding the RPL submission regarding the extension of the Queenstown AZ in her Section 42A Report.
1565. Mr Serjeant provided his opinion there was insufficient evidence that the application of the amended provisions to an extended AMUZ was the most appropriate means of achieving the objectives for the zone¹⁰⁶⁹.
1566. Mr Serjeant said that the Section 32 Evaluation Report encapsulated the issues as two statements:¹⁰⁷⁰
- a. Providing for long term sustainable management of Queenstown Airport and
 - b. Balancing the operational requirements of the Queenstown Airport with residential amenity and outlook, including the Airport as a key strategic gateway to the District.
1567. In his view, the ‘*broad options*’ to address these issues were either about retention of the existing zone provisions or an improvement on the existing zone provisions, and a consideration of where the zone boundary should lie.¹⁰⁷¹
1568. Mr Serjeant was of the view that in the Section 32 Evaluation Report there was no consideration of alternative zoning options, or more broadly whether in fact the issues were, or could be, addressed beyond the airport’s boundaries.
1569. Mr Serjeant called this a “significant shortcoming in the analysis and it gives the impression that the section 32 is really about just zoning the airport land, not solving a resource management issue.”¹⁰⁷² He also considered the cost and benefit analysis to have the same limitation. On the whole, Mr Serjeant did not consider that there had been a thorough assessment of the wider environment to support the extension of the zone.
1570. Ms Holden considered that many activities included within the definition of “*Airport Related Activities*” could be high trip generating activities and therefore have significant impacts on the surrounding road network and demand for parking.¹⁰⁷³ This was supported by Mr Serjeant, who stated that, in his view, this had not been addressed in the Section 32 Evaluation Report.¹⁰⁷⁴
1571. Mr Serjeant further opined, that in his view there was “no risk of not acting to change the underlying zone of the airport, pending a more comprehensive approach to a change in zoning”, and therefore, one option is “to stay with the existing AMUZ”.¹⁰⁷⁵ He also said that if the AZ were to be extended then there were a number of matters that must be addressed.¹⁰⁷⁶
1572. At the hearing Mr Serjeant explained the four quadrants that surround the airport runway, and that they were very different to each other. He also explained that in his view these needed to be understood and responded to appropriately within any development.

¹⁰⁶⁹ D Serjeant EIC, at [6.12-6.16].

¹⁰⁷⁰ Ibid at [5.4]

¹⁰⁷¹ Ibid at [5.6].

¹⁰⁷² Ibid at [5.6]

¹⁰⁷³ R Holden, Section 42A Report at [7.8].

¹⁰⁷⁴ D Serjeant, EIC at [6.14].

¹⁰⁷⁵ Ibid at [8.2]

¹⁰⁷⁶ Ibid at [8.3]

1573. It was Mr Kyle’s opinion that the zone should match the land subject to designation¹⁰⁷⁷. It was also his view that the activities allowed by the zone should at minimum mirror those provided for by the designation¹⁰⁷⁸.
1574. In her Reply Report, Ms Holden advised us that she agreed with Mr Serjeant.¹⁰⁷⁹
1575. Ms Holden noted her agreement with his opinion that “the nature, extent and location of potential development, and the manner in which it will integrate with the wider environment is unclear”.¹⁰⁸⁰
1576. She explained to us, that she had concerns relating to whether the provisions adequately provided for the extension of the zone, as, in her view, the provisions in the PDP provide for the scale and scope of activities in the operative QAMUZ.¹⁰⁸¹ In other words, she recommended that due to the risk and uncertainties that had been highlighted by Mr Serjeant, the extent of the zone should be reduced to that of the operative QAMUZ.
1577. If not, Ms Holden was of the view that more restrictive provisions would need to apply to the aforementioned additional 99 hectares of proposed Airport zone land.
1578. We have to agree. In our view, there is too much uncertainty. The purpose of these proposed provisions is to anticipate effects and appropriately avoid, remedy and mitigate them through the use of standards and rules. Where there is such a high level of uncertainty as identified by Mr Serjeant and Ms Holden, then we do not consider the activities or the effects generated can be sufficiently anticipated in order to respond with appropriate provisions.
1579. We also note that we have difficulty with Mr Kyle’s view that the zone should somehow mirror the designation. Designation 2 is subject to a number of conditions, including specific conditions on aircraft operations so as to mitigate the adverse effects of aircraft noise as received in surrounding residential areas. As we understood Mr Kyle’s approach, if the zone applied to the entire operational area of Queenstown Airport, and Airport Activity, which includes the landing and taking off of aircraft, was a permitted activity, then QAC would be in a position to operate the airport without resorting to Designation 2, thereby avoiding the conditions applying to that designation.. While that may not have been the intention of QAC (and there was no evidence to suggest it was), it would be poor resource management practice, in our view, to create such a set of regulatory alternatives. A partial solution was suggested to us of excluding Aircraft Operations from the listed permitted activity of Airport Activity. However, the definition of Aircraft Operations excludes certain movements of aircraft and engine testing. While it is a partial solution, we consider restricting the application of the zone is a more appropriate response.
1580. We requested further information from QAC and this was provided by way of Memorandum and Plans.¹⁰⁸² However, we still consider there to be uncertainty remaining as to how future development would integrate with adjoining zones.

¹⁰⁷⁷ Designation 2

¹⁰⁷⁸ J Kyle, Summary of Evidence

¹⁰⁷⁹ R Holden, Reply Statement, at [7.7-7.10]

¹⁰⁸⁰ D Serjeant, Summary of Evidence, at [6].

¹⁰⁸¹ R Holden, Reply Statement at [7.10].

¹⁰⁸² Memorandum of Counsel for QAC relating to additional information dated 6 December 2016.

1581. On 19 May 2017 we received a joint memorandum of counsel¹⁰⁸³ for RPL, QAC and the Council advising neither QAC nor RPL sought to call further evidence or make further legal submissions concerning the proposed extension of the Airport Mixed Use Zone at Queenstown Airport, and that the Council would not provide any further comment or analysis on the proposed extension. All parties would rely on the legal submissions and evidence presented to this Panel in December 2016.
1582. In that circumstance, we will make the recommendations to the Stream 13 Hearing Panel on the extent of the Airport Zone as it applies to Queenstown Airport.
1583. For the reasons set out above, we recommend the extent of the Airport Zone, as it applies to Queenstown Airport be reduced such that it is the same as that area zoned QAMUZ in the ODP, with one minor exception. We recommend that the remaining land notified as Airport Mixed Use be zoned Rural.
1584. The one exception is the northern half of the car park located south and west of Lucas Place and east of Kawarau Road, which has a split zoning in the ODP. We recommend this entire car park retain the Airport Zone as notified.
1585. We also recommend that the Council review the application of the AZ on the south side of Lucas Place, presently occupied by a car sales and servicing operation. We do not see how that fits within the range of activities related to the operation of the airport.
1586. We note that the Airport Mixed Use Zone, as notified, applied to land outside the airport in Glenda Drive and adjoining the ODP Frankton Flats B Special Zone. We do not consider Rural to be the most appropriate zone for this land but equally find that there is no suitable alternative zone in the PDP to apply to this land. Our recommendation in respect of this land is that the Rural Zone be used as an interim zoning until the Council notifies industrial zone provisions which may be appropriate for this land. We also note that if the Council were to withdraw the PDP from this land (which is an option available to it), the land would remain zoned Rural General in the ODP.
1587. Having come to that conclusion, we have considered the appropriateness of the objectives, policies and rules in the context of the reduced extent of the zone.
1588. We note that there was no dispute between QAC and the Council about the extent of the Airport Zone as it would apply to Wanaka Airport: they both considered it should apply to the designated area. We note our concern regarding the potential for any conditions on the designation applying to Wanaka Airport to be avoided if reliance was made on the zone provisions. We did not have sufficient evidence to be able to determine whether that would be an issue, or what alternative area the zone should apply to. Therefore we recommend the Council review the application of the Airport Zone to the Wanaka Airport. If it is being applied for the reasons given by QAC in the Stream 2 hearing it need only apply to the land between the runway and State Highway 6.
1589. In the interim, based on the uncontested evidence, we recommend the Airport Zone apply to the designated area of the Wanaka Airport.

53. SECTION 17.1 – ZONE PURPOSE

¹⁰⁸³ Memorandum of Counsel for Remarkables Park Limited, Queenstown Airport Corporation and the Queenstown Lakes District Council, dated 16 May 2017

1590. Two submitters¹⁰⁸⁴ requested that the Zone Purpose be retained without further modification.
1591. J Berriman¹⁰⁸⁵ opposed the Zone Purpose on the grounds of not wanting to see further growth in Queenstown. There was no evidence to support this submission. The Zone Purpose does not in itself promote growth, and we do not see the function of the PDP to regulate growth in either a positive or negative sense. We recommend this submission be rejected.
1592. RPL¹⁰⁸⁶ supported the zone purpose insofar as it identified the importance of the airport to tourism, however considered there could be improvement by removing repetition. The submission went on to suggest some alternate wording. Ms Holden did not agree with the amendments proposed as they did not fully acknowledge all of the factors incorporated into the notified zone purpose.¹⁰⁸⁷ We agree with Ms Holden and consider that the wording proposed by RPL actually detracts from the importance of the Airport to the region.
1593. The Zone Purpose recommended by Ms Holden referred to Wanaka Airport having capacity for commercial passenger flights and flights through to 10pm at night.¹⁰⁸⁸ During the hearing, we questioned where the 10pm limit was derived from.
1594. In her Reply Statement, Ms Holden referred to a condition recommended to be included as part of Designation #64, that would restrict aircraft operations, other than emergency aircraft operations, between 10pm and 7am.¹⁰⁸⁹ Designation #64 within the ODP contains a similarly restrictive condition for aircraft operations during the hours of darkness.
1595. Mr Kyle's evidence for QAC¹⁰⁹⁰ suggested that the permitted hours of aircraft operations is a matter for the conditions of the designation, and may be subject to future NoR processes.¹⁰⁹¹ Ms Holden considered this and recommended removing reference to commercial passenger flights and flights through until 10pm at night for Wanaka Airport from the Zone Purpose.¹⁰⁹² We agree. In our view, this restriction is better placed as a condition of the designation, as it applies to the requiring authority and its operations.
1596. There was some additional rewording proposed to the zone purpose, and part of this was in response to the fact that the zone purpose needed to be extended to include reference to Queenstown and/or Wanaka Airport, incorporating the submissions and evidence of QAC.
1597. We have considered the relevant submissions and suggested amendments and evaluations by Ms Holden. We agree that this rewording is required in order to include reference to Wanaka Airport. As previously discussed, we considered it appropriate to include zone provisions for Wanaka Airport in this chapter, rather than in Chapter 21 (Rural). Accordingly, we recommend Section 17.1 be amended to read as set out in Appendix 6.

54. 17.2 OBJECTIVES AND POLICIES

¹⁰⁸⁴ Submissions 433 (opposed by FS1097, FS1117) and 768
¹⁰⁸⁵ Submission 217
¹⁰⁸⁶ Submission 807, opposed by FS1077
¹⁰⁸⁷ R Holden, Section 42A Report at [7.11].
¹⁰⁸⁸ As suggested by Ms Holden in her Appendix 1, Section 42A Report at 17-1.
¹⁰⁸⁹ Ibid at [2.2].
¹⁰⁹⁰ Submission 433
¹⁰⁹¹ J Kyle, EiC, Appendix A at p3.
¹⁰⁹² R Holden, Reply Statement at [2.3].

1598. QAC¹⁰⁹³ submitted in support of the objectives and policies, requesting they be retained as notified. There are changes recommended throughout the next sections, and for this reason we recommend this submission be accepted in part.

54.1. **Objective 17.2.1 and Policies 17.2.1.1 - 17.2.1.3**

1599. Objective 17.2.1 and its accompanying policies as notified stated as follows:

17.2.1 Objective

Queenstown Airport is recognised as a generator of nationally and regionally significant economic, social and cultural benefits.

Policies

17.2.1.1 *Provide for those aviation activities necessary to enable Queenstown Airport to operate in a safe and efficient manner.*

17.2.1.2 *Provide for a range of airport related service, business, industrial and commercial activity to support or complement the functioning of Queenstown Airport.*

17.2.1.3 *Zone sufficient land to meet the foreseeable future requirements of activities that support or complement the functioning of Queenstown Airport.*

1600. The Oil Companies¹⁰⁹⁴ requested rewording as follows:

Queenstown Airport is recognised as being nationally significant infrastructure and a generator of nationally and regionally significant economic, social and cultural benefits.

1601. In her Section 42A Report, Ms Holden recommended including this phrase, as well as modifying the objective to make it more outcome focussed in accordance with our Fourth Procedural Minute.

1602. ORC¹⁰⁹⁵ requested "provisions for roading, access and parking should recognise the needs of active transport modes, public transport services and infrastructure" and referred to Objective 17.2.1. Objective 17.2.1 does not specifically refer to transport needs and Ms Holden did not suggest an amendment to the Objective to incorporate the ORC submission.

1603. Ms Holden referred us to notified Policy 4.4.6 of the proposed RPS which placed emphasis on walking, cycling and public transport as energy efficient and sustainable transport options for Otago communities.¹⁰⁹⁶ She proposed an additional policy at 17.2.1.4 encouraging active transport modes, public transport services and infrastructure. We discuss this below.

1604. At the hearing, we asked Ms Holden to give further consideration to Objective 17.2.1 to ensure it read as a desired outcome rather than a statement of fact.

1605. Ms Holden reconsidered using the guidance provided in the Fourth Procedural Minute¹⁰⁹⁷ and amended wording was included in her Reply.

¹⁰⁹³ Submission 433, opposed by FS1097 and FS1117

¹⁰⁹⁴ Submission 768

¹⁰⁹⁵ Submission 798, supported in part by FS1340

¹⁰⁹⁶ R Holden, Section 42A Report at [7.22].

¹⁰⁹⁷ R Holden, Reply Statement at [2.4].

1606. We largely agree with the wording proposed by Ms Holden, but recommend minor amendments to improve the grammar. We recommend the Council adopt the following wording for Objective 17.2.1:

Queenstown Airport is maintained as nationally significant infrastructure and a generator of nationally and regionally significant economic, social and cultural benefits.

1607. Policy 17.2.1.1 was concerned with providing for those aviation activities necessary to enable Queenstown Airport to operate in a safe and efficient manner. The Oil Companies¹⁰⁹⁸ identified the potential ambiguity associated with the term “aviation activities” as this was not defined in the Plan. The relief sought was to amend the policy to refer to the defined term “airport activity”.
1608. Ms Holden agreed with that submissions and recommended some minor amendments to improve the drafting of the policy so as to provide greater certainty and clarity.
1609. In his statement of evidence, Mr Kyle on behalf of QAC¹⁰⁹⁹, considered that the notified policy provided greater clarity than Ms Holden’s redrafted policy.¹¹⁰⁰ He proposed further amending the policy so that it read:

Provide for ~~those aviation activities~~ airport activities necessary to enable Queenstown Airport to operate in a safe and efficient manner.

1610. Ms Holden accepted this wording in her Reply as being more directive and giving greater effect to redraft Objective 17.2.1.¹¹⁰¹
1611. We think this wording serves little purpose. An airport will obviously have airport activities provided for – otherwise it will not be an airport. It is not apparent how providing for those activities will make the airport any more safe or efficient than it would otherwise be.
1612. We are also not convinced that policies should only use defined terms. Aviation is a readily understood term, as is aviation activities. We agree with the QAC submission that as notified, the policy appropriately expressed how the objective will be given effect to.
1613. We recommend that Policy 17.2.1.1 be adopted as notified.
1614. Notified Policy 17.2.1.2 sought to provide for a range of airport related service, business, industrial and commercial activity to support or complement the functioning of Queenstown Airport. There were no submissions seeking to amend this policy.
1615. Mr Kyle, appearing for QAC, suggested that rather than use the phrase “service, business, industrial and commercial activities”, the defined term “Airport Related Activities” should be used. “Airport Related Activities” is a broader class of activity, rather than limiting the policy to the activities listed, and, based on his analysis of the Section 32 evaluation and the activities

¹⁰⁹⁸ Submission 768

¹⁰⁹⁹ Submission 433

¹¹⁰⁰ J Kyle, EiC at [5.26].

¹¹⁰¹ R Holden, Reply Statement at [2.6].

provided for under Rule 17.4.1, Mr Kyle did not consider that this limitation was the Council's intention.¹¹⁰²

1616. Ms Holden agreed with this submission and proposed amending the policy as suggested in Mr Kyle's evidence¹¹⁰³.
1617. We do not agree with Mr Kyle. As we understand the purpose of a policy, it is to establish a course of action to implement the objective, and that course of action will be given effect to, generally, by rules. We view Mr Kyle's proposal as bringing the rule definition into the policy. We also disagree with Ms Holden's view that scope for this change is provided by Submission 768.
1618. We recommend Policy 17.2.1.2 be adopted as notified.
1619. As notified, Policy 17.2.1.3 sought to zone sufficient land to meet the foreseeable future requirements of activities that support or complement the functioning of Queenstown Airport. RPL¹¹⁰⁴ sought that this policy be deleted.
1620. Mr Serjeant, appearing for RPL, presented his assessment of the policy and expressed his doubt at whether this was a policy at all. In his view, this is simply "*a statement of what the zoning in the District Plan is to be for the Airport land*".¹¹⁰⁵ Ms Holden considered his evidence and she agreed with Mr Serjeant in that an analysis of the land requirements to provide for Airport and Airport Related activities had not been established through the provision of evidence. Ms Holden concluded that this policy served a limited purpose as the land was already zoned and she recommended accepting the RPL submission and deleting Policy 17.2.1.3.¹¹⁰⁶
1621. We agree with this assessment and additionally note that our conclusion that the area zoned be reduced was based in part on the lack of justification for the extension beyond the ODP zoned area.
1622. We recommend notified Policy 17.2.1.3 be deleted.
1623. As indicated earlier in response to the ORC¹¹⁰⁷ submission, Ms Holden recommended¹¹⁰⁸ inclusion of a new policy 17.2.1.4 reading as follows:
- Promote the use of walking, cycling and public transport services and infrastructure to support or complement the functioning of Queenstown Airport.*
1624. In his Statement of Evidence, Mr Kyle for QAC, recommended that this policy be deleted. He said that while he considered Ms Holden's suggested Policy "*serves a broadly useful purpose*" he was of the view that the policy had limited utility, and emulated matters already covered in Chapter 14 of the ODP.¹¹⁰⁹ He therefore sought this policy be deleted.

¹¹⁰² J Kyle, EIC at [5.30].

¹¹⁰³ R Holden, Reply Statement at [2.7] – [2.9]

¹¹⁰⁴ Submission 807, opposed by FS1077, FS1340

¹¹⁰⁵ D Serjeant, EIC at [7.15].

¹¹⁰⁶ R Holden, Reply Statement at [2.11].

¹¹⁰⁷ Submission 798

¹¹⁰⁸ R Holden, Section 42A Report at [7.22-7.23].

¹¹⁰⁹ J Kyle, EIC at [5.37].

1625. We think this new policy recognises the importance of providing public transport services. As highlighted by Ms Holden¹¹¹⁰, this gives effect to proposed RPS Policy 4.4.6 which seeks to enable energy efficient and sustainable transport for Otago's communities by placing a high priority on walking, cycling and public transport. Ms Holden considered that as a significant employer of the region, and catalyst for a significant number of passenger movements that alternative modes of transport should be facilitated.¹¹¹¹ It is also noted that Ms Tregidga for QAC included reference in her evidence to the challenges identified in the 2017-2019 Statement of Intent for the Airport. Ms Tregidga outlined the relevant points including “*pressure and congestion on transport and roading networks*” and that this contributes to the impact on visitors and locals and may eventually cap visitor demand.¹¹¹²

1626. Taking all of this into consideration, we recognise that inclusion of this policy seeks to improve an existing problem and encourage alternatives. Therefore, we recommend this policy be included as Policy 17.2.1.3, and worded as follows:

Promote the use of walking, cycling and public transport services and infrastructure to support or complement the functioning of Queenstown Airport.

54.2. New Objective and Policies related to Wanaka Airport

1627. As discussed above, amendments were proposed to include objectives, policies and rules applying to Wanaka Airport so that the AZ could apply to that zone also. Ms Holden recommended the inclusion of the following objective and policies as 17.2.2 and the renumbering of the notified Objective 17.2.2 and policies to 17.2.3.

1628. As recommended, Objective 17.2.2 and its policies read:

17.2.2 Objective

At Wanaka Airport, Airport Activities and Airport Related Activities support the essential functioning of aviation activities.

Policies

17.2.2.1 *Airport Activities which are core to the safe and efficient operation of Wanaka Airport are enabled and provided for.*

17.2.2.2 *Ensure land uses including Airport Related Activities have a legitimate relationship with Airport Activities and are only allowed where they are of a size (either individually or cumulatively) that:*

- a. is ancillary to and support part of the operation of an Airport Activity and*
- b. do not adversely affect the key local service and employment function of Wanaka Town Centre or other commercially zoned areas within the District.*

17.2.2.3 *Only allow retail and food and beverage facilities which are designed and operated and of a nature, scale and intensity to service visitors, passengers or workers engaged in or associated with Airport Activities or Airport Related Activities within the Wanaka Airport zone, and are unlikely to attract significant patronage outside of this purpose.*

¹¹¹⁰ R Holden, Summary of Evidence, Appendix 1

¹¹¹¹ *ibid*

¹¹¹² R Tregidga, EiC at [9c].

17.2.2.4 *Ensure buildings and activities are adequately serviced with a water supply for firefighting purposes as well as provision of potable water, sewage treatment and disposal.*

1629. We understood the purpose of Objective 17.2.2 was to set the framework for the enablement of airport and airport related activities at Wanaka Airport so long as they were an aviation activity or provided legitimate support to the functioning and operation of Wanaka Airport.
1630. Mr Kyle described the recommended objective as problematic¹¹¹³ and recommended redrafting the objective and each of the policies. We understood from his evidence that he considered a wide range of activities should be enabled at the airport.
1631. In Mr Heath's evidence summary, he acknowledged that there are important locational differences between the Wanaka and Queenstown Airports that require consideration.¹¹¹⁴ He described Wanaka Airport as "*located in a more isolated rural environment some distance from the urban area of Wanaka. This results in the source of commercial demand at Wanaka Airport being more distant than that of the Queenstown Airport. As such, demand for non-aviation commercial activity at Wanaka Airport is likely to be very low and simply reflect the demand generated by localised airport business activity*".¹¹¹⁵
1632. Mr Heath went on to state in his view, that the level of non-aviation related commercial activity enabled at Wanaka Airport should be kept to a minimum. Not including any provisions within the policy framework to limit the nature and scale of such activities at Wanaka Airport, in his view is "*a high risk strategy for Council*".¹¹¹⁶
1633. The recommended policies 17.2.2.1 – 17.2.2.3 (supported by recommended Rules 17.5.13-17.5.15) seek to regulate the nature, scale and intensity of identified commercial activities at Wanaka Airport, protecting the viability of the commercial zones within Wanaka's Urban Growth Boundary.
1634. In her Reply Statement, Ms Holden discussed Mr Heath's opinion provided after reviewing QAC's evidence concerning the Wanaka Airport provisions¹¹¹⁷. She did not recommend any changes to the objective or the four recommended policies.
1635. We have some sympathy with the concerns raised by Mr Kyle regarding the wording of recommended Objective 17.2.2. It seems to us to be tautological, and it also jumps to using defined terms which we earlier expressed concern about. However, we are not sure Mr Kyle's suggested wording is an improvement.
1636. The QAC submission sought that a new objective be inserted in Chapter 21 that read as follows:
- Recognise and provide for Wanaka Airport as strategic infrastructure and a key asset that supports the social and economic wellbeing of the District.*
1637. We consider this has elements similar to our recommended Objective 17.2.1 which, with amendments to make it outcome focussed, can better express the role of Wanaka Airport than

¹¹¹³ J Kyle, EiC, at page 29ff

¹¹¹⁴ T Heath, Summary of Evidence at [19].

¹¹¹⁵ Ibid.

¹¹¹⁶ Ibid at [23].

¹¹¹⁷ R Holden, Replay Statement, Section 14

those suggested by Ms Holden or Mr Kyle. We also recognise that it is Submission 433 that provides scope for the inclusion of this objective in Chapter 17.

1638. Consequently, we recommend a new objective be inserted as Objective 17.2.2 which reads:

Wanaka Airport remains a key strategic infrastructural asset supporting the well-being of the District.

1639. The only evidence we received that discussed the recommended policies in any detail was that of Mr Kyle¹¹¹⁸. However, we are mindful that Mr Heath's evidence discussed above supported a particular policy approach to Wanaka Airport which limited the scale of airport related activities and restricted other activities at the airport so as not to undermine the commercial centres and urban growth boundaries in Wanaka. Such a regime would be consistent with the Strategic Objectives and Policies, particularly Objective 3.2.1.9, Policies 3.3.3, 3.3.25 and 4.2.2.23.

1640. Mr Kyle considered proposed Policy 17.2.2.1 should read:

Provide for airport activities to enable Wanaka Airport to operate in a safe and efficient manner.

1641. We do not consider that to be any more useful than the policy proposed by Ms Holden. It seems that both planners were trying to express the idea that airport activities be allowed in a way that was safe and efficient. In our view this can be expressed more clearly and we consequently we recommend that the new Policy 17.2.2.1 read:

Enable airport activities at Wanaka Airport which can operate in a safe and efficient manner.

1642. Mr Kyle suggested that if we accepted his recommended change to the definition of airport related activity then proposed Policies 17.2.2.2, 17.2.2.3 and 17.2.2.4 could be simplified into two policies, one of which enabled a range of airport related activities, and another avoided the establishment of activities incompatible with the operation and functioning of the airport.

1643. Although we discuss this in more detail later in this report, we consider that Mr Kyle's definition created no restriction on the range or scale of activities that may claim to be airport related. We also consider that his recommended policies do not fit within the higher level strategic provisions we discussed above.

1644. We agree with Ms Holden that there is justification for the policies she has proposed.. We recommend that proposed Policies 17.2.2.2, 17.2.2.3 and 17.2.2.4 be adopted in the form recommended by Ms Holden.

54.3. Notified Objective 17.2.2 and Policies 17.2.2.1 - 17.2.2.3

1645. With the insertion of the objective and policy specific to Wanaka Airport, this objective and its policies need to be renumbered to 17.2.3 and 17.2.3.1 to 17.2.3.3. As notified, Objective 17.2.2 and its accompanying policies read:

17.2.2 Objective

Provision for the requirements of Queenstown Airport is balanced with achieving an acceptable level of amenity for those using the airport and for those residing on neighbouring land.

¹¹¹⁸ J Kyle, EiC, at [6.19] – [6.24]

Policies

17.2.2.1 *Maintain Queenstown Airport as a memorable and attractive gateway to the District.*

17.2.2.2 *Manage adverse effects on amenity values arising from the on-going development, use and maintenance of Queenstown Airport.*

17.2.2.3 *Avoid the establishment of activities that are incompatible with the ongoing operation and functioning of Queenstown Airport.*

1646. As notified, Objective 17.2.2 sought to balance the provisions of airport activities with achieving acceptable amenity levels. There was only one submission on this objective seeking to retain it as notified¹¹¹⁹. Ms Holden initially had no comment, other than to include reference to Wanaka Airport¹¹²⁰.
1647. In her Reply, Ms Holden noted similarities with the LDRZ (Chapter 7) where the Panel had raised the issue of maintaining residential amenity but also protecting the Queenstown (and Wanaka) Airports from potential reverse sensitivity effects.¹¹²¹
1648. With regard to Chapter 7, The Hearing Stream 6 Panel's response to this issue has been to recommend a new objective 7.2.2 and three associated policies to limit residential development within the Queenstown Airport Air Noise Boundary and Outer Control Boundary in recognition of the amenity constraints in that area now and in the future.
1649. On behalf of RPL¹¹²², Mr Serjeant suggested rewording Objective 17.2.2 and Ms Holden took this into consideration. The changes suggested by Mr Serjeant differentiated between an acceptable level of amenity being maintained for those residing on neighbouring land in relation to noise (given the high noise environment), contrasted with a higher level of amenity being maintained in relation to other effects on amenity (such as urban design, traffic safety and parking).¹¹²³
1650. Ms Holden considered Mr Serjeant's changes were appropriate and further that they were consistent with Objective 7.2.1 as recommended in the Council Reply, which provides for a "high level of amenity" in the LDRZ.¹¹²⁴ Ms Holden considered the QAC submission on the LDRZ as well as RPL's submission on this chapter and has suggested amendments to the Objective. Ms Holden considered that the relief in the RPL submission, seeking that the operative objectives and policies not be amended, provided scope for this amendment¹¹²⁵.
1651. We think that Ms Holden's redraft of Objective 17.2.3 is both reasonably clear and provides certainty whilst also being consistent with provisions in other chapters of the Plan. We also accept her reasoning as to scope to make the amendments. We show our recommended amendments using tracked changes below. We recommend renumbering notified Objective 17.2.2 to 17.2.3 and adopting the following wording:

¹¹¹⁹ Submission 768

¹¹²⁰ R Holden, Section 42A Report, Appendix 1

¹¹²¹ R Holden, Reply Statement at [2.13].

¹¹²² Submission 807

¹¹²³ R Holden, Reply Statement at [2.15].

¹¹²⁴ Ibid at [2.16].

¹¹²⁵ ibid at [2.17]

17.2.23 Objective

Provision for the requirements of Airport Activities and Airport Related Activities are provided for at Queenstown and Wanaka Airports while ~~is balanced with achieving~~ maintaining an acceptable level of noise amenity, and high levels of general amenity for those using the airports and for those residing on neighbouring land.

1652. Policy 17.2.2.1 attracted only one submission¹¹²⁶ in support. We heard no evidence on it and recommend it be adopted as notified and renumbered as 17.2.3.1.

1653. The only submission on notified Policy 17.2.2.2 was in support¹¹²⁷. The only amendment proposed by Ms Holden was to add reference to Wanaka Airport. We agree with Ms Holden that this policy should be consequentially changed to include reference to Wanaka Airport, and that scope is provided by the QAC submission on Chapter 21. We recommend this policy be renumbered as 17.2.3.2 and amended to read:

Manage adverse effects on amenity values arising from the on-going development, use and maintenance of Queenstown and Wanaka Airports.

1654. Notified Policy 17.2.2.3 sought to 'avoid the establishment of activities that are incompatible with the ongoing operation and functioning of Queenstown Airport'. Ms Holden considered this policy sets out the framework to apply the prohibited activity status for incompatible activities.¹¹²⁸

1655. The Oil Companies¹¹²⁹ requested that this be amended to recognise that intensification of existing incompatible activities also has the potential to adversely impact on the functioning of Queenstown Airport, by including the phrase "or intensification" in the policy.

1656. Mr Laurensen filed evidence on behalf of the Oil Companies in which he requested broadening the policy to address Wanaka Airport, affording it the same protection from the encroachment of activities that are incompatible with its ongoing operation and function.¹¹³⁰

1657. We think Ms Holden may have misinterpreted the effect of this policy where she discussed the potential for reverse sensitivity effects to be exacerbated if intensification of incompatible activities were to occur. The policy only applies in this zone. We agree with Mr Kyle¹¹³¹ that it is primarily given effect to by rules prohibiting various activities in the zone. We also note that other activities (not prohibited and not airport activities or airport related activities) were provided for as notified as a restricted discretionary activity. The matters of discretion did not include incompatibility.

1658. We do not see any value in including intensification in the policy. The only amendments we recommend are renumbering and inclusion of reference to Wanaka Airport. Consequently, we recommend the policy be numbered 17.2.3.3 and read:

¹¹²⁶ Submission 834

¹¹²⁷ Submission 768

¹¹²⁸ R Holden, Section 42A Report at [7.37].

¹¹²⁹ Submission 768

¹¹³⁰ M Laurensen, Tabled Statement at Part 2.

¹¹³¹ J Kyle, EiC at [5.41]

Avoid the establishment of activities that are incompatible with the ongoing operation and functioning of Queenstown and Wanaka Airports.

54.4. Summary

1659. The most substantive change to the objectives and policies is the inclusion of and the subsequent reference to Wanaka Airport.

1660. We are satisfied that once these amendments have been incorporated, all objectives will be the most appropriate to give effect to the purpose of the Act and the related policies will be effective and efficient in achieving the objectives.

55. 17.3 OTHER PROVISIONS AND RULES

55.1. 16.3.1 District Wide Rules

1661. We recommend this section be amended under Clause 16(2) of the First Schedule for the reasons set out in Section 1.10 of Report 1.

1662. The recommended layout is shown at Appendix 6.

55.2. 17.3.2 Clarification

1663. As with the previous section, we recommend amendments under Clause 16(2) of the First Schedule for the reasons set out in Section 1.10 of Report 1.

1664. We recommend additional changes to this section to reflect the inclusion of Wanaka Airport in this Chapter. To aid the reader, we recommend including provisions that specify which rules and standards apply to Queenstown and Wanaka Airports respectively.

1665. The Reply for Recommended Chapter 30 Energy and Utilities (Recommended General Rule 30.3.3.4) included a clarification note to state that the provisions of Chapter 17 prevail over the provisions of Chapter 30, in order to address the QAC submission to ensure the same. Ms Holden also recommended the same clarification note for Chapter 17 be included to advise the Plan user.¹¹³²

1666. The Hearing Panel which heard submissions on Chapter 30 (Stream 5 Panel) concluded there was no scope to make the amendments sought in that respect, and that such an exclusionary statement was not the most appropriate method to deal with the issue. We agree with the conclusions of that Panel and do not recommend the changes proposed by Ms Holden.

1667. In response to the Oil Companies¹¹³³ submission on Notified Rule 17.5.7, Ms Holden recommended moving "*Chapter 16 Hazardous Substances of the Operative District Plan does not apply to the Airport Zone*" to be located at the "general rules" section of 17.3.

1668. However, we disagree with this as Chapter 16 of the ODP will no longer apply once the PDP becomes operative, and as such we do not think there should be any reference to this Chapter. We also note that it is not proposed to include a hazardous substances chapter in the PDP now as that is no longer a function of the District Council¹¹³⁴.

¹¹³² R Holden, Section 42A Report at Appendix 1, page 17-4.

¹¹³³ Submission 768.

¹¹³⁴ Section 31 Resource Management Act 1991 as amended by the Resource Legislation Amendment Act 2017

1669. We set out in Appendix 6 our recommended wording and layout of this section.

56. RULES – QUEENSTOWN AIRPORT

56.1. Preliminary

1670. We will discuss the notified rules relating to Queenstown Airport first in this section, and then consider the rules relating to Wanaka Airport.

56.2. 17.4 Rules – Activities

Rule 17.4.1 Any airport activity or airport related activity or farming activity which complies with all the relevant rules in section 17.5 shall be a Permitted Activity

1671. As notified this rule included reference to “*farming activity*” which reflected the fact that some of the land zoned Rural General in the ODP was included in the AZ and the rule sought to capture that existing permitted activity zone. While the logic behind this inclusion has merit, we consider it is fundamentally flawed due to the current definitions.

1672. Some of this land is used for grazing of livestock, which Ms Holden did not consider met the definition of “*farming activity*”.¹¹³⁵ Further “*farming*” was a prohibited activity in the ODP for the QAMUZ. However the northern area of the Queenstown Airport was zoned Rural General in the ODP and therefore farming was permitted under the ODP in that area.¹¹³⁶

1673. Mr Kyle, for QAC¹¹³⁷, provided his view on farming activities in his evidence in chief.¹¹³⁸ He demonstrated that on a strict interpretation grazing of livestock would not meet the definition of “*farming activities*.” However he went on to further explain how the current grazing on QAC land would meet this definition, through subtle linkages in the definition.¹¹³⁹ He also told us that the grazing of animals and keeping of livestock is an existing land use management practice that occurs within QAC’s current landholding albeit to a minor extent.¹¹⁴⁰

1674. Mr Kyle did concede however, that despite farming activities being a permitted activity, there did not seem to be any policy framework to support this outcome. In response, he suggested either inserting a new policy or including “*farming*” in the definition of “*airport related activity*” and therefore the relevant airport related activity policies would apply.¹¹⁴¹

1675. In her Reply, Ms Holden both agreed with Mr Kyle’s interpretation of grazing and with his recommendation that “*farming activities*” be included in the definition of “*airport related activity*”.¹¹⁴² She also considered that the RPL submission¹¹⁴³ seeking to retain the operative provisions provided the scope for this amendment.¹¹⁴⁴

1676. As we have concluded that the AZ only apply to the land which was zoned QAMUZ in the ODP and that the remainder of the land notified as Airport Mixed Use be rezoned Rural, there is no need for provision to be made in the AZ as it applies to Queenstown Airport for any form of

¹¹³⁵ R Holden, Section 42A Report at [8.4].

¹¹³⁶ Ibid at [8.5].

¹¹³⁷ Submission 433

¹¹³⁸ J Kyle, EIC at [5.49 – 5.52]

¹¹³⁹ Ibid at [5.51].

¹¹⁴⁰ Ibid at [5.50].

¹¹⁴¹ Ibid at [5.52]

¹¹⁴² R Holden, Reply Statement at [3.6].

¹¹⁴³ Submission 807.

¹¹⁴⁴ Ibid at [3.7].

farming activity. If we were to provide for it we would limit the activity to grazing of pastoral animals.

1677. Ms Holden also recommended that this rule be amended by excluding Aircraft Operations in response to the concern we had raised that the notified rule in combination with the extent of the zone would have allowed the airport to be operated without complying with Designation 2¹¹⁴⁵. As we have recommended that the extent of the zone be reduced so as to exclude the runways and most of the taxiways, this potential issue should not arise. We do not consider there is, therefore, a need to make such an amendment.

1678. Finally we note that the rule as recommended by Ms Holden duplicates provision 17.3.2.1. We consider the duplicated wording in this rule to be unnecessary and should be deleted.

1679. Consequently, we recommend this rule be worded as shown below:

17.4.1	Any airport activity or airport related activity.	P
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56.3. Reply Rule 17.4.2

1680. Ms Holden noted in her Section 42A Report that she considered Notified Standard 17.5.10 to be more of an activity than expressed as a standard.¹¹⁴⁶ As at that stage she did not consider there to be any scope to amend the rule, she recorded her view as *“Notified Standard 17.5.10 [Redraft 17.5.8] should be redrafted to be consistent with other standards within this table or moved in its entirety.”*¹¹⁴⁷

1681. In her Reply, Ms Holden considered that after hearing the evidence of Mr Kyle, moving the rule to the activity table would be a non-substantive improvement and not affect application of the rule itself.¹¹⁴⁸

1682. Ms Holden recommended simply moving the provision from the standards table to the activity table. In addition to some reformatting there is no actual change in the substance of signage provisions for Queenstown Airport. We agree with Ms Holden and Mr Kyle. The wording we recommend below includes an amendment introduced by the Stage 2 variations. That wording is not part of our recommendation.

17.4.2	<p>Signage</p> <p>17.4.2.1 Advertising or promotional signage located greater than 20m from the zone boundary.</p> <p>17.4.2.2 Signage to be viewed by persons within the zone and not directed at persons outside the zone.</p> <p>17.4.2.3 Instruction or directional signage.</p> <p>Note: for all other signs, the rules in Section 18 – Signs of the Operative District Plan apply.</p>	P
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¹¹⁴⁵ R Holden, Reply Statement, section 4

¹¹⁴⁶ R Holden, Section 42A Report at [8.7].

¹¹⁴⁷ Ibid at [8.7].

¹¹⁴⁸ R Holden, Reply Statement at [13.2].

56.4. Reply Rule 17.4.3 Freight Facilities

1683. In her Reply, Ms Holden recommended an additional rule be inserted into Activity Table 1 for Queenstown Airport to provide for freight facilities.¹¹⁴⁹ This would be a permitted activity as it falls within the definition of “*airport related activity*” which, pursuant to 17.4.1 would be permitted at Queenstown Airport.

1684. It was also proposed that “*airport related activity*” be a permitted activity in Wanaka.¹¹⁵⁰ Ms Holden did not consider that it was appropriate for freight facilities to be located at Wanaka Airport without some control.¹¹⁵¹ As such, she recommended the definition for “*airport related activity*” be amended to remove “*freight facilities*” from the activities that are considered airport related activities and, as a consequence, “*freight facilities*” be made a permitted activity in Queenstown AZ. There is further discussion relating to freight facilities in Wanaka later in this Report.

1685. This is not a substantive change as it still provides for freight facilities to be a permitted activity at Queenstown Airport. It also means that, along with other changes, the definition of “*airport related activities*” will be able to apply to both Queenstown and Wanaka Airport, avoiding duplication in definitions. We consider this minor amendment can be made pursuant to Clause 16(2).

1686. This rule is recommended as follows:

17.4.3	Freight Facilities	P
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56.5. Reply Rule 17.4.4 Buildings for Airport and Airport Related Activities

1687. Mr Kyle told us that he had recommended additional conditions on Designation 2 to address the potential effects arising from buildings developed on the designated land. He considered the designation and zone provisions should be aligned in this regard as the bulk and location effects of buildings remained the same whether undertaken by QAC or a third party¹¹⁵². He noted that buildings were a controlled activity under the ODP in the QAMUZ.

1688. Ms Holden recommended a rule to this effect in her Reply, with the control being limited to matters such as design and appearance of buildings, effects on visual amenity, parking provision, landscaping, and location.¹¹⁵³

1689. The RPL submission requested:

*Retain the existing Airport Mixed Use Zone rules in relation to height, setbacks, building coverage, landscaping.*¹¹⁵⁴

1690. QAC sought that the rules be retained as notified¹¹⁵⁵.

1691. We are not satisfied that scope exists to include this recommended rule. In addition, it appears to us that the section 32 evaluation saw benefit in reducing the consent requirements in the

¹¹⁴⁹ R Holden, Reply Statement at [3.9].
¹¹⁵⁰ Recommended Reply rule 17.4.15
¹¹⁵¹ R Holden, Summary of Evidence, Appendix 1 at p17.
¹¹⁵² J Kyle, EiC, at [5.53] to [5.56]
¹¹⁵³ R Holden, Reply Statement at [10.3].
¹¹⁵⁴ Submission 807 at [10.5]
¹¹⁵⁵ Submission 433, at page 18

zone, and that the bulk and location requirements would achieve the objectives. With no substantive changes to the objectives and policies, we cannot see how the imposition of an additional consenting process can be justified. Ms Holden’s Section 32AA evaluation did not, in our view, answer that question.

1692. We do not recommend the inclusion of a rule making buildings a controlled activity.

56.6. Reply Rule 17.4.5 Signage

1693. As discussed above, Ms Holden considered that as notified the rule relating to signage was more of an activity than a standard. Ms Holden proposed moving the permitted aspects of signage to be more clearly identified above at Rule 17.4.2;¹¹⁵⁶ and the non-complying activity of signage on the roof of buildings was, she considered, more appropriate in the rules of the Chapter, rather than the standards.

1694. We agree with the reasons advanced by Ms Holden. However, consistent with our approach in other chapters, we consider it should be relocated to after all restricted discretionary or full discretionary activities. Therefore, we recommend this rule be renumbered as Rule 17.4.6 and be worded as follows:

17.4.5	Signage Signage on the roof of buildings	NC
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56.7. Notified Rule 17.4.2 Any non-airport related activity which is not listed as Prohibited

1695. The only submission received on this rule sought that it be retained as notified¹¹⁵⁷. Ms Holden recommended only minor amendments for legibility and consistency with other chapters in the Plan. Further, she suggested inclusion of the specific rule references that relate to activities for Queenstown Airport to aid the Plan user.¹¹⁵⁸

1696. We consider Ms Holden’s drafting continues ambiguities in this rule table. As notified, the rule only applied to activities that were not airport related and not listed as prohibited. The table lacked a provision providing an activity status for airport activities and airport related activities that did not comply with the standards. Presumably the expectation was that the non-compliance with the standards would provide that activity status. We note that in each instance (other than for signs and visitor accommodation which we deal with later) failure to comply makes the activity restricted discretionary.

1697. Within the scope available, we recommend this rule be renumbered 17.4.4 and reworded to read:

¹¹⁵⁶ R Holden, Reply at [13.1-13.2].

¹¹⁵⁷ Submission 433

¹¹⁵⁸ R Holden, Reply, Appendix 1 at 17-5.

17.4.4	<p>Activities which are not airport related activities that are not listed as prohibited activities in Rules 17.4.6 to 17.4.13</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Design, external appearance and siting of buildings and structures. b. Traffic generation, vehicle parking, site access and servicing, including provision for an integrated transport assessment. c. Landscaping and screening of any outdoor storage. d. The extent to which the activity benefits from an Airport location. 	RD
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56.8. **Rule 17.4.3 Forestry; Rule 17.4.4 Factory Farming; Rule 17.4.5 Mining; Rule 17.4.6 Any activity requiring an Offensive Trade Licence under the Health Act 1956; Rule 17.4.7 Residential Activities; Rule 17.4.8 Community Activities (excluding police stations, fire stations, medical facilities and education facilities provided they serve an aviation related purpose); Rule 17.4.9 Daycare Facilities**

1698. These activities were all notified as prohibited activities and the only submission they received was that they be retained¹¹⁵⁹. We heard no evidence on them and recommend they be renumbered and adopted as notified.

56.9. **17.5 Rules – Standards - Preliminary**

1699. As notified, this rule consisted of a single table. Ms Holden recommended it be divided into two tables: one containing the standards for Queenstown Airport; and the second containing the standards for Wanaka Airport.

1700. As will become apparent, we are recommending a re-arrangement of the rules to group the standards relating to Queenstown Airport with that activity table, and those for Wanaka Airport, with its activity table. The notified Standards (as amended by our recommendations) would remain as Rule 17.5 in Table 2.

56.10. **Notified Rule 17.5.1 Maximum Building Coverage**

1701. RPL¹¹⁶⁰ sought that the same building coverage to be retained as per the ODP. The notified coverage was the same as the ODP provision.

1702. Other than amendments for legibility and consistency with the other chapters we recommend the rule be adopted as notified.

56.11. **17.5.2 Minimum Buildings Setback**

1703. As notified, Rule 17.5.2 set out the minimum building setbacks and prescribed that where a setback was not met, then the activity became a restricted discretionary activity.

1704. The notified and recommended rules would reduce the minimum building setback requirement. This would enable buildings to be located closer to property boundaries.

1705. In her Section 42A Report, Ms Holden referred to the Section 32 Evaluation Report and provided us with comparison to setbacks of adjoining zones, in order to illustrate that those

¹¹⁵⁹ Submission 433

¹¹⁶⁰ Submission 807

proposed in this zone are no more lenient with that of adjoining zones. This included the operative RPZ which has a minimum 1.5m building setback, also the adjoining Activity Area D within the operative Frankton Flats B Zone has no side or rear boundary setbacks, and a minimum setback distance along a boundary which adjoins the Rural General Zone or a road boundary of 5m.¹¹⁶¹

1706. RPL¹¹⁶² sought to reinstate the ODP minimum setback rules over the proposed reduced building setbacks in the PDP. For the reasons outlined above, Ms Holden recommended to reject the relief sought by RPL to retain the existing ODP setbacks.¹¹⁶³ We agree.
1707. In our view, the reduction in the setback will enable greater development opportunities of a limited land resource. We agree with the Section 32 Evaluation Report that concluded *“coupled with other building and urban design controls, the effects on amenity values can be appropriately managed.”*¹¹⁶⁴
1708. QAC¹¹⁶⁵ sought a minor amendment to Rule 17.5.2.1 to remove reference to Queenstown Airport and to clarify that the wording within this standard refers to all buildings in the zone. We agree that such an amendment would make it clear that buildings in parts of the zone outside the airport need to comply with the bulk and location rules.
1709. At the hearing, during the discussion about reduced setbacks, we were concerned that the notified matters of discretion do not include the effects on adjoining neighbours. We asked Ms Holden to consider this and respond.
1710. Ms Holden agreed with our concerns. She concluded that in her view considering effects on adjoining neighbours was appropriate, given the scale of potential adverse effects that could result from a 15m high building being located 3m from the boundary of the zone.¹¹⁶⁶
1711. She then suggested adding the following:¹¹⁶⁷
- a. *The external appearance and visual dominance of the building as viewed from the street and adjacent properties*
 - b. *Amenity and character of the streetscape*
 - c. *Access to sunlight, shading and privacy of adjoining properties and*
 - d. *Views to and from Outstanding Natural Features and Landscapes.*
1712. Scope to make these changes is provided by the submission from RPL¹¹⁶⁸, who sought to retain the ODP standards for building height and setback. Ms Holden described in her Reply Statement the matters for discretion that are currently in the ODP. Her suggested assessment matters are consistent with the ODP assessment matters contained within Part 6.2.6.1iii – Setback from the Zone Boundaries.¹¹⁶⁹
1713. At paragraph 5.4 of her Reply, Ms Holden described:

¹¹⁶¹ R Holden, Section 42A Report at [7.56].

¹¹⁶² Submission 807

¹¹⁶³ R Holden, Section 42A Report at [7.55-56].

¹¹⁶⁴ Section 32 Evaluation Report at p24.

¹¹⁶⁵ Submission Point 433, opposed by FS1097, FS1117

¹¹⁶⁶ R Holden, Reply Statement at [5.2].

¹¹⁶⁷ Ibid at [5.3].

¹¹⁶⁸ Submission 807

¹¹⁶⁹ Ibid at [5.4].

Specifically, within the ODP, Rule 6.2.3.3i – Discretionary Activities specifies that the exercise of Council’s discretion is confined to (a) the matter(s) specified in the standard(s) not complied with; and (b) the extent to which the activity is dependent on an airport location. The Assessment Matters contained within Part 6.2.6.1iii – Setback from Zone Boundaries of the ODP give direction on matters to consider such as (but not limited to) the extent the intrusion into the setback is necessary to allow more efficient or practical use of the remainder of the site, whether practical alternative locations are available and whether the degree of amenity experienced on adjoining sites is affected.

1714. We consider that the addition of these matters in both this rule and Rule 17.5.3 satisfy the concerns we raised at the hearing, and as such, in addition to the minor grammatical amendments we recommend, the addition of the matters of discretion as described above.

1715. We recommend this rule read as follows:

17.5.2	<p>Minimum Buildings Setback For-all-buildings:</p> <p>17.5.2.1 Where the site adjoins the Residential Zone the setback shall be 5m.</p> <p>17.5.2.2 The setback from all other zones shall be 3m.</p> <p>17.5.2.3 The setback from any public road shall be 5m.</p> <p>Except: Security fencing around the perimeter of Queenstown Airport and jet blast fences are not subject to the building setback standards in 17.5.2.1.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. The effects on urban design outcomes.</p> <p>b. The positive economic, social and/or cultural effects that may be generated from the proposed activity.</p> <p>c. The external appearance and visual dominance of the building as viewed from the street and adjacent properties.</p> <p>d. Amenity and character of the streetscape.</p> <p>e. Access to sunlight, shading and privacy of adjoining properties.</p> <p>f. Views to and from Outstanding Natural Features and Landscapes.</p>
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56.12. Rule 17.5.3 Maximum Building Height

1716. As notified Rule 17.5.3 prescribed the maximum building height of all buildings at Queenstown Airport as 15m. Any building that did not comply with this rule was restricted discretionary and the matters of discretion were listed, largely focused on amenity values.

1717. RPL¹¹⁷⁰ sought to retain the existing AMUZ rules in the ODP with regard to maximum building heights. They opposed the increase in building height, stating it is not necessary for aerodrome uses and is inconsistent with the surrounding commercially zoned land.

1718. Rule 17.5.3 increases the maximum building height of 9m within the ODP to 15m in the PDP. Any non-compliance with these standards would require resource consent as a restricted discretionary activity.

¹¹⁷⁰ Submission 807

1719. In her Section 42A Report, Ms Holden compared the maximum building heights of the adjoining zones both for consistency and to ensure an appropriate degree of amenity is retained within surrounding zones. Ms Holden concluded that this height increase is appropriate for the notified Queenstown Airport Zone. She further noted that there are additional restrictions imposed by Designation #4 (Airport Approach and Land Use Controls) which further limit the maximum building height within the Queenstown Airport Zone, by setting height and obstacle clearance restrictions to safeguard the efficient functioning of the Airport and to protect people's safety.
1720. We consider that the maximum height of 15m within the airport is appropriate for the zone for the reasons advanced by Ms Holden. However, as the QAC submission noted with respect to the setback rule and we highlighted above when discussing the extent of the zone, there are sites within the zone which are outside of the airport. We note in particular that the sites which are to the west or south of Lucas Place are either outside the area covered by Designation 2, or not directly associated to the terminal area where they are. Those parts of the zone directly adjoin land zoned Lower Density Residential, where buildings are limited to 7m in height and subject to a recession plane, along with a 2 m setback. The application of these rules would limit a building set back 5 m from the boundary to 7m, and subject to a non-complying activity consent to exceed it. We consider that, to provide, as a permitted activity, for a building to be 15m in height when setback a similar distance on the other side of the boundary, and to only be subject to a restricted discretionary rule for non-compliance, to be disproportionate.
1721. The ODP rules sought by RPL required a 10m setback from the zone boundary and a 9m height limit. It was a restricted discretionary activity to exceed the setback, and non-complying to exceed the height limit. Thus, residents in the Lower Density Residential Zone would enjoy much more light and air on their boundaries under those provisions than those notified for this zone.
1722. In our view a similar outcome can be provided if a recession plane is applied where this zone directly adjoins a residential zone (not separated by a road) measured from ground level at the boundary and applied at an angle of 45°. That would have a slightly more adverse effect on the Lower Density Residential Zone properties than the ODP rules, but in our view it achieves a reasonable compromise. It would allow a 5m high building 5m from the boundary, and a 15m high building would need to be located 15m from the boundary. We recommend this rule be inserted after Rule 17.5.3 and be worded as follows:

17.5.4	<p>Recession Plane On any boundary that directly adjoins a residential zone a recession plane commencing at ground level on the boundary and angled at 45° shall be applied. No building shall exceed the height of the recession plane at any point.</p>	<p>RD Discretion is restricted to:</p> <ol style="list-style-type: none"> The effects on urban design outcomes. Visual effects. The positive economic, social and/or cultural effects that may be generated from the proposed activity. The external appearance and visual dominance of the building as viewed from the
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		<p>street and adjacent properties.</p> <p>e. Amenity and character of the streetscape.</p> <p>f. Access to sunlight, shading and privacy of adjoining properties.</p> <p>g. Views to and from Outstanding Natural Features and Landscapes.</p>
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1723. As discussed above for building setbacks, we questioned the list of matters for consideration at the hearing and whether they were appropriate. We highlighted to Ms Holden that they did not include the effects on adjoining neighbours.

1724. Ms Holden considered the matters of discretion and recommended additional matters, consistent with the considerations she recommended for building setbacks, in Rule 17.5.2. Ms Holden told us that as they were notified, she did not consider the matters of discretion were appropriate given the potential adverse effects that could result from buildings that do not comply with the permitted standards.¹¹⁷¹ She used the example of a 15m high building located 3m from the boundary.¹¹⁷²

1725. We agree with these additions and consider that including these addresses the concerns we raised at the hearing.

1726. In our view, these matters will be effective in achieving Reply Objective 17.2.3 and Policy 17.2.3.2 as they seek to ensure that consideration is given to the amenity outcomes. We also think that the matters of consideration provide clarity for both Plan readers and the Council when considering any resource consent applications pursuant to Rule 17.5.3.

1727. As well as some minor grammatical changes that can be made pursuant to Clause 16(2), we recommend inclusion of the additional discretion matters.

1728. The wording we recommend is as follows, with the amendments tracked:

17.5.3	<p>Maximum Building Height</p> <p>The maximum building height of all buildings shall be 15m.</p> <p>The limit specified above shall not apply to control towers, lighting towers, hangars or meteorological, navigation or communication masts and aerials which shall not be subject to a height limit.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. The effects on urban design outcomes</p> <p>b. Visual effects</p> <p>c. The positive economic, social and/or cultural effects that may be generated from the proposed activity</p> <p>d. The external appearance and visual dominance of the building as viewed from the street and adjacent properties</p>
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¹¹⁷¹ R Holden, Reply at [5.2].

¹¹⁷² Ibid.

		<p>e. Amenity and character of the streetscape</p> <p>f. Access to sunlight, shading and privacy of adjoining properties.</p> <p>g. Views to and from Outstanding Natural Features and Landscapes.</p>
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56.13. 17.5.4 Landscaping

1729. The ODP provisions provide for a minimum of 10% landscaping for sites in the operative Queenstown Airport Zone, and that sites fronting Lucas Place and Hawthorn Drive provide and maintain a landscape strip extending the full length of the road boundary being no less than 1m deep and an average depth of 4m across its entire length.

1730. As notified this landscape strip along sites fronting Lucas Place and Hawthorn Drive is reduced to 3m average depth whilst still retaining the 1m minimum depth. The minimum 10% landscaping requirement, however, is not included in this rule.

1731. RPL¹¹⁷³ sought to retain the existing rules in the ODP with regard to landscaping in the existing AMUZ.

1732. Referring to the Section 32 Evaluation Report, Ms Holden advanced several reasons in her Section 42A Report as to the benefits associated with these landscape rule changes. She said that removing the 10% landscaping requirement would enable greater development opportunities, given the limited land resource at Queenstown Airport.¹¹⁷⁴

1733. The Section 32 Evaluation Report stated that other than well maintained grass, landscaping was often inappropriate at airports for operational and safety reasons.¹¹⁷⁵ The removal of the 10% landscaping requirement recognises this. Ms Holden reiterated this in her Section 42A Report.¹¹⁷⁶

1734. In summary Ms Holden considered that the revised standards provide an appropriate balance between the operational requirements of the Airport and the visual amenity of the zone.¹¹⁷⁷

1735. She said that the amendments ensured an appropriate level of amenity is retained along the interface between the Queenstown AZ and Lucas Place and Hawthorne Drive.¹¹⁷⁸

1736. The NZIA submission¹¹⁷⁹ strongly supported Council advocacy to promote good urban design. The submission went on to say that “*best practice urban design is essential to creating high quality environments*” and that need was heightened with the likely intensification of the urban growth areas.

¹¹⁷³ Submission 807

¹¹⁷⁴ R Holden, Section 42A Report at [7.67].

¹¹⁷⁵ Section 32 Evaluation Report at p24.

¹¹⁷⁶ R Holden, Section 42A Report at [7.66].

¹¹⁷⁷ Ibid at [7.68].

¹¹⁷⁸ Ibid.

¹¹⁷⁹ Submission 238, opposed by FS1314, FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249

1737. In response to this, Ms Holden redrafted the wording to provide better certainty and clarification to the matters of discretion.¹¹⁸⁰ Although these are minor changes proposed, the wording demonstrates the relevance of urban design in that the effects of any reduced landscaping are matters of discretion.
1738. We agree with the reasons advanced by Ms Holden and consider that the proposed landscaping requirements encourage an appropriate and effective use of land in the AZ.
1739. We agree with Ms Holden’s minor amendments and additional minor grammatical changes. As such, we recommend the rule be renumbered and worded as follows:

17.5.4	<p>Landscaping</p> <p>At Queenstown Airport, those properties fronting Lucas Place and Hawthorn Drive to the west of Copper Beech Ave shall provide and maintain a landscape strip extending the full length of the road boundary, except across vehicle and pedestrian entranceways. The strip shall be not less than 1m deep and shall have an average depth of 3m over its entire length.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. The effects on urban design outcomes and the visual effects of reduction in landscaping</p> <p>b. The functional and operational requirements of the site.</p>
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56.14. Building Design and Glare

1740. Rule 17.5.5 set out the rules relating to building design and glare at Queenstown Airport.
1741. Submitter 383¹¹⁸¹ requested an additional rule to limit airport lighting when it is not operationally required, so as to mitigate impacts through the landscape and on the night sky. The submission includes a new sub-rule 17.5.5.3 as follows: *“Lighting shall be in use only when necessary in an operational sense, so as to minimise adverse impacts on the night sky.”*
1742. QAC¹¹⁸² submitted in opposition to this amended rule citing that the rule is *“vague, unenforceable and should not be included”*. While Ms Holden saw merit in including an additional rule, she agreed with QAC in that the suggested QLDC rule would be difficult to administer.¹¹⁸³
1743. She looked to the adjoining ODP RPZ and ODP Frankton Flats B Zone, both of which contain rules to ensure lighting and glare is directed away from adjacent sites and roads and does not exceed 3.0 lux light spill. Using that guidance, Ms Holden suggested a similar such standard to respond to the relief sought by QLDC, being:¹¹⁸⁴

Light and Glare

All fixed exterior lighting on buildings associated with Airport Related Activities shall be directed away from adjacent sites and roads

¹¹⁸⁰ R Holden, Section 42A Report at [7.69].

¹¹⁸¹ QLDC, opposed by FS1340

¹¹⁸² FS1340

¹¹⁸³ R Holden, Section 42A Report at [7.72].

¹¹⁸⁴ Ibid at [7.72].

1744. In his evidence, Mr Kyle recommended additional matters of discretion more appropriate to the effects of the standard being breached¹¹⁸⁵. In response to Panel questions regarding consideration of the effects on neighbouring properties, Ms Holden agreed with Mr Kyle’s suggestion and explained that the additional matters she suggested were appropriate in order to assess the effects on the wider environment.¹¹⁸⁶

1745. We agree with the reasoning of Mr Kyle and Ms Holden. We recommend this rule be renumbered and worded as follows:

17.5.6	Building Design and Glare	RD
	17.5.6.1 The exterior of buildings situated within the landside area at Queenstown Airport shall be designed so that roof and wall colours are limited to a maximum reflectivity of 36%, except that trims, highlights and signage totalling up to 10% of the façade area may exceed this level and be of contrasting colour.	Discretion is restricted to:
	17.5.6.2 Any landside activity which requires the lighting of outdoor areas shall ensure that direct or indirect illumination does not exceed 10 lux at the windows of residential buildings in any adjacent Residential Zone	a. The extent of adverse effects from lighting on Residential Activities
	17.5.6.3 All fixed exterior lighting on buildings associated with Airport Related Activities shall be directed away from adjacent sites and roads.	b. The extent to which the lighting is required for operational purposes
		c. The effects on urban design outcomes
		d. Visual effects
		e. The purpose of the building and the operational requirements of the activity it contains.

56.15. 17.5.6 Maximum Noise – Land Based Activities

1746. This rule as notified related to maximum noise for land based activities. Notified Rule 36.5.2 provided standards for sound from the Queenstown Airport Mixed Use Zone received in the Residential Zones and Rural Zone. As notified, QAC¹¹⁸⁷ sought its deletion and replacement with Notified Rule 17.5.6, meaning all noise provisions would be located in one place, being Chapter 36 Noise.

1747. The Stream 5 Hearing Panel heard this submission and recommended that we delete this rule. For the reasons given in that report¹¹⁸⁸ we recommend this rule be deleted.

¹¹⁸⁵ J Kyle, EiC, at [5.68]

¹¹⁸⁶ R Holden, Reply Statement at [5.5].

¹¹⁸⁷ Submission 433.

¹¹⁸⁸ Report 8: Section 18.2

56.16. 17.5.7 Hazardous Substances

1748. As notified Rule 17.5.7 requires hazardous substances to be used, stored and transported in accordance with HSNO, and any CAA requirements, noting that Chapter 16 of the ODP (Hazardous Substances) does not apply.
1749. The Oil Companies¹¹⁸⁹ submission states support for relying on HSNO rather than the Hazardous Substance rules of the ODP. They also question whether storage and use of hazardous substances can lawfully occur if there is a non-compliance with HSNO, and further that the rule is actually unnecessary and should be deleted.
1750. Ms Holden agreed with this submission¹¹⁹⁰, and we concur. In addition, since the hearing the Act has been amended such that the control of hazardous substances is no longer within the functions of the Council.
1751. In summary we recommend notified Rule 17.5.7 be deleted.

56.17. 17.5.8 Visitor Accommodation– Queenstown Airport

1752. As notified, Chapter 17 included visitor accommodation as a permitted activity. This was by virtue of its inclusion in the description of “Airport Related Activity” which as per Rule 17.4.1 was listed as a permitted activity. This was a significant change from the ODP, where visitor accommodation was a prohibited activity (Rule 6.2.3.5).
1753. Notified Rule 17.5.8 provided the standards and required that new buildings and alterations and additions to existing buildings that contain visitor accommodation activities, and that are located within the ANB or between the ANB and OCB, be designed to achieve an appropriate indoor design sound level within any '*Critical Listening Environment*'. Any non-compliance with this standard would be non-complying.
1754. QLDC¹¹⁹¹ requested updating the references from Appendix 13 of the ODP to Table 4 and 5 of the Noise Chapter of the PDP. Acoustic experts Mr Hunt¹¹⁹² and Mr Day¹¹⁹³ also considered that the requirements of Appendix 13 were inadequate to provide appropriate acoustic insulation for visitor accommodation in the ANB.¹¹⁹⁴ Mr Day recommended removing the Appendix 13 option from the notified rule.¹¹⁹⁵
1755. On behalf of QAC, Mr Day highlighted the fact that most significant airports around the world have hotels in close proximity and that the stays are usually of one or two nights.¹¹⁹⁶ He referred us to the Novotel and Ibis hotels in Auckland which are both located very close to the Auckland Airport.¹¹⁹⁷ He distinguished long term stays to enjoy local activities from short stays and in his view longer term visitor accommodation should be ASAN.¹¹⁹⁸ Longer term visitor

¹¹⁸⁹ Submission 768

¹¹⁹⁰ R Holden, Section 42A Report at [7.82].

¹¹⁹¹ Submission Point 383.35

¹¹⁹² On behalf of RPL and QPL

¹¹⁹³ On behalf of QAC

¹¹⁹⁴ M Hunt, EiC at [10(b), 15-17]; C Day, Summary Evidence at [3-5]

¹¹⁹⁵ C Day, Summary of Evidence at [6].

¹¹⁹⁶ C Day, EiC at [13].

¹¹⁹⁷ Ibid at [12]

¹¹⁹⁸ ibid at [17].

accommodation often provides outdoor areas for guests to enjoy the outdoor amenity of the area.¹¹⁹⁹

1756. In contrast, he pointed out that users of hotel airports do so for convenience, rather than holidaying and as such they expect aircraft noise and their sensitivity therefore to be reduced. Mr Day did not think that airport hotels should provide outdoor amenity areas where guests would be directly exposed to aircraft noise.¹²⁰⁰
1757. In summary, for the reasons described, Mr Day did not consider that airport hotels should be regarded as ASAN and could be allowed in the AZ under the following conditions:¹²⁰¹
- a. The length of stay should be limited to two nights;
 - b. No outdoor amenity areas to be allowed;
 - c. Indoor design sound level of 40 dB Ldn to be achieved in all critical listening environments.
1758. Mr Hunt, on behalf of RPL and QPL strongly disagreed with Mr Day's evidence. He fully supported the inclusion of visitor accommodation as an ASAN and did not agree with the recommendation to somehow disregard the effects on people occupying these accommodation buildings because of the few nights spent within such facilities.¹²⁰²
1759. He criticised the Section 32 Evaluation Report and the MDA Report¹²⁰³ for failing to adequately consider indoor noise effects or the ability of the proposed acoustic insulation standard to address this effect; and failing to address the recommendations of NZS 6805:1992 Airport Noise Management & Land Use Planning, which prohibits noise sensitive development such as visitor accommodation on sites located within the ANB.¹²⁰⁴
1760. Mr Hunt also pointed out to us that the two Auckland Airports referred to by Mr Day are not located within the ANB for that Airport.¹²⁰⁵ Important spatial differences between Auckland and Queenstown were further highlighted in Mr Serjeant's evidence on behalf of RPL and QPL.¹²⁰⁶
1761. Mr Serjeant told us that the Auckland Airport designation covers more than 1000ha of land, a great deal larger than the proposed 125ha at Queenstown.¹²⁰⁷ He explains that the Auckland Airport designation (landside only) spans both the existing runway and the proposed second runway and all that land in between.¹²⁰⁸ There was a large amount of land located outside the ANB (65dB Ldn) for the airport which was illustrated by an attachment to his evidence.¹²⁰⁹ By contrast, he highlighted that in Queenstown, the whole of the AZ was located within the ANB.¹²¹⁰

¹¹⁹⁹ Ibid at [18]

¹²⁰⁰ Ibid at [22]

¹²⁰¹ Ibid at [25].

¹²⁰² M Hunt, EIC at [12].

¹²⁰³ Appendix 4 to the s32 Report 'Queenstown Airport Mixed Use Zone, Acoustical review of proposed District Plan provisions, Rp 100 R01 2014513A' dated 19 November 2014 and prepared by Mr Steve Peakall of Marshall Day Acoustics

¹²⁰⁴ M Hunt, EIC at [14-15].

¹²⁰⁵ Ibid at [20].

¹²⁰⁶ Submission 807.

¹²⁰⁷ D Serjeant, EIC at [4.17].

¹²⁰⁸ Ibid.

¹²⁰⁹ Ibid, Attachment 2.

¹²¹⁰ Ibid at [4.19]

1762. Mr Hunt disagreed with the recommendations of Mr Day with regard to restricting the length of stay on two counts. He did not consider that restricting the number of days on which adverse effects occur in short stay accommodation facilities, on average, achieves any reduction or mitigation of effects. In his view, the assessment should only consider the effects of that short stay facility on the health and well-being of that visitor, whilst staying on-site, not the cumulative effects.¹²¹¹ Secondly, he questioned how a maximum length of stay would be imposed, where Mr Day considered this would be a simple exercise of using a booking system to enforce the rule.
1763. Mr Hunt also considered that providing for visitor accommodation would not be consistent with notified Objective 17.2.2.3, which sought to “*avoid the establishment of activities that are incompatible with the ongoing operation and functioning of Queenstown Airport.*”¹²¹²
1764. In his pre-circulated evidence, Mr Kyle agreed with Mr Day’s suggestions limiting the length of stay for visitors and no outdoor amenity space for visitor accommodation.¹²¹³ Mr Kyle summarised that he considered those amendments were required to ensure that visitor accommodation was constructed to an appropriate standard to mitigate the effects of aircraft noise.¹²¹⁴
1765. In his evidence summary, Mr Serjeant for RPL and QPL also considered such restrictions through maximum length of stay or no outdoor enjoyment areas to be impractical and that they would fail to achieve an appropriate level of amenity for visitors.¹²¹⁵
1766. He further noted the discrepancies between the QAC experts and what this length of maximum stay should be.¹²¹⁶ Where Mr Day recommended two nights, Ms Tregidga considered that “*a three night maximum stay is also necessary and appropriate to accommodate weekend visitors from Australia, who typically arrive and depart on late/early flights*”.¹²¹⁷
1767. Dr Chiles for the Council reviewed the expert evidence and in his view, short term visitor accommodation should be considered an ASAN.¹²¹⁸ He said that there is no need to control the length of stay and further that it would be appropriate for any visitor accommodation in the AZ at Queenstown to be required to have individual certification that the Indoor Design Sound Level would be achieved, given the sound insulation standards set out in Chapter 36 may not be sufficient for some locations within the zone.¹²¹⁹
1768. Ms Holden considered the conditions suggested by QAC. Whilst she agreed that there may be some merit in restricting the outdoor area, she told us at the hearing that she did not agree with imposing a maximum length of stay.¹²²⁰ This restriction, she said, would be impractical to administer.¹²²¹

¹²¹¹ M Hunt, EiC at [19]

¹²¹² Ibid at [32].

¹²¹³ J Kyle, EiC at [5.61].

¹²¹⁴ Ibid.

¹²¹⁵ D Serjeant, Summary of Evidence at [11].

¹²¹⁶ Ibid.

¹²¹⁷ R Tregidga, EiC at [47]

¹²¹⁸ Dr S Chiles, Summary of Evidence at [9a].

¹²¹⁹ Ibid at [9b and c].

¹²²⁰ R Holden, Summary of Evidence, Appendix A at 11.

¹²²¹ Ibid.

1769. Mr Kyle¹²²² considered that in spite of the fact that the Queenstown AZ is located in the ANB, provision of visitor accommodation would provide a level of convenience for airport users.
1770. At the hearing, we questioned whether allowing visitor accommodation within the Airport Zone was inconsistent with some of the objectives and policies contained elsewhere within the PDP, which explicitly seek to exclude noise sensitive activities, such as Visitor Accommodation, from being located within the OCB and ANB.
1771. In response to our questioning, Ms Holden identified objectives and policies in the ODP that were relevant in Parts 12 – Remarkables Park Zone; Frankton Flats B Zone; and in the PDP, the Rural Zone.¹²²³ In all of these zones, visitor accommodation within the OCB has a prohibited status, and therefore, in her reply, Ms Holden noted her agreement with our concerns:
- “I agree with the Panel that there will be an inconsistency created within the District Plan to allow Visitor Accommodation inside the Queenstown Airport Zone, despite the acoustic mitigation measures proposed.”¹²²⁴*
1772. In her Reply on behalf of the Council, Ms Scott submitted that inconsistencies between district plan provisions were not precluded, provided that there were clearly distinguishable facts or circumstances and/or a different approach to the same issue is justified under section 32 of the RMA.¹²²⁵ Ms Scott went on to say that in this instance, the issue is that there is no *“sufficiently strong RMA justification for taking a materially different approach to OCB within the Airport Zone to that outside the zone (but still within the OCB).”¹²²⁶*
1773. In response to QAC’s evidence that visitor accommodation in the Queenstown AZ would provide convenience to visitors, Ms Holden identified that visitor accommodation is already provided for outside the OCB within the adjoining zones. Agreeing with Mr Serjeant, she said the visitor accommodation in the adjoining zones is easily accessible from the airport for visitors to the region.¹²²⁷
1774. Taking all of this into consideration, Ms Holden considered that providing for visitor accommodation as a permitted activity within the AZ at Queenstown could give rise to adverse effects that had not been appropriately assessed and would be inconsistent with Objectives, Policies and rules contained within both the Airport Zone Chapter and other chapters of the PDP.¹²²⁸
1775. Accordingly, she recommended that visitor accommodation retain its prohibited status as per the ODP.¹²²⁹ As a prohibited activity there would be no need for any standards, therefore she recommended the deletion of Notified Rule 17.5.8.
1776. We have read and considered all of the evidence presented regarding visitor accommodation in the AZ. We agree with Dr Chiles that short term visitor accommodation is an ASAN.

¹²²² J Kyle, EiC at [5.57-5.62].

¹²²³ R Holden, Reply Statement at [11.3].

¹²²⁴ Ibid.

¹²²⁵ Legal Submissions in Reply of Mr Winchester at [8.12].

¹²²⁶ Ibid.

¹²²⁷ Ibid [11.6].

¹²²⁸ R Holden, Reply Statement at [11.7].

¹²²⁹ Ibid.

1777. We were not convinced by the additional conditions proposed by QAC, in particular the restriction proposed regarding the length of stay. In our view this is unworkable and we also question how this would be policed and by whom. We also consider that the need for visitor accommodation is met in other zones which are easily accessible to the airport. To quote Mr Serjeant – as the Queenstown Airport is centrally located *“in short the convenience is already provided”*.¹²³⁰
1778. We were cautious as to whether allowing visitor accommodation was consistent with other objectives and policies that explicitly seek to exclude noise sensitive activities from within the OCB. Ms Holden responded to our query setting out relevant provisions for comparison. We also note and agree with Ms Scott’s comments regarding consistency of provisions.
1779. Taking into account the provisions identified by Ms Holden, allowing visitor accommodation in the AZ would be inconsistent with other PDP provisions. We also agree with Ms Scott that, on occasion, some inconsistency is justified. However, we do not consider that there is a sufficient resource management justification for a different approach to be taken in the AZ.
1780. We think that removing visitor accommodation as a permitted activity ensures consistency with other ASAN activities which are prohibited and other objectives and policies throughout the plan that prohibit visitor accommodation outside the OCB.
1781. Taking all of this into consideration, we recommend deletion of notified Rule 17.5.8 and recommend that visitor accommodation is a prohibited activity in the Queenstown AZ.

56.18. 17.5.9 Transportation

1782. As notified there were two parts to this rule:

17.5.9.1 Loading and Access

Loading and Access shall comply with the requirements specified in Section 14 Transport of the Operative District Plan.

17.5.9.2 Minimum Car Parking

Except for those activities undertaken within or in association with the airport terminal facility, on-site car parking shall comply with the car parking requirements specified in Section 14 of the Operative District Plan.

1783. QLDC¹²³¹ requested that 17.5.9.1 which relates to parking, loading and access be deleted. Ms Holden considered this rule to be a duplication of the district-wide chapter note at 17.3.1 and therefore recommended its removal.
1784. QAC¹²³² submitted opposing the QLDC submission, instead seeking to retain Notified Rule 17.5.9.1 as it related to the minimum car parking exemption for activities undertaken within or in association with the terminal building. However, Ms Helen McPhail¹²³³ considered that the car parking provided at the airport is presently inadequate, and considered future expansion of the airport as being incompatible with Notified Policy 17.2.2.1 unless parking buildings and underground parking are developed.

¹²³⁰ D Serjeant, EIC at [4.21].

¹²³¹ Submission 383, opposed by FS1340

¹²³² FS1340

¹²³³ Submission 834

1785. Ms McPhail's submission stated that inadequate provision is resulting in flow on effects to the wider Frankton Area, and therefore more parking is required. She further submitted that land is a finite resource at the airport which must be carefully managed.
1786. Mr Harris¹²³⁴ raised concerns in relation to improving parking at the airport to alleviate the effects on the wider environment associated with traffic congestion and parking.
1787. Ms Holden explained that a part of the Section 32 evaluation included a traffic report, however it did not address whether the current provision for car parking for activities within or in association with the terminal facility were adequate or sufficient to meet parking demand at the Airport.
1788. With regard to the submissions requesting more parking at the airport, Ms Holden identified that users of the airport have the option of paying to park within the long term car park provided by QAC, or parking within the surrounding streets. Mr Serjeant on behalf of RPL and QPL has also suggested that activities outside of the immediate environs of the airport terminal should have the same minimum parking requirement as that applied to Frankton Flats B Zone.
1789. However, with regard to these suggestions, Ms Holden noted Council intended to undertake a comprehensive review of minimum car parking requirements through Stage 2 of the District Plan review forming part of the Transport Chapter. Because of this, she did not recommend that the exemption be removed at this stage.¹²³⁵
1790. Mr Serjeant provided some suggested amendments to Standard 17.5.9 to clarify that only those activities within, or within the immediate environs of the airport terminal are exempt from any minimum parking requirement, rather than the notified wording which provided an exemption.¹²³⁶
1791. Ms Holden recommended adopting Mr Serjeant's suggested wording.
1792. Since the hearing the Council has notified Chapter 29: Transport. No specific provision is included in that Chapter relating to airports. It is unclear whether any parking is required in that chapter for the airport terminal activity of providing passenger air transport. However, there would be a parking requirement for the retail and restaurant facilities in the terminal. If the Council proposed any different approach from that recommended by Ms Holden, we would have expected to see it in Chapter 29.
1793. Consequently, we also agree with Ms Holden's recommendation and reasoning. However, we do not consider that provision is a standard. Rather, it is an exemption from the standards. We consider it would be better located under the Interpreting and Applying the Rules as 17.3.2.6. We recommend the following wording be inserted as provision 17.3.2.6:

Activities undertaken within, or within the immediate environs of, the airport terminal facility are exempt from complying with any minimum parking requirement in Chapter 29.

56.19. 17.5.10 Signs

1794. As discussed above, we recommend this rule be incorporated into Rules 17.4.2 and 17.4.5.

¹²³⁴ Submission 116

¹²³⁵ R Holden, Reply Statement at [8.2].

¹²³⁶ *ibid* at [8.1].

57. WANAKA AIRPORT ZONE – NEW PROVISIONS

1795. We have considered the changes required to the objectives and policies above. In this section we will consider the rules recommended by Ms Holden in her Section 42A Report, using the rule numbers used in that report for reference. We refer to them as proposed rules.
1796. While we would have preferred the same zone be applied to both airports, it was apparent from the evidence provided that the different circumstances of the two airports meant that AZ has to be considered as having two parts: a Queenstown part; and a Wanaka part. To make that clearer we recommend that the rules for the Wanaka part be in their own two tables (one for activities and one for standards) following Table 2 (Rule 17.5). Thus, we recommend the activities for Wanaka Airport be listed in Rule 17.6 – Table 3 and the standards in Rule 17.7 - Table 4.
1797. We note at this point that there was general agreement between Mr Kyle and Ms Holden that the land use management regime notified for Wanaka Airport was inappropriate, and that providing for Wanaka Airport within the Airport Zone was accepted¹²³⁷. The matters of disagreement were as to detail. We note also that Mr Page tabled submissions on behalf of Jeremy Bell Investments Limited¹²³⁸ supportive of the zoning approach, but with some comments on how the rules could be amended.
- 57.1. Activities located in the Airport Zone – Wanaka Airport**
Scope Provided by QAC Submission
1798. In discussing proposed Rule 17.4.11 (Section 42A Report version), Mr Kyle noted that the QAC submission only sought that airport activities and airport related activities be controlled activities, but that if there were scope for them to be permitted he would support that¹²³⁹.
1799. We consider Mr Kyle raises an important point which needs to underpin the provisions we recommend apply to the Wanaka Airport. The only relevant permitted activities which applied to this land in the notified PDP were farming, commercial recreation, limited mining activities and non-commercial recreation, subject to relevant standards. In addition, the only relevant activities proposed to be prohibited in the notified PDP were activities sensitive to aircraft noise within the OCB of Wanaka Airport.
1800. The only activities which Submission 433 sought have the activity status changed were airport activities and airport related activities. While Submission 782 sought that a Wanaka Airport Mixed Use zone be created with similar provisions to that in the notified Queenstown Airport Mixed Use Zone, that submission only sought that the new zone be applied to land west of State Highway 6, not on Wanaka Airport itself.
1801. Our conclusion is that there is no scope to alter the activity status of any activities other than the two sought to be amended by QAC's submission. We approach our consideration of the activity list proposed by Ms Holden on that basis.

¹²³⁷ J Kyle, EiC at [6.7]

¹²³⁸ Submission 782, FS1030

¹²³⁹ J Kyle, EiC at [6.26]

57.2. Proposed Rule 17.4.10 - Any activity not listed in Rules 17.4.11 to 17.4.23

1802. As drafted in the Section 42A Report this Rule 17.4.10 provided that any activity not listed in the following rules for Wanaka Airport was a non-complying activity. This is consistent with the notified Rule 21.4.1 applying to the airport land.

1803. The only changes to this rule we recommend are consequential as a result of moving the rule to being immediately before the recommended prohibited activity rules and the Wanaka Airport provisions being in their own table.

1804. We recommend this rule read as follows:

17.6.6	Any activity not otherwise listed in Table 3	NC
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57.3. Proposed Rule 17.4.11 Airport Activity, Proposed Rule 17.4.12 Airport Related Activity and Proposed Rule 17.4.13 Buildings

1805. Ms Holden proposed that this be a permitted activity. Mr Kyle suggested consolidating this rule with proposed Rule 17.4.12. Grouping Airport and Airport Related Activities in the same rule would be consistent with Rule 17.4.1 applying to Queenstown Airport.¹²⁴⁰

1806. Ms Holden supported this approach and recommended further changes consequential to recommended definition changes, and the removal of “Wanaka Airport” specific definitions.¹²⁴¹ We discuss our recommendations relating to definitions later in the decision. To summarise we recommend consolidation of definitions where the substance is common to both Queenstown and Wanaka Airports.

1807. While we accept that consolidating the two rules is appropriate and more efficient, we consider there is no scope to make them permitted. We note that Submission 433, seeking that these activities be controlled activities sought to include control over building design and external appearance. Thus, we consider that Ms Holden’s proposed Rule 17.4.13 should also be included within this rule.

1808. As we are recommending the entire designated area be zoned AZ, we also agree with Ms Holden that aircraft operations should be excluded from airport activities at Wanaka to exclude the possibility that any conditions on the designation are avoided through reliance on the zone provisions.

1809. Mr Kyle and Ms Holden had proposed that security fencing be excluded from the controlled activity rule applying to buildings. That would have made such fencing a permitted activity. We do not consider there is scope for such an exclusion.

1810. Consequently, we recommend this rule be numbered 17.6.3 and worded as follows:

¹²⁴⁰ J Kyle, EiC, Appendix B at p7.

¹²⁴¹ R Holden, Reply at [3.15].

17.6.3	<p>Any Airport Activity (excluding Aircraft Operations) and Airport Related Activity that complies with the relevant standards in Table 4.</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. Design, appearance and siting of buildings and structures b. The effects on visual amenity when viewed from beyond the Airport Zone c. The purpose of the building and the operational requirements of the activity it contains d. Traffic generation, vehicle parking and site access e. Provision for firefighting f. Wastewater g. Stormwater h. Water Supply. 	C
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57.4. Other Proposed Permitted Activities

1811. Originally Ms Holden recommended in her Section 42A Report, definitions that were site specific for Airport Activity and Airport Related Activity, specifying separate activities for Queenstown and Wanaka.¹²⁴² There were also some activities that were common to both locations which resulted in duplication in the definitions.

1812. As a result, Ms Holden consolidated the definitions to be Airport Activity and Airport Related Activity that apply to both Queenstown and Wanaka Airports.¹²⁴³ As was evident in the Queenstown Airport section, this resulted in some additional permitted activities being included in the Queenstown specific section of Table 1. This also resulted in Ms Holden recommending some additional permitted activities being located in the Wanaka section of Table 1, rather than having those included in the definition of either Airport Activity or Airport Related Activity, which she had recommended become permitted in both parts of the airport zone.

1813. The activities Ms Holden recommended be listed as permitted activities were:

- a. Scientific Aviation and Space Research Activities
- b. Aviation Schools
- c. Facilities and activities associated with veteran, vintage and classic aircraft operations, aviation museums and aero recreation
- d. Air shows and
- e. Military Training Operations.

1814. We discuss later in relation to the standards requested to be inserted, that QAC's submission on Chapter 35 (Temporary Activities) sought the inclusion of Air Shows as a permitted activity. Consequently, we recommend below that Temporary Air shows be listed in Rule 17.6.2 as a permitted activity.

1815. Military Training Operations are provided for in Chapter 35 as recommended by the Hearing Panel for Stream 5. Recommended Rule 35.4.10 provides that Temporary Buildings and Temporary Activities related to temporary military training carried out pursuant to the Defence Act 1990 is a permitted activity, provided any such activity or building does not remain

¹²⁴² R Holden, Section 42A Report, Appendix 1 at pages 17-14 – 17-15.

¹²⁴³ R Holden, Reply Statement at [3.15].

on the site for longer than the duration of the project.. We consider that Rule 35.4.10 makes any special provision for military training operations in this zone. We note also that the scope provided by the QAC submission in relation to Wanaka Airport would only enable us to recommend that military training operations at Wanaka Airport be a controlled activity.

1816. Unless the remaining activities fall within the definition of airport activity or airport related activity, there is no scope to classify them anything other than non-complying. It appears that several of them do fall into one or other category.

1817. We consider the best approach at present is to not list those activities in Table 3.

57.5. Farming Activities

1818. Mr Kyle considered that provision should be made for farming activities at Wanaka Airport for the same reasons we discussed above in respect of Queenstown Airport. As farming activities were a permitted activity under the notified provisions applying to Wanaka Airport, we consider it appropriate to retain that provision for the reasons provided by Mr Kyle, as Rule 17.6.1.

57.6. Redraft Rule 17.4.14

1819. Part 18 of the ODP includes rules that are applicable to signage in the Queenstown AMUZ, but not Wanaka Airport. As such, Ms Holden recommended in her redraft of the zone that a new rule be included for instructional and directional signage. We consider these to be an ancillary aspect of airport activities or airport related activities and able to be included as a controlled activity.

1820. There are small grammatical amendments recommended for clarification and consistency with the rule applying to Queenstown Airport.

1821. We recommend this rule be included as Rule 17.6.4, with the following wording:

17.6.4	Instructional or directional signage or signage directed at persons within the zone. Control is reserved to: a. Dimensions of signage b. Location of signage Note: for all other signs, Chapter 31 applies	C
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57.7. Proposed Rule 17.4.15 Community Activities

1822. In her Section 42A Report, Ms Holden recommended that policies stations, fire stations, medical facilities and aviation schools be listed as discretionary activities provided they served an aviation related purpose. These activities are considered to be activities sensitive to aircraft noise (“ASAN”) which were proposed to be prohibited in the zone.

1823. However, police stations, fire stations, medical facilities and education facilities (provided they serve an aviation related purpose) are identified within the definition of ‘Airport Related Activity’. Therefore retaining this rule is unnecessary. Ms Holden also recommended an exemption in similar terms in Reply Rule 17.4.26 (the prohibited activity rule).

1824. In our view, given the definitions we are recommending to the Stream 10 Hearing Panel, there is no need for this rule or the exemption in Reply Rule 17.4.26, and we do not recommend its adoption.
- 57.8. **Redraft Rule 17.14.16 Wholesaling or Commercial Storage Activity**
1825. Ms Holden included this rule in her Section 42A Report identifying '*Wholesaling or Commercial Storage Activity*' as a non-complying activity.
1826. Mr Kyle for QAC questioned why Ms Holden has singled out "*wholesaling or commercial storage activities*" as a non-complying activity.¹²⁴⁴ His evidence recorded that in his view freight facilities would be an appropriate activity at Wanaka Airport provided the goods were being conveyed by air. Furthermore, he argued "*airports by their very nature are a form of transportation hub which facilitate the movement of people and goods.*"¹²⁴⁵
1827. Ms Holden was very clear in her disagreement with this.¹²⁴⁶ She was concerned that provision of freight as a permitted activity at Wanaka Airport would have adverse effects in terms of limiting the land available for airport activities and on transport routes.¹²⁴⁷
1828. Ms Holden discussed this matter in her Section 42A Report for Hearing Stream 07 – Designations. She expressed her concern that provision of freight as a permitted activity at Wanaka Airport would have adverse effects in terms of limiting the land available for airport activities and on transport routes.
1829. Ms Holden considered that listing "freight facilities" as a permitted activity within the designated area would imply that this site is a transport hub whereby different modes of transport and transport networks join including aviation, rail and road."¹²⁴⁸
1830. Ms Holden considered if freight facilities were permitted, Council would want to have the ability to manage the scale and intensity of the activity, for example limiting freight facilities to transportation of goods via air, as opposed to land based freight activities.¹²⁴⁹ A standard such as this would ensure that freight facilities were ancillary to the airport and not part of servicing State Highway 6.¹²⁵⁰
1831. At the hearing we questioned Ms Holden as to whether such a rule was required given that what is now our recommended Rule 17.6.5 would provide for a default non-complying activity status for any activity not listed in Table 3 for Wanaka Airport.
1832. We asked Ms Holden to consider this prior to her Reply. As referred in her Reply Report, after reflecting she still considered this to be required, explaining that Reply Rule 17.4.24 would

¹²⁴⁴ J Kyle, EiC at [6.32]

¹²⁴⁵ *ibid* at [6.34].

¹²⁴⁶ R Holden, Summary of Evidence, Appendix 1 at p17.

¹²⁴⁷ Twenty24 Limited (Submission 5 opposed by FS1210) submitted in the Designations Chapter, opposing 'freight facilities' being a permitted activity on the airport, unless they were related to aerodrome purposes to clarify that only freight facilities associated with aircraft businesses be permitted on the airfield.

¹²⁴⁸ R Holden, Chapter 7 Section 42A Report, at [6.65].

¹²⁴⁹ R Holden, Summary of Evidence, Appendix 1 at p17.

¹²⁵⁰ *Ibid*.

remove any debate or argument as to whether wholesaling activity is anticipated at Wanaka Airport.¹²⁵¹

1833. We consider the argument advanced by Ms Holden to have merit and we agree that inclusion of this rule is necessary to maintain clarity for the reader and enables certainty for future management of the Wanaka Airport. We agree with the potential effects that enabling freight facilities would generate as identified and discussed by Ms Holden.
1834. As such, we support inclusion of an appropriate rule to respond to these potential effects. We recommend inclusion of this rule as Rule 17.6.5 with wording as follows:

17.6.5	Wholesaling or Commercial Storage Activity	NC
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57.9. Reply Rule 17.14.25 -New Activity Sensitive to Aircraft Noise and Building Platforms for Activity Sensitive to Aircraft Noise within the Outer Control Boundary -Wanaka Airport.

1835. This was a rule proposed in the Reply by Ms Holden. Mr Kyle, in his evidence on behalf of QAC, made the point that notified Chapter 21 Rural contained Rule 21.4.28, which made any new ASAN or new building platform to be used for an ASAN, within the OCB of Wanaka Airport, a prohibited activity.¹²⁵²

1836. He further recommended that proposed Section 42A Report Rules 17.4.21-17.4.23 be redrafted in a manner similar to notified Rule 21.4.28.¹²⁵³

1837. Ms Holden recommended a rule with similar wording to notified Rule 21.4.28.

1838. We consider this rule would appropriately limit the establishment of ASAN within the Airport Zone - Wanaka, whilst ensuring that emergency services and flight schools can establish/continue to operate at Wanaka Airport provided they serve an aviation related purpose. This rule can replace the earlier suggested Rules 17.4.21 – 17.4.23 which provided a Prohibited Activity status for residential activities, community activities and day care facilities, which are all classified as ASAN. We agree with, and adopt the reasoning advanced by, Ms Holden¹²⁵⁴ to support our recommendation the rule as presented be adopted.

1839. We recommend this rule be included in Table 3 as Rule 17.6.7. We have amended the wording recommended by Ms Holden to remove repetition and reference to building platforms. Building platforms are a mechanism used in the Rural and Rural Lifestyle Zones to enable residential dwellings. We recommend the ability to use this technique be removed from the Airport Zone Wanaka. The wording we recommend be adopted is as follows:

17.6.7	Any new Activity Sensitive to Aircraft Noise (ASAN) within the Outer Control Boundary - Wanaka Airport (except for police stations, fire stations and medical facilities provided they serve an airport related purpose).	PR
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¹²⁵¹ R Holden, Reply Statement at [14.20].

¹²⁵² J Kyle, EiC at [6.36].

¹²⁵³ ibid at [6.36].

¹²⁵⁴ R Holden, Reply at [14.23-14.25] and Appendix 2 at p5.

57.10. Proposed Rules 17.14.17, 17.14.18, 17.14.19,17.14.20

1840. These proposed rules provided for a number of prohibited activities in Ms Holden’s Section 42A Report:

- a. Forestry
- b. Factory Farming
- c. Mining
- d. Any activity requiring an Offensive Trade Licence under the Health Act 1956.

1841. In Ms Holden’s view, these activities were fundamentally at odds with the function of an airport. She considered scope for the inclusion of these rules was therefore provided for by the QAC submission¹²⁵⁵.

1842. As notified for this land, forestry was a discretionary activity, factory farming was effectively a discretionary or non-complying activity (due to the standards imposed), mining was a discretionary activity, and the Offensive Trade Licence activity was a non-complying activity.

1843. While we agree these activities are fundamentally at odds with the operation of an airport, we do not agree that the QAC submission provides scope to make those activities prohibited. The submission is aimed at enabling airport and airport related activities that could not establish under the designation applying to the airport. We do consider, however, that as the requiring authority, the Council has control over whether any of those activities establish within the bounds of the designation.

1844. We consider the best approach is to not include any specific provision for these activities and leave them to fall within the ambit of our recommended Rule 17.6.6.

57.11. Activities not Enabled or Restricted due to Scope Issues

1845. We have recommended above that the Council review the extent the AZ apply at the Wanaka Airport. We consider it would also be appropriate for the Council to consider whether activity classifications could be handled differently from those we have recommended. In our view, there is little reason for most activities at Wanaka to not have a similar activity classification as they would have at Queenstown, except for those activities which could affect the integrity of the commercial areas in Wanaka, and wholesaling and commercial storage facilities.

1846. We also note at this point that the range of activities allowed effectively makes this an urban zone, rather than a rural zone. That being the case, to ensure consistency with the strategic objectives and policies the AZ – Wanaka should be encompassed by an UGB.

1847. We recommend the Council initiate a variation to enclose the AZ – Wanaka within an Urban Growth Boundary.

58. 17.5 RULES – STANDARDS AT WANAKA AIRPORT

58.1. Proposed Rule 17.5.10

1848. Via this rule Ms Holden proposed minimum building setbacks in the Wanaka Airport Zone with any activity that did not meet the standards being a restricted discretionary activity.

¹²⁵⁵ R Holden, Reply Statement, at [14.25]

1849. In his evidence on behalf of QAC, Mr Kyle suggested inserting an additional matter of discretion as *“The positive economic, social and/or cultural effects that may be generated from the proposed activity.”*¹²⁵⁶
1850. In her summary, Ms Holden responded to this stating it was superfluous due to the meaning of *“effect”* in the RMA which includes any positive effect¹²⁵⁷. We agree with that assessment.
1851. In order to maintain consistency with the rule equivalent for Queenstown Airport (Rule 17.5.2) Ms Holden proposed additional matters of discretion be included for Redraft Rule 17.5.10 [Reply Rule 17.5.7] in relation to minimum building setback.
1852. These additional matters of discretion related to dominance and effects on adjacent properties, amenity of the surrounding area, access to sunlight and views of Outstanding Natural Features and Landscapes.
1853. Ms Holden’s Section 32AA analysis considered that the new matters of discretion have been included to ensure that the wider benefits of a proposal can be weighed up against the effects of breaching the setback rules.¹²⁵⁸ Consideration of Outstanding Natural Features and Landscapes would address Chapter 6 consideration matters.
1854. While we consider that consistency with the equivalent rules applying in the AZ at Queenstown is important, we must consider the scope of the submissions which would allow the Council to reduce the setbacks from those applying to the land when the PDP was notified. Submission 433 sought the inclusion of a new standards table in Chapter 21 to apply to Wanaka Airport. That included a building setback from all boundaries of 5m, with non-compliance requiring consent as a restricted discretionary activity. The submission also sought setbacks from the main runway.
1855. We are satisfied that there is scope to include the rule proposed by Ms Holden and we agree with her reasoning as to the inclusion of the additional matters of discretion. We also consider this rule will assist in achieving Objective 17.2.3.
1856. As such, we recommend adopting the following wording for Reply Rule 17.5.7:

¹²⁵⁶ J Kyle, EiC at [6.46].

¹²⁵⁷ R Holden, Summary of Evidence, Appendix 1 at p12.

¹²⁵⁸ R Holden, Reply, Appendix 2 at p10.

<p>17.7.1</p>	<p>Minimum Building Setback</p> <p>17.7.1.1 The setback from all zone boundaries shall be 5m.</p> <p>17.7.1.2 The setback from the eastern side of the centreline of the main runway (as at 2013) shall be 217 metres.</p> <p>17.7.1.3 The setback from the western side of the centre line of the main runway (as at 2013) shall be 124 metres.</p> <p>17.7.1.4 The setback from any public road shall be 5m.</p> <p>Except no setbacks shall apply to security fencing greater than 2m in height.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. For all non-compliances-</p> <ul style="list-style-type: none"> i. the purpose of the building and the operational requirements of the activity it contains. <p>b. For non-compliances with 17.7.1.1 or 17.7.1.4 only-</p> <ul style="list-style-type: none"> i. the external appearance, location and visual dominance of the building as viewed from the public roads and adjacent properties. ii. Amenity and character of the surrounding Rural Zone. iii. Access to sunlight, shading and privacy of adjoining properties. iv. Views to and from Outstanding Natural Features and Landscapes. <p>c. For non-compliances with 17.7.1.2 or 17.7.1.3 only-</p> <ul style="list-style-type: none"> i. the effects on the current and future operation of the Airport.
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58.2. Proposed Rule 17.5.11 Maximum Building Height

1857. This rule provided a maximum building height of 10m in the Wanaka Airport, with any buildings above this height classified as a restricted discretionary activity. This was consistent with the height limit sought in Submission 433.

1858. To some extent the reasons for the drafting are explained above in the discussion regarding building setbacks, and we do not propose to repeat them here. We do, however, agree with the reasons advanced by Ms Holden in the Section 32AA evaluation¹²⁵⁹ and accordingly recommend adopting the wording as set out in her Reply.

1859. We consider that the additional matters for consideration adequately deal with effects generated from potential buildings above the permitted height of 10m.

¹²⁵⁹ R Holden, Reply Statement, Appendix 2 at p10.

1860. We recommend Reply Rule 17.5.8, re-numbered due to previously discussed amendments read as follows:

17.7.2	<p>Maximum Building Height The maximum height of all buildings shall be 10m.</p> <p>Except this limit shall not apply to control towers, lighting towers or navigation and communication masts and aerials which are not subject to a height limit.</p>	<p>RD Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Visual effects of the bulk and location non-compliance when viewed from the boundary of the zone b. The purpose of the building and the operational requirements of the activity it contains c. The external appearance, location and visual dominance of the building as viewed from the public roads and adjacent properties d. Amenity and character of the surrounding Rural Zone e. Access to sunlight, shading and privacy of adjoining properties f. Views to and from Outstanding Natural Features and Landscapes.
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58.3. Proposed Rule 17.5.12 Glare

1861. This standard proposes to manage adverse glare and lighting effects that may arise in the context of an airport setting. Any activity that exceeds the standards is classified as non-complying. Scope for including this rule is provided by Submission 568 which sought the general imposition of lighting and glare controls throughout the Rural Zone, rather than just in the Rural Industrial Sub-Zone.

1862. Mr Kyle was of the opinion that it would be inappropriate to impose this rule on airside facilities.¹²⁶⁰ This was despite the fact that he considered the Requiring Authority would likely undertake any airside lighting work under its designation, rather than the Airport Zone provisions. Ms Holden agreed with this proposition¹²⁶¹. We think that the additional wording helps to control the light spill onto adjacent sites, without any unnecessary over-prescriptive lighting requirements.

¹²⁶⁰ J Kyle, EiC, Appendix A at p13.

¹²⁶¹ R Holden, Reply Statement at [2.1f].

1863. In relation to the standard applying to glare, Ms Holden proposed amendments to proposed Rule 17.5.12 to align better with the drafting approach used at Queenstown Airport and to provide clarification.¹²⁶²
1864. Based on the evidence of Mr Kyle we agree with Ms Holden and Mr Kyle’s recommendations. We consider the insertion of “*within all landside areas*” provides clarification and recommend adopting the rule largely as per Ms Holden’s reply with renumbering, as follows:

17.7.3	<p>Lighting and Glare Within all landside areas, all lighting shall:</p> <p>17.7.3.1 ensure that direct or indirect illumination does not exceed 3 lux spill of light at any adjacent site.</p> <p>17.7.3.2 be directed away from adjoining sites and roads.</p> <p>17.7.3.3 not be directed upwards.</p>	<u>NC</u>
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58.4. Proposed Rule 17.5.13 Identified Airport Related Activities - Maximum Gross Floor Area

1865. Ms Holden recommended this rule as a way to regulate the nature, scale and intensity of identified commercial activities by placing a restriction on gross floor area.
1866. This rule specifically seeks to restrict the maximum GFA for cafes, other food and beverage facilities, retail activities and office activities to 100m² per tenancy. Rule 17.5.14 proposes to set a cap with a maximum GFA across the entire zone of 1000m².
1867. The reasons arose from Mr Heath’s analysis of the potential effects on the Wanaka commercial areas. We note that his was the only economic evidence we heard on this point.
1868. Mr Heath explained that, development potential and opportunities need to be carefully managed due to the scale of land typically involved (i.e. large land holdings giving rise to large scale development potential). He said airport zones have the potential to “*undermine the commercial network of the cities or towns in which they are located by potentially diverting retail and office activity growth from centres.*”¹²⁶³ Wanaka Airport, he said, was no different.
1869. Mr Heath’s evidence demonstrated that he had significant experience assessing the potential for non-aviation commercial activity in Airport zones, including Auckland International Airport, Christchurch International Airport, Wellington International Airport, Palmerston North Airport and Hamilton Airport. We equate Mr Heath’s phrase “*non-aviation commercial activity*” with the “*identified airport related activities*” to which this rule refers.¹²⁶⁴
1870. Mr Heath explained to us that the purpose of the AZ in his view is twofold. First, is the focus on airport related activity to support the successful functional and operational requirements of the airports themselves and, secondly, the role of airports to provide for the social and

¹²⁶² Ibid.

¹²⁶³ T Heath, EIC, at [4.7]

¹²⁶⁴ Noting that in his evidence statement, Mr Heath refers to non-aviation (retail and office) activity at [4.12].

economic wellbeing of the community.¹²⁶⁵ He said that the purpose provided no definitive link between airports and non-aviation related commercial activity to achieving the AMUZ's purpose. He said in this regard, *"they are a 'nice to have' rather than a fundamental driver of the airport's existence."*¹²⁶⁶

1871. He was cognisant of the differences between Queenstown and Wanaka, noting that Queenstown airport is a fast growing international airport and the primary gateway into the district.¹²⁶⁷ By comparison, Wanaka is a small scale airport zone for small local and tourist aircraft; and that it is somewhat isolated from the urban area of Wanaka itself.¹²⁶⁸
1872. As such, Mr Heath concluded that demand for non-aviation commercial activity at Wanaka Airport is likely to be very low, and simply reflect the generated demand predominantly from localised airport business activity.¹²⁶⁹ He said that when considering these high level differences, the level of non-aviation related commercial activity enabled at Wanaka Airport should be kept to a minimum.¹²⁷⁰
1873. That was because, in his view, with the demand source derived from Wanaka's urban areas, the supply would be more efficiently provided closer to that demand source in Wanaka itself.¹²⁷¹ It would be inefficient to satisfy such demand at Wanaka Airport.¹²⁷²
1874. Mr Heath considered that a provision such as he recommended would "feed and water" employees and visitors to the Wanaka Airport, which would be truly ancillary to aviation related activity.¹²⁷³
1875. In his view, Mr Heath concluded that the provision for non-aviation and non-ancillary commercial activity should be limited to a maximum of 1000m² gross floor area across the entire zone, with any individual tenancy capped at 100m² and be predominantly food and beverage.¹²⁷⁴
1876. Both Ms Rachel Tregidga and Mr Kyle on behalf of QAC¹²⁷⁵ presented evidence which sought to remove the standards proposed by Ms Holden. Mr Kyle questioned whether there was an evidential basis for the limits. In his view due to the fact that Wanaka Airport was land constrained and located some distance from the town itself, there was no need for the limit setting proposed within the report.¹²⁷⁶
1877. Ms Tregidga's evidence was that QAC considered the proposed limits on tenancy size to be inadequate and would *"unduly and unnecessarily constrain the potential growth and development of Wanaka Airport."*¹²⁷⁷

¹²⁶⁵ T Heath, EiC at [4.5].

¹²⁶⁶ *ibid* at [4.6]

¹²⁶⁷ *ibid* at [4.8].

¹²⁶⁸ *ibid* at [4.9].

¹²⁶⁹ *ibid* at [4.7] – [4.13]

¹²⁷⁰ *ibid* at [4.11].

¹²⁷¹ *ibid*.

¹²⁷² *ibid*.

¹²⁷³ *ibid* at [4.12].

¹²⁷⁴ *ibid*.

¹²⁷⁵ Submission 433

¹²⁷⁶ J Kyle, EiC at [6.41] – [6.43]

¹²⁷⁷ *ibid* at [65]

1878. Ms Holden had relied upon Mr Heath’s evidence in her Section 42A Report to support Rules 17.5.13 and 17.5.14. Although in her Section 42A Report, Ms Holden had misunderstood the evidence of Mr Heath, she acknowledged this error in her summary presented at the hearing¹²⁷⁸.
1879. Ms Holden relied on the evidence of Mr Heath in order to make her recommendation.¹²⁷⁹ Mr Heath considered that not including any provisions within the policy framework to limit the nature and scale of activities at Wanaka Airport to be *“a high risk strategy for Council”* in relation to non-aviation, non-ancillary activities.¹²⁸⁰
1880. Mr Heath described this as *“basically a “trust us” approach and is akin to thinking the market left to its own devices would not establish anything untoward.”*¹²⁸¹
1881. Ms Holden adopted Mr Heath’s reasoning in her Reply. She referred to the evidence of Mr Heath and discussions in Ms Tregidga’s evidence regarding diversifying the range of income sources.¹²⁸²
1882. Mr Heath stated that *“retail and commercial office activity is a proven way of delivering increased commercial and shareholder returns”*.¹²⁸³ This was echoed by Ms Tregidga who pointed out that QAC were seeking alternative means to make profit.¹²⁸⁴
1883. Taking this into consideration, we agree with Ms Holden’s recommendation. We understand and appreciate the concerns of Ms Holden and agree that when considering all of the relevant factors and possibility of expanded facilities a restriction on GFA of airport related activities is appropriate.
1884. In our view, it is appropriate to regulate because we cannot be certain that the market will provide an acceptable outcome with regard to GFA.
1885. We agree with the reasons advanced by Mr Heath. Further, we agree with his concluding statement that the proposed tenancy cap would have *“no consequential retail economic or commercial effects on Wanaka’s commercial centres, whilst at the same time providing some flexibility for Wanaka Airport to provide some small scale retail, commercial service or office activity to support Wanaka Airport’s operations and employment base.”*¹²⁸⁵
1886. It must also be noted that the rule proposes that it be a discretionary activity to exceed the cap. Therefore, in some circumstances, it may be appropriate that resource consent is granted for an individual tenancy above 100m² where there would be no retail, economic or commercial effects on Wanaka’s commercial centres.
1887. For these reasons, we recommend inclusion of an individual tenancy cap for identified airport related activities as follows:

1278 R Holden, Summary of Evidence at [12]
 1279 R Holden, Reply Statement at [14.11].
 1280 T Heath, Summary of Evidence at [23].
 1281 Ibid at [21].
 1282 R Holden, Reply Statement at [14.7].
 1283 T Heath, Summary of Evidence at [24].
 1284 R Tregidga, EiC at [35].
 1285 T Heath, EiC at [4.13].

17.7.4	<p>Identified Airport Related Activities - Maximum Gross Floor Area</p> <p>The following activities shall not exceed 100m² in Gross Floor Area as part of any single activity:</p> <p>17.7.4.1 cafes and other food and beverage facilities.</p> <p>17.7.4.2 retail activities.</p> <p>17.7.4.3 offices.</p>	D
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58.5. 17.5.14 Identified Airport Related Activities -Maximum Gross Floor Area

1888. This rule sought to cap the maximum GFA for airport related activities, and classify activity above 1000m² as non-complying.

1889. In her evidence, Ms Tregidga's explained there were a number of the existing tenancies at Wanaka Airport had an office or retail component.¹²⁸⁶ The proposed 1000m² GFA limit, she says would already be well exceeded and did not provide for any growth.¹²⁸⁷

1890. After reviewing Council records, Ms Holden identified that existing activities which meet the definition of 'Airport Related' total approximately 1505m² of gross floor area within the Wanaka Airport Zone.¹²⁸⁸ These activities include the Wanaka Transport and Toy Museum, ancillary retail activities, a café servicing employees and visitors within the proposed zone and the Warbirds and Wheels War museum exhibit area. We questioned Ms Holden on her including such activities as the museums as airport related activities. She advised that was based on the definition specific for Wanaka Airport in the Section 42A Report.

1891. In her Reply Statement, Ms Holden recommended that proposed Rule 17.5.14 be removed.¹²⁸⁹

1892. We consider that there must be some level of control over the GFA of the food and beverage, retail and office activities at Wanaka Airport. Under the heading, Reply Rule 17.5.10 Identified Airport Related Activities - Maximum Gross Floor Area, we discuss our reasons for imposing a restriction of 100m² for individual tenancies for these activities and we consider that imposing this restriction will adequately protect Wanaka's commercial centres.

1893. We note the fact that the existing area for airport related activity exceeds the proposed 1000m² cap. We do not propose suggesting another figure for a maximum GFA as we consider this would be an arbitrary exercise. Rather, we prefer to rely on the individual tenancy cap proposed in Rule 17.5.10 discussed earlier.

1894. We therefore accept and adopt Ms Holden's recommendation that this rule not be included in the PDP.

58.6. Proposed Rule 17.5.15 Hours of Operation for Airport Related Activities

1895. Proposed Rule 17.5.15 restricts the hours of operation for certain activities at Wanaka Airport to between the hours of 0600 and 2200.

¹²⁸⁶ R Tregidga, EiC at [62].

¹²⁸⁷ Ibid at [64].

¹²⁸⁸ R Holden, Summary of Evidence at [14].

¹²⁸⁹ R Holden, Reply Statement at [14.11].

1896. Mr Kyle considered this to be inappropriate as it did not take into consideration those activities that may need to occur overnight in order to allow airport or airport related activities to recommence in the morning.¹²⁹⁰ He went on to describe activities, such as, aircraft repair and servicing and in his view, the effects of activities occurring overnight are appropriately managed by the other various zone standards proposed at Wanaka Airport (for example, lighting).¹²⁹¹
1897. We note that Ms Holden’s proposed rule only applied to specific activities, being cafes and other food and beverage facilities and retail activities; and this rule would not apply in the situation described by Mr Kyle above for aircraft repair and servicing. Mr Kyle also acknowledged this at the hearing, however he still maintained that perhaps these activities may also require overnight access to the airport, for example for food preparation purposes.¹²⁹²
1898. We consider that this rule as recommended by Ms Holden helps to ensure that airport activities are the paramount activity at Wanaka Airport and are not displaced by airport related activities. We consider that the hours proposed by Ms Holden are appropriate for the activities listed and that the proposed hours would not impact on the airport activities within this zone.
1899. We therefore recommend adopting this rule as per Ms Holden’s reply:

17.5.11	<p>Hours of Operation for Airport Related Activities The hours of operation for the following Airport Related Activities may only fall between 6.00 am and 10.00 pm:</p> <p>17.7.5.1 cafes and other food and beverage facilities;</p> <p>17.7.5.2 retail activities.</p>	NC
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58.7. Reply Rule 17.5.12 Air Shows

1900. QAC¹²⁹³ requested a specific rule providing for temporary air shows at Wanaka Airport. This submission point (433.107) was made against Chapter 35 and considered briefly in Hearing Stream 5, where the reporting planner recommended it be dealt with in the relevant zone. Consequently this had been missed out of Appendix 2 to Ms Holden’s Section 42A Report and no rule recommended in that report.
1901. The QAC submission sought that temporary air shows at Wanaka Airport be a permitted activity subject to three standards, and with an exemption from the noise limits of the zone.
1902. Mr Kyle presented a set of provisions that in his view would appropriately manage the temporary effects associated with air shows.¹²⁹⁴ He noted that he took into account the operational requirements of Warbirds over Wanaka and also how air shows are managed at other airports, such as Ardmore Airport in Auckland.¹²⁹⁵ Mr Kyle’s approach was to include air show within the definition of airport related activity for Wanaka Airport.

¹²⁹⁰ J Kyle, EiC at [6.45].

¹²⁹¹ Ibid.

¹²⁹² J Kyle, Summary of Evidence at [9.1-9.2].

¹²⁹³ Submission 433

¹²⁹⁴ J Kyle, EiC at [6.47], Appendix B.

¹²⁹⁵ Ibid at [6.47].

1903. Ms Holden agreed with Mr Kyle's suggestion to impose parameters around the nature and scale of air shows.¹²⁹⁶ The standards included within Ms Holden's recommended Reply Rule 17.5.12 relate to the duration of the air show, hours of operation and reporting requirements. In addition to the standards offered by Mr Kyle, Ms Holden included the requirement for a Traffic Management Plan.
1904. Mr Kyle suggested the hours of 0600 to 2000 for the hours of operation, however that is inconsistent with Rule 35.4.4, recommended by the Stream 5 Hearing Panel, for temporary events elsewhere in the District. Rule 35.4.4 limits the hours of operation to between 0800 and 2000. Ms Holden recommended the approach with air shows should be consistent.¹²⁹⁷
1905. Ms Holden also agreed with Mr Kyle's recommendation that Air Shows should be exempt from the Noise Standards contained within Chapter 36 given such matters as their "*limited duration and contribution to the economic wellbeing of the District.*"¹²⁹⁸ We do note, however, that the noise conditions imposed on Designation 64 would still apply.
1906. We recognise the economic benefits that air shows provide to the District and the need for these to be able to operate without requiring resource consent. However, at the same time there must be certainty for surrounding neighbours and amenity and transportation effects must be appropriately managed.
1907. With this in mind, we consider that the standards proposed by Ms Holden would help manage the scale, intensity of the event and any impacts of the event off site.
1908. We largely accept the standard as recommended by Ms Holden in her Reply Statement. We have amended the noise exemption to make it specific in relation to the relevant rule in Chapter 36. We also recommend that Air Shows be listed as a permitted activity for Wanaka Airport (Rule 17.6.2) and that the activity not be provided for as an airport related activity. That is more in keeping with the approach taken in the QAC submission.
1909. Thus, we recommend the following two rules be included:

¹²⁹⁶ Reply of Ms Holden at [14.13].

¹²⁹⁷ Ibid at [14.15].

¹²⁹⁸ Ibid at [14.16].

17.6.2	Temporary Air shows	P
17.7.6	<p>Air shows</p> <p>17.7.6.1 The air show (including set up, flying programmed and pack down) shall be limited to 12 days inclusive.</p> <p>17.7.6.2 The flying programme for the air show shall be limited to a period of not more than five days.</p> <p>17.7.6.3 The air show event does not operate outside of the hours of 0800 and 2000. Set up and pack down outside of these hours is permitted.</p> <p>17.7.6.4 The air show operator shall hold a Council approved plan detailing the noise, environmental management and traffic (vehicle and pedestrian movements, public transport, parking and management of adverse effects on operation of the State Highway) aspects of the air show. A report containing the draft plan shall be submitted to the Council for approval, no later than 30 working days prior to the air show taking place.</p> <p>The noise standards in Rule 36.5.14 shall not apply to Air Shows complying with the above standards.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. Adverse amenity effects for surrounding landowners</p> <p>b. Measures to avoid, remedy or mitigate the adverse amenity effects</p> <p>c. Adverse traffic and transport effects including effects from parking.</p>

59. 17.6 RULES – NON-NOTIFICATION OF APPLICATIONS

1910. Notified Rule 17.6.1 exempted applications for controlled, restricted discretionary or discretionary activities from being publicly notified or needing to obtain the written consent of other persons.

1911. QLDC¹²⁹⁹ requested that amendments be made to the wording of this provision to make it consistent with that contained within other chapters of the PDP. Ms Holden confirmed for us that the amendments included in the relief were consistent with wording contained within other chapters of the PDP.¹³⁰⁰

¹²⁹⁹ Submission 383, opposed by FS1097

¹³⁰⁰ R Holden, Section 42A Report at [7.96].

1912. The QAC submission requested deleting reference to “discretionary activities” in Notified provision 17.6.1.¹³⁰¹ As notified, provision 17.6.1 stated that applications for discretionary activities shall not require the written consent of other persons and shall not be notified or limited notified.
1913. Ms Holden explained in her Section 42A Report that in respect of Queenstown AZ there were no activities or non-compliance with standards that would have a discretionary activity status.¹³⁰² As such, there is no real impact removing this provision. We recommend accepting the QAC submission and deleting the reference to 'discretionary activities'.
1914. With regard to Wanaka Airport, in her Section 42A Report, Ms Holden considered it was appropriate to ask for written approval in respect of those activities.
1915. In her Reply, Ms Holden had reconsidered restricted discretionary activities. In Wanaka, restricted discretionary status would be triggered when activities do not meet standards relating to minimum building setback, maximum building height, and the standards applying to air shows.
1916. She said that she did not consider non-notification of restricted discretionary activities within the AZ to be an appropriate resource management approach given the scale of potential adverse effects that could result when experienced from roads or properties adjoining the Airport Zone.¹³⁰³
1917. The reason for this, she explained, was that, due to the potential scale of adverse effects on surrounding land, including adjoining properties and roads, resulting from non-compliance with these standards, it would be appropriate to request written approval of affected persons, or justify notification if adverse effects on the surrounding environment were more than minor.¹³⁰⁴
1918. Ms Holden recommended that exemption for written consent of other persons or notification or limited notification apply only to controlled activities.¹³⁰⁵
1919. We consider that this is appropriate, as it would ensure that actual and potential adverse effects will be taken into account when processing resource consent applications. As such, we recommend the following wording for what is renumbered Rule 17.8.1:

All applications for controlled activities shall not require the written consent of other persons and shall not be notified or limited notified.

60. 17.7 NON REGULATORY METHODS

1920. NZIA¹³⁰⁶ and QAC¹³⁰⁷ supported non-regulatory methods at Notified Section 17.7 of the Notified Chapter, with QAC requesting that the provisions be retained as notified.

¹³⁰¹ Submission 433.

¹³⁰² R Holden, Section 42A Report at [7.98].

¹³⁰³ R Holden, Reply Statement at [6.3].

¹³⁰⁴ Ibid.

¹³⁰⁵ ibid at [6.4].

¹³⁰⁶ Submission 238 opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249

¹³⁰⁷ Submission 433, opposed by FS1097, FS1117

1921. Ms Holden recommended that these submissions were accepted and all further submissions are rejected, as they do not relate to the clauses in Notified Rule 17.7.
1922. The only changes recommended to this section are minor and necessary to reflect the fact that the zone name has changed. We consider these amendments can be made utilising Clause 16(2).
1923. We recommend adopting these amendments as included in Ms Holden’s Reply.

61. CONSEQUENTIAL AMENDMENTS TO OTHER CHAPTERS

61.1. Chapter 27 – Subdivision

1924. No submissions sought to change the provisions applying to subdivision in the land we are recommending be included in the Airport Zone – Wanaka. Therefore, we recommend a non-substantive consequential change to the Stream 4 Hearing Panel to list “Airport Zone – Wanaka” in Rule 27.5.11 with the effect that all subdivision in the AZ – Wanaka remains a discretionary activity.
1925. We also recommend to the Stream 4 Hearing Panel that references in Chapter 27 to Queenstown Airport Mixed Use Zone be amended to read “Airport Zone – Queenstown”.

61.2. Chapter 36

1926. Other than a submission which sought that notified Rule 36.3.2.8 be amended to exempt aircraft operations at Wanaka Airport from the noise limits in Chapter 36¹³⁰⁸, no submissions sought to apply different noise provisions to Wanaka Airport from those applying to the Rural Zone.
1927. Thus, we recommend to the Stream 5 Hearing Panel that all references in Chapter 36 to Queenstown Airport Mixed Use Zone be consequently changed to “Airport Zone – Queenstown” and that in all rules applying to the Rural Zone, reference be included to “Airport Zone – Wanaka”. We consider these to be non-substantive consequential changes under clause 16(2).

62. DEFINITIONS

1928. We make it clear that all our recommendations in this section of our report are to the Stream 10 Hearing Panel unless we state otherwise.
1929. There were a number of submissions received with regard to definitions relevant to the Airport zone provisions.
1930. QAC¹³⁰⁹ requested that all definitions be consistent with and give effect to recent Environment Court decisions on PC19 (Frankton Flats B Zone), PC26 (Wanaka Airport) and PC35 (Queenstown Airport). The submission went on to say that definitions that were in place at the time the above plan changes were promulgated should also be included in the Proposed Plan to ensure the accurate interpretation and application of the provisions introduced by these plan changes.

¹³⁰⁸ Submission 433

¹³⁰⁹ Submission 433, supported by FS1030, FS1077, opposed by FS1117, FS1097

1931. RPL¹³¹⁰ also submitted in support of the definitions that have arisen out of PC35 in the PDP.

62.1. Submissions to Retain Definitions

1932. QAC¹³¹¹ submitted on a number of notified submissions, requesting they be retained as the definitions are consistent with that contained in the ODP

1933. We adopt the same approach as Ms Holden in her Section 42A Report, and rather than comment on these individually, we list these below. There were no changes sought and the only further submissions were from QPL¹³¹² and RPL¹³¹³ opposing the submission from QAC. However, those further submissions did not specifically relate to these definitions.

1934. The definitions that QAC sought to retain are as follows:

- a. Community Activity
- b. Commercial Activity
- c. Day Care Facility
- d. Design Sound Level
- e. Educational Facility
- f. Visitor Accommodation
- g. Hangar (with the exception of a minor amendment to include the word 'means' which provides clarity)
- h. Indoor sound level
- i. Landside
- j. Non Critical Listening Environment
- k. 2037 Noise Contours and
- l. 2037 60 dB Noise Contours.

1935. We recommend to the Stream 10 Hearing Panel that, with the exception of the definition of landside and hangar, these submissions be accepted.

1936. With respect to 'landside', Ms Holden recommended replacement of 'that' with 'an' so that it reads:

Landside

Means an area of airport and buildings to which the public has unrestricted access.

1937. We agree this is a non-substantive grammatical change and recommend it be adopted.

1938. QAC¹³¹⁴ requested the addition of the word "means" to precede the notified definition of hangar. We consider this to be a minor non-substance change that improves consistency and clarification. We recommend to the Stream 10 Hearing Panel that hangar be amended to read as follows:

Hangar

Means a structure used to store aircraft, including for maintenance, servicing and/or repair purposes.

¹³¹⁰ Submission 807

¹³¹¹ Submission 433.

¹³¹² FS1097.

¹³¹³ FS1117.

¹³¹⁴ Submission 433.

62.2. Activity Sensitive to Aircraft Noise (ASAN)/ Activities sensitive to road noise

1939. As notified this definition read:

Means any residential activity, visitor accommodation activity, community activity and day care facility activity as defined in this District Plan including all outdoor spaces associated with any educational facility, but excludes activity in police stations, fire stations, courthouses, probation and detention centres, government and local government offices.

1940. Ms Byrch¹³¹⁵ requested that the definition of ASAN be amended to include outdoor spaces associated with residential, visitor accommodation, community and day care activities, given people of Queenstown enjoy the outdoor areas of their properties in addition to inside spaces.

1941. Ms Holden explained in her Section 42A Report that there would be a minimum expectation of any outdoor space for short term visitor accommodation in this zone.¹³¹⁶ Therefore she did not consider it was necessary to include a reference to outdoor spaces in the definition.¹³¹⁷ As we are recommending that residential, visitor accommodation, community and day care activities be prohibited in this zone, we agree with this assessment, and as such recommend that this relief be rejected.

1942. QAC¹³¹⁸ requested that the definition of ASAN be retained as notified. The further submitters requested that all definitions within the PDP be consistent with PC35. The definition of ASAN promoted by PC35 was included in the PDP when notified.

1943. As such, this definition is consistent with PC35 and accordingly, we recommend that FS1117 and FS1097 be rejected and that the QAC submission be accepted.

1944. Air New Zealand Limited¹³¹⁹ requested that the definition of ASAN be amended to be consistent with QLDC's decision with respect to PC19, which related to the Frankton Flats B Special Zone. This definition is consistent with the latest definition confirmed by the Environment Court, and therefore Ms Holden recommended rejection of this request.

1945. We agree with this recommendation, and consider that the definition as notified is efficient as is.

62.3. Activity Sensitive to Aircraft Noise (ASAN) Wanaka

1946. As notified, this definition read:

Means any residential activity, visitor accommodation activity, community activity and day care facility activity, but excludes activity in police stations, fire stations, courthouses, probation and detention centres, government and local government offices.

1947. QAC¹³²⁰ submitted that this definition was a near duplication of the notified definition for ASAN described above. QAC went on to say they would support the deletion of this definition and its replacement with the previously discussed definition, so the same definition of ASAN would apply to both Queenstown and Wanaka Airports.

¹³¹⁵ Submission 243

¹³¹⁶ R Holden, Section 42A Report at [9.2.2].

¹³¹⁷ Ibid.

¹³¹⁸ Submission 433, opposed by FS1117, FS1097

¹³¹⁹ Submission 584, supported by FS1077, FS1117

¹³²⁰ Submission 433, opposed by FS1117, FS1097

1948. The only difference in the two definitions is that the definition of 'Activity Sensitive to Aircraft Noise (ASAN) Wanaka' includes the following statement: "*including all outdoor spaces associated with any educational facility.*"
1949. Ms Holden did concede that it could be argued that aviation schools are classified for "*educational facilities.*"¹³²¹ However given such schools would be directly associated with aviation and airport operations, a degree of acceptance would be afforded toward airport noise.
1950. Arcadian Triangle Limited¹³²² submitted in support of the removal of this definition noting its similarity to the definition of 'ASAN'.
1951. On this basis, Ms Holden recommended that these submissions be accepted and this definition be deleted.
1952. We agree that removing this definition avoids duplication and provides more clarity for the reader. We therefore recommend accepting the QAC and Arcadian submissions and deleting this definition. This results in one single definition for ASAN activities in the PDP.

62.4. Aircraft

1953. As notified the definition for Aircraft read:

Means any machine that can derive support in the atmosphere from the reactions of the air otherwise than by reactions of the air against the surface of the earth.

1954. Royal New Zealand Aero Club Inc/Flying NZ¹³²³ requested that the definition of 'Aircraft' be amended to reference 'motorised aircraft' so that the rules are targeted to the primary issue of noise.
1955. Ms Holden did not support this relief and we agree. She advised that this definition would also apply to informal airports, which were a matter for the Rural Stream hearing.¹³²⁴ Aircraft and the related informal airports rules also intentionally include non-motorised use of land for informal airports such as hot air balloons and parasailing. With this in mind the definition should include such activities. Therefore, we recommend the relief to restrict the definition to refer to "*motorised aircraft*" be rejected.
1956. QAC¹³²⁵ requested to retain this definition as notified. Due to the change recommended by Ms Holden (which we will discuss later) altering the definition wording, we recommend accepting this in part.
1957. QLDC¹³²⁶ sought this definition be amended to exclude remotely piloted aircraft of a small scale and unlikely to have noise effects comparable to helicopters and fixed wing aircraft.

¹³²¹ R Holden, Section 42A Report at [9.3.1].

¹³²² Submission 836

¹³²³ Submission 296

¹³²⁴ R Holden, Section 42A Report at [9.5.1].

¹³²⁵ Submission 433, opposed by FS1117, FS1097

¹³²⁶ Submission 383, supported by FS1340

1958. The submission explained that “*The definition of aircraft, and its association with aerodromes and informal airports as defined in the Proposed District Plan, and airports as defined in the operative District Plan has the potential to include a variety of activities that are not intended to be managed by the District Plan provisions.*”
1959. This would include small remotely piloted aircraft such as model aircraft and drones. The submission goes on to point out Civil Aviation Authority rules are tailored to control remotely piloted aircraft and the District Plan should not duplicate these functions.
1960. QLDC submitted that retaining the potential for small scale remotely piloted aircraft to be subject to the District Plan provisions could create a large number of resource consents.
1961. Further, the QLDC submission requested adding a definition for remotely piloted aircraft.
1962. Ms Holden considered the relief sought by QLDC to be effective in so far that it would exclude a range of activities such as the use of drones, even kite flying that could otherwise be unintentionally captured by the informal airports rules and the reliance on the definition of Aircraft as notified.¹³²⁷
1963. We think that clarifying this definition through this additional wording will remove the potential requirement of a large number of resource consents for remotely piloted aircraft, and as such we recommend accepting the QLDC submission and that the definition be reworded as follows:

Means any machine that can derive support in the atmosphere from the reactions of the air otherwise than by reactions of the air against the surface of the earth. Excludes remotely piloted aircraft that weigh less than 15 kilograms.

62.5. Aircraft Operations

1964. As notified, this definition is:

Includes the operation of aircraft during landing, takeoff and taxiing but excludes:

- a. Aircraft operating in an emergency*
- b. Aircraft using the Airport as an alternative to landing at a scheduled airport;*
- c. Military aircraft movements; and*
- d. Engine testing.*

1965. QAC¹³²⁸ requested this definition be retained as notified. For reasons explained below, this definition is consistent with PC35, and therefore we recommend accepting the QAC submission. Ms Christine Byrch¹³²⁹ submitted, asking why "aircraft using the Airport as an alternative to landing at a scheduled airport" is excluded from the definition of 'Aircraft Operations'?
1966. Ms Byrch considered this to be a mistake. However, Ms Holden explained that as part of the proceedings for PC35, the definition of 'Aircraft Operations' was confirmed and was included in the PDP when notified.¹³³⁰ These revised definitions were included in the PDP to reflect

¹³²⁷ R Holden, Reply Statement at [9.5.8].

¹³²⁸ Submission 433, opposed by FS1117, FS1097

¹³²⁹ Submission 243, opposed by FS1224

¹³³⁰ R Holden, Section 42A Report at [9.6.4].

PC35 decisions. As such, it is recommended to reject this relief and retain the definition as notified.

62.6. Air Noise Boundary

1967. As notified, this definition read:

Means a boundary, the location of which is based on predicted day/night sound levels of Ldn 65 dBA from future airport operations. The location of the boundary is shown on the District Plan Maps.

1968. QAC¹³³¹ requested that the definition of Air Noise Boundary (ANB) be removed, explaining that the ANB for Wanaka Airport was removed during PC26, and therefore inclusion of this definition is redundant.

1969. There is another definition provided in the PDP which provides for Air Noise Boundary Queenstown (ANB).

1970. Ms Holden advised us that she consulted the Planning Maps notified as part of the PDP and confirmed that within Map 18a relating to Wanaka Airport, there is no Air Noise Boundary identified.¹³³² Furthermore, there are no rules contained within Chapter 21 (Rural) which refer to an ANB restricting activities within such an area in Wanaka.

1971. Arcadian Triangle Limited¹³³³ also questioned why there was a need for two definitions for the ANB, and requested deleting one of the two ANB definitions.

1972. Ms Holden agreed with QAC and Arcadian Triangle Limited that the definition of ANB in the PDP was redundant.¹³³⁴ We agree – the duplication serves no purpose, and removing this redundant text will improve the clarity and readability of the Plan. As such we recommend accepting submissions 433 and 836 and removing the definition.

62.7. Air Noise Boundary Queenstown (ANB)

1973. As notified, this definition read:

Means a boundary as shown on the District Plan Maps, the location of which is based on the predicted day/night sound level of 65 dB Ldn from airport operations in 2037.

1974. QAC¹³³⁵ submitted in support of this definition, requesting it be retained as notified. As notified this definition was somewhat of a duplication of the ANB definition discussed above. As the former definition is to be deleted, we recommend accepting the QAC submission and that this definition is retained as notified.

62.8. Airport Activity

1975. As notified this definition read:

Means land used wholly or partly for the landing, departure, and surface movement of aircraft, including but not limited to:

¹³³¹ Submission 433, opposed by FS1117 and FS1097

¹³³² R Holden, Section 42A Report at [9.7.3].

¹³³³ Submission 836

¹³³⁴ R Holden, Section 42A Report at [9.7.5].

¹³³⁵ Submission 433, opposed by FS1117 and FS1097

- a. *aircraft operations, private aircraft traffic, domestic and international aircraft traffic, rotary wing operations, aircraft servicing, general aviation, airport or aircraft training facilities and associated offices*
 - b. *Runways, taxiways, aprons, and other aircraft movement areas*
 - c. *Terminal buildings, hangars, control towers, rescue facilities, navigation and safety aids, lighting, car parking, maintenance and service facilities, catering facilities, freight facilities, quarantine and incineration facilities, border control and immigration facilities, medical facilities, fuel storage and fuelling facilities, facilities for the handling and storage of hazardous substances, and associated offices.*
1976. QAC¹³³⁶ supported this definition in part. Its submission confirmed that this definition was largely consistent with the range of activities provided for by Designation #2 (Aerodrome Purposes) which QAC has responsibility for as the requiring authority.
1977. The QAC submission went on to request a minor amendment to differentiate that this definition applies to airport activities at Queenstown Airport only. Ms Holden accepted this submission and recommended adding the additional wording “*Queenstown Airport*”.¹³³⁷
1978. However, during the hearing, we requested additional information from QAC with regard to plans and consolidated provisions. In the Memorandum of Counsel, dated 6 December 2016, suggested consolidation and comment was provided by Mr Kyle.
1979. Ms Holden reviewed these comments and suggested further consolidation, through provision of permitted activities that are specific to Queenstown or Wanaka Airports within Table 1. This means the definition for “*Airport Activity*” (and Airport-related activity) can now apply across both Airports, without the need for separate definitions.
1980. We agree with consolidating these definitions, and incorporating the additional activities as suggested by Airways Corporation of NZ Limited¹³³⁸ (Airways), discussed below under the heading of Airport Activity – Wanaka Airport.¹³³⁹
1981. The wording we recommend be included as the definition of Airport Activity is as follows:

Airport Activity

Means land used wholly or partly for the landing, departure, and surface movement of aircraft, including:

- a. *aircraft operations, which include private aircraft traffic, domestic and international aircraft traffic, rotary wing operations*
- b. *aircraft servicing, general aviation, airport or aircraft training facilities and associated offices*
- c. *Runways, taxiways, aprons, and other aircraft movement areas*
- d. *Terminal buildings, hangars, air traffic control facilities, flight information services, navigation and safety aids, rescue facilities, lighting, car parking, maintenance and service*

¹³³⁶ Submission 433, opposed by FS1117, FS1097

¹³³⁷ R Holden, Section 42A Report, Appendix 1 at p17-14

¹³³⁸ FS1123

¹³³⁹ Airways sought to include air traffic control facilities, flight information services, and navigational and safety aids in the definition for Airport Activity – Wanaka Airport. With the consolidation of the definitions to apply to both Queenstown and Wanaka, then these additional activities will apply to both airports.

facilities, fuel storage and fuelling facilities, and facilities for the handling and storage of hazardous substances.

62.9. Proposed Definition: Airport Activity – Wanaka Airport

1982. QAC¹³⁴⁰ made a submission on Chapter 21 Rural requesting that an additional definition for 'Airport Activity – Wanaka Airport' at Wanaka Airport be included as follows:

Airport Activity – Wanaka Airport

Means land used wholly or partly for the landing, departure, and surface movement of aircraft, including but not limited to:

- a. aircraft operations, rotary wing aircraft operations, helicopter aprons, and associated touch down and lift off areas, aircraft servicing, general aviation, navigational and safety aids, lighting, aviation schools, space research and associated activities, facilities and activities associated with veteran, vintage and classic aircraft operations, aviation museums and aero recreation*
- b. Runways, taxiways, aprons, and other aircraft movement or safety areas*
- c. Terminal buildings, hangars, rescue facilities, navigation and safety aids, lighting, car parking, maintenance and service facilities, catering facilities, freight facilities, quarantine and incineration facilities, medical facilities, fuel storage and fuelling facilities, and associated offices.*

1983. This was supported by Ross and Judith Young Family Trust¹³⁴¹ as an accurate reflection of the extent of Airport Activities at and around Wanaka Airport. Airways submitted in partial support of the QAC submission, seeking an additional amendment be made to the definition of 'Airport Activities' at Wanaka to also include air traffic control facilities, flight information services, and navigational and safety aids.

1984. Ms Holden agreed with these submissions, recommending inclusion of a new definition for Wanaka Airport, and expanding the activities as per the relief sought by Airways. However, as discussed above (Airport Activity) these two definitions were subsequently consolidated and any Queenstown or Wanaka specific activities included in the Activity Tables as permitted activities for their respective zones, and the common activities to both zones, included in one single definition for "Airport Activity".

1985. In summary, there is only one definition for Airport Activity in the AZ and this is described above under "Airport Activity". This definition applies to both Queenstown and Wanaka Airports.

62.10. Airport Operator

1986. QAC¹³⁴² submitted in support of this definition, seeking its retention as notified. This was opposed by RPL¹³⁴³ and QPL¹³⁴⁴ insofar as it is inconsistent with PC35. This definition is not inconsistent with PC35, and as such we recommend rejecting these further submissions and accepting that of QAC, with the definition remaining as notified, being:

¹³⁴⁰ Opposed by FS1117 and FS1097

¹³⁴¹ FS1088

¹³⁴² Submission 433.

¹³⁴³ FS1117

¹³⁴⁴ FS1097

Means the person or body that has the necessary statutory authority for the establishment, maintenance, operation or management of the airport.

62.11. Airport Related Activity – Queenstown Airport

1987. As notified, this definition read:

Means an ancillary activity or service that provides support to the airport. This includes, but is not limited to, land transport activities, buildings and structures, servicing and infrastructure, police stations, fire stations, medical facilities and education facilities provided they serve an aviation related purpose, retail and commercial services, industry and visitor accommodation associated with the needs of Airport passengers, visitors and employees and/or aircraft movements and Airport businesses.

1988. This was supported in part by QAC¹³⁴⁵, with an addition requested to add the phrase “*Queenstown Airport*” in order to differentiate between the two airports. QAC also submitted to add an additional definition for Airport Related Activity- Wanaka Airport.¹³⁴⁶

1989. As discussed under the heading of ‘*Airport Activity*’, Ms Holden initially recommended accepting QAC’s suggestion to differentiate between the two locations.

1990. Further discussion at the hearing questioned the need for separate definitions, and within their Memorandum of Counsel (dated 6 December 2016) QAC suggested a consolidated definition for “*Airport Activities*”. Ms Holden further refined this definition and recommended adding ‘*catering facilities*’, ‘*quarantine and incineration facilities*’, and ‘*border control and immigration facilities*’ that were previously included in the definition of ‘*Airport Activity*’.¹³⁴⁷ In our view, it is more appropriate for these activities to be included in this definition.

1991. As discussed earlier in this report, farming activities are undertaken in the Rural Zone and were included as a permitted activity in Rule 17.4.1. While our recommendation to reduce the extent of the AZ at Queenstown means that rule is no longer relevant, we have included farming as a permitted activity in Rule 17.6 so that any existing farming use at Wanaka can continue.

1992. Thus, it is not necessary to include “*farming activities*” in the definition of airport related activity.

1993. Accordingly, we recommend adopting the wording as follows:

Airport Related Activity

Means an ancillary activity or service that provides support to the airport. This includes:

- a. land transport activities*
- b. buildings and structures*
- c. servicing and infrastructure*
- d. police stations, fire stations, medical facilities and education facilities provided they serve an aviation related purpose*
- e. retail and commercial services, and industry associated with the needs of Airport passengers, visitors and employees and/or aircraft movements and Airport businesses*
- f. catering facilities*

¹³⁴⁵ Submission 433, opposed by FS1117 and FS1097.

¹³⁴⁶ Submission 433, supported by FS1030, FS1088 and FS1211.

¹³⁴⁷ R Holden, Reply at [3.11].

- g. quarantine and incineration facilities
- h. border control and immigration facilities
- i. administrative offices (provided they are ancillary an Airport or Airport Related Activity).

62.12. Proposed Definition: Airport Activity – Wanaka Airport

1994. QAC¹³⁴⁸ made a submission requesting the additional definition for 'Airport Activity – Wanaka Airport' at Wanaka Airport be included as follows:

Airport Related Activity – Wanaka Airport Means any retail activity, restaurants and other food and beverage facilities, industrial and commercial activities, provided they are connected with and ancillary to the use of the Airport. Also includes Temporary Activities associated with Air Shows, Conferences and Meetings, and rental vehicles, valet activities and public transport facilities. Includes Military Training Operations.

1995. Ms Holden’s original recommendation¹³⁴⁹ was to include this definition, however discussions at the hearing led to consolidation of definitions in order to present definitions that were common to both Queenstown and Wanaka Airports. We have recommended that activities that are specific to either Airport be located in the activity tables to the extent there was scope to do so.

1996. With regard to the further submission¹³⁵⁰ by the New Zealand Defence Force, which supported the definition in Wanaka including Military Training Operations in order to provide clarification that these activities can be carried out in the zone, we feel it is important to note we accept this submission. Military Training Operations are included as a permitted activity under Rule 35.4.10. It is therefore unnecessary to make special provision for this activity at Wanaka Airport either via this definition or the activity table. We note that the QAC submission would only have allowed us to recommend the activity be a controlled activity at Wanaka Airport if specifically provided for in Rule 17.6.

1997. In summary, it is recommended that there not be a separate definition for Airport Related Activity – Wanaka Airport, but rather to include one definition for both airports as previously discussed.

62.13. Boundary

1998. As notified, this definition reads as follows:

Means any boundary of the net area of a site and includes any road boundary or internal boundary. Site boundary shall have the same meaning as boundary.

1999. QAC sought to amend this definition by adding a note stating that this definition excludes the Air Noise or Outer Control Boundary at Queenstown or Wanaka Airport. Ms Holden did not consider this a necessary amendment and we agree.¹³⁵¹ It is clear that this definition relates to a ‘site boundary’ rather than the ANB or OCB. As such, we recommend rejecting this submission and retaining the definition as notified.

62.14. Critical Listening Environment

2000. As notified this read:

¹³⁴⁸ Submission 433, supported by FS1030, FS1088, FS1211 and opposed by FS1117 and FS1097

¹³⁴⁹ R Holden, Section 42A Report at [10.16].

¹³⁵⁰ FS1211.13

¹³⁵¹ R Holden, Section 42A Report at [9.12.3].

Means any space that is regularly used for high quality listening or communication for example principle living areas, bedrooms and classrooms but excludes non-critical living environments.

2001. QAC's submission¹³⁵² drew attention to a typographical error in this definition. QAC submitted that rather than non-critical living environments, it should read non-critical listening environments. Ms Holden checked this with the provisions of PC35 and confirmed it was an error.¹³⁵³

2002. As such, we recommend accepting this submission and that the definition read as follows:

Means any space that is regularly used for high quality listening or communication, for example principal living areas, bedrooms and classrooms, but excludes non critical listening ~~living~~ environments

62.15. Outer Control Boundary (OCB) Queenstown
Outer Control Boundary (OCB) Wanaka

2003. As notified these definitions read:

OCB Queenstown

Means a boundary as shown in District Plan Maps, the location of which is based on the predicted day/night sound level of 55 dB Ldn from airport operations in 2037.

OCB Wanaka

Means a boundary, as shown on the District Plan Maps, the location of which is based on the predicted day/night sound levels of 55 dBA Ldn from airport operations in 2036.

2004. QAC¹³⁵⁴ submitted in support of the Queenstown definition and requested an amendment to the Wanaka OCB definition¹³⁵⁵.

2005. QAC requested the definition be amended to refer to the appropriate map within PDP (Map 18a). QAC considered this would provide more clarity and ensure consistency with PC26.

2006. Arcadian Triangle Limited¹³⁵⁶ noted that there are two separate definitions for OCB, one pertaining to Wanaka and one to Queenstown. However according to this submitter, it is unclear why two identical definitions are included, seeking for one to be deleted. Ms Holden did not consider this relief appropriate and she recommended that this submission be rejected.¹³⁵⁷

2007. We questioned the reasoning for two separate definitions of Outer Control Boundary (OCB) to apply to Wanaka and Queenstown.

2008. Ms Holden pointed us to her Section 42A Report, where she explained the difference between the two definitions is based on the modelling approach taken for the predicted airport

¹³⁵² Submission 433, opposed by FS1117, FS1097

¹³⁵³ R Holden, Section 42A Report at [9.13.2].

¹³⁵⁴ Submission 433, opposed by FS1117 and FS1097

¹³⁵⁵ Submission 433, opposed by FS1117 and FS1097

¹³⁵⁶ Submission 836

¹³⁵⁷ R Holden, Section 42A Report at [9.14.2].

operations, being until 2037 for Queenstown and 2036 for Wanaka.¹³⁵⁸ The predicted day/night sound level of 55 dB Ldn applies to both airports (as identified in the definition).

2009. We wondered if an appropriate place to include the basis for the predicted noise measurements was potentially within the standard for compliance with the OCB. However, Ms Holden replied that, given the controls relating to aircraft noise within the designations (Conditions 5 to 9 of Designation #2, and the conditions within E1 for Designation #64 which are not numbered), in her view, the basis of these predicted noise measures is immaterial to the boundary noted on Planning Maps. The conditions of the designation place obligations on the requiring authority for each airport to mitigate adverse noise effects from aircraft if these noise limits are exceeded prior to 2036 or 2037.¹³⁵⁹
2010. Taking these points into consideration, she then recommended that the Arcadian Triangle submission be accepted, and the two definitions for ‘Outer Control Boundary’ applying to Queenstown and Wanaka Airports are consolidated¹³⁶⁰, as follows:

Outer Control Boundary (OCB)	<u>Means a boundary, as shown on the District Plan Maps, the location of which is based on the future predicted day/night sound levels of 55 dBA Ldn from airport operations.</u>
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2011. We recommend accepting the Arcadian Triangle¹³⁶¹ submission, and consider this is appropriate and improves the effectiveness of the PDP, again reducing any unnecessary duplication with regard to definitions pertaining to the AZ.

62.16. Projected Annual Aircraft Noise Contour (AANC)

2012. As notified this definition read:

Means the Projected Annual Aircraft Noise Contours calculated as specified by the Aerodrome Purposes Designation 2, Condition 14.

2013. QAC¹³⁶² submitted in support of this definition, requesting a small amendment to the condition reference of Designation 2. This is a minor amendment and we recommend accepting this submission point and that the associated further submissions be rejected. The definition is recommended to read as follows:

means the Projected Annual Aircraft Noise Contours calculated as specified by the Aerodrome Purposes Designation 2, Condition 13.14

62.17. Wholesaling (Three Parks and Industrial B Zones)

2014. Ms Holden recommended¹³⁶³ updating this to be renamed ‘Wholesaling (Three Parks, Industrial B and Airport Zones).

1358 Ibid at [9.14.1].
 1359 R Holden, Reply Statement at [3.25].
 1360 Ibid.
 1361 Submission 836.
 1362 Submission 433, opposed by FS1117 and FS1097
 1363 R Holden, Section 42A Report, Appendix 1 at 17-15.

2015. At the hearing it was noted that Three Parks and Industrial B are to be considered in a later stage of the PDP.¹³⁶⁴ Therefore we agree with Ms Holden’s recommendation that this be considered and discussed at the definitions hearing, where it can be addressed in the context of the whole plan.

62.18. Redraft Remotely Piloted Aircraft

2016. QLDC¹³⁶⁵ sought to include a new definition for “*Remotely Piloted Aircraft*”, in addition to amending the definition of “*Aircraft*” to exclude the same.

2017. The addition of this definition and corresponding exemption in the “*Aircraft*” definition results, in our view, in more certainty and clarification around the activities that require a resource consent. Without this exemption, and definition, there was potential for remotely piloted aircraft, such as drones and remote controlled recreation planes to require resource consent.¹³⁶⁶ In addition to linking with the updated “*Aircraft*” definition, this definition is consistent with Civil Aviation Authority definitions.

2018. We therefore recommend accepting this submission and the inclusion of this definition as suggested by QLDC below:

Means an unmanned aircraft that is piloted from a remote station.

62.19. Additional Submissions on Definitions

2019. There were additional submissions made relating to definitions relevant to the AMUZ which have been transferred to the Definitions Hearing for consideration. These include submissions on *Aerodrome*¹³⁶⁷ and *Radio Communication Facility*¹³⁶⁸.

62.20. Recommendation to Stream 10 Hearing Panel

2020. We consider that the amendments to the above definitions will improve the clarity and consistency of the Plan.

2021. Consequently, with regard to the definitions discussed above, we recommend that the Stream 10 Hearings Panel:

- a. Accept the recommended definitions as set out in Appendix 8; and
- b. The submissions be accepted, accepted in part, or rejected as set out in Appendix 9.

63. CONCLUSION

2022. For the reasons advanced through this report, we conclude that the recommended amendments support the zone purpose and enable the objectives of the chapter to be achieved and are more effective and efficient than the notified chapter and further changes sought by submitters that we recommend rejecting.

2023. We consider that the amendments will improve the clarity and consistency of the Plan; contribute towards achieving the objectives of the District Plan and Strategic Direction goals in an effective and efficient manner and give effect to the purpose and principles of the RMA.

¹³⁶⁴ R Holden, Reply at [3.27].

¹³⁶⁵ Submission 383, supported by FS1340

¹³⁶⁶ R Holden, Section 42A Report at [9.5.8].

¹³⁶⁷ Submissions 433 (opposed by FS1117 and FS1097) and 836

¹³⁶⁸ Submission 566, supported by FS1106, FS1208, FS1253, FS1340

- 2024.** Consequently, we recommend that:
- a. Chapter 17 be adopted as set out in Appendix 6 and
 - b. The submissions be accepted, accepted in part, or rejected as set out in Appendix 7.

PART H: OVERALL CONCLUSIONS AND RECOMMENDATIONS

2025. For the reasons we have set out above, we recommend to the Council that:
- a. Chapter 12, in the form set out in Appendix 1, be adopted;
 - b. Chapter 13, in the form set out in Appendix 2, be adopted;
 - c. Chapter 14, in the form set out in Appendix 3, be adopted;
 - d. Chapter 15, in the form set out in Appendix 4, be adopted;
 - e. Chapter 16, in the form set out in Appendix 5, be adopted;
 - f. Chapter 17, in the form set out in Appendix 6 be adopted; and
 - g. The relevant submissions and further submissions be accepted, accepted in part or rejected as set out in Appendix 7.
2026. We also recommend:
- a. to the Stream 4 Hearing Panel that the amendments to Chapter 27 listed in Appendix 8 be included in that chapter for the reasons set out above;
 - b. to the Stream 5 Hearing Panel that the amendments to Chapter 36 listed in Appendix 8 be included in that chapter for the reasons set out above; and
 - c. to the Stream 10 Hearing Panel that the definitions listed in Appendix 8 be included in Chapter 2 for the reasons set out above.

For the Hearing Panel



Denis Nugent, Chair
Dated: 29 March 2018

Appendix 1: Chapter 12 - Queenstown Town Centre Zone as Recommended

12 QUEENSTOWN TOWN CENTRE

12.1 Zone Purpose

Town centres provide a focus for community life, retail, entertainment, business and services. They provide a vital function for serving the needs of residents, and as key destinations for visitors to our District, they provide a diverse range of visitor accommodation and visitor-related businesses. High visitor flows significantly contribute to the vibrancy and economic viability of the centres.

Queenstown will increasingly become a dynamic and vibrant centre with high levels of tourism activity that provides essential visitor-related employment. It serves as the principal administrative centre for the District and offers the greatest variety of activities for residents and visitors. It has a range of entertainment options and serves as a base for commercial outdoor recreation activities occurring throughout the Wakatipu Basin. Visitor accommodation is provided within and near to the town centre. Over time, Queenstown town centre will evolve into a higher intensity and high quality urban centre.

Development within the Special Character Area of the Town Centre Zone (shown on Planning Maps) is required to be consistent with the Queenstown Town Centre Design Guidelines 2015, reflecting the specific character and design attributes of development in this part of the Town Centre. The Entertainment Precinct (also shown on Planning Maps) has permitted noise thresholds that are higher than other parts of the Town Centre in order to encourage those noisier operations to locate in the most central part of town, where it will have least effect on residential zones.

The Queenstown Waterfront Sub-Zone makes an important contribution to the amenity, vibrancy, and sense of place of the Queenstown Town Centre as a whole.

12.2 Objectives and Policies

12.2.1 Objective - A Town Centre that remains relevant to residents and visitors alike and continues to be the District's principal mixed use centre of retail, commercial, administrative, entertainment, cultural, and tourism activity.

Policies

12.2.1.1 Enable intensification within the Town Centre through:

- a. enabling sites to be entirely covered with built form other than in the Town Centre Transition Sub-Zone and in relation to comprehensive developments provided identified pedestrian links are retained; and
- b. enabling additional building height in some areas provided such intensification is undertaken in accordance with best practice urban design principles and the effects on key public amenity and character attributes are avoided or satisfactorily mitigated.

12.2.1.2 Provide for new commercial development opportunities within the Town Centre Transition Sub-Zone that are affordable relative to those in the core of the Town Centre in order to retain and enhance the diversity of commercial activities within the Town Centre.

12.2.1.3 Recognise the important contribution that night time activity makes to the vibrancy and economic prosperity of the Town Centre by enabling restaurant and bar activities to occur subject to appropriate noise controls.

- 12.2.1.4** Enable residential activities and visitor accommodation activities while acknowledging that there will be a lower level of residential amenity due to increased noise and activity resulting from the mix of activities and late night nature of the town centre.

12.2.2 Objective - Development that achieves high quality urban design outcomes and contributes to the town's character, heritage values and sense of place.

Policies

- 12.2.2.1** Require development in the Special Character Area to be consistent with the design outcomes sought by the Queenstown Town Centre Design Guidelines 2015.
- 12.2.2.2** Require development to:
- maintain the existing human scale of the Town Centre as experienced from street level through building articulation and detailing of the façade, which incorporates elements which break down building mass into smaller units which are recognisably connected to the viewer; and
 - contribute to the quality of streets and other public spaces and people's enjoyment of those places; and
 - positively respond to the Town Centre's character and contribute to the town's 'sense of place'.
- 12.2.2.3** Control the height and mass of buildings in order to:
- provide a reasonable degree of certainty in terms of the potential building height and mass; or
 - retain and provide opportunities to frame important view shafts to the surrounding landscape; or
 - maintain sunlight access to public places and to footpaths, with a particular emphasis on retaining solar access into the Special Character Area (as shown on Planning Maps 35 and 36); or
 - minimise the wind tunnel effects of buildings in order to maintain pleasant pedestrian environments.
- 12.2.2.4** Allow buildings to exceed the discretionary height standards in situations where:
- the outcome is of a high-quality design, which is superior to that which would be achievable under the permitted height; and
 - the cumulative effect of the additional height does not result in additional shading that will progressively degrade the pedestrian environment or enjoyment of public spaces, while accepting that individual developments may increase the shading of public pedestrian space to a small extent provided this is offset or compensated for by the provision of additional public space or a pedestrian link within the site; and
 - the increase in height will facilitate the provision of residential activity.
- 12.2.2.5** Prevent buildings exceeding the maximum height standards except that it may be appropriate to allow additional height in situations where:
- the proposed design is an example of design excellence; and
 - building height and bulk have been reduced elsewhere on the site in order to:

- i. reduce the impact of the proposed building on a listed heritage item; or
- ii. provide an urban design outcome that has a net benefit to the public environment.

For the purpose of this policy, urban design outcomes that are beneficial to the public environment include:

- a. provision of sunlight to any public space of prominence or space where people regularly congregate;
- b. provision of a new or retention of an existing uncovered pedestrian link or lane;
- c. where applicable, the restoration and opening up of Horne Creek as part of the public open space network;
- d. provision of high quality, safe public open space;
- e. retention of a view shaft to an identified landscape feature;
- f. minimising wind tunnel effects of buildings in order to maintain pleasant pedestrian environments.
- g. the creation of landmark buildings on key block corners and key view terminations.

12.2.2.6 Ensure that development within the Special Character Area reflects the general historic subdivision layout and protects and enhances the historic heritage values that contribute to the scale, proportion, character and image of the Town Centre.

12.2.2.7 Acknowledge and celebrate our cultural heritage, including incorporating reference to tangata whenua values, in the design of public spaces, where appropriate.

12.2.2.8 Acknowledge that parts of the Queenstown Town Centre are susceptible to flood risk and mitigate the effects of this through:

- a. requiring minimum floor heights to be met; and
- b. encouraging higher floor levels (of at least RL 312.8 masl) where amenity, mobility, streetscape, and character values are not adversely affected; and
- c. encouraging building design and construction techniques which limit the impact of flooding or ponding in areas of known risk.

12.2.2.9 Require high quality comprehensive developments within the Town Centre Transition Sub-Zone and on large sites elsewhere in the Town Centre, which provides primarily for pedestrian links and lanes, open spaces, outdoor dining, and well planned storage and loading/ servicing areas within the development.

12.2.3 Objective – An increasingly vibrant Town Centre that continues to prosper while maintaining a reasonable level of residential amenity within and beyond the Town Centre Zone.

Policies

12.2.3.1 Minimise conflicts between the Town Centre and the adjacent residential zone by avoiding high levels of night time noise being generated on the periphery of the Town Centre and controlling the height and design of buildings at the zone boundary.

12.2.3.2 Recognise the important contribution that night time activity makes to the vibrancy and economic prosperity of the Town Centre and specifically provide for those activities, while mitigating effects on residential amenity by:

- a. enabling night time dining and socialising, both indoors and outdoors, to varying degrees throughout the Town Centre; and
- b. providing for noisier night time activity within the entertainment precinct in order to minimise effects on residential zones adjacent to the Town Centre; and
- c. ensuring that the nature and scale of licensed premises located in the Town Centre Transition Sub-Zone result in effects that are compatible with adjoining residential zones; and
- d. enabling activities within the Town Centre Zone that comply with the noise limits; and
- e. requiring sensitive uses within the Town Centre to mitigate the adverse effects of noise through insulation.

12.2.3.3 Enable residential and visitor accommodation activities within the Town Centre while:

- a. acknowledging that it will be noisier and more active than in residential zones due to the density, mixed use, and late night nature of the Town Centre and requiring that such sensitive uses are insulated for noise; and
- b. discouraging residential uses at ground level in those areas where active frontages are particularly important to the vibrancy of the Town Centre; and
- c. avoiding, or, where this is not possible, mitigating adverse traffic effects from visitor accommodation through encouraging operators to provide guests with alternatives to private car travel, discouraging the provision of onsite car parking, and through the careful location and design of any onsite parking and loading areas; and
- d. only enabling new residential and visitor accommodation uses within the Town Centre Entertainment Precinct where adequate insulation and mechanical ventilation is installed.

12.2.3.4 Avoid the establishment of activities that cause noxious effects that are not appropriate for the Town Centre.

12.2.3.5 Ensure that the location and direction of lights in the Town Centre does not cause significant glare to other properties, roads, and public places and promote lighting design that mitigates adverse effects on views of the night sky.

12.2.3.6 Recognise the important contribution that sunny open spaces, footpaths, and pedestrian spaces makes to the vibrancy and economic prosperity of the Town Centre.

12.2.4 Objective - A compact Town Centre that is safe and easily accessible for both visitors and residents.

Policies

12.2.4.1 Encourage a reduction in the dominance of vehicles within the Town Centre and a shift in priority toward providing for public transport and providing safe and pleasant pedestrian and cycle access to and through the Town Centre.

12.2.4.2

Ensure that the Town Centre remains compact, accessible and easily walkable by avoiding outward expansion of the Town Centre Zone. Encourage walking to and within the Town Centre by improving the quality of the pedestrian experience by:

- a. maintaining and enhancing the existing network of pedestrian linkages and ensuring these are of a high quality;
- b. requiring new pedestrian linkages in appropriate locations when redevelopment occurs;
- c. strictly limiting outward expansion of the Town Centre Zone and commercial activity beyond it;
- d. encouraging the provision of verandas along pedestrian-oriented streets, while acknowledging that verandas may not be appropriate or necessary in applications involving a heritage building; or where no verandas exist on adjoining buildings, and may need to be specifically designed so as to not interfere with kerbside movements of high-sided vehicles;
- e. promoting and encouraging the maintenance and creation of uncovered pedestrian links and lanes wherever possible, in recognition that these are a key feature of Queenstown character;
- f. promoting the opening up of Horne Creek wherever possible, in recognition that it is a key visual and pedestrian feature of Queenstown, which contributes significantly to its character; and
- g. ensuring the cumulative effect of buildings does not result in additional shading that will progressively degrade the pedestrian environment or enjoyment of public spaces, while accepting that individual developments may increase the shading of public pedestrian space to a small extent provided this is offset or compensated for by the provision of additional public space or a pedestrian link within the site.

12.2.4.3

Minimise opportunities for anti-social behaviour through incorporating Crime Prevention Through Environmental Design (CPTED) principles as appropriate in the design of streetscapes, carparking areas, public and semi-public spaces, accessways/ pedestrian links/ lanes, and landscaping.

12.2.4.4

Off-street parking is predominantly located at the periphery of the Town Centre in order to limit the impact of vehicles, particularly during periods of peak visitor numbers.

12.2.4.5

Plan for future public transport options by considering the needs of public transport services and supporting infrastructure when designing roading improvements or considering jetty applications.

12.2.4.6

Encourage visitor accommodation to be located and designed in a manner that minimises traffic issues that may otherwise affect the safety efficiency, and functionality of the roading network, and the safety and amenity of pedestrians and cyclists, particularly in peak periods.

12.2.5 Objective - Integrated management of the Queenstown Bay land-water interface, the activities at this interface and the establishment of a dynamic and attractive environment that benefits both residents and visitors.

Policies

- 12.2.5.1** Encourage the development of an exciting and vibrant waterfront, which maximises the opportunities and attractions inherent in its location and setting as part of the Town Centre.
- 12.2.5.2** Promote a comprehensive approach to the provision of facilities for water-based activities.
- 12.2.5.3** Conserve and enhance, where appropriate, the natural qualities and amenity values of the foreshore and adjoining waters, recognising in particular, the predominantly undeveloped character of the 'Queenstown beach and gardens foreshore area' (as identified on the Planning Map) and the important contribution this area makes to providing views to the lake and mountains, pedestrian and cycle connections, water-based commercial recreation activities, and passive recreation opportunities.
- 12.2.5.4** Retain and enhance all the public open space areas adjacent to the waterfront.
- 12.2.5.5** Maximise pedestrian accessibility to and along the waterfront for the enjoyment of the physical setting by the community and visitors.
- 12.2.5.6** Provide for structures within the Queenstown Bay waterfront area subject to compliance with strict bulk location and appearance criteria, provided the existing predominantly open character and a continuous pedestrian waterfront connection will be maintained or enhanced.
- 12.2.5.7** Provide for public waterferry services within the Queenstown Town Centre Waterfront Subzone.

12.3

Other Provisions and Rules

12.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1	Introduction	2	Definitions	3	Strategic Direction
4	Urban Development	5	Tangata Whenua	6	Landscapes and Rural Character
25	<i>Earthworks</i>	26	Historic Heritage	27	Subdivision
28	Natural Hazards	29	<i>Transport</i>	30	Energy and Utilities
31	<i>Signs</i>	32	Protected Trees	33	Indigenous Vegetation
34	Wilding Exotic Trees	35	Temporary Activities and Relocated Buildings	36	Noise
37	Designations		Planning Maps		

12.3.2 Interpreting and Applying the Rules

- 12.3.2.1** A permitted activity must comply with all the rules listed in the activity and standards tables.
- 12.3.2.2** Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the 'Non-Compliance Status' column shall apply.
- 13.3.2.3** Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.
- 12.3.2.4** The following abbreviations are used within this Chapter.

P	Permitted	C	Controlled	RD	Restricted	Discretionary
D	Discretionary	NC	Non-Complying	PR	Prohibited	

12.4 Rules - Activities

Activities located in the Queenstown Town Centre Zone		Activity status
12.4.1	Activities which are not listed in this table and comply with all standards	P
12.4.2	<p>Visitor Accommodation</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> the location, provision, and screening of access and parking, traffic generation, and travel demand management, with a view to maintaining the safety and efficiency of the roading network, and minimising private vehicle movements to/ from the accommodation; ensuring that where onsite parking is provided it is located or screened such that it does not adversely affect the streetscape or pedestrian amenity; and promoting the provision of safe and efficient loading zones for buses; landscaping; the location, nature and scale of visitor accommodation and ancillary activities relative to one another within the site and relative to neighbouring uses; and where the site adjoins a residential zone: <ol style="list-style-type: none"> noise generation and methods of mitigation; hours of operation, in respect of ancillary activities. 	C

12.4.3	Activities located in the Queenstown Town Centre Zone	Activity status
	<p>Commercial Activities within the Queenstown Town Centre Waterfront Sub-Zone (including those that are carried out on a wharf or jetty) except for those commercial activities on the surface of water that are provided for as discretionary activities pursuant to Rule 12.4.7.2.</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. any adverse effects of additional traffic generation from the activity; b. the location and design of access and loading areas in order to ensure safe and efficient movement of pedestrians, cyclists, and vehicles; and c. the erection of temporary structures and the temporary or permanent outdoor storage of equipment in terms of: <ul style="list-style-type: none"> i. any adverse effect on visual amenity and on pedestrian or vehicle movement; and ii. the extent to which a comprehensive approach has been taken to providing for such areas within the Sub-Zone. 	C
<p>12.4.4</p>	<p>Licensed Premises</p> <p>12.4.4.1 Other than in the Town Centre Transition Sub-Zone premises licensed for the consumption of liquor on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor:</p> <ul style="list-style-type: none"> a. to any person who is residing (permanently or temporarily) on the premises; and/or b. to any person who is present on the premises for the purpose of dining up until 12am. <p>12.4.4.2 Premises within the Town Centre Transition Sub-Zone licensed for the consumption of liquor on the premises between the hours of 6pm and 11pm provided that this rule shall not apply to the sale of liquor:</p> <ul style="list-style-type: none"> a. to any person who is residing (permanently or temporarily) on the premises; and/or b. to any person who is present on the premises for the purpose of dining up until 12am. <p>In relation to both 12.4.4.1 and 12.4.4.2 above, control is reserved to:</p> <ul style="list-style-type: none"> a. the scale of the activity; b. effects on amenity (including that of adjoining residential zones and public reserves); c. the provision of screening and/or buffer areas between the site and adjoining residential zones; d. the configuration of activities within the building and site (e.g. outdoor seating, entrances); and e. noise issues, and hours of operation. 	C

	Activities located in the Queenstown Town Centre Zone	Activity status
<p>12.4.5</p>	<p>Licensed Premises within the Town Centre Transition Sub-Zone</p> <p>Premises within the Town Centre Transition Sub-Zone licensed for the consumption of liquor on the premises between the hours of 11 pm and 8 am.</p> <p>This rule shall not apply to the sale of liquor:</p> <ul style="list-style-type: none"> a. to any person who is residing (permanently or temporarily) on the premises; and/or b. to any person who is present on the premises for the purpose of dining up until 12 am. <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the scale of the activity; b. effects on amenity (including that of adjoining residential zones and public reserves); c. the provision of screening and/ or buffer areas between the site and adjoining residential zones; d. the configuration of activities within the building and site (e.g. outdoor seating, entrances); and e. noise issues, and hours of operation. 	<p>RD</p>
<p>12.4.6</p>	<p>Buildings except temporary 'pop up' buildings that are in place for no longer than 6 months and permanent and temporary outdoor art installations</p> <p>Buildings, including verandas, and any pedestrian link provided as part of the building/ development.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. consistency with the Queenstown Town Centre Special Character Area Design Guidelines (2015), (noting that the guidelines apply only to the Special Character Area); b. external appearance, including materials and colours; c. signage platforms; d. lighting; e. the impact of the building on the streetscape, heritage values, compatibility with adjoining buildings, the relationship to adjoining verandas; f. the contribution the building makes to the safety of the Town Centre through adherence to CPTED principles; g. the contribution the building makes to pedestrian flows and linkages and to enabling the unobstructed kerbside movement of high-sided vehicles where applicable; h. the provision of active street frontages and, where relevant, outdoor dining/patronage opportunities; and i. where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ul style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated. 	<p>RD</p>

12.4.7	Activities located in the Queenstown Town Centre Zone	Activity status
	<p>Wharfs and jetties, commercial surface of water activities, and moorings within the Queenstown Town Centre Waterfront Sub-Zone</p> <p>12.4.7.1 Wharfs and Jetties within the 'active frontage area' of the Queenstown Town Centre Waterfront Sub-Zone as shown on the Planning Maps.</p> <p>12.4.7.2 Commercial Surface of Water Activities within the Queenstown Town Centre Waterfront Sub-Zone as shown on the Planning Maps.</p> <p>In respect of 12.4.7.1 and 12.4.7.2 the Council's discretion is unlimited but it shall consider:</p> <p>The extent to which the proposal will:</p> <ol style="list-style-type: none"> create an exciting and vibrant waterfront which maximises the opportunities and attractions inherent in a visitor town situated on a lakeshore; maintain a continuous waterfront walkway from Horne Creek right through to St Omer Park; maximise the ability to cater for commercial boating activities to an extent compatible with maintenance of environmental standards and the nature and scale of existing activities; provide for or support the provision of one central facility in Queenstown Bay for boat refuelling, bilge pumping, sewage pumping, maintain or enhance public access to the lake and amenity values including character; affect water quality, navigation and people's safety, and adjoining infrastructure; and the extent to which any proposed wharfs and jetties structures or buildings will: <ol style="list-style-type: none"> enclose views across Queenstown Bay; and result in a loss of the generally open character of the Queenstown Bay and its interface with the land; affect the values of wāhi Tūpuna. <p>12.4.7.3 Moorings within the 'Queenstown beach and gardens foreshore area' of the Queenstown Town Centre Waterfront Sub-Zone (as shown on the Planning Maps).</p> <p>In respect of 12.4.7.3 discretion is restricted to:</p> <ol style="list-style-type: none"> whether they are dominant or obtrusive elements in the shore scape or lake view, particularly when viewed from any public place, including whether they are situated in natural bays and not headlands; whether the structure causes an impediment to craft manoeuvring and using shore waters; the degree to which the structure will diminish the recreational experience of people using public areas around the shoreline; the effects associated with congestion and clutter around the shoreline, including whether the structure contributes to an adverse cumulative effect; whether the structure will be used by a number and range of people and craft, including the general public; and the degree to which the structure would be compatible with landscape and amenity values, including colour, materials, design. 	<p>D</p> <p>D</p> <p>RD</p>

Activities located in the Queenstown Town Centre Zone		Activity status
12.4.8	Wharfs and jetties, buildings on wharfs and jetties, and the use of buildings or boating craft for accommodation within the Queenstown Town Centre Waterfront Sub-Zone	NC
12.4.8.1	Wharfs and Jetties within the 'Queenstown beach and gardens foreshore area' of the Queenstown Town Centre Waterfront Sub-Zone as shown on the Planning Maps.	
12.4.8.2	Any buildings located on Wharfs and Jetties within the Queenstown Town Centre Waterfront Sub-Zone.	
12.4.8.3	Buildings or boating craft within the Queenstown Town Centre Waterfront Sub-Zone if used for visitor, residential or overnight accommodation.	
12.4.9	Industrial Activities at ground floor level Note: Specific industrial activities are listed separately below as prohibited activities.	NC
12.4.10	Factory Farming	PR
12.4.11	Forestry Activities	PR
12.4.12	Mining Activities	PR
12.4.13	Airports other than the use of land and water for emergency landings, rescues and firefighting.	PR
12.4.14	Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building.	PR
12.4.15	Fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket).	PR
12.4.16	Any activity requiring an Offensive Trade Licence under the Health Act 1956	PR

12.5

Rules - Standards

Standards for activities located in the Queenstown Town Centre Zone		Non-compliance status
12.5.1	<p>Maximum building coverage in the Town Centre Transition Sub-Zone and in relation to and comprehensive developments</p> <p>12.5.1.1 In the Town Centre Transition Sub-Zone or when undertaking a comprehensive development (as defined), the maximum building coverage shall be 75%.</p> <p>Advice Note: While there is no maximum coverage rule elsewhere in the Town Centre, this does not suggest that 100% building coverage is necessarily anticipated on all sites as outdoor storage areas, and pedestrian linkages might be required.</p> <p>12.5.1.2 Any application for building within the Town Centre Transition Sub-Zone or for Comprehensive Development Plan that covers the entire development area.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the adequate provision of cycle, vehicle, and pedestrian links and lanes, open spaces, outdoor dining opportunities; the adequate provision of storage and loading/ servicing areas; the provision of open space within the site, for outdoor dining or other purposes; the site layout and location of buildings, public access to the buildings, and landscaping, particularly in relation to how the layout of buildings and open space interfaces with the street edge and any adjoining public places and how it protects and provides for view shafts, taking into account the need for active street frontages, compatibility with the character and scale of nearby residential zones, listed heritage items, and heritage precincts, and the amenity and safety of adjoining public spaces and designated sites, including shading and wind effects.
12.5.2	<p>Waste and Recycling Storage Space</p> <p>12.5.2.1 Offices shall provide a minimum of 2.6m³ of waste and recycling storage (bin capacity) and minimum 8m² floor area for every 1,000m² gross floor space, or part thereof.</p> <p>12.5.2.2 Retail activities shall provide a minimum of 5m³ of waste and recycling storage (bin capacity) and minimum 15m² floor area for every 1,000m² gross floor space, or part thereof.</p> <p>12.5.2.3 Food and beverage outlets shall provide a minimum of 1.5m³ (bin capacity) and 5m² floor area of waste and recycling storage per 20 dining spaces, or part thereof.</p> <p>12.5.2.4 Residential and Visitor Accommodation activities shall provide a minimum of 80 litres of waste and recycling storage per bedroom, or part thereof.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the adequacy of the area, dimensions, design, and location of the space allocated, such that it is of an adequate size, can be easily cleaned, and is accessible to the waste collection contractor, such that it need not be put out on the kerb for collection. The storage area needs to be designed around the type(s) of bin to be used to provide a practicable arrangement. The area needs to be easily cleaned and sanitised, potentially including a foul floor gully trap for wash down and spills of waste.

	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
<p>12.5.3</p>	<p>Screening of Storage Areas</p> <p>Storage areas shall be situated within a building or screened from view from all public places, adjoining sites and adjoining zones.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. effects on visual amenity; b. consistency with the character of the locality; c. effects on human safety in terms of CPTED principles; and d. whether pedestrian and vehicle access is compromised.
<p>12.5.4</p>	<p>Verandas</p> <p>12.5.4.1 Every new, reconstructed or altered building (excluding repainting) with frontage to the roads listed below shall include a veranda or other means of weather protection.</p> <ul style="list-style-type: none"> a. Shotover Street (Stanley Street to Hay Street); b. Beach Street; c. Rees Street; d. Camp Street (Church Street to Man Street); e. Brecon Street (Man Street to Shotover Street); f. Church Street (north west side); g. Queenstown Mall (Ballarat Street); h. Athol Street; i. Stanley Street (Coronation Drive to Memorial Street). <p>12.5.4.2 Verandas shall be no higher than 3m above pavement level and no verandas on the north side of a public place or road shall extend over that space by more than 2m and those verandas on the south side of roads shall not extend over the space by more than 3m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. consistency of the proposal and the Queenstown Town Centre Design Guidelines (2015) where applicable; and b. effects on pedestrian amenity, the human scale of the built form, and on historic heritage values.

	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
<p>12.5.5</p>	<p>Residential Activities</p> <p>12.5.5.1 Residential activities shall not be situated at ground level in any building with frontage to the following roads:</p> <ul style="list-style-type: none"> a. Stanley Street (Coronation Drive to Memorial Street); b. Camp Street (Man Street to Earl Street); c. Queenstown Mall (Ballarat Street) ; d. Church Street; e. Marine Parade (north of Church Street); f. Beach Street; g. Rees Street; h. Shotover Street; i. Brecon Street; j. Athol Street; k. Duke Street. 	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. effects on the ability to achieve active frontages along these streets; b. effects on surrounding buildings and activities; and c. the quality of the living environment within the building.
<p>12.5.6</p>	<p>Flood Risk</p> <p>No building greater than 20m² with a ground floor level less than RL 312.0 masl shall be relocated to a site, or constructed on a site, within this zone.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the level of risk from flooding and whether the risk can be appropriately avoided or mitigated; and b. the extent to which the construction of the building will result in the increased vulnerability of other sites to flooding.

12.5.7	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
<p>12.5.7.1 All new buildings and building redevelopments located on sites which are identified for pedestrian links or lanes in Figure 1 (at the end of this chapter) shall provide a ground level pedestrian link or lane in the general location shown.</p> <p>12.5.7.2 Where a pedestrian link or lane required by Rule 12.5.7.1 is open to the public during retailing hours the Council will consider off-setting any such area against development levies and car parking requirements.</p> <p>12.5.7.3 Where an existing lane or link identified in Figure 1 is uncovered then, as part of any new building or redevelopment of the site, it shall remain uncovered and shall be a minimum of 4m wide and where an existing link is covered then it may remain covered and shall be at least 1.8 m wide, with an average minimum width of 2.5m.</p> <p>12.5.7.4 In all cases, lanes and links shall be open to the public during all retailing hours.</p> <p>Location of Pedestrian Links within the Queenstown Town Centre</p> <ul style="list-style-type: none"> a. Shotover St / Beach St, Lot 2 DP 11098; b. Trustbank Arcade (Shotover St/Beach St), Lot 1 DP Tn of Queenstown; c. Plaza Arcade, Shotover St/Beach 1 DP 17661; (d. Cow Lane/Beach Street, Sec 30 Blk I Tn of Queenstown; e. Cow Lane / Beach Street, Lot 1 DP 25042; f. Cow Lane / Ballarat Street, Lot 2 DP 19416; g. Ballarat St/Searle Lane, Sec 22 & Pt Sec 23 BLK II Tn Queenstown, h. Ballarat Street/Searle Lane and part of Searle Lane land parcel; i. Church St/Earl St, Sections Lot 1 DP 27486; j. Searle Lane/Church St, Lot 100 DP 303504 k. Camp/ Stanley St, post office precinct, Lot 2 DP 416867; l. Camp/ Athol St, Lot 1 DP 20875. <p>Advice Notes:</p> <ul style="list-style-type: none"> a. where an uncovered pedestrian link or lane (i.e. open to the sky) is provided in accordance with this rule, additional building height may be appropriate pursuant to Policies 12.2.2.4 and 12.2.2.5; b. where an alternative link is proposed as part of the application which is not on the development site but achieves the same or a better outcome then this is likely to be considered appropriate. 	<p>RD</p> <p>Where the required link is not proposed as part of development, discretion is restricted to:</p> <ul style="list-style-type: none"> a. the adverse effects on the pedestrian environment, connectivity, legibility, and Town Centre character from not providing the link. 	

12.5.8	Standards for activities located in the Queenstown Town Centre Zone Discretionary Building Height in Precinct 1, Precinct 1(A), Precinct 2, Precinct 4 and Precinct 5	Non-compliance status
<p>For the purpose of this rule, refer to the Height Precinct Map (Figure 2 at the end of this Chapter).</p> <p>12.5.8.1 Within Precinct 1 and Precinct 1 (A) the maximum height shall be 12m; and</p> <p>12.5.8.2 Within Precinct 1 (A) no part of any building shall protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 10m above the street boundary.</p> <p>12.5.8.3 Within Precinct 2, no part of any building shall protrude through a recession line inclined towards the site at an angle of 30 degrees commencing from a line 6.5m above any street boundary.</p> <p>12.5.8.4 Within Precinct 4, no part of any building shall protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 10m above the street boundary.</p> <p>12.5.8.5 Within Precinct 5, the street front parapet shall be between 7.5 and 8.5m in height and no part of any building shall protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 7.5m above any street boundary.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the effect of any additional height on the urban form of the Town Centre and the character of the height precinct within which it is located. The Council will consider:</p> <ul style="list-style-type: none"> i. the extent to which the proposed building design responds sensitively to difference in height, scale and mass between the proposal and existing buildings on adjacent sites and with buildings in the wider height precinct, in terms of use of materials, facade articulation and roof forms; and ii. the effect on human scale and character as a result of proposed articulation of the façade, the roofline, and the roofscape; and iii. the amenity of surrounding streets, lanes, footpaths and other public spaces, including the effect on sunlight access to public spaces and footpaths; the provision of public space and pedestrian links; and iv. the opportunity to establish landmark buildings on key sites, such as block corners and key view terminations; and <p>b. The protection or enhancement of public views of Lake Wakatipu or of any of the following peaks:</p> <ul style="list-style-type: none"> i. Bowen Peak; ii. Walter Peak; iii. Cecil Peak; iv. Bobs Peak; v. Queenstown Hill; vi. The Remarkables Range (limited to views of Single and Double Cone); and vii. effects on any adjacent Residential Zone; and viii. the historic heritage value of any adjacent heritage item/ precinct and whether it acknowledges and respects the scale and form of this heritage item/ precinct. 	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the effect of any additional height on the urban form of the Town Centre and the character of the height precinct within which it is located. The Council will consider:</p> <ul style="list-style-type: none"> i. the extent to which the proposed building design responds sensitively to difference in height, scale and mass between the proposal and existing buildings on adjacent sites and with buildings in the wider height precinct, in terms of use of materials, facade articulation and roof forms; and ii. the effect on human scale and character as a result of proposed articulation of the façade, the roofline, and the roofscape; and iii. the amenity of surrounding streets, lanes, footpaths and other public spaces, including the effect on sunlight access to public spaces and footpaths; the provision of public space and pedestrian links; and iv. the opportunity to establish landmark buildings on key sites, such as block corners and key view terminations; and <p>b. The protection or enhancement of public views of Lake Wakatipu or of any of the following peaks:</p> <ul style="list-style-type: none"> i. Bowen Peak; ii. Walter Peak; iii. Cecil Peak; iv. Bobs Peak; v. Queenstown Hill; vi. The Remarkables Range (limited to views of Single and Double Cone); and vii. effects on any adjacent Residential Zone; and viii. the historic heritage value of any adjacent heritage item/ precinct and whether it acknowledges and respects the scale and form of this heritage item/ precinct.

12.5.9	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
<p>12.5.9</p> <p>Maximum building and facade height</p> <p>For the purpose of this rule, refer to the Height Precinct Map (Figure 2 at the end of this Chapter).</p> <p>12.5.9.1 In Height Precinct 1 Precinct 1 (A) and Precinct 2, subject to sub-clauses a – d below, the maximum absolute height limits shall be as follows:</p> <ul style="list-style-type: none"> i. 15m on Secs 4-5 Blk Xv Queenstown Tn (48-50 Beach St); ii. 15.5m in Precinct 1(A); iii. 14m elsewhere. <p>and</p> <ul style="list-style-type: none"> a. throughout the precinct, the building shall contain no more than 4 storeys excluding basements; b. in addition, buildings within the block bound by Ballarat, Beetham, and Stanley streets as identified on the Height Precinct Map shall not protrude through a horizontal plane drawn at 7m above any point along the north-eastern zone boundary of this block, as illustrated in the below diagram; <div data-bbox="758 907 933 1579" data-label="Diagram"> </div> <ul style="list-style-type: none"> c. in addition, on Secs 4-5 Blk Xv Queenstown Tn, (48-50 Beach Street) no part of any building shall protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 12m above any boundary; d. in addition, buildings within that part of the block bound by Man, Brecon, Shotover, and Hay streets shown on the Height Precinct Map as area P1 (i) shall not protrude through a horizontal plane drawn at 330.1 masl and that part of the block shown as P1 (ii) horizontal plane drawn at 327.1 masl. <p>12.5.9.2 In Height Precinct 3 (lower Beach St to Marine Parade and the Earl/ Church Street block) the maximum height shall be 8m and the street front parapet of buildings shall be between 7.5m and 8.5m and may protrude through the height plane.</p> <p>12.5.9.3 For any buildings located on a wharf or jetty, the maximum height shall be 4 m above RL 312.0 masl.</p>	<p>NC</p>	

	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
	<p>12.5.9.4 In Height Precinct 7 (Man Street):</p> <ul style="list-style-type: none"> a. in Area A shown on the Height Precinct Map, the maximum height shall be 11m above RL 327.1 masl. b. in Area B the maximum height shall be 14m above RL 327.1 masl; c. in Viewshaft C the maximum height shall be RL 327.1 masl (i.e. no building is permitted above the existing structure); d. in Viewshaft D, the maximum height shall be 3 m above RL 327.6masl. <p>12.5.9.5 For all other sites within the Town Centre Zone, the maximum height shall be 12m and, in addition, the following shall apply:</p> <ul style="list-style-type: none"> a. in Height Precinct 6 (land bound by Man, Duke and Brecon streets): <ul style="list-style-type: none"> i. no building shall protrude through a horizontal plane drawn at RL 332.20 masl except that decorative parapets may encroach beyond this by a maximum of up to 0.9 metre. This rule shall not apply to any lift tower within a visitor accommodation development in this area, which exceeds the maximum height permitted for buildings by 1 m or less; and ii. no part of any building shall protrude through a recession line inclined towards the site at an angle of 45° commencing from a line 10m above the street boundary. 	

12.5.10	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status																																	
Noise	<p>12.5.10.1 Sound* from activities in the Town Centre Zone and Town Centre Transition Sub-Zone (excluding sound from the sources specified in rules 12.5.10.3 to 12.5.10.5 below) shall not exceed the following noise limits at any point within any other site in these zones:</p> <table border="0" data-bbox="331 869 443 1585"> <tr> <td>a. Daytime</td> <td>(0800 to 2200hrs)</td> <td>60 dB L_{Aeq(15 min)}</td> </tr> <tr> <td>b. Night-time</td> <td>(2200 to 0800hrs)</td> <td>50 dB L_{Aeq(15 min)}</td> </tr> <tr> <td>c. Night-time</td> <td>(2200 to 0800hrs)</td> <td>75 dB L_{Afmax}</td> </tr> </table> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008.</p> <p>12.5.10.2 Sound from activities in the Town Centre Zone and Town Centre Transition Sub-Zone (excluding sound from the sources specified in rules 12.5.10.3 and 12.5.10.4 below) which is received in another zone shall comply with the noise limits set for the zone the sound is received in.</p> <p>12.5.10.3 Within the Town Centre Zone, excluding the Town Centre Transition Sub-Zone sound* from music shall not exceed the following limits:</p> <table border="0" data-bbox="730 817 922 1653"> <tr> <td>a.</td> <td>60 dB L_{Aeq(5 min)} at any point within any other site in the Entertainment Precinct;</td> <td>and</td> </tr> <tr> <td>b.</td> <td>at any point within any other site outside the Entertainment Precinct:</td> <td></td> </tr> <tr> <td></td> <td>i. daytime</td> <td>(0800 to 0100 hrs) 55 dB L_{Aeq(5 min)}</td> </tr> <tr> <td></td> <td>ii. late night (0100 to 0800 hrs)</td> <td>50 dB L_{Aeq(5 min)}</td> </tr> </table> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008, and excluding any special audible characteristics and duration adjustments.</p> <p>12.5.10.4 Within the Town Centre Zone, excluding the Town Centre Transition Sub-Zone sound* from voices shall not exceed the following limits:</p> <table border="0" data-bbox="1090 817 1281 1653"> <tr> <td>a.</td> <td>65 dB L_{Aeq(15 min)} at any point within any other site in the Entertainment Precinct;</td> <td>and</td> </tr> <tr> <td>b.</td> <td>at any point within any other site outside the Entertainment Precinct:</td> <td></td> </tr> <tr> <td></td> <td>i. daytime</td> <td>(0800 to 0100 hrs) 60 dB L_{Aeq(15 min)}</td> </tr> <tr> <td></td> <td>ii. late night (0100 to 0800 hrs)</td> <td>50 dB L_{Aeq(15 min)}</td> </tr> </table> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008.</p>	a. Daytime	(0800 to 2200hrs)	60 dB L _{Aeq(15 min)}	b. Night-time	(2200 to 0800hrs)	50 dB L _{Aeq(15 min)}	c. Night-time	(2200 to 0800hrs)	75 dB L _{Afmax}	a.	60 dB L _{Aeq(5 min)} at any point within any other site in the Entertainment Precinct;	and	b.	at any point within any other site outside the Entertainment Precinct:			i. daytime	(0800 to 0100 hrs) 55 dB L _{Aeq(5 min)}		ii. late night (0100 to 0800 hrs)	50 dB L _{Aeq(5 min)}	a.	65 dB L _{Aeq(15 min)} at any point within any other site in the Entertainment Precinct;	and	b.	at any point within any other site outside the Entertainment Precinct:			i. daytime	(0800 to 0100 hrs) 60 dB L _{Aeq(15 min)}		ii. late night (0100 to 0800 hrs)	50 dB L _{Aeq(15 min)}	NC
a. Daytime	(0800 to 2200hrs)	60 dB L _{Aeq(15 min)}																																	
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a.	60 dB L _{Aeq(5 min)} at any point within any other site in the Entertainment Precinct;	and																																	
b.	at any point within any other site outside the Entertainment Precinct:																																		
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	i. daytime	(0800 to 0100 hrs) 60 dB L _{Aeq(15 min)}																																	
	ii. late night (0100 to 0800 hrs)	50 dB L _{Aeq(15 min)}																																	

	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
	<p>12.5.10.5 Within the Town Centre Zone, excluding the Town Centre Transition Sub-Zone sound* from any loudspeaker outside a building shall not exceed 75 dB $L_{Aeq(5\ min)}$ measured at 0.6 metres from the loudspeaker.</p> <p>* measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008, excluding any special audible characteristics and duration adjustments.</p> <p>Exemptions from Rule 12.5.10:</p> <ol style="list-style-type: none"> the noise limits in 12.5.10.1 and 12.5.10.2 shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999. the noise limits in 12.5.10.1 to 12.5.10.5 shall not apply to outdoor public events pursuant to Chapter 35 of the District Plan. the noise limits in 12.5.10.1 and 12.5.10.2 shall not apply to motor/ water noise from commercial motorised craft within the Queenstown Town Centre Waterfront Sub-Zone which is, instead, subject to Rule 36.5.13. 	
12.5.11	<p>Acoustic insulation, other than in the Entertainment Precinct</p> <p>Where any new building is erected, or a building is modified to accommodate a recent activity:</p> <p>12.5.11.1 A mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 5 in Chapter 36.</p> <p>12.5.11.2 All elements of the façade of any critical listening environment shall have an airborne sound insulation of at least 40 dB $R_w + C_{tr}$, determined in accordance with ISO 10140 and ISO 717-1.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the noise levels that will be received within the critical listening environments, with consideration including the nature and scale of the residential or visitor accommodation activity; the extent of insulation proposed; and whether covenants exist or are being volunteered which limit noise emissions on adjacent sites such that such noise insulation will not be necessary.
12.5.12	<p>Acoustic insulation within the Entertainment Precinct</p> <p>Where any new building is erected, or a building is modified to accommodate a new activity:</p> <p>12.5.12.1 A mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 5 in Chapter 36.</p> <p>12.5.12.2 All elements of the façade of any critical listening environment shall have an airborne sound insulation of at least 40 dB $R_w + C_{tr}$, determined in accordance with ISO 10140 and ISO 717-1.</p>	<p>NC</p>

12.5.13	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
<p>Glare</p> <p>12.5.13.1 All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, and downward so as to limit the effects on views of the night sky.</p> <p>12.5.13.2 No activity in this zone shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any property within the zone, measured at any point inside the boundary of any adjoining property.</p> <p>12.5.13.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is zoned High Density Residential measured at any point more than 2m inside the boundary of the adjoining property.</p>	<p>NC</p>	

12.6 Rules - Non-Notification of Applications

12.6.1 Applications for Controlled activities shall not require the written approval of other persons and shall not be notified or limited-notified except:

12.6.1.1 Where visitor accommodation includes a proposal for vehicle access directly onto a State Highway.

12.6.2 The following Restricted Discretionary activities shall not require the written approval of other persons and shall not be notified or limited notified:

12.6.2.1 Buildings.

12.6.2.2 Building coverage in the Town Centre Transition Sub-Zone and comprehensive development .

12.6.2.3 Waste and recycling storage space.

12.6.3 The following Restricted Discretionary activities will not be publicly notified but notice will be served on those persons considered to be adversely affected if those persons have not given their written approval:

12.6.3.1 Discretionary building height in Height Precinct 1 and Height Precinct 1(A).

Figure 1: Identified Pedestrian Links

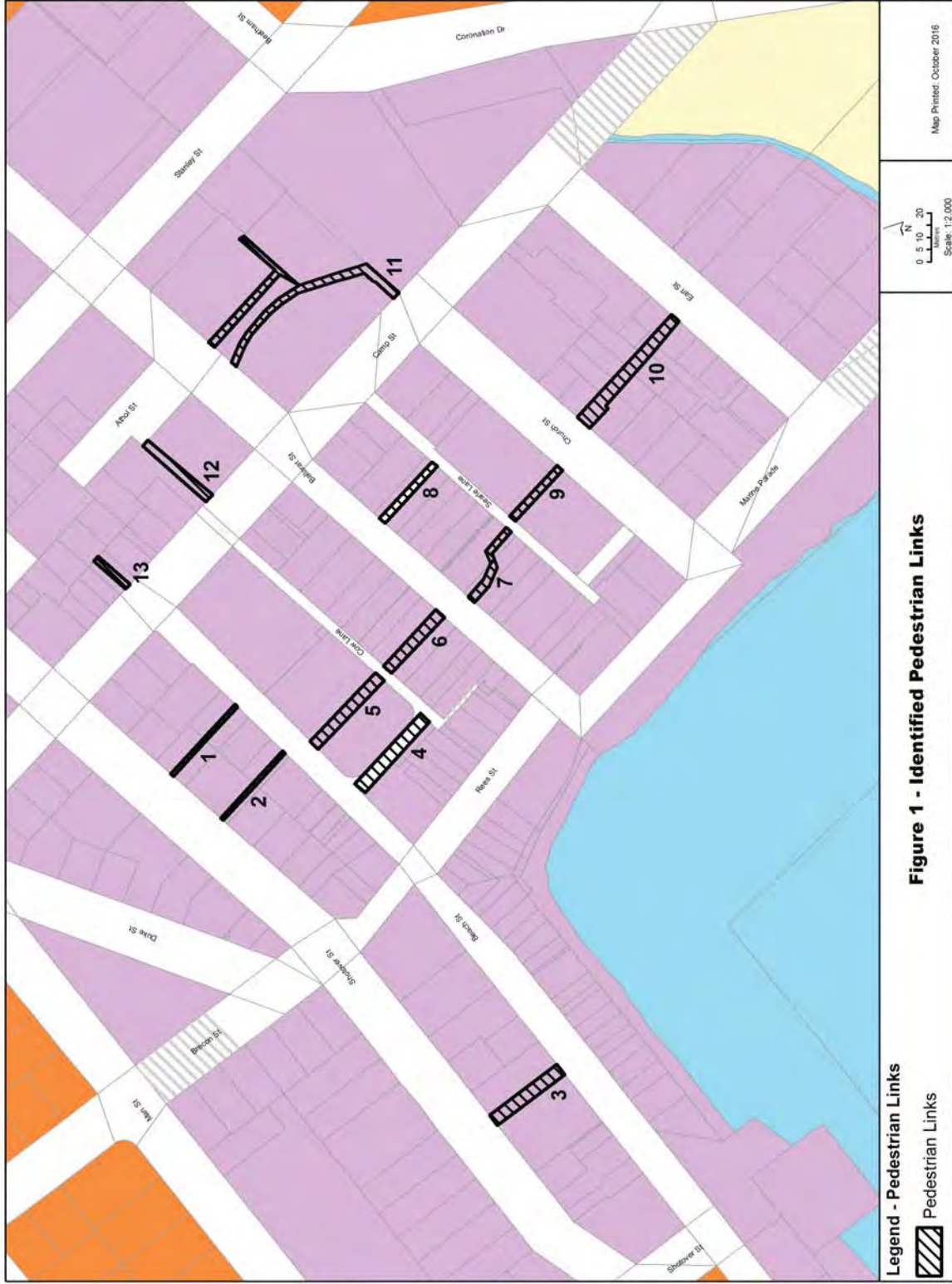
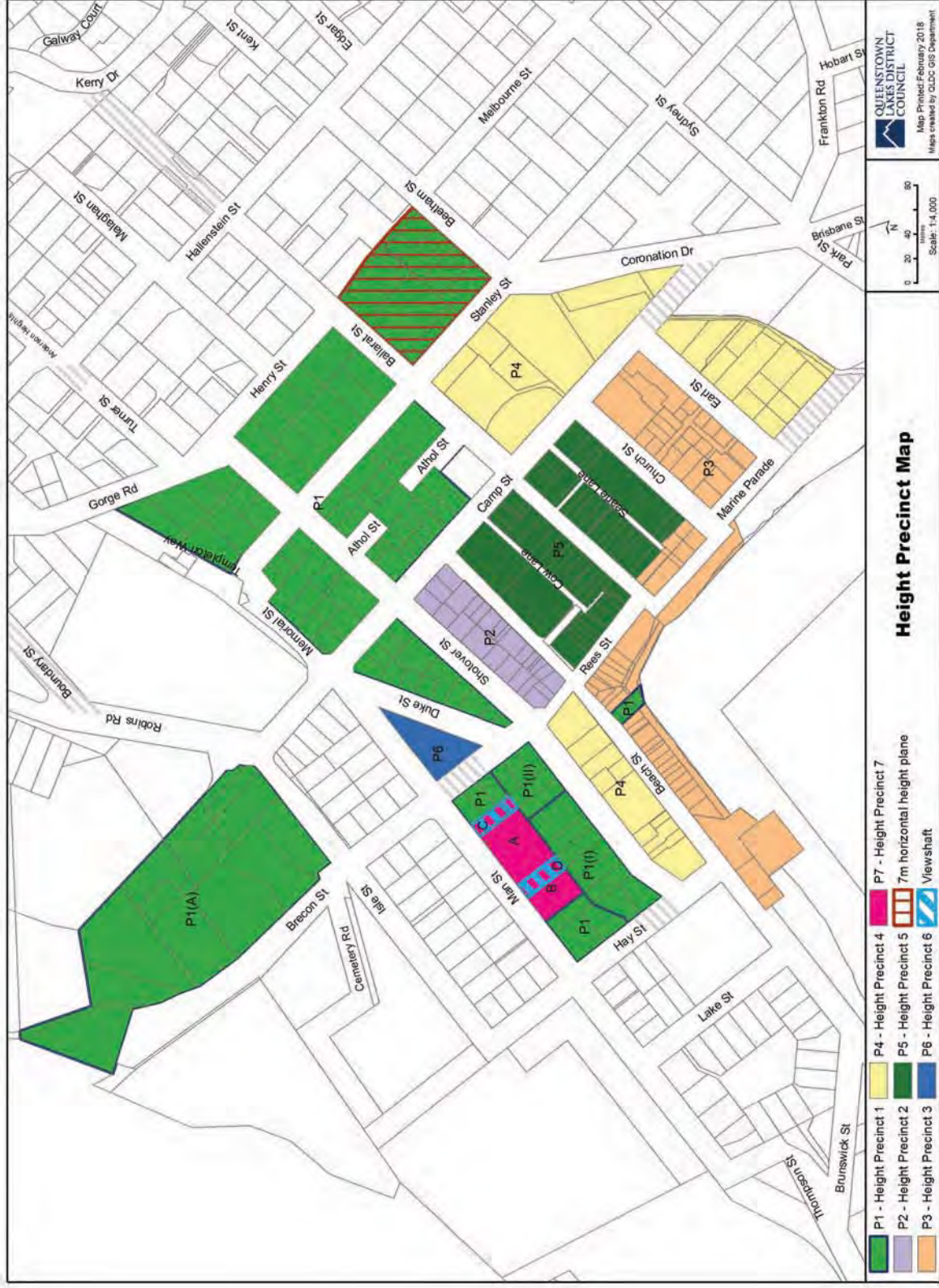


Figure 2: Queenstown Town Centre Height precinct map



Appendix 2: Chapter 13 – Wanaka Town Centre Zone as Recommended

13 WANAKA TOWN CENTRE

13.1 Zone Purpose

Town centres provide a focus for community life, retail, entertainment, business and services. They provide a vital function for serving the needs of residents, and as key destinations for visitors to our District, and provide a diverse range of visitor accommodation and visitor-related businesses. High visitor flows significantly contribute to the vibrancy and economic viability of the centres.

Wanaka's Town Centre is located in a prime lakeside setting, with spectacular views of the mountains and easy access to the lakeside, walkways and public parks. The centre will serve a growing resident population and visitor numbers, for which it plays a vital role as the focal point for community activities and amenities. It will be large enough to provide a range of retailing, business and entertainment options, but remains compact so as to be accessible on foot. Intensifying residential properties and visitor accommodation will adjoin the fringes of the centre, adding to its vibrancy.

13.2 Objectives and Policies

13.2.1 Objective – Wanaka Town Centre remains the principal focus for commercial, administrative, cultural, entertainment and visitor activities in the Upper Glutha area.

Policies

- 13.2.1.1** Provide for a diverse range of activities that meet the needs of residents and visitors, and enable the Town Centre to have a broad economic base that maintains its status as the principal centre recognising the existing mixed use character of that area, and making a clear distinction between that transition area and the adjacent residential zone.
- 13.2.1.2** Enable residential activities and visitor accommodation activities above ground floor level whilst acknowledging that there will be a lower level of residential amenity due to the mix of activities and late night nature of the Town Centre.
- 13.2.1.3** Recognise the important contribution that night time activity makes to the vibrancy and economic prosperity of the Town Centre by enabling restaurant and bar activities to occur without unduly restrictive noise controls.

13.2.2 Objective – Wanaka is a compact, convenient and attractive Town Centre that has opportunities for controlled expansion and intensification.

Policies

- 13.2.2.1** Provide for future controlled growth opportunities through the Town Centre Transition Overlay, which enables appropriate town centre activities to establish in a discrete area of residential-zoned land adjoining the Town Centre, recognising the existing mixed use character of that area, and making a clear distinction between that transition area and the adjacent residential zone.

- 13.2.2.2** Discourage outward expansion of town centre activities in areas other than the Town Centre Transition Overlay in order to ensure that the Town Centre maintains a compact form.
- 13.2.2.3** Enable opportunities for further intensification of development in the Town Centre by providing more generous building heights in the Wanaka Height Precincts.
- 13.2.2.4** Acknowledge and celebrate our cultural heritage, including incorporating reference to Tangata whenua values, in the design of public spaces, where appropriate.

13.2.3 Objective – Wanaka Town Centre retains a low scale built form that maintains a human scale.

- Policies
- 13.2.3.1** Ensure that the scale of development generally comprises no more than two to three storeys, with the potential to develop a recessed fourth storey in the Wanaka Height Precinct P1.
 - 13.2.3.2** Provide for consideration of minor height infringements where they help achieve higher quality design outcomes and do not significantly adversely affect amenity values.

13.2.4 Objective – New development achieves high quality urban design outcomes that respond to the town's built character and sense of place.

- Policies
- 13.2.4.1** Encourage new developments to be consistent with the design outcomes sought by the Wanaka Town Centre Character Guideline 2011.
 - 13.2.4.2** Encourage building design that integrates with public spaces and facilitates the flow of pedestrians through the town centre by providing guidance through the Wanaka Town Centre Character Guideline 2011.
 - 13.2.4.3** Control the height, scale, appearance and location of buildings in order to achieve a built form that complements the existing patterns of development and is consistent with the amenity values of the Town Centre.
 - 13.2.4.4** Encourage building appearance that is responsive to and reflects the essential character of the Town Centre and its unique environmental setting.
 - 13.2.4.5** Control the design and appearance of verandas so they integrate well with the buildings they are attached to and complement the overall streetscape and do not interfere with kerbside movements of high-sided vehicles, whilst providing appropriate cover for pedestrians.
 - 13.2.4.6** Ensure that outdoor storage areas are appropriately located and screened to limit any adverse visual effects and to be consistent with the amenity values of the Town Centre.

13.2.4.7 Require high quality comprehensive developments on large sites which provide primarily for pedestrian links and lanes, open spaces, outdoor dining, and well planned storage and loading/ servicing areas within the development.

13.2.5 Objective – Appropriate limits are placed on town centre activities to minimise adverse environmental effects received both within and beyond the Town Centre.

Policies

- 13.2.5.1** Acknowledge that some activities occurring in vibrant town centres can generate higher noise emissions by providing a higher noise limit in the Lower Ardmore Entertainment Precinct.
- 13.2.5.2** Locate the Lower Ardmore Entertainment Precinct so as to minimise the impacts of the higher noise limit on properties in the Residential Zones near the Town Centre.
- 13.2.5.3** Ensure that the location and direction of lights in the Town Centre does not cause significant glare to other properties, roads, and public places and promote lighting design that mitigates adverse effects on views of the night sky.
- 13.2.5.4** Acknowledge that parts of the Wanaka Town Centre are susceptible to flood risk and require appropriate measures to limit the impact of flooding or ponding in areas of known risk.
- 13.2.5.5** Avoid the establishment of activities that are not consistent with the amenity values of the Town Centre, cause inappropriate environmental effects, and are more appropriately located in other zones.
- 13.2.5.6** Minimise conflicts between the Town Centre and the adjacent residential zone by avoiding high levels of night time noise being generated on the periphery of the Town Centre.
- 12.3.5.7** Recognise the important contribution that night time activity makes to the vibrancy and economic prosperity of the Town Centre and specifically provide for those activities while mitigating effects on residential amenity by:
- a. enabling night time dining and socialising, both indoors and outdoors, to varying degrees throughout the Town Centre depending on the location of the activity; and
 - b. providing for noisier night time activity within the Lower Ardmore Entertainment Precinct in order to minimise effects on Residential Zones adjacent to the Town Centre; and
 - c. ensuring that the nature and scale of licensed premises located north of Ardmore Street result in effects that are compatible with adjoining Residential Zones; and
 - d. enabling night time activities within the Town Centre Zone provided they comply with the noise limits; and
 - e. requiring acoustic insulation for critical listening environments (including residential activities and visitor accommodation) to limit the impact of town centre noise on occupants.

13.2.6 Objective – Pedestrian, cycle and vehicle linkages are safe and convenient, enabling people to easily negotiate their way through and around the Town Centre.

Policies

- 13.2.6.1** Implement street, traffic and car parking management and other public open space improvements to enhance pedestrian amenity and improve the flow of pedestrians, cyclists and vehicles through the Town Centre.
- 13.2.6.2** Provide pedestrian linkages that promote coherence of the built form of the Town Centre and are designed so as to receive levels of sunlight and weather protection as appropriate to the overall character of the particular locality.
- 13.2.6.3** Minimise opportunities for criminal activity through incorporating Crime Prevention Through Environmental Design (CPTED) principles as appropriate in the design of lot configuration, public and semi-public spaces, linkages and landscaping.
- 13.2.6.4** Provide an adequate range of parking options so residents and visitors can access the Town Centre with off-street parking predominantly located at the periphery in order to limit the impact of vehicles.

13.3 Other Provisions and Rules

13.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1	Introduction	2	Definitions	3	Strategic Direction
4	Urban Development	5	Tangata Whenua	6	Landscapes and Rural Character
25	<i>Earthworks</i>	26	Historic Heritage	27	Subdivision
28	Natural Hazards	29	<i>Transport</i>	30	Energy and Utilities
31	<i>Signs</i>	32	Protected Trees	33	Indigenous Vegetation
34	Wilding Exotic Trees	35	Temporary Activities and Relocated Buildings	36	Noise
37	Designations		Planning Maps		

13.3.2 Interpreting and Apply the Rules

- 13.3.2.1** A permitted activity must comply with all the rules listed in the Activity and Standards tables.
- 13.3.2.2** Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the 'Non-Compliance Status' column shall apply.
- 13.3.2.3** Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.
- 13.3.2.4** The following abbreviations are used within this Chapter.

P	Permitted	C	Controlled	RD	Restricted Discretionary
D	Discretionary	NC	Non-Complying	PR	Prohibited

13.4 Rules - Activities

Activities located in the Wanaka Town Centre Zone		Activity Status
13.4.1	Activities which are not listed in this table and comply with all standards	P
13.4.2		C
13.4.3	<p>Visitor Accommodation</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. The location, provision, and screening of access and parking, traffic generation, and Travel Demand Management; b. Landscaping; c. The location, nature and scale of visitor accommodation and ancillary activities relative to one another within the site and relative to neighbouring use; d. the location and screening of bus and car parking from public places to ensure visual amenity is adequately protected; and e. where the site adjoins a residential zone: <ul style="list-style-type: none"> i. noise generation and methods of mitigation; and ii. hours of operation, in respect of ancillary activities. 	C

13.4.4	Activities located in the Wanaka Town Centre Zone	Activity Status
	<p>Buildings</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. external appearance and materials; b. signage platform; c. lighting; d. impact on the street (to be guided by the Wanaka Town Centre Character Guideline 2011); and e. where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ol style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated. <p>To ensure that:</p> <ol style="list-style-type: none"> a. the design of the building blends well with and contributes to an integrated built form; b. the external appearance of the building is sympathetic to the surrounding natural and built environment. The use of stone, schist, plaster or natural timber is encouraged; c. the views along a street or of significant view-shafts have been considered and responded to; d. the building facade provides an active interface to open space on to which it fronts, and the detail of the facade is sympathetic to other buildings in the vicinity, having regard to: <ol style="list-style-type: none"> i. building materials; ii. glazing treatment; iii. symmetry; iv. external appearance; v. human scale; vi. vertical and horizontal emphasis; and vii. storage areas are appropriately located and screened. 	RD

	Activities located in the Wanaka Town Centre Zone	Activity Status
13.4.5	<p>Licensed Premises</p> <p>Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor:</p> <p>13.4.5.1 To any person who is residing (permanently or temporarily) on the premises; and/or</p> <p>13.4.5.2 To any person who is present on the premises for the purpose of dining up until 12am.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • the scale of the activity; • car parking and traffic generation; • effects on amenity (including that of adjoining residential zones and public reserves); • the configuration of activities within the building and site (e.g. outdoor seating, entrances); • noise issues; and • hours of operation. 	RD
13.4.6	Industrial Activities not otherwise provided for in this table	NC
13.4.7	Factory Farming	PR
13.4.8	Forestry Activities	PR
13.4.9	Mining Activities	PR
13.4.10	Airport	PR
13.4.11	Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building.	PR
13.4.12	Fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket).	PR
13.4.13	Any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR

13.5

Rules - Standards

Standards for activities located in the Wanaka Town Centre Zone		Non-compliance status
13.5.1	<p>Setbacks and sunlight access – sites adjoining a Residential zone</p> <p>13.5.1.1 Buildings shall not project beyond a recession line constructed at an angle of 34° inclined towards the site from points 3m above any Residential Zone boundary.</p> <p>13.5.1.2 Where a site adjoins a Residential Zone all buildings shall be set back not less than 3m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the visual effects of the height, scale, location and appearance of the building, in terms of dominance and loss of privacy on adjoining properties and any resultant shading effects.
13.5.2	<p>Storage</p> <p>13.5.2.1 For all buildings with frontage to Helwick Street, Dunmore Street and Ardmore Street (west of Bullock Creek) storage areas shall be situated within the building or accessed from a service lane at the rear of the property.</p> <p>13.5.2.2 In all other parts of the Town Centre Zone storage areas shall be screened from view from all public places and adjoining zones.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the effects on visual amenity; consistency with the character of the locality; and whether pedestrian and vehicle access is compromised.
13.5.3	<p>Residential Activities</p> <p>All residential activities shall be restricted to first floor level or above, with the exception of foyer and stairway spaces at ground level to facilitate access to upper levels.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the effects on surrounding buildings and activities; and the maintenance of an active street frontage.
13.5.4	<p>Flood Risk</p> <p>No building greater than 20m² with a ground floor level less than RL 281.9 masl shall be relocated to a site, reconstructed on a site, within this zone.</p> <p>Note: This ground floor minimum includes 1.3 metres to allow for wave action where necessary.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the level of risk from flooding and whether the risk can be appropriately avoided or mitigated; and the extent to which the construction of the building will result in the increased vulnerability of other sites to flooding.
13.5.5	<p>Verandas</p> <p>Every building with road frontage to Helwick Street, Dunmore Street and Ardmore Street shall, on its erection or on being reconstructed or altered in a way that substantially changes its external appearance at the road frontage, be provided with a veranda which shall be situated no higher than 3m above pavement level and shall provide continuous cover for pedestrians.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> consistency with the Wanaka Town Centre Character Guideline (2011); effects on pedestrian amenity; the human scale of the built form; and historic heritage values (where relevant).

Standards for activities located in the Wanaka Town Centre Zone		Non-compliance status
13.5.6	<p>Setbacks from front boundaries</p> <p>All buildings shall be built up to the street boundary along the full street frontage of the site except where a pedestrian link is provided. Nothing in this rule shall preclude the inclusion of recessed entrances within any facade up to a depth of 1.5m and a width of 2m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the effects on the quality of the overall streetscape (including sunlight access, the creation of a consistent building setback and widening of the street over time).
13.5.7	<p>Acoustic insulation</p> <p>13.5.7.1 A mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 5 in Chapter 36.</p> <p>13.5.7.2 All elements of the façade of any critical listening environment shall have an airborne sound insulation of at least 40 dB Rw+Ctr determined in accordance with ISO 10140 and ISO 717-1.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the noise levels that will be received within the critical listening environments, with consideration including the nature and scale of the residential or visitor accommodation activity; the extent of insulation proposed; and whether covenants exist or are being volunteered which limit noise emissions on adjacent sites and/or impose no complaints covenants on the site.
13.5.8	<p>Maximum building height for all buildings other than those in the Wanaka Height Precincts</p> <p>The maximum building height shall be 8m to the eave line and 10m to the ridge line.</p>	NC
13.5.9	<p>Maximum building height for buildings in the Wanaka Height Precincts</p> <p>13.5.9.1 In Height Precinct P1, the maximum building height shall be 12m to the eave line and 14m to the ridge line.</p> <p>13.5.9.2 In Height Precinct P1, any fourth storey (excluding basements) and above shall be set back a minimum of 3m from the building frontage.</p> <p>13.5.9.3 In Height Precinct P2, the maximum building height shall be 10m to the eave line and 12m to the ridge line and shall comprise no more than 3 storeys, excluding basements.</p>	NC

13.5.10	Standards for activities located in the Wanaka Town Centre Zone	Non-compliance status
Noise	<p>Town Centre Zone (including the Lower Ardmore Entertainment Precinct):</p> <p>13.5.10.1 Sound* from activities in the Town Centre Zone (excluding sound from the sources specified in rules 13.5.10.3 to 13.5.10.5 below) shall not exceed the following noise limits at any point within any other site in this zone:</p> <ul style="list-style-type: none"> a. Daytime (0800 to 2200hrs) 60 dB $L_{Aeq}(1.5 \text{ min})$ b. Night-time (2200 to 0800hrs) 50 dB $L_{Aeq}(1.5 \text{ min})$ c. Night-time (2200 to 0800hrs) 75 dB $L_{A, Fmax}$ <p><i>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008</i></p> <p>13.5.10.2 Sound from activities in the Town Centre Zone (excluding sound from the sources specified in rules 13.5.10.3 and 13.5.10.4 below) which is received in another zone shall comply with the noise limits set for the zone the sound is received in.</p> <p>13.5.10.3 Within the Town Centre Zone but excluding those sites north of Ardmore Street, sound* from music shall not exceed the following limits:</p> <ul style="list-style-type: none"> a. 60 dB LAeq(5 min) at any point within any other site in the Lower Ardmore Entertainment Precinct; and b. 55 dB LAeq(5 min) at any point within any other site outside the Lower Ardmore Entertainment Precinct. <p><i>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008, and excluding any special audible characteristics and duration adjustments.</i></p> <p>13.5.10.4 Within the Town Centre Zone but excluding those sites north of Ardmore Street, sound* from voices shall not exceed the following limits:</p> <ul style="list-style-type: none"> a. 65 dB LAeq(15 min) at any point within any other site in the Entertainment Precinct; and b. 60 dB LAeq(15 min) at any point within any other site outside the Entertainment Precinct. <p><i>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008.</i></p> <p>13.5.10.5 Within the Town Centre Zone but excluding those sites north of Ardmore Street, sound* from any loudspeaker outside a building shall not exceed 75 dB LAeq(5 min) measured at 0.6 metres from the loudspeaker.</p> <p><i>* measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008, excluding any special audible characteristics and duration adjustments.</i></p>	NC

	Standards for activities located in the Wanaka Town Centre Zone	Non-compliance status
<p>13.5.11</p>	<p>Exemptions:</p> <ul style="list-style-type: none"> a. the noise limits in 13.5.10.1 and 13.5.10.2 shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999,; b. the noise limits in 13.5.10.1 to 13.5.10.5 shall not apply to outdoor public events pursuant to Chapter 35 of the District Plan. <p>Note: Sound from activities in this zone which is received in another zone shall comply with the noise limits set out in Chapter 36 for that zone.</p> <p>Glare</p> <p>13.5.11.1 All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, and directed downward so as to limit the effects on views of the night sky.</p> <p>13.5.11.2 No activity shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining property within the Zone, measured at any point inside the boundary of any adjoining property.</p> <p>13.5.11.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is zoned residential measured at any point more than 2m inside the boundary of the adjoining property.</p> <p>13.5.11.4 External building materials shall either be coated in colours which have a reflectance value of between 0 and 36%; or consist of unpainted wood (including sealed or stained wood), unpainted stone, unpainted concrete, or copper.</p> <p>Except that:</p> <ul style="list-style-type: none"> a. architectural features, including doors and window frames, may be any colour; and b. roof colours shall have a reflectance value of between 0 and 20%. <p>Service Lanes</p> <p>Any development, redevelopment or substantial alteration of any site or property within this zone shall make provision for such service lane or through-site pedestrian access as indicated on Planning Map No. 21. Such provision shall be taken into account in the assessment of development levies applicable to the development, redevelopment or alteration. Service lanes shall be subdivided and vested in the Council.</p>	<p>NC</p>
<p>13.5.12</p>	<p>Service Lanes</p> <p>Any development, redevelopment or substantial alteration of any site or property within this zone shall make provision for such service lane or through-site pedestrian access as indicated on Planning Map No. 21. Such provision shall be taken into account in the assessment of development levies applicable to the development, redevelopment or alteration. Service lanes shall be subdivided and vested in the Council.</p>	<p>NC</p>

13.5.13	Standards for activities located in the Wanaka Town Centre Zone	Non-compliance status
<p>Maximum building coverage in relation to comprehensive developments</p> <p>13.5.13.1 When undertaking a comprehensive development (as defined), the maximum building coverage calculated over the whole land area shall be 75%.</p> <p>13.5.13.2 When undertaking a comprehensive development the application shall include a comprehensive development plan that covers the entire development area and is of sufficient detail to enable the matters of discretion listed to be fully considered.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the adequate provision of pedestrian links, open spaces, outdoor dining opportunities; the adequate provision of storage and loading/ servicing areas; the provision of open space within the site, for outdoor dining or other purposes; the site layout and location of buildings, public access to the buildings, and landscaping, particularly in relation to how the layout of buildings and open space interfaces with the street edge and any adjoining public places and how it protects and provides for view shafts, taking into account the need for active street frontages, compatibility with the character and scale of nearby residential zones, and the amenity and safety of adjoining public spaces and designated sites. 	

13.6

Rules - Non-Notification of Applications

13.6.1 Applications for Controlled activities shall not require the written approval of other persons and shall not be notified or limited-notified.

13.6.2 The following Restricted Discretionary activities shall not require the written approval of other persons and shall not be notified or limited-notified:

13.6.2.1 Buildings.

13.6.2.2 Building coverage in relation to comprehensive developments.

13.6.3 The following Restricted Discretionary activities will not be publicly notified but notice will be served on those persons considered to be adversely affected if those persons have not given their written approval:

13.6.3.1 Setbacks and sunlight access - sites adjoining a Residential Zone.

Appendix 3: Chapter 14: - Arrowtown Town Centre Zone as Recommended

14 ARROWTOWN TOWN CENTRE

14.1 Zone Purpose

Town centres provide a focus for community life, retail, entertainment, business and services. They provide a vital function for serving the needs of residents, and as key destinations for visitors to our District, and provide a diverse range of visitor accommodation and visitor-related businesses. High visitor flows significantly contribute to the vibrancy and economic viability of the centres.

Arrowtown's special heritage character attracts those visiting the District, and the Town Centre provides business and retailing for local residents at a boutique scale. The centre will serve a growing resident population and visitor numbers, and will continue to be a focal point for community activities and amenities. Its compact form enables people to access the Town Centre on foot. Links and pathways facilitate the movement of pedestrians, adding interest for visitors exploring the centre, and complementing the town's character

14.2 Objectives and Policies

14.2.1 Objective – New development celebrates the town's historic character and is sympathetic to its environmental setting.

Policies

- 14.2.1.1** Control the height, scale, appearance and location of buildings in order to achieve a built form that complements the existing patterns of development and reflects the essential historic character of the Town Centre and its unique environmental setting.
- 14.2.1.2** Ensure that any additions or alterations to buildings are undertaken in a manner that complements and respects the historic character guided by the outcomes sought by the Arrowtown Design Guidelines 2016.
- 14.2.1.3** Acknowledge that new buildings do not necessarily need to replicate historic building styles, but must blend in with and contribute to the established character of the Town Centre.
- 14.2.1.4** Encourage building design that integrates with public spaces and facilitates the flow of pedestrians through the Town Centre.
- 14.2.1.5** Control the design and appearance of verandas so they integrate well with the buildings they are attached to and complement the overall streetscape, while providing appropriate cover for pedestrians.

14.2.2 Objective – Arrowtown remains a compact, convenient and attractive Town Centre that has a low scale built form, with limited opportunities for expansion.

Policies

- 14.2.2.1** Provide for the controlled expansion of town centre activities through the Town Centre Transition Overlay, which enables appropriate town centre activities to establish in a discrete area of residential-zoned land adjoining the Town Centre.

- 14.2.2.2** Discourage outward expansion of town centre activities in areas other than the Town Centre Transition Overlay in order to ensure that the Town Centre maintains a compact form.
- 14.2.2.3** Ensure that development generally comprises a low scale to maintain consistency with the scale and character of existing Town Centre buildings.
- 14.2.2.4** Provide for consideration of minor height infringements where they help achieve higher quality design outcomes and do not significantly adversely affect amenity values.
- 14.2.2.5** Acknowledge and celebrate our cultural heritage, including incorporating reference to Tangata Whenua values, in the design of public spaces, where appropriate.
- 14.2.2.6** Ensure that outdoor storage areas are appropriately located and screened to limit adverse visual effects and to be consistent with the amenity values of the Town Centre.

14.2.3 Objective – Arrowtown Town Centre remains a focus for commercial, cultural, entertainment and visitor activities.

Policies

- 14.2.3.1** Provide for a diverse range of activities that meet the needs of residents and visitors, and enables the Town Centre to have a broad economic base.
- 14.2.3.2** Enable residential activities and visitor accommodation activities above ground floor level whilst acknowledging that there will be a lower level of residential amenity due to the mix of activities of the Town Centre.

14.2.4 Objective – Appropriate limits are placed on town centre activities to minimise adverse environmental effects within and beyond the Town Centre.

Policies

- 14.2.4.1** Provide appropriate noise limits for town centre activities to minimise adverse noise effects received within the Town Centre and by nearby properties.
- 14.2.4.2** Avoid the establishment of activities that cause noxious effects that are not appropriate for the Town Centre.
- 14.2.4.3** Ensure that the location and direction of lights in the Town Centre does not cause significant glare to other properties, roads, and public places and promote lighting design that mitigates adverse effects on views of the night sky.
- 14.2.4.4** Avoid the establishment of activities that are not consistent with the amenity values of the Town Centre, cause inappropriate environmental effects, and are more appropriately located in other zones.

14.2.5 Objective – The Town Centre’s transport network and pedestrian linkages recognise Arrowtown’s heritage values, enabling the safe and convenient movement of people and goods.

Policies

- 14.2.5.1** Implement programmes of street and other public open space improvements in a manner that is consistent with the town’s heritage values, to enhance pedestrian amenity and improve the flow of pedestrians through the Town Centre.
- 14.2.5.2** Pedestrian linkages enable people to easily negotiate their way through and around the Town Centre, including linkages with the Arrow River recreation area.
- 14.2.5.3** Minimise opportunities for criminal activity through incorporating Crime Prevention Through Environmental Design (CPTED) principles as appropriate in the design of lot configuration, public and semi-public spaces, and landscaping.
- 14.2.5.4** Encourage vehicle loading areas to be located in streets other than Buckingham Street to avoid impacting on pedestrian and vehicle movements, and to limit any adverse effects on amenity.
- 14.2.5.5** Encourage the location of off-street parking at appropriate locations on the periphery of the Town Centre so as to limit the impact of vehicles on Town Centre amenity, particularly during peak visitor periods.
- 14.2.5.6** Manage the transport network and traffic so as to reduce its negative impacts on the Town Centre and to increase safety and amenity for pedestrians.

14.3 Other Provisions and Rules

14.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1	Introduction	2	Definitions	3	Strategic Direction
4	Urban Development	5	Tangata Whenua	6	Landscapes and Rural Character
25	Earthworks	26	Historic Heritage	27	Subdivision
28	Natural Hazards	29	Transport	30	Energy and Utilities
31	Signs	32	Protected Trees	33	Indigenous Vegetation
34	Wilding Exotic Trees	35	Temporary Activities and Relocated Buildings	36	Noise
37	Designations		Planning Maps		

14.3.2 Interpreting and Applying the Rules

- 14.3.2.1** A permitted activity must comply with all the rules listed in the Activity and Standards tables.
- 14.3.2.2** Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the 'Non-Compliance Status' column shall apply.
- 14.3.2.3** Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.
- 14.3.2.4** The following abbreviations are used within this Chapter.

P	Permitted	C	Controlled	RD	Restricted
D	Discretionary	NC	Non-Complying	PR	Prohibited

Rules - Activities

14.4

Activities located in the Arrowtown Town Centre Zone		Activity status
14.4.1	Activities which are not listed in this table and comply with all standards	P
14.4.2	<p>Verandas</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> design, appearance, materials, impact on and relationship to adjoining verandas (to be guided by the Arrowtown Design Guidelines 2016) to avoid, remedy or mitigate adverse effects on: <ol style="list-style-type: none"> neighbouring buildings and verandas; the extent to which the veranda affects the use and enjoyment of the streetscape; and the appearance of the building. 	C
14.4.3	<p>Visitor Accommodation</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> the location, provision, and screening of access and parking, traffic generation, and Travel Demand Management; landscaping; the location, nature and scale of visitor accommodation and ancillary activities relative to one another within the site and relative to neighbouring uses; the location and screening of bus and car parking from public places to ensure visual amenity is adequately protected; and where the site adjoins a Residential Zone: <ol style="list-style-type: none"> noise generation and methods of mitigation; and hours of operation, in respect of ancillary activities. 	C

Activities located in the Arrowtown Town Centre Zone		Activity status
14.4.4	<p>Buildings (including external alterations to existing buildings)</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. external appearance; b. materials; c. signage platform; d. lighting; e. impact on the street; f. relationship to heritage values (to be guided by the Arrowtown Design Guidelines 2016); g. compatibility with adjoining buildings; h. the retention of pedestrian linkages between Arrow Lane, Buckingham Street and Ramshaw Lane, having regard to the National Guidelines for Crime Prevention Through Environmental Design (CPTED); and i. where the site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ul style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. whether such risk can be avoided or sufficiently reduced. 	RD
14.4.5	<p>Licensed Premises</p> <p>Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor:</p> <p>14.4.5.1 to any person who is residing (permanently or temporarily) on the premises;</p> <p>14.4.5.2 to any person who is present on the premises for the purpose of dining up until 12am.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the scale of the activity; b. car parking and traffic generation; c. effects on amenity (including that of adjoining residential zones and public reserves); d. the configuration of activities within the building and site (e.g. outdoor seating, entrances); e. noise issues; and f. hours of operation. 	RD
14.4.6	Industrial Activities not otherwise provided for in this table	NC
14.4.7	Factory Farming	PR
14.4.8	Forestry Activities	PR

Activities located in the Arrowtown Town Centre Zone		Activity status
14.4.9	Mining Activities	PR
14.4.10	Airport	PR
14.4.11	Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building.	PR
14.4.12	Fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket).	PR
14.4.13	Any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR

14.5

Rules - Standards

Standards for activities located in the Arrowtown Town Centre Zone		Non-compliance status
14.5.1	<p>Building Coverage: Maximum building coverage 90%.</p>	<p>RD Discretion is restricted to:</p> <ol style="list-style-type: none"> consistency with the Arrowtown Design Guidelines 2016; effects on the streetscape; and ability to meet storage and loading requirements.
14.5.2	<p>Setback from internal boundaries: There shall be a minimum setback of 3m from any rear boundary.</p>	<p>RD Discretion is restricted to:</p> <ol style="list-style-type: none"> consistency with the Arrowtown Design Guidelines 2016; sunlight access to and outlook of neighbouring properties; and ability to meet storage and loading requirements.
14.5.3	<p>Storage</p> <p>14.5.3.1 For all buildings with frontage to Buckingham Street storage areas shall be situated within the building or accessed from a service lane at the rear of the property.</p> <p>14.5.3.2 Where a storage area does not form part of a building the storage area shall be screened from view from all public places and adjoining zones.</p>	<p>RD Discretion is restricted to:</p> <ol style="list-style-type: none"> the effects on visual amenity; consistency with the character of the locality; and whether pedestrian and vehicle access is compromised.

Standards for activities located in the Arrowtown Town Centre Zone		Non-compliance status									
14.5.4	<p>Sunlight access and amenity – boundaries adjoining the Residential Arrowtown Historic Management Zone</p> <p>Buildings shall not project beyond a recession line constructed at an angle of 35° inclined towards the site from points 5m above the site boundary, except that gable ends may project beyond the recession line where the maximum height of the gable end is no greater than 2m above the recession line.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the visual effects of the height, scale, location and appearance of the building in terms of dominance and loss of privacy on adjoining properties, and any resultant shading effects. 									
14.5.5	<p>Residential Activities</p> <p>All residential activities shall be restricted to first floor level, with the exception of foyer and stairway spaces at ground level to facilitate access to upper levels.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the effects on surrounding buildings and activities; and the maintenance of an active street frontage. 									
14.5.6	<p>Loading</p> <p>Notwithstanding the requirements in the Transport Chapter concerning the provision of loading spaces, there shall be no vehicle access to any loading or storage space from Buckingham Street, except where there is no practical alternative access available from Ramshaw Lane or Arrow Lane.</p>	D									
14.5.7	<p>Building Height</p> <p>The maximum building height shall be 7m.</p>	NC									
14.5.8	<p>Noise</p> <p>14.5.8.1 Sound* from activities shall not exceed the following noise limits at any point within any other site in this zone:</p> <table border="0"> <tr> <td>a. Daytime</td> <td>(0800 to 2200hrs)</td> <td>60 dB $L_{Aeq}(15 min)$</td> </tr> <tr> <td>b. Night-time</td> <td>(2200 to 0800hrs)</td> <td>50 dB $L_{Aeq}(15 min)$</td> </tr> <tr> <td>c. Night-time</td> <td>(2200 to 0800hrs)</td> <td>75 dB L_{AFmax}</td> </tr> </table> <p><i>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008</i></p> <p>Exemptions:</p> <ol style="list-style-type: none"> the noise limits in rule 14.5.8.1 shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999; the noise limits in rule 14.5.8.1 shall not apply to permitted outdoor public events pursuant to Rule 35.4.7 of the District Plan. <p>Note: Sound from activities which is received in another zone shall comply with the noise limits set out in Chapter 36 for that zone.</p>	a. Daytime	(0800 to 2200hrs)	60 dB $L_{Aeq}(15 min)$	b. Night-time	(2200 to 0800hrs)	50 dB $L_{Aeq}(15 min)$	c. Night-time	(2200 to 0800hrs)	75 dB L_{AFmax}	NC
a. Daytime	(0800 to 2200hrs)	60 dB $L_{Aeq}(15 min)$									
b. Night-time	(2200 to 0800hrs)	50 dB $L_{Aeq}(15 min)$									
c. Night-time	(2200 to 0800hrs)	75 dB L_{AFmax}									

14.5.9	Standards for activities located in the Arrowtown Town Centre Zone	Non-compliance status
Glare	<p data-bbox="220 943 331 1944">14.5.9.1 All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places and directed downwards so as to limit the effects on views of the night sky.</p> <p data-bbox="363 943 443 1944">14.5.9.2 No activity in this zone shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any property within the zone, measured at any point inside the boundary of any adjoining property.</p> <p data-bbox="475 943 555 1944">14.5.9.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is zoned Residential measured at any point more than 2m inside the boundary of the adjoining property.</p> <p data-bbox="587 943 647 1944">14.5.9.4 All roofs of buildings shall be finished or treated so they do not give rise to glare when viewed from any public place or neighbouring property.</p>	NC

14.6

Rules - Non-Notification of Applications

14.6.1 Applications for Controlled activities shall not require the written approval of other persons and shall not be notified or limited-notified.

14.6.2 The following Restricted Discretionary activities shall not require the written approval of other persons and shall not be notified or limited-notified:

14.6.2.1 Buildings (Rule 14.4.4).

14.6.3 The following Restricted Discretionary activities will not be publicly notified but notice will be served on those persons considered to be adversely affected if those persons have not given their written approval:

14.6.3.1 Sunlight access – sites adjoining the Arrowtown Residential Historic Management Zone.

14.6.3.2 Setbacks from internal boundaries.

Appendix 4: Chapter 15 - Local Shopping Centre Zone as Recommended

15 LOCAL SHOPPING CENTRE ZONE



Local Shopping Centres: Albert Town, Arrowtown, Cardrona Valley Road, Fernhill, Frankton, Hawea, Kelvin Heights and Sunshine Bay

15.1 Zone Purpose

The Local Shopping Centre Zone enables small scale commercial and business activities in discrete pockets of land that are accessible to residential areas and people in transit.

The Zone seeks to reduce the necessity for people to travel longer distances to town centres to purchase convenience goods and access services. Due to the nature of the Zone's locations in predominantly residential environments, standards limit the potential adverse effects on residential amenity and discourage the establishment of inappropriate activities. Visitor accommodation and residential activities are provided for in the Zone, adding to the vibrancy and viability of the Zone, whilst contributing to the diversity of housing options enabled by the District Plan.

15.2 Objectives and Policies

15.2.1 Objective – Local Shopping Centres provide a focal point for a range of activities that meet the day to day needs of the community at a limited scale that supplements the function of town centres.

Policies

- 15.2.1.1** Provide for a diverse range of activities that meet the needs of the local community, enable local employment opportunities and assist with enabling the economic viability of local shopping centres.
- 15.2.1.2** Ensure that local shopping centres remain at a small scale that does not undermine the role and function of town centres.
- 15.2.1.3** Enable residential and visitor accommodation activities, but limit their establishment to above ground floor level to ensure that the integrity of activities occurring at street level is maintained, and that the core commercial function of the local shopping centres is not eroded.
- 15.2.1.4** Avoid individual retail activities exceeding 300m² gross floor area and individual office activities exceeding 200m² gross floor area that would adversely affect the:
 - a. retention and establishment of a mix of activities within the local shopping centre;
 - b. role and function of town centres and commercial zones that provide for large scale retailing; and
 - c. safe and efficient operation of the transport network.
- 15.2.1.5** Restrict identified retail activities to ensure that the role and function of town centres as the District's principal centres of retailing activity is not threatened.
- 15.2.1.6** Limit the total gross floor area of retail and office activities within the Local Shopping Centre Zone located on Cardrona Valley Road to ensure that the commercial function of Wanaka Town Centre and Three Parks is not adversely affected.

15.2.2 Objective – Buildings respond to the existing character, quality and amenity values of their neighbourhood setting.

Policies

- 15.2.2.1** Control the height, scale, appearance and location of buildings in order to achieve a built form that complements the existing patterns of development and is consistent with established amenity values.
- 15.2.2.2** Ensure that development generally comprises a scale that is commensurate with the receiving built environment.
- 15.2.2.3** Provide for consideration of minor height infringements where they help achieve higher quality design outcomes and do not significantly adversely affect amenity values.
- 15.2.2.4** Place specific controls on the bulk and location of buildings on sites adjoining Residential-zoned properties to ensure that an appropriate standard of residential amenity is maintained.
- 15.2.2.5** Control the design and appearance of verandas so they integrate well with the buildings they are attached to complement the overall streetscape and do not interfere with kerbside movements of high-sided vehicles, while providing appropriate cover for pedestrians.
- 15.2.2.6** Ensure that outdoor storage areas are appropriately located and screened to limit any adverse visual effects and to be consistent with established amenity values.

15.2.3 Objective – Adverse environmental effects received both within and beyond the zone are minimised.

Policies

- 15.2.3.1** Provide appropriate noise limits to control adverse noise effects generated by activities occurring within the Local Shopping Centre Zone and received by nearby properties.
- 15.2.3.2** Require acoustic insulation for critical listening environments (including residential activities and visitor accommodation) to:
 - a. limit the impact of noise generated within the Zone on occupants; and,
 - b. where relevant, limit the potential for reverse sensitivity effects on Queenstown Airport of buildings within the Queenstown Airport Outer Control Boundary.
- 15.2.3.3** Ensure that the location and direction of lights does not cause significant glare to other properties, roads and public places, and promote lighting design that mitigates adverse effects on views of the night sky.
- 15.2.3.4** Avoid the establishment of activities that are not consistent with established amenity values, cause inappropriate environmental effects, or are more appropriately located in other zones.

15.2.3.5 For development of the site(s) at 1 Hansen Road, between Hansen Road and the Frankton Cemetery (as shown on Planning Maps 31, 31a and 33), in addition to other Zone-wide requirements:

- a. ensure that development is undertaken in an integrated manner, having particular regard to ensuring the safe and efficient operation of the transport network;
- b. implement specific controls to limit effects on the historic values of the neighbouring cemetery.

15.3 Other Provisions and Rules

15.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1	Introduction	2	Definitions	3	Strategic Direction
4	Urban Development	5	Tangata Whenua	6	Landscapes and Rural Character
25	<i>Earthworks</i>	26	Historic Heritage	27	Subdivision
28	Natural Hazards	29	<i>Transport</i>	30	Energy and Utilities
31	<i>Signs</i>	32	Protected Trees	33	Indigenous Vegetation
34	Wilding Exotic Trees	35	Temporary Activities and Relocated Buildings	36	Noise
37	Designations		Planning Maps		

15.3.2 Interpreting and Applying the Rules

- 15.3.2.1** A permitted activity must comply with all the rules listed in the Activity and Standards tables.
- 15.3.2.2** Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the 'Non-Compliance Status' column shall apply.
- 15.3.2.3** Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.
- 15.3.2.4** The following abbreviations are used within this Chapter.

P	Permitted	C	Controlled	RD	Restricted Discretionary
D	Discretionary	NC	Non-Complying	PR	Prohibited

15.4

Rules - Activities

Activities located in the Local Shopping Centre Zone		Activity Status
15.4.1	Activities which are not listed in this table and comply with all standards	P
15.4.2	Verandas Control is reserved to: a. design; b. materials; c. external appearance; d. the impact on, and relationship to, adjoining verandas; and e. the enabling of unobstructed kerbside movements of high-sided vehicles.	C

15.4.3	Activities located in the Local Shopping Centre Zone	Activity Status
<p>15.4.3.1 Buildings</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> external appearance, including materials glazing treatment vertical and horizontal emphasis and the location of storage; signage platforms; lighting; the impact of the building on the streetscape, compatibility with adjoining buildings and contribution to an integrated built form; where residential units are proposed provision of private or communal open space, or a combination thereof; where a site is subject to natural hazards and the proposal results in an increase in gross floor area; and natural hazards where the proposal results in an increase in gross floor area: <ol style="list-style-type: none"> the nature and degree of risk the hazard(s) pose to people and property; whether the proposal will alter the risk to any site; and whether such risk can be avoided or sufficiently reduced. <p>15.4.3.2 Development of 1 Hansen Road only</p> <p>The following additional requirements apply to the Local Shopping Centre Zone located between Hansen Road and Frankton Cemetery (as shown on Planning Maps 31, 31a and 33):</p> <ol style="list-style-type: none"> applications for buildings shall be accompanied by a Spatial Layout Plan for the entire part of this site, which is zoned Local Shopping Centre, showing: <ol style="list-style-type: none"> the location, width and design of roads, laneways, footpaths and accessways, which shall include consideration of pedestrian/cycling connectivity and safety as well as the potential for vehicular access to and from the Local Shopping Centre Zone land to the west of the Frankton Cemetery; proposed building locations and parking areas; concept landscape design treatment; detailed landscaping plan addressing the interface between development and the Frankton Cemetery for the purpose of managing effects on the amenity and historic values in and around the cemetery; and three waters infrastructure. <p>Note: where relevant, applications may rely upon an approved Spatial Layout Plan submitted as part of a prior application for this site.</p> <p>Discretion is restricted to consideration of the following in addition to the matters above:</p> <ol style="list-style-type: none"> historic heritage and the amenity values of the Frankton Cemetery; the safe and efficient operation of the transport network; pedestrian/cycling connectivity and safety; amenity values; and three waters infrastructure. 	<p>RD</p>	

	Activities located in the Local Shopping Centre Zone	Activity Status
15.4.4	<p>Visitor Accommodation</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the location, provision, and screening of access and parking, traffic generation, and Travel Demand Management; b. landscaping; c. the location, nature and scale of visitor accommodation and ancillary activities relative to one another within the site and relative to neighbouring uses; d. the location and screening of bus and car parking from public places; and e. where the site adjoins a residential zone: <ul style="list-style-type: none"> i. noise generation and methods of mitigation; and ii. hours of operation of ancillary activities. 	RD
15.4.5	<p>Licensed Premises</p> <p>Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor:</p> <ul style="list-style-type: none"> a. to any person who is residing (permanently or temporarily) on the premises; and/or b. to any person who is present on the premises for the purpose of dining up until 12am. <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the scale of the activity; b. car parking and traffic generation; c. effects on amenity (including that of adjoining residential zones and public reserves); d. the configuration of activities within the building and site (e.g. outdoor seating, entrances); e. noise issues; and f. hours of operation. 	RD
15.4.6	Appliance Stores, Electronic and Electrical Goods Stores, Fashion Stores, Furniture and Floor Covering Stores	NC
15.4.7	Industrial Activities not otherwise provided for in this Table	NC
15.4.8	Factory Farming	PR
15.4.9	Forestry Activities	PR
15.4.10	Mining Activities	PR
15.4.11	Airport	PR
15.4.12	Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building.	PR
15.4.13	Fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket).	PR
15.4.14	Any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR

15.5 Rules - Standards

Standards for activities located in the Local Shopping Centre Zone		Non-compliance Status
<p>15.5.1</p> <p>Building Coverage</p> <p>15.5.1.1 Maximum building coverage - 75%.</p> <p>15.5.1.2 Except that in the Local Shopping Centre Zone located between Hansen Road and Frankton Cemetery the maximum building coverage shall be 50%</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the effects on the quality of the overall streetscape; and b. the ability to meet outdoor storage requirements; c. the traffic effects of additional building coverage, including the effects on the State Highway, with particular regard to the intersection between Hansen Road and State Highway 6. 	
<p>15.5.2</p> <p>Setbacks and Sunlight Access – sites adjoining any Residential zone, Township Zone or public open space</p> <ul style="list-style-type: none"> a. buildings shall not project beyond a recession line constructed at an angle of 35° inclined towards the site from points 3m above any Residential Zone or Township Zone boundary; b. where the site adjoins any Residential zone, Township Zone or public open space the setback shall be not less than 3m. 	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the visual effects of the height, scale, location and appearance of the building, in terms of <ul style="list-style-type: none"> i. dominance; ii. loss of privacy on adjoining properties; and iii. any resultant shading effects. 	
<p>15.5.3</p> <p>Acoustic insulation (excluding development within the Outer Control Boundary (OCB) Queenstown)</p> <ul style="list-style-type: none"> a. a mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 5 in Chapter 36; b. all elements of the facade of any critical listening environment shall have an airborne sound insulation of at least 40 dB Rw+Ctr determined in accordance with ISO 10140 and ISO 717-1. 	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the noise levels that will be received within the critical listening environments, with consideration including the nature and scale of the residential or visitor accommodation activity; b. the extent of insulation proposed; and c. whether covenants exist or are being volunteered which limit noise emissions on adjacent sites and/or impose no complaints covenants on the site. 	
<p>15.5.4</p> <p>Acoustic insulation: development within the Outer Control Boundary (OCB) Queenstown</p> <ul style="list-style-type: none"> a. a mechanical ventilation system shall be installed for all critical listening environments in accordance with Rule 36.6.2 in Chapter 36. b. all elements of the facade of any critical listening environment shall have an airborne sound insulation of at least 40 dB Rw+Ctr determined in accordance with ISO 10140 and ISO 717-1. 	<p>NC</p>	

	Standards for activities located in the Local Shopping Centre Zone	Non-compliance Status
15.5.5	<p>Development of 1 Hansen Road</p> <p>The following additional standards shall apply to development in the Local Shopping Centre Zone located between Hansen Road and Frankton Cemetery (as shown on Planning Maps 31, 31a and 33):</p> <ol style="list-style-type: none"> the total gross floor area dedicated to retail uses shall not exceed 4000m²; the total gross floor area dedicated to office uses shall not exceed 3000m²; no retail or office activities (aside from those ancillary to permitted uses) shall take place until an upgrade of the intersection between Hansen Road and State Highway 6 has occurred; the total number of residential units (for the purposes of this rule, this shall include residential flats) shall not exceed 50 units; there shall be no vehicle access directly onto the State Highway; buildings shall be set back a minimum distance of 6m from the boundary with the State Highway; and buildings shall be set back a minimum distance of 4m from the boundary with Frankton Cemetery. 	D
15.5.6	<p>Residential and Visitor Accommodation Activities</p> <p>All residential and visitor accommodation activities shall be restricted to first floor level or above.</p>	NC
15.5.7	<p>Building Height</p> <ol style="list-style-type: none"> for the Local Shopping Centre Zone located at Albert Town, Arrowtown, Fernhill, Hawea, Sunshine Bay and Cardrona Valley Road the maximum building height shall be 7m; for all other areas in the Local Shopping Centre Zone the maximum building height shall be 10m. 	NC

	Standards for activities located in the Local Shopping Centre Zone	Non-compliance Status									
<p>15.5.8</p>	<p>Noise</p> <p>Sound* from activities shall not exceed the following noise limits at any point within any other site in this zone:</p> <table border="0"> <tr> <td>a. Daytime</td> <td>(0800 to 2200hrs)</td> <td>60 dB $L_{Aeq}(15 \text{ min})$</td> </tr> <tr> <td>b. Night-time</td> <td>(2200 to 0800hrs)</td> <td>50 dB $L_{Aeq}(15 \text{ min})$</td> </tr> <tr> <td>c. Night-time</td> <td>(2200 to 0800hrs)</td> <td>75 dB L_{AFmax}</td> </tr> </table> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008</p> <p>Exemptions:</p> <ol style="list-style-type: none"> the noise limits shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999; the noise limits shall not apply to sound associated with airports or windfarms. Sound from these sources shall be assessed in accordance and comply with the relevant New Zealand Standard, either NZS 6805:1992, or NZS 6808:1998. For the avoidance of doubt the reference to airports in this clause does not include helipads other than helipads located within any land designated for Aerodrome Purposes in this Plan; the noise limits shall not apply to sound from aircraft operations at Queenstown Airport. <p>Note: Sound from activities in this zone which is received in another zone shall comply with the noise limits set out in Chapter 36 for that zone.</p>	a. Daytime	(0800 to 2200hrs)	60 dB $L_{Aeq}(15 \text{ min})$	b. Night-time	(2200 to 0800hrs)	50 dB $L_{Aeq}(15 \text{ min})$	c. Night-time	(2200 to 0800hrs)	75 dB L_{AFmax}	<p>NC</p>
a. Daytime	(0800 to 2200hrs)	60 dB $L_{Aeq}(15 \text{ min})$									
b. Night-time	(2200 to 0800hrs)	50 dB $L_{Aeq}(15 \text{ min})$									
c. Night-time	(2200 to 0800hrs)	75 dB L_{AFmax}									
<p>15.5.9</p>	<p>Glare</p> <ol style="list-style-type: none"> all exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, and directed downward so as to limit the effects on views of the night sky; no activity shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining property within the Zone, measured at any point inside the boundary of any adjoining property; no activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is in any Residential zone or Township Zone measured at any point more than 2m inside the boundary of the adjoining property; all roofs of buildings shall be finished or treated so they do not give rise to glare when viewed from any public place or neighbouring property. 	<p>NC</p>									
<p>15.5.10</p>	<p>Retail and Office activities</p> <ol style="list-style-type: none"> individual Retail activities shall not exceed 300m² gross floor area; individual Office activities shall not exceed 200m² gross floor area. <p>Note: All associated office, storage, staffroom and bathroom facilities used by the activity shall be included in the calculation of the gross floor area.</p>	<p>NC</p>									

15.5.11	Standards for activities located in the Local Shopping Centre Zone Retail and Office Activities in the Local Shopping Centre Zone located at Cardrona Valley Road, Wanaka	Non-compliance Status
	<p>The total combined area of retail and office activities shall occupy no more than 3,000m² gross floor area.</p> <p>Note: For the purposes of this rule the gross floor area calculation applies to the total combined area of retail and office activities within the entire Local Shopping Centre Zone at Cardrona Valley Road.</p>	D

15.6

Rules - Non-Notification of Applications

15.6.1 Applications for Controlled activities shall not require the written approval of other persons and shall not be notified or limited-notified.

15.6.2 The following Restricted Discretionary activities shall not require the written approval of other persons and shall not be notified or limited-notified:

15.6.2.1 Buildings (Rule 15.4.3).

15.6.2.2 Building coverage, except for applications to exceed permitted building coverage between Hansen Road and Frankton Cemetery (Rule 15.5.1.2).

15.6.3 The following Restricted Discretionary activities will not be publicly notified but notice will be served on those persons considered to be adversely affected if those persons have not given their written approval:

15.6.3.1 Setbacks and sunlight access – sites adjoining any Residential zone, Township Zone or public open space.

Appendix 5: Chapter 16 – Business Mixed Use Zone as Recommended

16 BUSINESS MIXED USE



16.1 Purpose

The intention of this zone is to provide for complementary commercial, business, retail and residential uses that supplement the activities and services provided by town centres. Higher density living opportunities close to employment and recreational activities are also enabled. Significantly greater building heights are enabled in the Business Mixed Use Zone in Queenstown, provided that high quality urban design outcomes are achieved.

16.2 Objectives and Policies

16.2.1 Objective – An area comprising a high intensity mix of compatible residential and non-residential activities is enabled.

Policies

- 16.2.1.1** Accommodate a variety of activities while managing the adverse effects that may occur and potential reverse sensitivity.
- 16.2.1.2** Enable a range and mix of compatible business, residential and other complementary activities to achieve an urban environment that is desirable to work and live in.
- 16.2.1.3** Avoid activities that have noxious, offensive, or undesirable qualities from locating within the Business Mixed Use Zone to ensure that a high quality urban environment is maintained.
- 16.2.1.4** For sites adjoining Gorge Road in Queenstown, discourage the establishment of high density residential and visitor accommodation activities at ground floor level, except where commercial and/or business activities continue to have primacy at the interface with the street.
- 16.2.1.5** Provide appropriate noise limits to minimise adverse noise effects received within the Business Mixed Use Zone and by nearby properties.
- 16.2.1.6** Ensure that residential development and visitor accommodation provide acoustic insulation over and above the minimum requirements of the Building Code to limit the potential for reverse sensitivity effects.
- 16.2.1.7** Ensure that the location and direction of lights does not cause significant glare to other properties, roads and public places and promote lighting design that mitigates adverse effects on views of the night sky and provide a safe and well-lit environment for pedestrians.
- 16.2.1.8** Ensure that outdoor storage areas are appropriately located and screened to limit any adverse visual effects on public places and adjoining residential zones.
- 16.2.1.9** Minimise opportunities for criminal activity through incorporating Crime Prevention Through Environmental Design (CPTED) principles as appropriate in the design of lot configuration and the street network, carparking areas, public and semi-public spaces, accessways/pedestrian links/lanes, and landscaping.

16.2.2 Objective – New development achieves high quality building and urban design outcomes that minimises adverse effects on adjoining residential areas and public spaces.

Policies

- 16.2.2.1** Require the design of buildings to contribute positively to the visual quality, vitality, safety and interest of streets and public spaces by providing active and articulated building frontages, and avoid large expanses of blank walls fronting public spaces.
- 16.2.2.2** Require development close to residential zones to provide suitable screening to mitigate adverse visual effects, loss of privacy, and minimise overlooking and shading effects to residential neighbours.
- 16.2.2.3** Require a high standard of amenity, and manage compatibility issues of activities within and between developments through site layout, landscaping and design measures.
- 16.2.2.4** Utilise and, where appropriate, link with public open space nearby where it would mitigate any lack of open space provision on the development site.
- 16.2.2.5** Incorporate design treatments to the form, colour or texture of buildings to add variety, moderate their scale and provide visual interest from a range of distances.
- 16.2.2.6** Where large format retail is proposed, it should be developed in association with a variety of integrated, outward facing uses to provide reasonable activation of building facades.
- 16.2.2.7** Allow buildings between 12m and 20m heights in the Queenstown Business Mixed Use Zone in situations when:
- the outcome is of high quality design;
 - the additional height would not result in shading that would adversely impact on adjoining Residential zoned land and/or public space; and
 - the increase in height would facilitate the provision of residential activity.
- 16.2.2.8** Apply consideration of the operational and functional requirements of non-residential activities as part of achieving high quality building and urban design outcomes.
- 16.2.2.9** Encourage the layout and design of new buildings and landscaping to integrate with Horne Creek where feasible.

16.2.3 Objective – The development of land north of State Highway 6 (between Hansen Road and Ferry Hill Drive) provides a high quality environment which is sensitive to its location at the entrance to Queenstown, minimises traffic impacts to the State Highway network, and is appropriately serviced.

Policies

16.2.3.1 Encourage a low impact stormwater design that utilises on-site treatment and storage / dispersal approaches.

16.2.3.2 Avoid the impacts of stormwater discharges on the State Highway network.

16.2.3.3 Provide a planting buffer along the State Highway frontage to soften the view of buildings from the State Highway network.

16.2.3.4 Provide for safe and legible transport connections that avoid any new access to the State Highway, and integrates with the road network and public transport routes on the southern side of State Highway 6.

Note: Attention is drawn to the need to consult with the New Zealand Transport Agency (NZTA) prior to determining an internal and external road network design under this policy.

Note: Attention is drawn to the need to obtain a Section 93 notice from the NZ Transport Agency for all subdivisions on State Highways which are declared Limited Access Roads. The NZ Transport Agency should be consulted and a request made for a notice under Section 93 of the Government Roading Powers Act 1989.

16.2.3.5 Require that the design of any road or vehicular access within individual properties is of a form and standard that accounts for long term traffic demands for the area between Hansen Road and Ferry Hill Drive, and does not require the need for subsequent retrofitting or upgrade.

16.2.3.6 Provide a safe and legible walking and cycle environment that links to the other internal and external pedestrian and cycle networks and destinations on the southern side of State Highway 6 along the safest, most direct and convenient routes.

Note: Attention is drawn to the need to consult with the New Zealand Transport Agency (NZTA) to determine compliance with this policy.

16.2.3.7 Require the provision of an internal road network that ensures road frontages are not dominated by vehicular access and parking.

16.2.3.8 Ensure coordinated, efficient and well-designed development by requiring, prior to, or as part of subdivision and development, construction of the following to appropriate Council standards:

- a. A 'fourth leg' off the Hawthorne Drive/SH6 roundabout;
- b. All sites created in the area to have legal access to either Hansen Road or the Hawthorne Drive/SH6 roundabout; and
- c. New and safe pedestrian connections between the Hawthorne Drive/SH6 roundabout, Ferry Hill Drive and the southern side of SH6.

16.2.3.9 Encourage the creation of a legal internal road between Hansen Rd and Ferry Hill Drive.

16.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1	Introduction	2	Definitions	3	Strategic Direction
4	Urban Development	5	Tangata Whenua	6	Landscapes and Rural Character
25	<i>Earthworks</i>	26	Historic Heritage	27	Subdivision
28	Natural Hazards	29	<i>Transport</i>	30	Energy and Utilities
31	<i>Signs</i>	32	Protected Trees	33	Indigenous Vegetation
34	Wilding Exotic Trees	35	Temporary Activities and Relocated Buildings	36	Noise
37	Designations		Planning Maps		

16.3.2 Interpreting and Applying the Rules

- 16.3.2.1** A permitted activity must comply with all the rules listed in the Activity and Standards tables.
- 16.3.2.2** Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the 'Non-Compliance Status' column shall apply unless otherwise specified.
- 16.3.2.3** Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.
- 16.3.2.4** The following abbreviations are used within this Chapter.

P	Permitted	C	Controlled	RD	Restricted Discretionary
D	Discretionary	NC	Non-Complying	PR	Prohibited

16.4 Rules - Activities

Activities located in the Business Mixed Use Zone		Activity Status
16.4.1	Activities which are not listed in this table and comply with all standards	P
16.4.2		
16.4.3	<p>Visitor Accommodation</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. the location, provision, and screening of access and parking and traffic generation; b. landscaping; c. the location, nature and scale of visitor accommodation and ancillary activities relative to one another within the site and relative to neighbouring uses; d. the location and screening of bus and car parking from public places; and e. where the site adjoins a residential zone: <ul style="list-style-type: none"> i. noise generation and methods of mitigation; and ii. hours of operation, in respect of ancillary activities. 	C

	Activities located in the Business Mixed Use Zone	Activity Status
<p>16.4.4</p>	<p>Buildings</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. building materials; b. glazing treatment; c. symmetry; d. vertical and horizontal emphasis; e. location of storage; f. signage platforms; g. landscaping; h. where residential units are proposed as part of a development, provision made for open space on site whether private or communal; i. where applicable, integration of the development with Horne Creek, including site layout and landscaping; and j. where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ul style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated. <p>Assessment matters relating to buildings:</p> <ul style="list-style-type: none"> a. the impact of the building on the streetscape including whether it contributes positively to the visual quality, vitality, safety and interest of streets and public places by providing active and articulated street frontages and avoids large expanses of blank walls fronting public spaces; b. whether the design of the building blends well with and contributes to an integrated built form and is sympathetic to the surrounding natural environment. 	<p>RD</p>
<p>16.4.5</p>	<p>Licensed Premises</p> <p>Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor:</p> <p>This rule shall not apply to the sale and supply of alcohol:</p> <ul style="list-style-type: none"> a. to any person who is residing (permanently or temporarily) on the premises; and/or b. to any person who is present on the premises for the purpose of dining up until 12am. <p>Discretion is restricted to consideration of the following:</p> <ul style="list-style-type: none"> a. the scale of the activity; b. car parking and traffic generation; c. effects on amenity (including that of adjoining residential zones and public reserves); d. the configuration of activities within the building and site (e.g. outdoor seating, entrances); e. noise issues; and f. hours of operation. 	<p>RD</p>

	Activities located in the Business Mixed Use Zone	Activity Status
16.4.6	<p>Daycare Facilities</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the compatibility of the development with respect to existing land uses on the subject site and nearby properties; b. potential reverse sensitivity issues; c. traffic, parking and access limitations; and d. noise. 	RD
16.4.7	<p>Warehousing , Storage & Lock-up Facilities (including vehicle storage) and Trade Suppliers except as provided for by Rule 16.4.18</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the impact of buildings on the streetscape and neighbouring properties in terms of dominance impacts from large, utilitarian buildings; b. the provision, location and screening of access, parking and traffic generation; and c. landscaping. 	RD
16.4.8	Industrial Activities not otherwise provided for in this Table	NC
16.4.9	Service Stations	NC
16.4.10	Panelbeating, spray painting, motor vehicle repair or dismantling.	NC
16.4.11	Fibreglassing, sheet metal work, bottle or scrap storage, motorbody building or wrecking.	PR
16.4.12	Fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket).	
16.4.13	Factory Farming	PR
16.4.14	Mining Activities	PR
16.4.15	Forestry Activities	PR
16.4.16	Airport	PR
16.4.17	Activities Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary	PR
16.4.18	Warehousing, Storage & Lock-up Facilities (including vehicle storage) and Trade Suppliers in the zone at Frankton North	PR

16.5

Rules - Standards

Standards for activities located in the Business Mixed Use Zone		Non-compliance Status
16.5.1	<p>Setbacks and sunlight access – sites adjoining a Residential zone or separated by a road from a Residential zone</p> <p>16.5.1.1 Buildings on sites adjoining, or separated by a road from, a Residential zone shall not project beyond a recession line constructed at the following angles inclined towards the site from points 3 m above the Residential zone boundary.</p> <ul style="list-style-type: none"> a. 45° applied on the northern boundary; and b. 35° applied on all other boundaries <p>16.5.1.2 Where a site adjoins a Residential Zone all buildings shall be set back not less than 3m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the visual effects of the height, scale, location and appearance of the building, in terms of visual dominance and loss of residential privacy on adjoining properties and any resultant shading effects.
16.5.2	<p>Storage</p> <p>Outdoor storage and storage of waste and recycling shall be screened from public places and adjoining Residential zones.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the effects on visual amenity; b. the location relative to the public realm and adjoining residential properties; c. consistency with the character of the locality; and d. whether pedestrian and vehicle access is compromised.
16.5.3	<p>Residential and visitor accommodation activities</p> <p>All residential activities and visitor accommodation activities on sites adjoining Gorge Road in Queenstown located within 10m of the boundary adjoining Gorge Road shall be restricted to first floor level or above, with the exception of foyer and stairway spaces at ground level to facilitate access to upper levels.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the effects of residential and visitor accommodation activities at ground floor level on surrounding buildings and activities; b. the location of residential and visitor accommodation activities at ground floor level relative to the public realm; c. the maintenance of active and articulated street frontages.
16.5.4	<p>Building Coverage</p> <p>Maximum building coverage of 75%.</p>	<p>D</p>

Standards for activities located in the Business Mixed Use Zone		Non- compliance Status
16.5.5	<p>Acoustic insulation</p> <p>For all residential development and visitor accommodation the following shall apply:</p> <p>16.5.5.1 A mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 5 in Chapter 36; and</p> <p>16.5.5.2 All elements of the façade of any critical listening environment shall have an airborne sound insulation of at least $40 R_w + C_{tr}$ determined in accordance with ISO 10140 and ISO 717-1.</p>	D
16.5.6	<p>Fencing</p> <p>A solid fence of 1.8m shall be erected on the boundary of any Residential Zone.</p>	D
16.5.7	<p>Discretionary Building Height (Queenstown Only)</p> <p>In Queenstown the discretionary maximum building height shall be 12m.</p>	RD Discretion is restricted to: <ul style="list-style-type: none"> a. the design and quality of the building, including the use of articulated facades, active street frontages and the treatment of corner sites; b. modulated roof forms, including screening of plant and services; c. material use and quality; d. the avoidance of large monolithic buildings; e. the impact on the street scene; f. privacy and outlook for residential uses; g. sunlight access to adjoining Residential zoned land and/or public space; h. Crime Prevention Through Environmental Design (CPTED) considerations; i. where appropriate, the integration of Horne Creek into the development and landscaping; and j. facilitation of the provision of residential activities.
16.5.8	<p>Maximum building height</p> <p>16.5.8.1 The absolute maximum building height shall be:</p> <ul style="list-style-type: none"> a. Queenstown - 20m b. Wanaka - 12m <p>16.5.8.2 Any fourth storey (excluding basements) and above shall be set back a minimum of 3m from the building frontage.</p>	NC

16.5.9	Standards for activities located in the Business Mixed Use Zone	Non- compliance Status								
<p>16.5.9</p> <p>Noise</p> <p>16.5.9.1 Sound* from activities shall not exceed the following noise limits at any point within any other site in this zone:</p> <table border="0" data-bbox="287 1019 399 1736"> <tr> <td>a. Daytime</td> <td>(0800 to 2200hrs)</td> <td>60 dB L_{Aeq(15 min)}</td> </tr> <tr> <td>b. Night-time</td> <td>(2200 to 0800hrs)</td> <td>50 dB L_{Aeq(15 min)}</td> </tr> <tr> <td>c. Night-time</td> <td>(2200 to 0800hrs)</td> <td>75 dB L_{AfMax}</td> </tr> </table> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008</p> <p>Exemptions:</p> <p>a. the noise limits in rule 16.5.8.1 shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999.</p> <p>Note: Sound from activities in this zone which is received in another zone shall comply with the noise limits set out in Chapter 36 standards for that zone.</p>	a. Daytime	(0800 to 2200hrs)	60 dB L _{Aeq(15 min)}	b. Night-time	(2200 to 0800hrs)	50 dB L _{Aeq(15 min)}	c. Night-time	(2200 to 0800hrs)	75 dB L _{AfMax}	<p>NC</p>
a. Daytime	(0800 to 2200hrs)	60 dB L _{Aeq(15 min)}								
b. Night-time	(2200 to 0800hrs)	50 dB L _{Aeq(15 min)}								
c. Night-time	(2200 to 0800hrs)	75 dB L _{AfMax}								
<p>16.5.10</p> <p>Glare</p> <p>16.5.10.1 All exterior lighting installed on sites or buildings shall be directed away from adjacent sites, roads and public places, except footpath or pedestrian link amenity lighting and directed downward so as to limit the effects on views of the night sky.</p> <p>16.5.10.2 No activity shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining property within the Business Mixed Use Zone, measured at any point inside the boundary of any adjoining property.</p> <p>16.5.10.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is in a Residential Zone measured at any point more than 2m inside the boundary of the adjoining property.</p> <p>16.5.10.4 External building materials shall either:</p> <ol style="list-style-type: none"> be coated in colours which have a reflectance value of between 0 and 36%; or consist of unpainted wood (including sealed or stained wood), unpainted stone, unpainted concrete, or copper. <p>Except that:</p> <ol style="list-style-type: none"> architectural features, including doors and window frames, may be any colour; and roof colours shall have a reflectance value of between 0 and 20%. 	<p>NC</p>									

16.5.11	Standards for activities located in the Business Mixed Use Zone Development on land north of State Highway 6 between Hansen Road and Ferry Hill Drive shall provide the following:	Non-compliance Status
	<p>16.5.11.1 Transport, parking and access design that:</p> <p>Ensures connections to the State Highway network are only via Hansen Road, the Hawthorne Drive/SH6 Roundabout, and/or Ferry Hill Drive.</p> <p>There is no new vehicular access to the State Highway Network.</p> <p>16.5.11.2 Where a site adjoins State Highway 6, landscaping provides a planting buffer fronting State Highway 6 as follows:</p> <ol style="list-style-type: none"> a. a density of two plants per square metre located within 4m of the State Highway 6 road boundary selected from the following species: <ol style="list-style-type: none"> i. Ribbonwood (<i>Plagianthus regius</i>) ii. <i>Corokia cotoneaster</i> iii. <i>Pittosporum tenuifolium</i> iv. <i>Grisilinea</i> v. <i>Coprosma propinqua</i> vi. <i>Olearia dartonii</i> b. once planted these plants are to be maintained in perpetuity. 	NC

16.6

Rules - Non -Notification of Applications

16.6.1 Applications for Controlled activities shall not require the written approval of other persons and shall not be notified or limited-notified.

16.6.2 The following Restricted Discretionary activities shall not require the written approval of other persons and shall not be notified or limited-notified:

16.6.2.1 Buildings.

16.6.2.2 Building Heights between 12m and 20m in the Business Mixed Use Zone in Queenstown.

16.6.3 The following Restricted Discretionary activities will not be publicly notified but notice will be served on those persons considered to be adversely affected if those persons have not given their written approval:

16.6.3.1 Setbacks and sunlight access – sites adjoining, or separated by a road from a Residential zone.

Appendix 6: Chapter 17 – Airport Zone as Recommended

17 AIRPORT ZONE

17.1 Zone Purpose

The purpose of the Airport Zone is to provide for a range of airport and airport related activities at Queenstown and Wanaka Airports and to recognise the unique role of the airports in providing for the social and economic wellbeing of the community.

Queenstown Airport provides facilities for the transportation of people and freight and is a key asset to the District in terms of supporting the tourism industry and the needs of local and business travellers.

Queenstown Airport acts as an important gateway into the District and facilitates access and economic activity in the local and broader regional economies.

The Airport's main function is for domestic and international scheduled passenger movements as well as freight. Queenstown Airport is recognised as a nationally significant asset in the light of its significant contribution to the tourism industry. Queenstown Airport also provides facilities and infrastructure for helicopter, flightseeing and general aviation operations. It is also a critical provider of emergency services and is a lifeline utility under the Civil Defence Emergency Management Act 2002.

International tourism is New Zealand's largest foreign exchange earner and the Queenstown Lakes District tourism industry is heavily reliant on air transport. Queenstown Airport is a significant source of employment for the District.

Wanaka Airport is Regionally Significant Infrastructure to the District and is an important commercial and recreational aviation hub for the Upper Clutha. Wanaka Airport may one day accommodate scheduled and chartered air transport services.

The Airport Zone applies to all land used for airport and airport-related activities at Queenstown and Wanaka Airports. The Zone rules apply a range of performance standards to manage the effects of land uses carried out at the Airports on amenity values.

The objectives and provisions for Wanaka Airport reflect the more remote location of Wanaka Airport outside of the Wanaka Urban Growth Boundary and seek to avoid adverse effects from inappropriate commercial activities locating at the Airport. The strategic importance to the District of both airports and the finite nature of the land resource for both airports is also recognised in the Airport Zone provisions.

17.2 Objectives and Policies

17.2.1 Objective – Queenstown Airport is maintained as nationally significant infrastructure and a generator of nationally and regionally significant economic, social and cultural benefits.

- | | |
|----------|--|
| Policies | <p>17.2.1.1 Provide for those aviation activities necessary to enable Queenstown Airport to operate in a safe and efficient manner.</p> <p>17.2.1.2 Provide for a range of airport related service, business, industrial and commercial activity to support or complement the functioning of Queenstown Airport.</p> |
|----------|--|

17.2.2 Objective – Wanaka Airport remains a key strategic infrastructural asset supporting the well-being of the District.

Policies

- 17.2.2.1** Enable airport activities at Wanaka Airport which can operate in a safe and efficient manner.
- 17.2.2.2** Ensure land uses including Airport Related Activities have a legitimate relationship with Airport Activities and are only allowed where they are of a size (either individually or cumulatively) that:
 - a. is ancillary to and support part of the operation of an Airport Activity; and
 - b. do not adversely affect the key local service and employment function of Wanaka Town Centre or other commercially zoned areas within the District.
- 17.2.2.3** Only allow retail and food and beverage facilities which are designed and operated and of a nature, scale and intensity to service visitors, passengers or workers engaged in or associated with Airport Activities or Airport Related Activities within the Wanaka Airport zone, and are unlikely to attract significant patronage outside of this purpose.
- 17.2.2.4** Ensure buildings and activities are adequately serviced with a water supply for fire-fighting purposes as well as provision of potable water, sewage treatment and disposal.

17.2.3 Objective – Airport Activities and Airport Related Activities are provided for at Queenstown and Wanaka Airports while maintaining an acceptable level of noise amenity, and high levels of general amenity for those using the airports and for those residing on neighbouring land.

Policies

- 17.2.3.1** Maintain Queenstown Airport as a memorable and attractive gateway to the District.
- 17.2.3.2** Manage adverse effects on amenity values arising from the on-going development, use and maintenance of Queenstown and Wanaka Airports.
- 17.2.3.2** Avoid the establishment of activities that are incompatible with the ongoing operation and functioning of Queenstown Airport.

17.3 Other Provisions and Rules

17.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1	Introduction	2	Definitions	3	Strategic Direction
4	Urban Development	5	Tangata Whenua	25	<i>Earthworks</i>
26	Historic Heritage	27	Subdivision	28	Natural Hazards
29	<i>Transport</i>	30	Energy and Utilities	31	<i>Signs</i>
32	Protected Trees	35	Temporary Activities and Relocated Buildings	36	Noise
37	Designations		Planning Maps		

17.3.2 Interpreting and Applying the Rules

- 17.3.2.1** A permitted activity must comply with all the rules listed in the relevant Activity and Standards tables.
- 17.3.2.2** Where an activity does not comply with a Standard listed in the relevant Standards table, the activity status identified by the 'Non-Compliance Status' column shall apply.
- 17.3.2.3** Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.
- 17.3.2.4** The activities listed in Table 1 and the standards contained in Table 2 apply to Queenstown Airport.
- 17.3.2.5** The activities listed in Table 3 and the standards contained in Table 4 apply to Wanaka Airport.
- 17.3.2.6** Activities undertaken within, or within the immediate environs of, the Queenstown airport terminal facility are exempt from complying with any minimum parking requirement in Chapter 29.
- 17.3.2.7** The following abbreviations are used within this Chapter.

P	Permitted	C	Controlled	RD	Restricted Discretionary
D	Discretionary	NC	Non-Complying	PR	Prohibited

17.4

Rules - Activities Airport Zone - Queenstown

Table 1	Activities located in the Airport Zone - Queenstown	Activity Status
17.4.1	Any airport activity and airport related activity	P
17.4.2	<p>Signage</p> <p>17.4.2.1 Advertising or promotional signage located greater than 20m from the zone boundary.</p> <p>17.4.2.2 Signage to be viewed by persons within the zone and not directed at persons outside the zone.</p> <p>17.4.2.3 Instruction or directional signage.</p> <p>Note: For all other signs, Section 18 - Signs of the Operative District Plan apply¹.</p>	P
17.4.3	Freight Facilities	P
17.4.4	<p>Activities which are not airport related activities that are not listed as prohibited activities in Rules 17.4.6 to 17.4.13.</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> design, external appearance and siting of buildings and structures; traffic generation, vehicle parking, site access and servicing, including provision for an integrated transport assessment; landscaping and screening of any outdoor storage; the extent to which the activity benefits from an Airport location. 	RD
17.4.5	<p>Signage</p> <p>Signage on the roof of buildings.</p>	NC
17.4.6	Forestry	PR
17.4.7	Factory Farming	PR
17.4.8	Mining	PR
17.4.9	Any activity requiring an Offensive Trade Licence under the Health Act 1956	PR
17.4.10	Residential Activities	PR
17.4.11	Community Activities (excluding police stations, fire stations, medical facilities and education facilities provided they serve an aviation related purpose)	PR
17.4.12	Day Care Facilities	PR
17.4.13	Visitor Accommodation	PR

¹ Greyed out text indicates the provision is subject to variation and is therefore not part of the Hearing Panel's recommendations.

17.5 Rules - Standards Airport Zone - Queenstown

Table 2	Standards for activities located in the Airport Zone - Queenstown	Non-compliance Status
<p>17.5.1</p>	<p>Maximum Building Coverage 75% of the site area.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the effects on urban design outcomes; b. the positive economic, social and/or cultural effects that may be generated from the proposed activity.
<p>17.5.2</p>	<p>Minimum Buildings Setback</p> <p>For all buildings:</p> <p>17.5.2.1 Where the site adjoins the Residential Zone the setback shall be 5m.</p> <p>17.5.2.2 The setback for all other zones shall be 3m.</p> <p>17.5.2.3 The setback from any public road shall be 5m.</p> <p>Except: Security fencing around the perimeter of Queenstown Airport and jet blast fences are not subject to the building setback standards above.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the effects on urban design outcomes; b. the positive economic, social and/or cultural effects that may be generated from the proposed activity; c. the external appearance and visual dominance of the building as viewed from the street and adjacent properties; d. amenity and character of the streetscape; e. access to sunlight, shading and privacy of adjoining properties; f. views to and from Outstanding Natural Features and Landscapes.
<p>17.5.3</p>	<p>Maximum Building Height</p> <p>The maximum building height of all buildings shall be 15m.</p> <p>The limit specified above shall not apply to control towers, lighting towers, hangars or meteorological, navigation or communication masts and aerials which shall not be subject to a height limit.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the effects on urban design outcomes, b. visual effects; c. the positive economic, social and/or cultural effects that may be generated from the proposed activity; d. the external appearance and visual dominance of the building as viewed from the street and adjacent properties; e. amenity and character of the streetscape; f. access to sunlight, shading and privacy of adjoining properties; g. views to and from Outstanding Natural Features and Landscapes.

Table 2	Standards for activities located in the Airport Zone - Queenstown	Non-compliance Status
<p>17.5.4</p>	<p>Recession Plane On any boundary that directly adjoins a Residential Zone a recession plane commencing at ground level on the boundary and angled at 45° shall be applied. No building shall exceed the height of the recession plane at any point.</p>	<p>RD Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the effects on urban design outcomes; b. visual effects; c. the positive economic, social and/or cultural effects that may be generated from the proposed activity; d. the external appearance and visual dominance of the building as viewed from the street and adjacent properties; e. amenity and character of the streetscape; f. access to sunlight, shading and privacy of adjoining properties; g. views to and from Outstanding Natural Features and Landscapes.
<p>17.5.5</p>	<p>Landscaping At Queenstown Airport, those properties fronting Lucas Place and Hawthorne Drive to the west of Copper Beech Ave shall provide and maintain a landscape strip extending the full length of the road boundary, except across vehicle and pedestrian entranceways. The strip shall be not less than 1m deep and shall have an average depth of 3m over its entire length.</p>	<p>RD Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the effects on urban design outcomes and the visual effects of reduction in landscaping; b. the functional and operational requirements of the site.
<p>17.5.6</p>	<p>Building Design and Glare</p> <p>17.5.6.1 The exterior of buildings situated within the landside area at Queenstown Airport shall be designed so that roof and wall colours are limited to a maximum reflectivity of 36%, except that trims, highlights and signage totalling up to 10% of the façade area may exceed this level and be of contrasting colour.</p> <p>17.5.6.2 Any landside activity which requires the lighting of outdoor areas shall ensure that direct or indirect illumination does not exceed 10 lux at the windows of residential buildings in any adjacent Residential Zone.</p> <p>17.5.6.3 All fixed exterior lighting on buildings associated with Airport related activities shall be directed away from adjacent sites and roads.</p>	<p>RD Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the extent of adverse effects from lighting on Residential Activities; b. the extent to which the lighting is required for operational purposes; c. the effects on urban design outcomes; d. visual effects; e. the purpose of the building and the operational requirements of the activity it contains.

17.6 Rules - Activities Airport Zone - Wanaka

Table 3	Activities located in the Airport Zone - Wanaka	Activity Status
17.6.1	Farming Activities	P
17.6.2	Temporary Air Shows	P
17.6.3	<p>Any Airport Activity (excluding Aircraft Operations) and Airport Related Activity that complies with the relevant standards in Table 4.</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. design, appearance and siting of buildings and structures; b. the effects on visual amenity when viewed from beyond the Airport zone; c. the purpose of the building and the operational requirements of the activity it contains; d. traffic generation, vehicle parking and site access; e. provision for firefighting; f. wastewater; g. stormwater; h. water supply. 	C
17.6.4	<p>Instructional or directional signage or signage directed at persons within the zone.</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. dimensions of signage; b. location of signage; <p>Note: For all other signs, Chapter 31 applies.</p>	C
17.6.5	Wholesaling or Commercial Storage Activity	NC
17.6.6	Any activity not otherwise listed in Table 3	NC
17.6.7	Any new Activity Sensitive to Aircraft Noise (ASAN) within the Outer Control Boundary - Wanaka Airport (except for police stations, fire stations and medical facilities provided they serve an airport related purpose).	PR

17.7

Rules - Standards Airport Zone - Wanaka

Table 4	Standards for activities located in the Airport Zone - Wanaka	Non-compliance status
<p>17.7.1</p>	<p>Minimum Building Setback</p> <p>17.7.1.1 The setback from all zone boundaries shall be 5m.</p> <p>17.7.1.2 The setback from the eastern side of the centreline of the main runway (as at 2013) shall be 217 metres.</p> <p>17.7.1.3 The setback from the western side of the centre line of the main runway (as at 2013) shall be 124 metres.</p> <p>17.7.1.4 The setback from any public road shall be 5m.</p> <p>Except no setbacks shall apply to security fencing greater than 2m in height.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. for all non-compliances: <ul style="list-style-type: none"> i. the purpose of the building and the operational requirements of the activity it contains. b. for non-compliances with 17.7.1.1 or 17.7.1.4 only: <ul style="list-style-type: none"> i. the external appearance, location and visual dominance of the building as viewed from the public roads and adjacent properties; ii. amenity and character of the surrounding Rural Zone; iii. access to sunlight, shading and privacy of adjoining properties; iv. views to and from Outstanding Natural Features and Landscapes. c. for non-compliances with 17.7.1.2 or 17.7.1.3 only: <ul style="list-style-type: none"> i. the effects on the current and future operation of the Airport.

Table 4	Standards for activities located in the Airport Zone - Wanaka	Non-compliance status
17.7.2	<p>Maximum Building Height</p> <p>The maximum height of all buildings shall be 10m.</p> <p>Except this limit shall not apply to control towers, lighting towers or navigation and communication masts and aerials which are not subject to a height limit.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. visual effects of the bulk and location non-compliance when viewed from the boundary of the zone; b. the purpose of the building and the operational requirements of the activity it contains; c. the external appearance, location and visual dominance of the building as viewed from the public roads and adjacent properties; d. amenity and character of the surrounding Rural Zone; e. access to sunlight, shading and privacy of adjoining properties; f. views to and from Outstanding Natural Features and Landscapes.
17.7.3	<p>Lighting and Glare</p> <p>Within all landside areas, all lighting shall:</p> <p>17.7.3.1 ensure that direct or indirect illumination does not exceed 3 lux spill of light at any adjacent site.</p> <p>17.7.3.2 be directed away from adjoining sites and roads;</p> <p>17.7.3.3 not be directed upwards.</p>	<p>NC</p>
17.7.4	<p>Identified Airport Related Activities - Maximum Gross Floor Area</p> <p>The following activities shall not exceed 100m² in Gross Floor Area as part of any single activity:</p> <p>17.7.4.1 cafes and other food and beverage facilities;</p> <p>17.7.4.2 retail activities;</p> <p>17.7.4.3 offices.</p>	<p>D</p>
17.7.5	<p>Hours of Operation for Airport Related Activities</p> <p>The hours of operation for the following Airport Related Activities may only fall between 6.00 am and 10.00 pm:</p> <p>17.7.5.1 cafes and other food and beverage facilities;</p> <p>17.7.5.2 retail activities.</p>	<p>NC</p>

Table 4	Standards for activities located in the Airport Zone - Wanaka	Non-compliance status
<p>17.7.6</p> <p>Air shows</p> <p>17.7.6.1 The air show (including set up, flying programme and pack down) shall be limited to 12 days inclusive.</p> <p>17.7.6.2 The flying programme for the air show shall be limited to a period of not more than five days.</p> <p>17.7.6.3 The air show event must not operate outside of the hours of 0800 and 2000. Set up and pack down outside of these hours is permitted.</p> <p>17.7.6.4 The air show operator shall hold a Council approved plan detailing the noise, environmental management and traffic (vehicle and pedestrian movements, public transport, parking and management of adverse effects on operation of the State Highway) aspects of the air show. A report containing the draft plan shall be submitted to the Council for approval, no later than 30 working days prior to the air show taking place.</p> <p>The noise standards in Rule 36.5.14 shall not apply to Air Shows complying with the above standards.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. adverse amenity effects for surrounding landowners; b. measures to avoid, remedy or mitigate the adverse amenity effects; c. adverse traffic and transport effects including effects from parking. 	

17.8

Rules - Non-Notification of Applications

17.8.1 All applications for controlled activities shall not require the written approval of other persons and shall not be notified or limited notified.

17.9

Non-Regulatory Methods

17.9.1 Council will use advocacy to promote good urban design and form at Queenstown Airport.

17.9.2 As the major requiring authority in the Airport Zone at Queenstown, the Queenstown Airport Corporation will adopt best practice urban design and urban design led principles at Queenstown Airport.

17.9.3 The Queenstown Airport Corporation shall prepare an urban design guideline for the Queenstown Airport Use Zone. The urban design guideline shall promote a built form and character which maintains the Airport and its surrounds as an attractive gateway to the district.

Appendix 7: Recommendations on Submissions and Further Submissions

Part A: Submissions

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
5.1	Twenty24 Ltd	Accept	57.8
9.11	Terry Drayron	Out of scope outside TLA/DP function	N/A
9.4	Terry Drayron	Accept in Part	16.8
19.28	Kain Fround	Accept	21.1
19.7	Kain Fround	Accept in Part	11.1
19.8	Kain Fround	Accept	32.2
19.9	Kain Fround	Accept	51
20.3	Aaron Cowie	Accept in Part	7.15
20.4	Aaron Cowie	Reject	2.3
20.6	Aaron Cowie	Reject	7.15
30.1	Julie Rogers	Accept	42
30.2	Julie Rogers	Accept in Part	45
30.3	Julie Rogers	Accept	46.11
53.1	Shipleys AV	Reject	7.17
54.1	DD and KK Dugan Family Trust	Accept	16.7
59.1	Lynda Baker	Reject	3.3
59.2	Lynda Baker	Reject	7.15
59.3	Lynda Baker	Accept	7.15
59.4	Lynda Baker	Reject	3.3
70.1	Westwood Group	Reject	7.17
71.1	Chris Duffy	Reject	7.17
82.1	Toni Okkerse	Reject	3.3
82.2	Toni Okkerse	Accept in Part	3.3
82.3	Toni Okkerse	Accept	7.15
82.4	Toni Okkerse	Reject	3.3
82.5	Toni Okkerse	Reject	3.3
90.1	Trout Bar	Accept in Part	16.8
102.2	PR Queenstown Ltd	Accept	42
112.2	Iain Weir	Accept in Part	13.5
116.1	mike harris	Reject	56.18
117.6	Maggie Lawton	Out of scope outside TLA/DP function	N/A
117.7	Maggie Lawton	Accept in Part	32.2
129.1	Lake Bar Limited	Accept in Part	16.8
136.1	Feldspar Capital Management	Accept in Part	42
151.1	Imperium Group	Reject	2.4
151.2	Imperium Group	Accept	3.2
151.3	Imperium Group	Reject	3.5
151.4	Imperium Group	Accept in part	3.7
151.5	Imperium Group	Accept in part	7.17
151.6	Imperium Group	Accept	7.18
156.1	Kai Whakapai cafe-bar (legal name the homestead ltd)	Accept	13.1

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
156.2	Kai Whakapai cafe-bar (legal name the homestead ltd)	Accept	13.1
156.3	Kai Whakapai cafe-bar (legal name the homestead ltd)	Accept	13.2
156.4	Kai Whakapai cafe-bar (legal name the homestead ltd)	Accept	13.3
156.5	Kai Whakapai cafe-bar (legal name the homestead ltd)	Accept	13.4
156.6	Kai Whakapai cafe-bar (legal name the homestead ltd)	Accept in Part	13.5
159.1	Karen Boulay	Accept in Part	7.15
159.2	Karen Boulay	Accept in Part	7.15
187.11	Nicholas Kiddle	Reject	2.3
187.12	Nicholas Kiddle	Reject	N/A
187.13	Nicholas Kiddle	Reject	2.3
187.14	Nicholas Kiddle	Reject	7.15
187.4	Nicholas Kiddle	Accept in Part	3.5
187.5	Nicholas Kiddle	Reject	7.15
196.1	Whitney Thurlow	Reject	13.1
196.2	Whitney Thurlow	Accept in Part	16.8
199.20	Craig Douglas	Accept	21.1
202.3	Graham Dickson	Reject	16.7
202.4	Graham Dickson	Reject	16.6
202.5	Graham Dickson	Reject	13.6
206.11	Lindsay Jackson	Reject	7.15
206.6	Lindsay Jackson	Accept in Part	7.15
206.7	Lindsay Jackson	Reject	3.3
206.8	Lindsay Jackson	Reject	3.3
206.9	Lindsay Jackson	Reject	3.3
212.1	E J L Guthrie	Accept in Part	6.11
217.10	Jay Berriman	Reject	3.5
217.11	Jay Berriman	Accept	3.7
217.12	Jay Berriman	Accept	3.8
217.13	Jay Berriman	Reject	7.17
217.14	Jay Berriman	Accept	7.18
217.15	Jay Berriman	Reject	53
217.24	Jay Berriman	Reject	6.4
217.25	Jay Berriman	Reejct	6.4
217.26	Jay Berriman	Reject	7.18
217.27	Jay Berriman	Reject	7.18
217.6	Jay Berriman	Accept in Part	2.4
217.7	Jay Berriman	Reject	3.2
217.8	Jay Berriman	Accept	3.2
217.9	Jay Berriman	Accept	3.3
218.1	John Barlow	Reject	13.6
223.10	Sam Gent	Reject	23.1
223.1	Sam Gent	Accept in Part	37
223.11	Sam Gent	Reject	23.1

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
223.12	Sam Gent	Reject	23.1
223.13	Sam Gent	Reject	23.2
223.15	Sam Gent	Accept	23.3
223.16	Sam Gent	Accept	23.4
223.17	Sam Gent	Accept	23.5
223.18	Sam Gent	Accept	41.1
223.7	Sam Gent	Reject	22
223.9	Sam Gent	Reject	25.1
225.2	Quentin Smith	Reject	13.6
237.1	Central Land Holdings Limited	Accept	43.1
237.2	Central Land Holdings Limited	Accept in Part	45
238.100	NZIA Southern and Architecture + Women Southern	Reject	43.1
238.101	NZIA Southern and Architecture + Women Southern	Accept in Part	43.1
238.102	NZIA Southern and Architecture + Women Southern	Accept in Part	43.1
238.103	NZIA Southern and Architecture + Women Southern	Accept in Part	43.2
238.104	NZIA Southern and Architecture + Women Southern	Reject	43.2
238.105	NZIA Southern and Architecture + Women Southern	Accept in Part	43.2
238.106	NZIA Southern and Architecture + Women Southern	Accept in Part	45.2
238.107	NZIA Southern and Architecture + Women Southern	Accept in Part	46.3
238.108	NZIA Southern and Architecture + Women Southern	Accept	60
238.13	NZIA Southern and Architecture + Women Southern	Reject	11.1
238.14	NZIA Southern and Architecture + Women Southern	Accept in Part	7.1
238.149	NZIA Southern and Architecture + Women Southern	Accept in Part	16.7
238.150	NZIA Southern and Architecture + Women Southern	Accept in Part	16.11
238.15	NZIA Southern and Architecture + Women Southern	Reject	36.3
238.151	NZIA Southern and Architecture + Women Southern	Reject	16.8
238.152	NZIA Southern and Architecture + Women Southern	Reject	13.5
238.4	NZIA Southern and Architecture + Women Southern	Reject	2.4
238.5	NZIA Southern and Architecture + Women Southern	Reject	33.2

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
238.6	NZIA Southern and Architecture + Women Southern	Accept in Part	42
238.65	NZIA Southern and Architecture + Women Southern	Reject	2.4
238.66	NZIA Southern and Architecture + Women Southern	Reject	3.2
238.67	NZIA Southern and Architecture + Women Southern	Accept in part	3.2
238.68	NZIA Southern and Architecture + Women Southern	Accept	3.2
238.69	NZIA Southern and Architecture + Women Southern	Reject	3.3
238.70	NZIA Southern and Architecture + Women Southern	Accept in part	3.3
238.7	NZIA Southern and Architecture + Women Southern	Accept	56.13
238.71	NZIA Southern and Architecture + Women Southern	Reject	3.3
238.72	NZIA Southern and Architecture + Women Southern	Accept	3.3
238.73	NZIA Southern and Architecture + Women Southern	Reject	3.3
238.74	NZIA Southern and Architecture + Women Southern	Accept in part	3.5
238.75	NZIA Southern and Architecture + Women Southern	Accept in part	3.7
238.76	NZIA Southern and Architecture + Women Southern	Accept	3.7
238.77	NZIA Southern and Architecture + Women Southern	Accept	3.8
238.78	NZIA Southern and Architecture + Women Southern	Accept in Part	7.15
238.79	NZIA Southern and Architecture + Women Southern	Accept insofar as relates to 238.79	7.15
238.80	NZIA Southern and Architecture + Women Southern	Accept	6.5
238.81	NZIA Southern and Architecture + Women Southern	Accept in Part	7.14
238.82	NZIA Southern and Architecture + Women Southern	Accept in Part	7.14
238.87	NZIA Southern and Architecture + Women Southern	Accept in Part	22
238.89	NZIA Southern and Architecture + Women Southern	Reject	36.3
238.90	NZIA Southern and Architecture + Women Southern	Reject	33.2
238.91	NZIA Southern and Architecture + Women Southern	Reject	36.3

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
238.92	NZIA Southern and Architecture + Women Southern	Accept in Part	42
238.94	NZIA Southern and Architecture + Women Southern	Reject	43.1
238.95	NZIA Southern and Architecture + Women Southern	Accept	43.1
238.96	NZIA Southern and Architecture + Women Southern	Accept in Part	43.1
238.97	NZIA Southern and Architecture + Women Southern	Accept in Part	43.1
238.98	NZIA Southern and Architecture + Women Southern	Accept in Part	43.1
238.99	NZIA Southern and Architecture + Women Southern	Accept	43.1
240.2	Gem Lake Limited	Accept in Part	16.7
243.5	Christine Byrch	No relief sought	7.15
243.6	Christine Byrch	Accept	7.20
247.1	Pog Mahones Irish Pub	Reject	7.17
249.11	Willowridge Developments Limited	Accept in Part	33.1
250.1	1876 Bar & Restaurant	Reject	3.5
255.8	N.W. & C.E. BEGGS	Reject	21.1
260.1	Roger Gardiner	Accept in Part	16.8
271.15	Board of Airline Representatives of New Zealand (BARNZ)	Accept in Part	51
274.1	Susan Meyer	Reject	37.1
292.6	John Walker	Accept in Part	13.1
302.1	Grand Lakes Management Limited	Reject	7.17
302.2	Grand Lakes Management Limited	Reject	7.17
302.3	Grand Lakes Management Limited	Accept in Part	7.17
321.1	Coronet Property Investments Limited	Accept in Part	42
321.2	Coronet Property Investments Limited	Accept in Part	43.2
321.3	Coronet Property Investments Limited	Reject	45.2
321.4	Coronet Property Investments Limited	Accept in Part	46.7
321.5	Coronet Property Investments Limited	Accept	46.11
321.7	Coronet Property Investments Limited	Reject	42
344.6	Fletcher Distribution Ltd and Mico New Zealand Ltd	Reject	45.2
344.7	Fletcher Distribution Ltd and Mico New Zealand Ltd	Accept	46.1
344.8	Fletcher Distribution Ltd and Mico New Zealand Ltd	Accept	46.4

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
344.9	Fletcher Distribution Ltd and Mico New Zealand Ltd	Accept in Part	46.7
380.35	Villa dellago	Accept	2.4
380.36	Villa dellago	Accept	3.3
380.37	Villa dellago	Accept in part	3.5
380.38	Villa dellago	Accept	3.7
380.39	Villa dellago	Reject	3.8
380.40	Villa dellago	Accept	33.1
380.56	Villa dellago	Accept	43.1
380.57	Villa dellago	Accept in Part	43.2
383.212	Queenstown Lakes District Council	Accept in part	7.15
383.213	Queenstown Lakes District Council	Accept	7.15
383.214	Queenstown Lakes District Council	Reject	7.15
383.30	Queenstown Lakes District Council	Reject	6.5
383.31	Queenstown Lakes District Council	Accept	7.8
383.32	Queenstown Lakes District Council	Reject	7.8
383.33	Queenstown Lakes District Council	Reject	7.15
383.34	Queenstown Lakes District Council	Accept	7.15
383.35	Queenstown Lakes District Council	Accept	56.17
383.36	Queenstown Lakes District Council	Reject	55
383.37	Queenstown Lakes District Council	Accept	55
383.38	Queenstown Lakes District Council	Reject	56.14
383.39	Queenstown Lakes District Council	Accept in Part	56.18
383.40	Queenstown Lakes District Council	Accept	56.17
383.41	Queenstown Lakes District Council	Accept in Part	59
383.41	Queenstown Airport Corporation	Reject	59
392.10	Erna Spijkerbosch	Reject	43.1
392.11	Erna Spijkerbosch	Accept	43.1
392.12	Erna Spijkerbosch	Accept in Part	43.1
392.13	Erna Spijkerbosch	Accept in Part	45.2
392.14	Erna Spijkerbosch	Accept	46.11
392.9	Erna Spijkerbosch	Accept	42
398.10	Man Street Properties Limited	Reject	7.15
398.11	Man Street Properties Limited	Reject	7.15
398.12	Man Street Properties Limited	Accept in part	3
398.13	Man Street Properties Limited	Accept in Part	7.15
398.14	Man Street Properties Limited	Accept in Part	7.15
398.15	Man Street Properties Limited	Reject	7.19
398.16	Man Street Properties Limited	Accept in Part	3.2
398.17	Man Street Properties Limited	Accept in part	3
398.18	Man Street Properties Limited	Reject	3
398.19	Man Street Properties Limited	Accept in Part	7.19
398.4	Man Street Properties Limited	Accept in part	7.15
398.5	Man Street Properties Limited	Accept in Part	7.15
398.6	Man Street Properties Limited	Accept	6.5
398.7	Man Street Properties Limited	Accept in part	3
398.8	Man Street Properties Limited	Accept in Part	6.5
398.9	Man Street Properties Limited	Accept in part	3

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
417.1	Ellis Gould	Accept	7.15
417.2	Ellis Gould	Reject	7.15
433.61	Queenstown Airport Corporation	Reject	32.2
433.62	Queenstown Airport Corporation	Accept in Part	33.3
433.63	Queenstown Airport Corporation	Reject	36.3
433.64	Queenstown Airport Corporation	Reject	36.3
433.65	Queenstown Airport Corporation	Reject	36.3
433.66	Queenstown Airport Corporation	Reject	36.3
433.67	Queenstown Airport Corporation	Reject	38
433.68	Queenstown Airport Corporation	Accept in Part	53
433.69	Queenstown Airport Corporation	Accept in Part	54
433.70	Queenstown Airport Corporation	Reject	55
433.71	Queenstown Airport Corporation	Accept	56.10
433.73	Queenstown Airport Corporation	Accept in Part	60
433.83	Queenstown Airport Corporation	Accept in Part	54.2
433.84	Queenstown Airport Corporation	Accept in Part	54.2
433.87	Queenstown Airport Corporation	Accept in Part	57
433.88	Queenstown Airport Corporation	Accept in Part	57
433.92	Queenstown Airport Corporation	Accept in Part	58
438.26	New Zealand Fire Service	Reject	7.15
438.27	New Zealand Fire Service	Reject	7.15
438.28	New Zealand Fire Service	Accept	16.6
438.29	New Zealand Fire Service	Accept	16.7
438.30	New Zealand Fire Service	Accept	25.2
438.31	New Zealand Fire Service	Reject	26.1
466.1	Thomas Wild	Accept in Part	16.8
470.2	Queenstown Playcentre	Accept in Part	3.3
470.4	Queenstown Playcentre	Accept in Part	3.2
474.1	Evan Jenkins	Accept	3.5
474.2	Evan Jenkins	Accept	7.17
474.3	Evan Jenkins	Reject	7.17
474.4	Evan Jenkins	Reject	3.5
474.5	Evan Jenkins	Accept in part	N/A
474.6	Evan Jenkins	Accept in Part	7.17
491.1	Redson Holdings Ltd	Reject	7.1
503.4	DJ and EJ Cassells, The Bulling Family, The Bennett Family, M Lynch	Accept in Part	7.17
504.2	Virginia Barbara Bush	Accept in Part	13.3
505.1	JWA & DV Smith Trust	Reject	13.3
505.10	JWA & DV Smith Trust	Reject	15.4
505.2	JWA & DV Smith Trust	Reject	13.2
505.3	JWA & DV Smith Trust	Accept in Part	13.3
505.4	JWA & DV Smith Trust	Reject	13.3
505.5	JWA & DV Smith Trust	Reject	13.6
505.6	JWA & DV Smith Trust	Accept in Part	13.6
505.7	JWA & DV Smith Trust	Reject	13.6
505.8	JWA & DV Smith Trust	Reject	13.6
505.9	JWA & DV Smith Trust	Reject	13.6

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
506.5	Friends of the Wakatiou Gardens and Reserves Incorporated	Accept in Part	7.17
542.1	G H & P J Hensman	Accept in Part	42
542.2	G H & P J Hensman	Reject	45.2
542.3	G H & P J Hensman	Accept	45.4
542.4	G H & P J Hensman	Reject	46.1
544.1	Good Group Limited	Reject	7.17
544.4	Good Group Limited	Reject	6.4
544.5	Good Group Limited	Reject	7.17
544.6	Good Group Limited	Reject	7.17
544.7	Good Group Limited	Reject	3
545.1	High Peaks Limited	Accept in Part	42
545.2	High Peaks Limited	Reject	45.2
545.3	High Peaks Limited	Accept	45.4
545.4	High Peaks Limited	Reject	46.1
548.4	Maximum Mojo Holdings Limited	Accept in Part	7.15
548.5	Maximum Mojo Holdings Limited	Accept in Part	7.15
548.6	Maximum Mojo Holdings Limited	Reject	Part B
549.1	Watertight Investments T/A REPUBLIC HOSPITALITY GROUP (RHG) Operating WINNIES, BALLARAT TRADING COMPANY, ZEPHYR, BARUP, HABANA, BELOW ZERO AND BUFALLO CLUB.	Accept in Part	7.17
550.1	Ngai Tahu Property Limited	Accept in Part	42
550.2	Ngai Tahu Property Limited	Reject	45.2
550.3	Ngai Tahu Property Limited	Accept	45.4
550.4	Ngai Tahu Property Limited	Reject	46.1
556.1	Skyline Enterprises Limited	Accept in Part	42
556.10	Skyline Enterprises Limited	Accept in Part	42
556.3	Skyline Enterprises Limited	Accept	42
556.4	Skyline Enterprises Limited	Accept in Part	43
556.5	Skyline Enterprises Limited	Accept in Part	46.1
556.6	Skyline Enterprises Limited	Accept	46.11
556.7	Skyline Enterprises Limited	Reject	45.2
556.8	Skyline Enterprises Limited	Accept	45.4
556.9	Skyline Enterprises Limited	Reject	46.1
571.20	Totally Tourism Limited	Accept	45.4
574.4	Skyline Enterprises Limited	Accept in Part	7.15
587.1	Simple Simon Suck Fizzle Soup and Gourmet Pie Company Trading as The Atlas Beer Cafe	Reject	2.4
587.4	Simple Simon Suck Fizzle Soup and Gourmet Pie Company Trading as The Atlas Beer Cafe	Accept	3
587.5	Simple Simon Suck Fizzle Soup and Gourmet Pie Company Trading as The Atlas Beer Cafe	Reject	7.17

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
587.6	Simple Simon Suck Fizzle Soup and Gourmet Pie Company Trading as The Atlas Beer Cafe	Accept in Part	6.4
589.1	Goose Cherry Cod Catering Company Limited Trading as Ivy and Lolas	Reject	2.4
589.4	Goose Cherry Cod Catering Company Limited Trading as Ivy and Lolas	Accept	3
589.5	Goose Cherry Cod Catering Company Limited Trading as Ivy and Lolas	Reject	7.17
589.6	Goose Cherry Cod Catering Company Limited Trading as Ivy and Lolas	Accept in Part	6.4
591.1	Varina Propriety Limited	Accept in Part	41.1
596.1	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.4
596.4	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	7.17
596.5	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	6.5
599.10	Peter Fleming	Reject	7.14
599.11	Peter Fleming	Accept	6.1
599.12	Peter Fleming	Reject	3.5
599.2	Peter Fleming	Reject	7.17
599.3	Peter Fleming	Accept	6.2
599.4	Peter Fleming	Reject	6.4
599.7	Peter Fleming	Reject	7.17
599.8	Peter Fleming	Accept in Part	7.15
599.9	Peter Fleming	Reject	7.15
602.2	N & B Teat Family Trust	Accept in Part	11.1
606.1	Skyline Investments Limited & O'Connells Pavilion Limited	Accept in Part	6.4
606.2	Skyline Investments Limited & O'Connells Pavilion Limited	Reject	7.15
606.3	Skyline Investments Limited & O'Connells Pavilion Limited	Reject	7.15
606.4	Skyline Investments Limited & O'Connells Pavilion Limited	Accept	6.5
606.5	Skyline Investments Limited & O'Connells Pavilion Limited	Reject	7.8
606.6	Skyline Investments Limited & O'Connells Pavilion Limited	Reject	7.19
606.7	Skyline Investments Limited & O'Connells Pavilion Limited	Accept	7.15
607.26	Te Anau Developments Limited	Reject	3.8
607.28	Te Anau Developments Limited	Reject	3.8
609.1	Skyline Properties Limited & Accommodation and Booking Agents Queenstown Limited	Accept in Part	6.4

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
609.2	Skyline Properties Limited & Accommodation and Booking Agents Queenstown Limited	Reject	7.15
609.3	Skyline Properties Limited & Accommodation and Booking Agents Queenstown Limited	Reject	7.15
609.4	Skyline Properties Limited & Accommodation and Booking Agents Queenstown Limited	Accept	6.5
609.5	Skyline Properties Limited & Accommodation and Booking Agents Queenstown Limited	Reject	7.19
614.1	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.5 + 7.15
614.2	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	7.15
614.3	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	7.15
614.4	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	6.5
614.5	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	7.19
616.1	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.5 + 7.15
616.2	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.5 + 7.8
617.2	Tweed Development Limited	Accept	6.5
617.3	Tweed Development Limited	Reject	7.8
617.4	Tweed Development Limited	Accept in Part	7.14
617.5	Tweed Development Limited	Reject	7.19
621.42	Real Journeys Limited	Accept	3.3
621.43	Real Journeys Limited	Reject	3.3
621.44	Real Journeys Limited	Accept in part	3.7
621.45	Real Journeys Limited	Reject	3.8
621.46	Real Journeys Limited	Reject	3.8
621.47	Real Journeys Limited	Reject	3.8
621.48	Real Journeys Limited	Reject	6.3
621.49	Real Journeys Limited	Accept in Part	6.4
621.50	Real Journeys Limited	Reject	6.4
621.51	Real Journeys Limited	Reject	7.10
621.52	Real Journeys Limited	Reject	6.5
621.53	Real Journeys Limited	Accept in Part	6.6
621.54	Real Journeys Limited	Reject	6.6

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
621.55	Real Journeys Limited	Accept in Part	7.10
621.56	Real Journeys Limited	Reject	7.17
621.57	Real Journeys Limited	Accept	7.19
621.77	Real Journeys Limited	Reject	6.6
622.3	Stuart Ian & Melanie Kiri Agnes Pinfold & Satomi Enterprises Limited	Reject	37
622.4	Stuart Ian & Melanie Kiri Agnes Pinfold & Satomi Enterprises Limited	Reject	37
622.5	Stuart Ian & Melanie Kiri Agnes Pinfold & Satomi Enterprises Limited	Reject	37
630.1	DowntownQT	Reject	2.3
630.10	DowntownQT	Accept in Part	6.5
630.2	DowntownQT	Accept	2.2
630.3	DowntownQT	Accept in part	7.17
630.4	DowntownQT	Accept	7.17
630.6	DowntownQT	Accept	6.2
630.7	DowntownQT	Accept in Part	3.3
630.8	DowntownQT	Accept	3.2
630.9	DowntownQT	Accept in Part	6.5
634.1	Trojan Holdings Limited	Accept in Part	42
634.10	Trojan Holdings Limited	Accept in Part	42
634.3	Trojan Holdings Limited	Accept	42
634.4	Trojan Holdings Limited	Accept in Part	43
634.5	Trojan Holdings Limited	Accept in Part	46.1
634.6	Trojan Holdings Limited	Accept	46.11
634.7	Trojan Holdings Limited	Reject	45.2
634.8	Trojan Holdings Limited	Accept	45.4
634.9	Trojan Holdings Limited	Reject	46.1
649.18	Southern District Health Board	Accept in Part	57
649.19	Southern District Health Board	Accept in Part	57
650.1	Foodstuffs South Island Ltd and Foodstuffs South Island Properties Ltd	Accept in Part	7.1
650.2	Foodstuffs South Island Ltd and Foodstuffs South Island Properties Ltd	Accept in Part	11.1
650.6	Foodstuffs South Island Ltd and Foodstuffs South Island Properties Ltd	Accept	7.20
650.7	Foodstuffs South Island Ltd and Foodstuffs South Island Properties Ltd	Accept	16.12
650.8	Foodstuffs South Island Ltd and Foodstuffs South Island Properties Ltd	Accept	16.1
650.9	Foodstuffs South Island Ltd and Foodstuffs South Island Properties Ltd	Accept	16.7

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
654.1	Warren Cooper & Associates	Accept in Part	6.4
663.10	IHG Queenstown Ltd and Carter Queenstown Ltd	Accept in part	3.5
663.11	IHG Queenstown Ltd and Carter Queenstown Ltd	Accept in part	3.7
663.12	IHG Queenstown Ltd and Carter Queenstown Ltd	Accept	3.7
663.13	IHG Queenstown Ltd and Carter Queenstown Ltd	Reject	7.15
663.14	IHG Queenstown Ltd and Carter Queenstown Ltd	Accept	6.5
663.15	IHG Queenstown Ltd and Carter Queenstown Ltd	Reject	6.5
663.16	IHG Queenstown Ltd and Carter Queenstown Ltd	Accept in Part	7.1
663.17	IHG Queenstown Ltd and Carter Queenstown Ltd	Reject	7.10
663.18	IHG Queenstown Ltd and Carter Queenstown Ltd	Reject	7.11
663.20	IHG Queenstown Ltd and Carter Queenstown Ltd	Accept in Part	Part B
663.22	IHG Queenstown Ltd and Carter Queenstown Ltd	Reject	3.3
663.3	IHG Queenstown Ltd and Carter Queenstown Ltd	Reject	3.3
663.4	IHG Queenstown Ltd and Carter Queenstown Ltd	Accept	3.3
663.5	IHG Queenstown Ltd and Carter Queenstown Ltd	Accept in part	3.3
663.6	IHG Queenstown Ltd and Carter Queenstown Ltd	Reject	3.3
663.7	IHG Queenstown Ltd and Carter Queenstown Ltd	Reject	3.3
663.8	IHG Queenstown Ltd and Carter Queenstown Ltd	Accept in part	3.3
663.9	IHG Queenstown Ltd and Carter Queenstown Ltd	Accept in part	3.5
667.3	Cedric Hockey	Reject	7.15
672.1	Watertight Investments Ltd	Accept in Part	2.4
672.10	Watertight Investments Ltd	Reject	3.3
672.11	Watertight Investments Ltd	Accept in part	3.5
672.12	Watertight Investments Ltd	Accept in part	3.7
672.13	Watertight Investments Ltd	Accept	3.7
672.14	Watertight Investments Ltd	Accept in Part	7.15
672.15	Watertight Investments Ltd	Reject	6.5
672.16	Watertight Investments Ltd	Accept in part	2.4
672.3	Watertight Investments Ltd	Reject	3.3
672.4	Watertight Investments Ltd	Accept	3.3

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
672.5	Watertight Investments Ltd	Accept in part	3.3
672.6	Watertight Investments Ltd	Reject	3.3
672.7	Watertight Investments Ltd	Reject	3.3
672.8	Watertight Investments Ltd	Accept in part	3.3
673.1	Foodstuffs South Island Limited and Foodstuffs (South Island) Properties Limited	Accept in Part	7.20
673.2	Foodstuffs South Island Limited and Foodstuffs (South Island) Properties Limited	Accept	16.12
673.3	Foodstuffs South Island Limited and Foodstuffs (South Island) Properties Limited	Accept	16.1
673.4	Foodstuffs South Island Limited and Foodstuffs (South Island) Properties Limited	Accept	16.7
673.5	Foodstuffs South Island Limited and Foodstuffs (South Island) Properties Limited	Accept in Part	16.11
673.6	Foodstuffs South Island Limited and Foodstuffs (South Island) Properties Limited	Reject	7.1
698.2	Spence Farms Ltd	Accept in Part	37.3
698.6	Spence Farms Ltd	Reject	37.5
698.7	Spence Farms Ltd	Reject	37.5
698.8	Spence Farms Ltd	Reject	37.3
700.1	Ledge Properties Ltd and Edge Properties Ltd	Accept in Part	43.1
700.2	Ledge Properties Ltd and Edge Properties Ltd	Accept in Part	45.2
700.3	Ledge Properties Ltd and Edge Properties Ltd	Accept in Part	41.1
704.1	Ross & Judith Young Family Trust	Accept in Part	41.1
705.1	Ardmore Holdings Wanaka Limited	Accept	13.5
707.10	Wanaka on Water	Reject	13.5
707.11	Wanaka on Water	Accept in Part	16.8
707.12	Wanaka on Water	Reject	16.8
707.13	Wanaka on Water	Accept in Part	16.8
707.4	Wanaka on Water	Accept	13.5
707.5	Wanaka on Water	Accept	13.5
707.6	Wanaka on Water	Reject	13.5
707.8	Wanaka on Water	Reject	13.5
707.9	Wanaka on Water	Reject	13.5
714.1	Kopuwai Investments Limited	Reject	2.4
714.10	Kopuwai Investments Limited	Accept in Part	6.4
714.11	Kopuwai Investments Limited	Reject	6.4
714.12	Kopuwai Investments Limited	Reject	7.17
714.13	Kopuwai Investments Limited	Accept in Part	7.18

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
714.14	Kopuwai Investments Limited	Accept in Part	7.20
714.18	Kopuwai Investments Limited	Reject	2.4
714.2	Kopuwai Investments Limited	Accept in part	3.2
714.3	Kopuwai Investments Limited	Accept in part	3.2
714.4	Kopuwai Investments Limited	Reject	3.5
714.5	Kopuwai Investments Limited	Reject	3.5
714.6	Kopuwai Investments Limited	Accept in part	3.5
714.7	Kopuwai Investments Limited	Reject	3.5
714.8	Kopuwai Investments Limited	Accept in part	3.8
714.9	Kopuwai Investments Limited	Reject	6.4
719.79	NZ Transport Agency	Accept	3.7
719.80	NZ Transport Agency	Accept in part	3.7
719.81	NZ Transport Agency	Accept	3.7
719.82	NZ Transport Agency	Reject	3.7
719.83	NZ Transport Agency	Accept	3.7
719.84	NZ Transport Agency	Accept	6.2
719.85	NZ Transport Agency	Accept	7.20
719.86	NZ Transport Agency	Accept	33.3
719.87	NZ Transport Agency	Accept	33.3
719.88	NZ Transport Agency	Accept	33.3
719.89	NZ Transport Agency	Accept	33.3
719.91	NZ Transport Agency	Accept	36.4
719.92	NZ Transport Agency	Accept in Part	37.1
719.94	NZ Transport Agency	Reject	38
724.2	Queenstown Gold Ltd	Accept in Part	6.5
728.2	Wanaka Residents Association	Accept in Part	13.5
746.1	Bunnings Limited	Accept	45.1
746.2	Bunnings Limited	Accept in Part	43.1
746.3	Bunnings Limited	Reject	43.2
746.4	Bunnings Limited	Reject	45.6
766.1	Queenstown Wharves GP Limited	Reject	6.6
766.11	Queenstown Wharves GP Limited	Reject	6.6
766.13	Queenstown Wharves GP Limited	Reject	6.6
766.2	Queenstown Wharves GP Limited	Reject	3.8
766.3	Queenstown Wharves GP Limited	Reject	3.8
766.32	Queenstown Wharves GP Limited	Accept	3.8
766.33	Queenstown Wharves GP Limited	Reject	3.8
766.34	Queenstown Wharves GP Limited	Accept	6.6
766.4	Queenstown Wharves GP Limited	Reject	3.8
766.5	Queenstown Wharves GP Limited	Reject	3.8
766.6	Queenstown Wharves GP Limited	Accept	3.8
766.7	Queenstown Wharves GP Limited	Reject	3.8
766.8	Queenstown Wharves GP Limited	Reject	3.8
766.9	Queenstown Wharves GP Limited	Reject	6.6
768.18	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in Part	53
768.19	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept	54.1

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
768.20	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in Part	54.1
768.21	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in Part	54.3
768.22	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept	54.3
768.23	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept	54.3
768.24	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in Part	56.16
774.2	Queenstown Chamber of Commerce	Reject	7.17
774.3	Queenstown Chamber of Commerce	Accept	7.18
774.4	Queenstown Chamber of Commerce	Reject	6.2
774.5	Queenstown Chamber of Commerce	Accept	6.2
774.6	Queenstown Chamber of Commerce	Reject	7.18
774.7	Queenstown Chamber of Commerce	Accept	7.18
777.1	Pier 19	Reject	7.17
798.34	Otago Regional Council	Accept	54.1
798.37	Otago Regional Council	Reject	3.7
798.38	Otago Regional Council	Accept in Part	6.5
798.39	Otago Regional Council	Accept in Part	7.11
798.40	Otago Regional Council	Accept	15.2
798.41	Otago Regional Council	Reject	16.4
798.42	Otago Regional Council	Reject	25.3
798.43	Otago Regional Council	Reject	25.3
798.44	Otago Regional Council	Accept	36.2
798.45	Otago Regional Council	Accept	36.2
798.46	Otago Regional Council	Accept in part	3.7
798.47	Otago Regional Council	Reject	2.4
798.54	Otago Regional Council	Reject	3.8
804.2	Southern Pub Company Limited - T/A Pub on Wharf	Accept	6.4
804.3	Southern Pub Company Limited - T/A Pub on Wharf	Accept	3.2
804.4	Southern Pub Company Limited - T/A Pub on Wharf	Accept in part	3.5
807.79	Remarkables Park Limited	Accept in part	3.7
807.80	Remarkables Park Limited	Reject	2.4
807.81	Remarkables Park Limited	Reject	3.8
807.82	Remarkables Park Limited	Reject	3.8
807.83	Remarkables Park Limited	Reject	6.6
807.86	Remarkables Park Limited	Reject	6.6
807.87	Remarkables Park Limited	Reject	6.6
807.88	Remarkables Park Limited	Reject	6.6
807.91	Remarkables Park Limited	Reject	53
807.92	Remarkables Park Limited	Reject	53
807.94	Remarkables Park Limited	Accept	54.1
807.95	Remarkables Park Limited	Accept in Part	56.10

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
834.3	Helen McPhail	Accept	54.3
834.4	Helen McPhail	Reject	56.18
835.1	Wai Queenstown Limited	Reject	7.17
839.1	Little Blackwood and Minus 5° ICE BAR, owned by Future Bars Limited	Reject	7.17
1366.20	Moraine Creek Limited	Accept	45.4

Part B: Further Submissions

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1028.1	90.1	Wanaka on Water Body Corporate 63238	Accept in Part	16.8
FS1028.2	129.1	Wanaka on Water Body Corporate 63238	Accept in Part	16.8
FS1028.3	156.6	Wanaka on Water Body Corporate 63238	Reject	13.5
FS1028.4	260.1	Wanaka on Water Body Corporate 63238	Accept in Part	16.8
FS1030.11	433.92	Jeremy Bell Investments Limited	Accept in Part	58
FS1030.18	649.18	Jeremy Bell Investments Limited	Accept in Part	57
FS1030.3	433.83	Jeremy Bell Investments Limited	Accept in Part	54.2
FS1030.4	433.87	Jeremy Bell Investments Limited	Accept in Part	57
FS1030.8	433.83	Jeremy Bell Investments Limited	Accept in Part	54.2
FS1043.10	630.3	Grand Lakes Management Limited	Accept in part	6.4
FS1043.11	630.4	Grand Lakes Management Limited	Accept in part	6.4
FS1043.13	630.6	Grand Lakes Management Limited	Reject	6.2
FS1043.14	630.7	Grand Lakes Management Limited	Reject	3.3
FS1043.15	630.8	Grand Lakes Management Limited	Reject	3.2
FS1043.16	630.9	Grand Lakes Management Limited	Reject	6.5
FS1043.17	630.10	Grand Lakes Management Limited	Reject	6.5
FS1043.18	654.1	Grand Lakes Management Limited	Accept in Part	6.4
FS1043.4	151.1	Grand Lakes Management Limited	Reject	2.4
FS1043.6	250.1	Grand Lakes Management Limited	Accept	3.5
FS1043.8	630.1	Grand Lakes Management Limited	Accept	2.3
FS1043.9	630.2	Grand Lakes Management Limited	Reject	2.2
FS1048.1	505.6	Foodstuffs South Island Limited and Foodstuffs South Island Properties Limited	Accept in Part	13.6
FS1048.2	505.7	Foodstuffs South Island Limited and Foodstuffs South Island Properties Limited	Reject	13.6

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1048.3	505.9	Foodstuffs South Island Limited and Foodstuffs South Island Properties Limited	Reject	13.6
FS1048.4	505.10	Foodstuffs South Island Limited and Foodstuffs South Island Properties Limited	Reject	15.4
FS1059.13	102.2	Erna Spijkerbosch	Accept	42
FS1059.21	206.9	Erna Spijkerbosch	Accept	3.3
FS1059.4	20.3	Erna Spijkerbosch	Accept in part	7.15
FS1059.43	59.3	Erna Spijkerbosch	Reject	7.15
FS1059.44	392.9	Erna Spijkerbosch	Accept	42
FS1059.45	392.9	Erna Spijkerbosch	Accept	42
FS1059.46	392.11	Erna Spijkerbosch	Accept	43.1
FS1059.47	392.12	Erna Spijkerbosch	Accept	43.1
FS1059.48	392.13	Erna Spijkerbosch	Accept in Part	45.2
FS1059.49	392.14	Erna Spijkerbosch	Accept	46.11
FS1059.5	20.4	Erna Spijkerbosch	Reject	2.3
FS1059.50	187.13	Erna Spijkerbosch	Reject	N/A
FS1059.55	591.1	Erna Spijkerbosch	Reject	42
FS1059.59	344.6	Erna Spijkerbosch	Reject	45.2
FS1059.6	59.2	Erna Spijkerbosch	Accept	7.15
FS1059.60	344.7	Erna Spijkerbosch	Accept	46.1
FS1059.61	344.8	Erna Spijkerbosch	Accept	46.4
FS1059.62	344.9	Erna Spijkerbosch	Accept in Part	46.7
FS1059.68	700.1	Erna Spijkerbosch	Reject	43.1
FS1059.69	321.1	Erna Spijkerbosch	Accept	42
FS1059.7	20.6	Erna Spijkerbosch	Reject	7.15
FS1059.70	321.2	Erna Spijkerbosch	Accept in Part	43.2
FS1059.71	321.3	Erna Spijkerbosch	Reject	45.2
FS1059.72	321.5	Erna Spijkerbosch	Reject	46.11
FS1059.80	545.1	Erna Spijkerbosch	Reject	42
FS1059.81	545.2	Erna Spijkerbosch	Reject	45.2
FS1059.82	545.3	Erna Spijkerbosch	Reject	45.4
FS1059.84	550.1	Erna Spijkerbosch	Reject	42
FS1059.86	238.98	Erna Spijkerbosch	Accept in Part	43.1
FS1059.87	238.101	Erna Spijkerbosch	Accept in Part	43.1
FS1059.88	238.105	Erna Spijkerbosch	Accept in Part	43.2
FS1059.89	634.1	Erna Spijkerbosch	Reject	42
FS1059.90	634.3	Erna Spijkerbosch	Reject	42
FS1059.91	634.8	Erna Spijkerbosch	Reject	45.4
FS1059.92	556.1	Erna Spijkerbosch	Reject	42
FS1060.1	206.6	Oxford Holdings Limited	Accept	7.15
FS1063.14	506.5	Peter Fleming and Others	Accept in Part	7.17
FS1063.18	654.1	Peter Fleming and Others	Accept in Part	6.4
FS1063.22	574.4	Peter Fleming and Others	Accept in Part	7.15
FS1063.24	606.1	Peter Fleming and Others	Accept in Part	6.4
FS1063.25	606.2	Peter Fleming and Others	Accept	7.15

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1063.26	606.3	Peter Fleming and Others	Accept	7.15
FS1063.27	606.4	Peter Fleming and Others	Reject	6.5
FS1063.28	606.5	Peter Fleming and Others	Accept in part	7.8
FS1063.29	606.6	Peter Fleming and Others	Accept	7.19
FS1063.30	606.7	Peter Fleming and Others	Reject	7.15
FS1063.31	609.1	Peter Fleming and Others	Accept in Part	6.4
FS1063.32	609.2	Peter Fleming and Others	Accept	7.15
FS1063.33	609.3	Peter Fleming and Others	Accept	7.15
FS1063.34	609.4	Peter Fleming and Others	Reject	6.5
FS1063.35	609.5	Peter Fleming and Others	Accept	7.19
FS1063.37	82.1	Peter Fleming and Others	Reject	3.3
FS1063.38	82.2	Peter Fleming and Others	Accept in Part	3.3
FS1063.39	82.3	Peter Fleming and Others	Accept	7.15
FS1063.40	82.4	Peter Fleming and Others	Reject	3.3
FS1063.41	82.5	Peter Fleming and Others	Reject	3.3
FS1063.42	59.1	Peter Fleming and Others	Reject	3.3
FS1063.43	59.2	Peter Fleming and Others	Accept in Part	7.15
FS1063.44	59.3	Peter Fleming and Others	Accept in Part	7.15
FS1063.45	59.4	Peter Fleming and Others	Reject	3.3
FS1063.51	206.6	Peter Fleming and Others	Accept	7.15
FS1063.52	206.7	Peter Fleming and Others	Reject	3.3
FS1063.53	206.8	Peter Fleming and Others	Reject	3.3
FS1063.54	206.9	Peter Fleming and Others	Reject	3.3
FS1063.56	206.11	Peter Fleming and Others	Accept	7.15
FS1063.7	503.4	Peter Fleming and Others	Accept in Part	7.17
FS1075.1	59.1	Oxford Holdings Limited	Reject	3.3
FS1076.1	159.2	Oxford Holdings Limited	Accept	7.15
FS1077.41	433.61	Board of Airline Representatives of New Zealand (BARNZ)	Reject	32.2
FS1077.42	433.62	Board of Airline Representatives of New Zealand (BARNZ)	Accept in Part	33.3
FS1077.43	433.63	Board of Airline Representatives of New Zealand (BARNZ)	Reject	36.3
FS1077.44	433.64	Board of Airline Representatives of New Zealand (BARNZ)	Reject	36.3
FS1077.45	433.65	Board of Airline Representatives of New Zealand (BARNZ)	Reject	36.3
FS1077.46	433.66	Board of Airline Representatives of New Zealand (BARNZ)	Reject	36.3
FS1077.47	433.67	Board of Airline Representatives of New Zealand (BARNZ)	Reject	38
FS1077.58	698.8	Board of Airline Representatives of New Zealand (BARNZ)	Accept	37.3
FS1077.70	807.91	Board of Airline Representatives of New Zealand (BARNZ)	Accept	53
FS1077.71	807.94	Board of Airline Representatives of New Zealand (BARNZ)	Reject	54.1

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1088.4	433.87	Ross and Judith Young Family Trust	Accept in Part	57
FS1097.118	271.15	Queenstown Park Limited	Reject	51
FS1097.257	383.41	Queenstown Park Limited	Reject	59
FS1097.347	433.61	Queenstown Park Limited	Accept	32.2
FS1097.348	433.62	Queenstown Park Limited	Accept in Part	33.3
FS1097.349	433.63	Queenstown Park Limited	Accept in Part	36.3
FS1097.350	433.64	Queenstown Park Limited	Accept in Part	36.3
FS1097.351	433.65	Queenstown Park Limited	Accept in Part	36.3
FS1097.352	433.66	Queenstown Park Limited	Accept in Part	36.3
FS1097.353	433.67	Queenstown Park Limited	Accept in Part	38
FS1097.354	433.68	Queenstown Park Limited	Reject	53
FS1097.355	433.69	Queenstown Park Limited	Reject	54
FS1097.356	433.70	Queenstown Park Limited	Reject	55
FS1097.357	433.71	Queenstown Park Limited	Reject	56.10
FS1097.358	383.41	Queenstown Park Limited	Reject	59
FS1097.359	433.73	Queenstown Park Limited	Reject	60
FS1097.369	433.83	Queenstown Park Limited	Accept in Part	54.2
FS1097.370	433.84	Queenstown Park Limited	Accept in Part	54.2
FS1097.373	433.87	Queenstown Park Limited	Accept in Part	57
FS1097.374	433.88	Queenstown Park Limited	Accept in Part	57
FS1097.378	433.92	Queenstown Park Limited	Accept in Part	58
FS1097.555	607.28	Queenstown Park Limited	Reject	3.8
FS1097.73	238.76	Queenstown Park Limited	Accept	3.7
FS1101.3	274.1	Aspiring Lifestyle Retirement Village	Accept in Part	37.1
FS1107.1	82.1	Man Street Properties Ltd	Accept	3.3
FS1107.10	238.5	Man Street Properties Ltd	Accept in Part	33.2
FS1107.100	238.95	Man Street Properties Ltd	Reject	43.1
FS1107.101	238.96	Man Street Properties Ltd	Reject	43.1
FS1107.102	238.97	Man Street Properties Ltd	Reject	43.1
FS1107.103	238.98	Man Street Properties Ltd	Accept in Part	43.1
FS1107.104	238.99	Man Street Properties Ltd	Reject	43.1
FS1107.105	238.100	Man Street Properties Ltd	Accept in Part	43.1
FS1107.106	238.101	Man Street Properties Ltd	Accept in Part	43.1
FS1107.107	238.102	Man Street Properties Ltd	Accept in Part	43.1
FS1107.108	238.103	Man Street Properties Ltd	Reject	43.2
FS1107.109	238.104	Man Street Properties Ltd	Accept in Part	43.2
FS1107.11	238.6	Man Street Properties Ltd	Accept in Part	42
FS1107.110	238.105	Man Street Properties Ltd	Accept in Part	43.2
FS1107.111	238.106	Man Street Properties Ltd	Accept in Part	45.2
FS1107.112	238.107	Man Street Properties Ltd	Accept in Part	46.3
FS1107.113	238.108	Man Street Properties Ltd	Reject	60
FS1107.12	238.7	Man Street Properties Ltd	Reject	56.13
FS1107.154	238.149	Man Street Properties Ltd	Accept in Part	16.7
FS1107.155	238.150	Man Street Properties Ltd	Accept in Part	16.11
FS1107.156	238.151	Man Street Properties Ltd	Accept	16.8

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1107.157	238.152	Man Street Properties Ltd	Accept	13.5
FS1107.158	417.1	Man Street Properties Ltd	Accept	7.15
FS1107.159	417.2	Man Street Properties Ltd	Accept	7.15
FS1107.18	238.13	Man Street Properties Ltd	Accept	11.1
FS1107.19	238.14	Man Street Properties Ltd	Accept in Part	7.1
FS1107.2	82.2	Man Street Properties Ltd	Accept in Part	3.3
FS1107.20	238.15	Man Street Properties Ltd	Accept in Part	36.3
FS1107.3	82.3	Man Street Properties Ltd	Accept	7.15
FS1107.4	82.4	Man Street Properties Ltd	Accept	3.3
FS1107.5	82.5	Man Street Properties Ltd	Accept	3.3
FS1107.70	238.65	Man Street Properties Ltd	Accept	2.4
FS1107.71	238.66	Man Street Properties Ltd	Accept	3.2
FS1107.72	238.67	Man Street Properties Ltd	Reject	3.2
FS1107.73	238.68	Man Street Properties Ltd	Reject	3.2
FS1107.74	238.69	Man Street Properties Ltd	Reject	3.3
FS1107.75	238.70	Man Street Properties Ltd	Accept in Part	3.3
FS1107.76	238.71	Man Street Properties Ltd	Accept	3.3
FS1107.77	238.72	Man Street Properties Ltd	Reject	3.3
FS1107.78	238.73	Man Street Properties Ltd	Accept	3.3
FS1107.79	238.74	Man Street Properties Ltd	Reject	3.5
FS1107.80	238.75	Man Street Properties Ltd	Reject	3.7
FS1107.81	238.76	Man Street Properties Ltd	Reject	3.7
FS1107.82	238.77	Man Street Properties Ltd	Accept	3.8
FS1107.83	238.78	Man Street Properties Ltd	Reject	7.15
FS1107.84	238.79	Man Street Properties Ltd	Reject	7.15
FS1107.85	238.80	Man Street Properties Ltd	Accept	6.5
FS1107.86	238.81	Man Street Properties Ltd	Accept in Part	7.14
FS1107.87	238.82	Man Street Properties Ltd	Accept in Part	7.14
FS1107.9	238.4	Man Street Properties Ltd	Accept	2.4
FS1107.92	238.87	Man Street Properties Ltd	Reject	22
FS1107.94	238.89	Man Street Properties Ltd	Accept in Part	36.3
FS1107.95	238.90	Man Street Properties Ltd	Accept in Part	33.2
FS1107.96	238.91	Man Street Properties Ltd	Accept in Part	36.3
FS1107.97	238.92	Man Street Properties Ltd	Accept in Part	42
FS1107.99	238.94	Man Street Properties Ltd	Accept in Part	43.1
FS1115.5	621.53	Queenstown Wharves Limited	Reject	6.6
FS1117.10	238.76	Remarkables Park Limited	Accept	3.7
FS1117.110	433.61	Remarkables Park Limited	Accept	32.2
FS1117.111	433.62	Remarkables Park Limited	Accept in Part	33.3
FS1117.112	433.63	Remarkables Park Limited	Accept in Part	36.3
FS1117.113	433.64	Remarkables Park Limited	Accept in Part	36.3
FS1117.114	433.65	Remarkables Park Limited	Accept in Part	36.3
FS1117.115	433.66	Remarkables Park Limited	Accept in Part	36.3
FS1117.116	433.67	Remarkables Park Limited	Accept in Part	38
FS1117.117	433.68	Remarkables Park Limited	Reject	53
FS1117.118	433.69	Remarkables Park Limited	Reject	54
FS1117.119	433.70	Remarkables Park Limited	Reject	55

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1117.120	433.71	Remarkables Park Limited	Reject	56.10
FS1117.121	383.41	Remarkables Park Limited	Reject	59
FS1117.122	433.73	Remarkables Park Limited	Reject	60
FS1117.132	433.83	Remarkables Park Limited	Accept in Part	54.2
FS1117.133	433.84	Remarkables Park Limited	Accept in Part	54.2
FS1117.136	433.87	Remarkables Park Limited	Accept in Part	57
FS1117.137	433.88	Remarkables Park Limited	Accept in Part	57
FS1117.141	433.92	Remarkables Park Limited	Accept in Part	58
FS1117.215	548.4	Remarkables Park Limited	Reject	7.15
FS1117.216	548.5	Remarkables Park Limited	Reject	7.15
FS1117.217	548.6	Remarkables Park Limited	Reject	Part B
FS1117.263	630.8	Remarkables Park Limited	Reject	3.2
FS1117.35	271.15	Remarkables Park Limited	Reject	51
FS1117.6	212.1	Remarkables Park Limited	Accept in part	6.3
FS1118.11	102.2	Robins Road Limited	Accept in Part	42
FS1125.8	59.3	New Zealand Fire Service	Accept	7.15
FS1125.9	82.3	New Zealand Fire Service	Accept	7.15
FS1134.1	599.2	Robbie McGillivray	Reject	7.17
FS1134.2	549.1	Robbie McGillivray	Accept in Part	7.17
FS1134.3	544.1	Robbie McGillivray	Reject	7.17
FS1139.10	663.9	Carl & Lorraine Holt	Reject	3.5
FS1139.11	663.10	Carl & Lorraine Holt	Reject	3.5
FS1139.12	663.11	Carl & Lorraine Holt	Reject	3.7
FS1139.13	663.12	Carl & Lorraine Holt	Accept	3.7
FS1139.14	663.13	Carl & Lorraine Holt	Reject	7.15
FS1139.15	663.14	Carl & Lorraine Holt	Accept	6.5
FS1139.16	663.15	Carl & Lorraine Holt	Reject	6.5
FS1139.17	663.16	Carl & Lorraine Holt	Accept in Part	7.1
FS1139.18	663.17	Carl & Lorraine Holt	Reject	7.10
FS1139.19	663.18	Carl & Lorraine Holt	Reject	7.11
FS1139.21	663.20	Carl & Lorraine Holt	Reject	Part B
FS1139.23	663.22	Carl & Lorraine Holt	Accept	3.3
FS1139.4	663.3	Carl & Lorraine Holt	Accept	3.3
FS1139.5	663.4	Carl & Lorraine Holt	Reject	3.3
FS1139.6	663.5	Carl & Lorraine Holt	Reject	3.3
FS1139.7	663.6	Carl & Lorraine Holt	Accept	3.3
FS1139.8	663.7	Carl & Lorraine Holt	Accept	3.3
FS1139.9	663.8	Carl & Lorraine Holt	Reject	3.3
FS1157.47	238.87	Trojan Helmet Ltd	Reject	22
FS1191.10	663.10	Adam & Kirsten Zaki	Reject	3.5
FS1191.11	663.11	Adam & Kirsten Zaki	Reject	3.7
FS1191.12	663.12	Adam & Kirsten Zaki	Reject	3.7
FS1191.13	663.13	Adam & Kirsten Zaki	Accept	7.15
FS1191.14	663.14	Adam & Kirsten Zaki	Reject	6.5
FS1191.15	663.15	Adam & Kirsten Zaki	Accept in Part	6.5
FS1191.16	663.16	Adam & Kirsten Zaki	Accept in part	7.1
FS1191.17	663.17	Adam & Kirsten Zaki	Accept	7.10

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1191.18	663.18	Adam & Kirsten Zaki	Accept in Part	7.11
FS1191.20	663.20	Adam & Kirsten Zaki	Reject	Part B
FS1191.22	663.22	Adam & Kirsten Zaki	Accept	3.3
FS1191.3	663.3	Adam & Kirsten Zaki	Accept	3.3
FS1191.4	663.4	Adam & Kirsten Zaki	Reject	3.3
FS1191.5	663.5	Adam & Kirsten Zaki	Reject	3.3
FS1191.6	663.6	Adam & Kirsten Zaki	Accept	3.3
FS1191.7	663.7	Adam & Kirsten Zaki	Accept	3.3
FS1191.8	663.8	Adam & Kirsten Zaki	Reject	3.3
FS1191.9	663.9	Adam & Kirsten Zaki	Reject	3.5
FS1200.1	614.1	Stanley Street Investments Limited and Stanley Street Limited and Kelso Investments Limited	Accept in Part	6.5
FS1200.2	614.2	Stanley Street Investments Limited and Stanley Street Limited and Kelso Investments Limited	Accept	7.15
FS1200.3	614.3	Stanley Street Investments Limited and Stanley Street Limited and Kelso Investments Limited	Accept	7.15
FS1200.4	614.4	Stanley Street Investments Limited and Stanley Street Limited and Kelso Investments Limited	Reject	6.5
FS1200.5	614.5	Stanley Street Investments Limited and Stanley Street Limited and Kelso Investments Limited	Accept	7.19
FS1210.1	5.1	Wanaka Hangar Services Limited	Reject	57.8
FS1212.3	274.1	Wanaka Lakes Health Centre	Accept in Part	37.1
FS1216.1	392.13	High Peaks Limited	Accept in Part	45.2
FS1216.2	238.92	High Peaks Limited	Accept in Part	42
FS1224.5	243.5	Matakauri Lodge Limited	Accept	7.15
FS1224.6	243.6	Matakauri Lodge Limited	Accept in Part	7.20
FS1226.1	82.1	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	3.3
FS1226.10	238.5	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	33.2
FS1226.100	238.95	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	43.1
FS1226.101	238.96	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	43.1
FS1226.102	238.97	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	43.1
FS1226.103	238.98	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	43.1
FS1226.104	238.99	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	43.1
FS1226.105	238.100	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	43.1

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1226.106	238.101	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	43.1
FS1226.107	238.102	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	43.1
FS1226.108	238.103	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	43.2
FS1226.109	238.104	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	43.2
FS1226.11	238.6	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	42
FS1226.110	238.105	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	43.2
FS1226.111	238.106	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	45.2
FS1226.112	238.107	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	46.3
FS1226.113	238.108	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	60
FS1226.12	238.7	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	56.13
FS1226.154	238.149	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	16.7
FS1226.155	238.150	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	16.11
FS1226.156	238.151	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	16.8
FS1226.157	238.152	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	13.5
FS1226.159	417.1	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	7.15
FS1226.160	417.2	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	7.15
FS1226.18	238.13	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	11.1
FS1226.19	238.14	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	7.1
FS1226.2	82.2	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	3.3
FS1226.20	238.15	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	36.3
FS1226.3	82.3	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	7.15
FS1226.4	82.4	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	3.3
FS1226.5	82.5	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	3.3
FS1226.70	238.65	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	2.4

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1226.71	238.66	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	3.2
FS1226.72	238.67	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	3.2
FS1226.73	238.68	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	3.2
FS1226.74	238.69	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	3.3
FS1226.75	238.70	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	3.3
FS1226.76	238.71	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	3.3
FS1226.77	238.72	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	3.3
FS1226.78	238.73	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	3.3
FS1226.79	238.74	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	3.5
FS1226.80	238.75	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	3.7
FS1226.81	238.76	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	3.7
FS1226.82	238.77	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	3.8
FS1226.83	238.78	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	7.15
FS1226.84	238.79	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	7.15
FS1226.85	238.80	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	6.5
FS1226.86	238.81	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	7.14
FS1226.87	238.82	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	7.14
FS1226.9	238.4	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	2.4
FS1226.92	238.87	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	22
FS1226.94	238.89	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	36.3
FS1226.95	238.90	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	33.2
FS1226.96	238.91	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	36.3
FS1226.97	238.92	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	42
FS1226.99	238.94	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	43.1

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1228.1	392.13	Ngai Tahu Property Limited	Accept in Part	45.2
FS1228.2	238.92	Ngai Tahu Property Limited	Accept in Part	42
FS1234.1	82.1	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	3.3
FS1234.10	238.5	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	33.2
FS1234.100	238.95	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	43.1
FS1234.101	238.96	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	43.1
FS1234.102	238.97	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	43.1
FS1234.103	238.98	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	43.1
FS1234.104	238.99	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	43.1
FS1234.105	238.100	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	43.1
FS1234.106	238.101	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	43.1
FS1234.107	238.102	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	43.1
FS1234.108	238.103	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	43.2
FS1234.109	238.104	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	43.2
FS1234.11	238.6	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	42
FS1234.110	238.105	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	43.2
FS1234.111	238.106	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	45.2

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1234.112	238.107	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	46.3
FS1234.113	238.108	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	60
FS1234.12	238.7	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	56.13
FS1234.154	238.149	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	16.7
FS1234.155	238.150	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	16.11
FS1234.156	238.151	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	16.8
FS1234.157	238.152	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	13.5
FS1234.159	417.1	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	7.15
FS1234.160	417.2	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	7.15
FS1234.18	238.13	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	11.1
FS1234.19	238.14	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	7.1
FS1234.2	82.2	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	3.3
FS1234.20	238.15	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	36.3
FS1234.3	82.3	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	7.15
FS1234.4	82.4	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	3.3
FS1234.5	82.5	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	3.3

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1234.70	238.65	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	2.4
FS1234.71	238.66	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	3.2
FS1234.72	238.67	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	3.2
FS1234.73	238.68	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	3.2
FS1234.74	238.69	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	3.3
FS1234.75	238.70	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	3.3
FS1234.76	238.71	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	3.3
FS1234.77	238.72	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	3.3
FS1234.78	238.73	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	3.3
FS1234.79	238.74	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	3.5
FS1234.80	238.75	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	3.7
FS1234.81	238.76	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	3.7
FS1234.82	238.77	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	3.8
FS1234.83	238.78	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	7.15
FS1234.84	238.79	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	7.15
FS1234.85	238.80	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	6.5

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1234.86	238.81	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	7.14
FS1234.87	238.82	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	7.14
FS1234.9	238.4	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	2.4
FS1234.92	238.87	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	22
FS1234.94	238.89	Aspiring Lifestyle Retirement Village	Accept in Part	36.3
FS1234.95	238.90	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	33.2
FS1234.96	238.91	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	36.3
FS1234.97	238.92	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	42
FS1234.99	238.94	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	43.1
FS1236.1	59.2	Skyline Enterprises Limited	Reject	7.15
FS1236.10	206.7	Skyline Enterprises Limited	Accept	3.3
FS1236.11	206.8	Skyline Enterprises Limited	Accept	3.3
FS1236.12	383.33	Skyline Enterprises Limited	Accept in Part	7.15
FS1236.13	667.3	Skyline Enterprises Limited	Accept	7.15
FS1236.14	491.1	Skyline Enterprises Limited	Accept in Part	7.1
FS1236.15	807.77	Skyline Enterprises Limited	Reject	7.15
FS1236.2	59.3	Skyline Enterprises Limited	Reject	7.15
FS1236.3	59.4	Skyline Enterprises Limited	Accept	3.3
FS1236.4	82.3	Skyline Enterprises Limited	Accept	7.15
FS1236.5	82.4	Skyline Enterprises Limited	Accept	3.3
FS1236.6	82.5	Skyline Enterprises Limited	Accept	3.3
FS1236.7	159.1	Skyline Enterprises Limited	Accept in Part	7.15
FS1236.8	159.2	Skyline Enterprises Limited	Accept in Part	7.15
FS1236.9	206.6	Skyline Enterprises Limited	Accept in Part	7.15
FS1238.1	392.13	Skyline Enterprises Limited	Accept in Part	45.2
FS1238.2	238.92	Skyline Enterprises Limited	Accept in Part	42
FS1239.1	82.1	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	3.3
FS1239.10	238.5	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	33.2

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1239.100	238.95	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	43.1
FS1239.101	238.96	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	43.1
FS1239.102	238.97	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	43.1
FS1239.103	238.98	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	43.1
FS1239.104	238.99	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	43.1
FS1239.105	238.100	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	43.1
FS1239.106	238.101	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	43.1
FS1239.107	238.102	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	43.1
FS1239.108	238.103	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	43.2
FS1239.109	238.104	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	43.2
FS1239.11	238.6	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	42
FS1239.110	238.105	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	43.2
FS1239.111	238.106	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	45.2
FS1239.112	238.107	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	46.3
FS1239.113	238.108	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	60
FS1239.12	238.7	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	56.13
FS1239.154	238.149	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	16.7
FS1239.155	238.150	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	16.11
FS1239.156	238.151	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	16.8
FS1239.157	238.152	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	13.5
FS1239.159	417.1	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	7.15
FS1239.160	417.2	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	7.15
FS1239.18	238.13	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	11.1
FS1239.19	238.14	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	7.1

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1239.2	82.2	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	3.3
FS1239.20	238.15	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	36.3
FS1239.3	82.3	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	7.15
FS1239.4	82.4	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	3.3
FS1239.5	82.5	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	3.3
FS1239.70	238.65	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	2.4
FS1239.71	238.66	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	3.2
FS1239.72	238.67	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	3.2
FS1239.73	238.68	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	3.2
FS1239.74	238.69	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	3.3
FS1239.75	238.70	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	3.3
FS1239.76	238.71	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	3.3
FS1239.77	238.72	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	3.3
FS1239.78	238.73	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	3.3
FS1239.79	238.74	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	3.5
FS1239.80	238.75	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	3.7
FS1239.81	238.76	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	3.7
FS1239.82	238.77	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	3.8
FS1239.83	238.78	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	7.15
FS1239.84	238.79	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	7.15
FS1239.85	238.80	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	6.5
FS1239.86	238.81	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	7.14
FS1239.87	238.82	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	7.14
FS1239.9	238.4	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	2.4

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1239.92	238.87	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	22
FS1239.94	238.89	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	36.3
FS1239.95	238.90	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	33.2
FS1239.96	238.91	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	36.3
FS1239.97	238.92	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	42
FS1239.99	238.94	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	43.1
FS1241.1	82.1	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	3.3
FS1241.10	238.5	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	33.2
FS1241.100	238.95	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	43.1
FS1241.101	238.96	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	43.1
FS1241.102	238.97	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	43.1
FS1241.103	238.98	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	43.1
FS1241.104	238.99	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	43.1
FS1241.105	238.100	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	43.1
FS1241.106	238.101	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	43.1
FS1241.107	238.102	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	43.1
FS1241.108	238.103	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	43.2
FS1241.109	238.104	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	43.2

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1241.11	238.6	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	42
FS1241.110	238.105	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	43.2
FS1241.111	238.106	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	45.2
FS1241.112	238.107	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	46.3
FS1241.113	238.108	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	60
FS1241.12	238.7	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	56.13
FS1241.154	238.149	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	16.7
FS1241.155	238.150	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	16.11
FS1241.156	238.151	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	16.8
FS1241.157	238.152	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	13.5
FS1241.159	417.1	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	7.15
FS1241.160	417.2	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	7.15
FS1241.18	238.13	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	11.1
FS1241.19	238.14	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	7.1
FS1241.2	82.2	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	3.3
FS1241.20	238.15	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	36.3

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1241.3	82.3	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	7.15
FS1241.4	82.4	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	3.3
FS1241.5	82.5	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	3.3
FS1241.70	238.65	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	2.4
FS1241.71	238.66	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	3.2
FS1241.72	238.67	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	3.2
FS1241.73	238.68	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	3.2
FS1241.74	238.69	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	3.3
FS1241.75	238.70	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	3.3
FS1241.76	238.71	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	3.3
FS1241.77	238.72	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	3.3
FS1241.78	238.73	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	3.3
FS1241.79	238.74	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	3.5
FS1241.80	238.75	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	3.7
FS1241.81	238.76	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	3.7
FS1241.82	238.77	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	3.8

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1241.83	238.78	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	7.15
FS1241.84	238.79	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	7.15
FS1241.85	238.80	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	6.5
FS1241.86	238.81	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	7.14
FS1241.87	238.82	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	7.14
FS1241.9	238.4	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	2.4
FS1241.92	238.87	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	22
FS1241.94	238.89	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	36.3
FS1241.95	238.90	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	33.2
FS1241.96	238.91	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	36.3
FS1241.97	238.92	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	42
FS1241.99	238.94	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	43.1
FS1242.104	238.76	Antony & Ruth Stokes	Reject	3.7
FS1242.117	238.89	Antony & Ruth Stokes	Accept in Part	36.3
FS1242.118	238.90	Antony & Ruth Stokes	Accept in Part	33.2
FS1242.119	238.91	Antony & Ruth Stokes	Accept in Part	36.3
FS1242.124	238.96	Antony & Ruth Stokes	Accept in Part	43.1
FS1242.127	238.99	Antony & Ruth Stokes	Accept in Part	43.1
FS1242.130	238.102	Antony & Ruth Stokes	Accept in Part	43.1
FS1242.33	238.5	Antony & Ruth Stokes	Accept in Part	33.2
FS1242.34	238.6	Antony & Ruth Stokes	Accept in Part	42
FS1242.43	238.15	Antony & Ruth Stokes	Accept in Part	36.3
FS1246.1	392.13	Trojan Holdings Limited	Accept in Part	45.2
FS1246.2	238.92	Trojan Holdings Limited	Accept in Part	42

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1248.1	82.1	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	3.3
FS1248.10	238.5	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	33.2
FS1248.100	238.95	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	43.1
FS1248.101	238.96	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	43.1
FS1248.102	238.97	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	43.1
FS1248.103	238.98	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	43.1
FS1248.104	238.99	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	43.1
FS1248.105	238.100	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	43.1
FS1248.106	238.101	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	43.1
FS1248.107	238.102	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	43.1
FS1248.108	238.103	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	43.2
FS1248.109	238.104	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	43.2
FS1248.11	238.6	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	42
FS1248.110	238.105	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	43.2
FS1248.111	238.106	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	45.2
FS1248.112	238.107	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	46.3
FS1248.113	238.108	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	60
FS1248.12	238.7	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	56.13
FS1248.154	238.149	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	16.7
FS1248.155	238.150	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	16.11
FS1248.156	238.151	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	16.8
FS1248.157	238.152	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	13.5
FS1248.159	417.1	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	7.15
FS1248.160	417.2	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	7.15

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1248.18	238.13	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	11.1
FS1248.19	238.14	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	7.1
FS1248.2	82.2	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	3.3
FS1248.20	238.15	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	36.3
FS1248.3	82.3	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	7.15
FS1248.4	82.4	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	3.3
FS1248.5	82.5	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	3.3
FS1248.70	238.65	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	2.4
FS1248.71	238.66	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	3.2
FS1248.72	238.67	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	3.2
FS1248.73	238.68	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	3.2
FS1248.74	238.69	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	3.3
FS1248.75	238.70	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	3.3
FS1248.76	238.71	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	3.3
FS1248.77	238.72	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	3.3
FS1248.78	238.73	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	3.3
FS1248.79	238.74	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	3.5
FS1248.80	238.75	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	3.7
FS1248.81	238.76	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	3.7
FS1248.82	238.77	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	3.8
FS1248.83	238.78	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	7.15
FS1248.84	238.79	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	7.15
FS1248.85	238.80	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	6.5
FS1248.86	238.81	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	7.14

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1248.87	238.82	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	7.14
FS1248.9	238.4	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	2.4
FS1248.92	238.87	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	22
FS1248.94	238.89	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	36.3
FS1248.95	238.90	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	33.2
FS1248.96	238.91	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	36.3
FS1248.97	238.92	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	42
FS1248.99	238.94	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	43.1
FS1249.1	82.1	Tweed Development Limited	Accept	3.3
FS1249.10	238.5	Tweed Development Limited	Accept in Part	33.2
FS1249.100	238.95	Tweed Development Limited	Reject	43.1
FS1249.101	238.96	Tweed Development Limited	Reject	43.1
FS1249.102	238.97	Tweed Development Limited	Reject	43.1
FS1249.103	238.98	Tweed Development Limited	Accept in Part	43.1
FS1249.104	238.99	Tweed Development Limited	Reject	43.1
FS1249.105	238.100	Tweed Development Limited	Accept in Part	43.1
FS1249.106	238.101	Tweed Development Limited	Accept in Part	43.1
FS1249.107	238.102	Tweed Development Limited	Accept in Part	43.1
FS1249.108	238.103	Tweed Development Limited	Reject	43.2
FS1249.109	238.104	Tweed Development Limited	Accept in Part	43.2
FS1249.11	238.6	Tweed Development Limited	Accept in Part	42
FS1249.110	238.105	Tweed Development Limited	Accept in Part	43.2
FS1249.111	238.106	Tweed Development Limited	Accept in Part	45.2
FS1249.112	238.107	Tweed Development Limited	Accept in Part	46.3
FS1249.113	238.108	Tweed Development Limited	Reject	60
FS1249.12	238.7	Tweed Development Limited	Reject	56.13
FS1249.154	238.149	Tweed Development Limited	Accept in Part	16.7
FS1249.155	238.150	Tweed Development Limited	Accept in Part	16.11
FS1249.156	238.151	Tweed Development Limited	Accept	16.8
FS1249.157	238.152	Tweed Development Limited	Accept	13.5
FS1249.159	417.1	Tweed Development Limited	Reject	7.15
FS1249.160	417.2	Tweed Development Limited	Accept	7.15
FS1249.18	238.13	Tweed Development Limited	Accept	11.1
FS1249.19	238.14	Tweed Development Limited	Accept	7.1
FS1249.2	82.2	Tweed Development Limited	Accept in Part	3.3
FS1249.20	238.15	Tweed Development Limited	Accept in Part	36.3
FS1249.3	82.3	Tweed Development Limited	Reject	7.15
FS1249.4	82.4	Tweed Development Limited	Accept	3.3
FS1249.5	82.5	Tweed Development Limited	Accept	3.3

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1249.70	238.65	Tweed Development Limited	Accept	2.4
FS1249.71	238.66	Tweed Development Limited	Accept	3.2
FS1249.72	238.67	Tweed Development Limited	Reject	3.2
FS1249.73	238.68	Tweed Development Limited	Reject	3.2
FS1249.74	238.69	Tweed Development Limited	Reject	3.3
FS1249.75	238.70	Tweed Development Limited	Accept in Part	3.3
FS1249.76	238.71	Tweed Development Limited	Accept	3.3
FS1249.77	238.72	Tweed Development Limited	Reject	3.3
FS1249.78	238.73	Tweed Development Limited	Accept	3.3
FS1249.79	238.74	Tweed Development Limited	Reject	3.5
FS1249.80	238.75	Tweed Development Limited	Reject	3.7
FS1249.81	238.76	Tweed Development Limited	Reject	3.7
FS1249.82	238.77	Tweed Development Limited	Accept in part	3.8
FS1249.83	238.78	Tweed Development Limited	Accept in Part	7.15
FS1249.84	238.79	Tweed Development Limited	Accept	7.15
FS1249.85	238.80	Tweed Development Limited	Reject	6.5
FS1249.86	238.81	Tweed Development Limited	Accept in Part	7.14
FS1249.87	238.82	Tweed Development Limited	Accept in Part	7.14
FS1249.9	238.4	Tweed Development Limited	Accept	2.4
FS1249.92	238.87	Tweed Development Limited	Reject	22
FS1249.94	238.89	Tweed Development Limited	Accept in Part	36.3
FS1249.95	238.90	Tweed Development Limited	Accept in Part	33.2
FS1249.96	238.91	Tweed Development Limited	Accept in Part	36.3
FS1249.97	238.92	Tweed Development Limited	Accept in Part	42
FS1249.99	238.94	Tweed Development Limited	Accept in Part	43.1
FS1265.4	59.1	DJ and EJ Cassells, the Bulling Family, the Bennett Family, M Lynch	Reject	3.3
FS1265.5	82.1	DJ and EJ Cassells, the Bulling Family, the Bennett Family, M Lynch	Reject	3.3
FS1265.6	206.9	DJ and EJ Cassells, the Bulling Family, the Bennett Family, M Lynch	Reject	3.3
FS1268.4	59.1	Friends of the Wakatipu Gardens and Reserves Inc	Reject	3.3
FS1268.5	82.1	Friends of the Wakatipu Gardens and Reserves Inc	Reject	3.3
FS1268.6	206.9	Friends of the Wakatipu Gardens and Reserves Inc	Reject	3.3
FS1274.10	398.9	John Thompson and MacFarlane Investments Limited	Reject	3
FS1274.11	398.10	John Thompson and MacFarlane Investments Limited	Reject	7.15
FS1274.12	398.11	John Thompson and MacFarlane Investments Limited	Reject	7.15

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1274.13	398.12	John Thompson and MacFarlane Investments Limited	Accept in part	3
FS1274.14	398.13	John Thompson and MacFarlane Investments Limited	Accept in Part	7.15
FS1274.15	398.14	John Thompson and MacFarlane Investments Limited	Accept in Part	7.15
FS1274.16	398.15	John Thompson and MacFarlane Investments Limited	Accept	7.19
FS1274.17	398.16	John Thompson and MacFarlane Investments Limited	Accept in Part	3.2
FS1274.18	398.17	John Thompson and MacFarlane Investments Limited	Accept in part	3
FS1274.19	398.18	John Thompson and MacFarlane Investments Limited	Accept	3
FS1274.20	398.19	John Thompson and MacFarlane Investments Limited	Reject	7.19
FS1274.21	82.1	John Thompson and MacFarlane Investments Limited	Accept	3.3
FS1274.22	82.2	John Thompson and MacFarlane Investments Limited	Accept in Part	3.3
FS1274.23	82.3	John Thompson and MacFarlane Investments Limited	Accept	7.15
FS1274.24	82.4	John Thompson and MacFarlane Investments Limited	Accept	3.3
FS1274.25	82.5	John Thompson and MacFarlane Investments Limited	Accept	3.3
FS1274.31	206.6	John Thompson and MacFarlane Investments Limited	Accept in Part	7.15
FS1274.32	206.7	John Thompson and MacFarlane Investments Limited	Accept	3.3
FS1274.33	206.8	John Thompson and MacFarlane Investments Limited	Accept	3.3
FS1274.34	206.9	John Thompson and MacFarlane Investments Limited	Accept	3.3
FS1274.36	206.11	John Thompson and MacFarlane Investments Limited	Accept in Part	7.15
FS1274.37	383.214	John Thompson and MacFarlane Investments Limited	Accept in Part	7.15
FS1274.5	398.4	John Thompson and MacFarlane Investments Limited	Accept in Part	7.15
FS1274.6	398.5	John Thompson and MacFarlane Investments Limited	Accept	7.15
FS1274.7	398.6	John Thompson and MacFarlane Investments Limited	Reject	6.5
FS1274.8	398.7	John Thompson and MacFarlane Investments Limited	Accept in part	3
FS1274.9	398.8	John Thompson and MacFarlane Investments Limited	Accept in Part	6.5

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1285.4	9.11	Nic Blennerhassett	Out of scope outside TLA/DP function	N/A
FS1288.7	392.9	Pinewood	Accept	42
FS1288.8	392.13	Pinewood	Accept in Part	45.2
FS1288.9	392.14	Pinewood	Accept	46.11
FS1305.1	9.11	Wanaka Watersports Facility Trust	Out of scope outside TLA/DP function	N/A
FS1314.1	238.6	Bunnings Ltd	Accept in Part	42
FS1314.11	700.1	Bunnings Ltd	Reject	43.1
FS1314.2	238.92	Bunnings Ltd	Accept in Part	42
FS1314.3	238.94	Bunnings Ltd	Accept	43.1
FS1314.4	238.97	Bunnings Ltd	Reject	43.1
FS1314.5	238.96	Bunnings Ltd	Reject	43.1
FS1314.6	238.103	Bunnings Ltd	Reject	43.2
FS1314.7	238.104	Bunnings Ltd	Accept in Part	43.2
FS1314.8	238.105	Bunnings Ltd	Accept in Part	43.2
FS1318.1	187.4	Imperium Group	Reject	3.5
FS1318.10	247.1	Imperium Group	Accept in Part	7.17
FS1318.11	250.1	Imperium Group	Accept in part	3.5
FS1318.13	544.1	Imperium Group	Accept	7.17
FS1318.14	549.1	Imperium Group	Accept in part	7.17
FS1318.15	587.1	Imperium Group	Accept in part	2.4
FS1318.18	587.4	Imperium Group	Accept in part	3
FS1318.19	587.5	Imperium Group	Accept in Part	7.17
FS1318.2	212.1	Imperium Group	Reject	7.17
FS1318.20	587.6	Imperium Group	Reject	6.4
FS1318.22	589.1	Imperium Group	Accept in part	2.4
FS1318.25	589.4	Imperium Group	Accept in part	3
FS1318.26	589.5	Imperium Group	Accept in Part	7.17
FS1318.27	589.6	Imperium Group	Reject	6.4
FS1318.29	596.4	Imperium Group	Accept in Part	7.17
FS1318.3	238.66	Imperium Group	Reject	3.2
FS1318.30	714.1	Imperium Group	Accept in part	2.4
FS1318.31	714.6	Imperium Group	Accept in part	3.5
FS1318.32	714.8	Imperium Group	Reject	3.8
FS1318.33	777.1	Imperium Group	Accept in Part	7.17
FS1318.35	804.2	Imperium Group	Accept in Part	7.17
FS1318.36	835.1	Imperium Group	Accept in Part	7.17
FS1318.38	839.1	Imperium Group	Accept in Part	7.17
FS1318.39	217.7	Imperium Group	Reject	3.2
FS1318.4	380.35	Imperium Group	Reject	2.4
FS1318.40	217.10	Imperium Group	Reject	3.5
FS1318.41	217.13	Imperium Group	Accept in Part	7.17
FS1318.42	302.1	Imperium Group	Accept	7.17
FS1318.43	503.4	Imperium Group	Accept in Part	7.17

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1318.44	506.5	Imperium Group	Accept in Part	7.17
FS1318.45	599.2	Imperium Group	Accept in Part	7.17
FS1318.46	654.1	Imperium Group	Accept in Part	6.4
FS1318.5	663.9	Imperium Group	Reject	3.5
FS1318.6	672.11	Imperium Group	Reject	3.5
FS1318.8	70.1	Imperium Group	Accept in Part	7.17
FS1318.9	71.1	Imperium Group	Accept in part	7.17
FS1340.27	698.7	Queenstown Airport Corporation	Accept in Part	37.5
FS1340.28	698.8	Queenstown Airport Corporation	Reject	37.3
FS1340.30	383.38	Queenstown Airport Corporation	Accept	56.14
FS1340.31	383.39	Queenstown Airport Corporation	Accept in Part	56.18
FS1340.32	798.34	Queenstown Airport Corporation	Accept in Part	54.1
FS1340.33	807.94	Queenstown Airport Corporation	Reject	54.1
FS1341.1	766.2	Real Journeys Limited	Reject	3.8
FS1341.15	766.13	Real Journeys Limited	Accept in Part	6.6
FS1341.2	766.4	Real Journeys Limited	Reject	3.8
FS1341.25	798.54	Real Journeys Limited	Accept in part	3.8
FS1341.3	766.3	Real Journeys Limited	Reject	3.8
FS1341.4	766.5	Queenstown Wharves GP Limited	Reject	3.8
FS1341.5	766.6	Queenstown Wharves GP Limited	Reject	3.8
FS1341.6	766.7	Queenstown Wharves GP Limited	Reject	3.8
FS1341.7	766.8	Real Journeys Limited	Accept	3.8
FS1342.16	798.54	Te Anau Developments Limited	Accept in part	3.8
FS1368.1	20.3	Man Street Properties Limited	Reject	7.15
FS1368.2	20.6	Man Street Properties Limited	Reject	7.15
FS1368.3	238.79	Man Street Properties Limited	Reject	7.15
FS1368.4	238.78	Man Street Properties Limited	Reject	7.15

Appendix 8: Definitions Recommended to Stream 10 Hearing Panel for Inclusion in Chapter 2

Aircraft	Means any machine that can derive support in the atmosphere from the reactions of the air otherwise than by reactions of the air against the surface of the earth. Excludes remotely piloted aircraft that weigh less than 15 kilograms.
Airport Activity	Means land used wholly or partly for the landing, departure, and surface movement of aircraft, including: <ul style="list-style-type: none"> a. aircraft operations, which include private aircraft traffic, domestic and international aircraft traffic, rotary wing operations; b. aircraft servicing, general aviation, airport or aircraft training facilities and associated offices. c. runways, taxiways, aprons, and other aircraft movement areas; d. terminal buildings, hangars, air traffic control facilities, flight information services, navigation and safety aids, rescue facilities, lighting, car parking, maintenance and service facilities, fuel storage and fuelling facilities, and facilities for the handling and storage of hazardous substances.
Airport Related Activity	Means an ancillary activity or service that provides support to the airport. This includes: <ul style="list-style-type: none"> a. land transport activities b. buildings and structures c. servicing and infrastructure d. police stations, fire stations, medical facilities and education facilities provided they serve an aviation related purpose e. retail and commercial services, and industry associated with the needs of Airport passengers, visitors and employees and/or aircraft movements and Airport businesses f. catering facilities g. quarantine and incineration facilities h. border control and immigration facilities i. administrative offices (provided they are ancillary an Airport or Airport Related Activity).
Critical Listening Environment	Means any space that is regularly used for high quality listening or communication for example principle living areas, bedrooms and classrooms but excludes non-critical listening environments.
Hangar	Means a structure used to store aircraft, including for maintenance, servicing and/or repair purposes.
Landside	Means an area of an airport and buildings to which the public has unrestricted access.
Outer Control Boundary (OCB)	Means a boundary, as shown on the District Plan Maps, the location of which is based on the future predicted day/night sound levels of 55 dBA Ldn from airport operations.
Projected Annual Aircraft Noise Contour (AANC)	Means the Projected Annual Aircraft Noise Contours calculated as specified by the Aerodrome Purposes Designation 2, Condition 13.
Remotely Piloted Aircraft	Means an unmanned aircraft that is piloted from a remote station.

Appendix 9: Recommendations on Submissions referred to Other Hearing Panels

Part A: Submissions

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
243.34	Christine Byrch	Reject	62
296.1	Royal New Zealand Aero Club Inc/Flying NZ	Reject	62
344.10	Sam Flewellen	Accept	48
344.11	Sam Flewellen	Accept	48
383.3	Queenstown Lakes District Council	Accept	62
433.1	Queenstown Airport Corporation	Accept	62
433.10	Queenstown Airport Corporation	Reject	62
433.12	Queenstown Airport Corporation	Accept	62
433.13	Queenstown Airport Corporation	Accept in Part	62
433.14	Queenstown Airport Corporation	Accept in Part	62
433.15	Queenstown Airport Corporation	Reject	62
433.16	Queenstown Airport Corporation	Accept	62
433.17	Queenstown Airport Corporation	Accept	62
433.18	Queenstown Airport Corporation	Accept	62
433.19	Queenstown Airport Corporation	Accept	62
433.2	Queenstown Airport Corporation	Accept	62
433.20	Queenstown Airport Corporation	Accept	62
433.21	Queenstown Airport Corporation	Accept	62
433.23	Queenstown Airport Corporation	Accept	62
433.25	Queenstown Airport Corporation	Accept	62
433.26	Queenstown Airport Corporation	Accept	62
433.27	Queenstown Airport Corporation	Accept in Part	62
433.28	Queenstown Airport Corporation	Reject	62
433.29	Queenstown Airport Corporation	Accept in Part	62
433.3	Queenstown Airport Corporation	Accept	62
433.34	Queenstown Airport Corporation	Accept	62
433.35	Queenstown Airport Corporation	Accept	62
433.36	Queenstown Airport Corporation	Accept	62
433.5	Queenstown Airport Corporation	Accept in Part	62
433.6	Queenstown Airport Corporation	Accept	62
433.7	Queenstown Airport Corporation	Accept	62
433.8	Queenstown Airport Corporation	Accept	62
433.9	Queenstown Airport Corporation	Accept in Part	62
566.1	Airways Corporation of New Zealand	Accept in Part	62
584.3	Air New Zealand Limited (ANZL)	Reject	62
746.5	Bunnings Limited	Accept in Part	48
746.6	Bunnings Limited	Reject	48
807.90	Remarkables Park Limited	Accept	62
836.1	Arcadian Triangle Limited	Accept in Part	62
836.11	Arcadian Triangle Limited	Accept in Part	62
836.3	Arcadian Triangle Limited	Accept	62

Part B: Further Submissions

Further Submission Number	Original Submission	Further Submitter	Commissioner's Recommendation	Report Reference
FS1030.1	433.1	Jeremy Bell Investments Limited	Accept	62
FS1030.2	433.14	Jeremy Bell Investments Limited	Accept in Part	62
FS1077.18	433.1	Board of Airline Representatives of New Zealand (BARNZ)	Accept	62
FS1077.55	584.3	Board of Airline Representatives of New Zealand (BARNZ)	Reject	62
FS1088.2	433.10	Ross and Judith Young Family Trust	Accept in Part	62
FS1088.3	433.14	Ross and Judith Young Family Trust	Accept in Part	62
FS1097.105	271.2	Queenstown Park Limited	Reject	62
FS1097.287	433.1	Queenstown Park Limited	Reject	62
FS1097.288	433.2	Queenstown Park Limited	Reject	62
FS1097.289	433.3	Queenstown Park Limited	Reject	62
FS1097.291	433.5	Queenstown Park Limited	Reject	62
FS1097.292	433.6	Queenstown Park Limited	Accept	62
FS1097.293	433.7	Queenstown Park Limited	Reject	62
FS1097.294	433.8	Queenstown Park Limited	Reject	62
FS1097.295	433.9	Queenstown Park Limited	Reject	62
FS1097.296	433.10	Queenstown Park Limited	Reject	62
FS1097.298	433.12	Queenstown Park Limited	Reject	62
FS1097.299	433.13	Queenstown Park Limited	Reject	62
FS1097.300	433.14	Queenstown Park Limited	Accept	62
FS1097.301	433.15	Queenstown Park Limited	Reject	62
FS1097.302	433.16	Queenstown Park Limited	Reject	62
FS1097.303	433.17	Queenstown Park Limited	Reject	62
FS1097.304	433.18	Queenstown Park Limited	Reject	62
FS1097.305	433.19	Queenstown Park Limited	Reject	62
FS1097.306	433.20	Queenstown Park Limited	Reject	62
FS1097.307	433.21	Queenstown Park Limited	Reject	62
FS1097.309	433.23	Queenstown Park Limited	Reject	62
FS1097.311	433.25	Queenstown Park Limited	Reject	62
FS1097.312	433.26	Queenstown Park Limited	Reject	62
FS1097.313	433.27	Queenstown Park Limited	Reject	62
FS1097.314	433.28	Queenstown Park Limited	Reject	62
FS1097.315	433.29	Queenstown Park Limited	Reject	62
FS1097.321	433.35	Queenstown Park Limited	Reject	62
FS1097.322	433.36	Queenstown Park Limited	Reject	62
FS1117.22	271.2	Remarkables Park Limited	Reject	62
FS1117.227	584.3	Remarkables Park Limited	Reject	62
FS1117.57	433.1	Remarkables Park Limited	Reject	62
FS1117.58	433.2	Remarkables Park Limited	Reject	62
FS1117.59	433.3	Remarkables Park Limited	Reject	62

Further Submission Number	Original Submission	Further Submitter	Commissioner's Recommendation	Report Reference
FS1117.61	433.5	Remarkables Park Limited	Reject	62
FS1117.62	433.6	Remarkables Park Limited	Accept	62
FS1117.63	433.7	Remarkables Park Limited	Reject	62
FS1117.64	433.8	Remarkables Park Limited	Reject	62
FS1117.65	433.9	Remarkables Park Limited	Reject	62
FS1117.66	433.10	Remarkables Park Limited	Reject	62
FS1117.68	433.12	Remarkables Park Limited	Reject	62
FS1117.69	433.13	Remarkables Park Limited	Reject	62
FS1117.70	433.14	Remarkables Park Limited	Accept in Part	62
FS1117.71	433.15	Remarkables Park Limited	Reject	62
FS1117.73	433.17	Remarkables Park Limited	Reject	62
FS1117.74	433.18	Remarkables Park Limited	Reject	62
FS1117.75	433.19	Remarkables Park Limited	Reject	62
FS1117.76	433.20	Remarkables Park Limited	Reject	62
FS1117.77	433.21	Remarkables Park Limited	Reject	62
FS1117.79	433.23	Remarkables Park Limited	Reject	62
FS1117.81	433.25	Remarkables Park Limited	Reject	62
FS1117.82	433.26	Remarkables Park Limited	Reject	62
FS1117.83	433.27	Remarkables Park Limited	Reject	62
FS1117.84	433.28	Remarkables Park Limited	Reject	62
FS1117.85	433.29	Remarkables Park Limited	Reject	62
FS1117.90	433.34	Remarkables Park Limited	Reject	62
FS1117.91	433.35	Remarkables Park Limited	Reject	62
FS1117.92	433.36	Remarkables Park Limited	Reject	62
FS1123.1	433.10	Airways New Zealand Ltd	Accept	62
FS1164.1	344.11	Shotover Park Limited	Accept	48
FS1164.13	746.6	Shotover Park Limited	Reject	48
FS1211.13	433.14	New Zealand Defence Force	Reject	62
FS1224.34	243.34	Matakauri Lodge Limited	Accept	62
FS1314.10	344.11	Bunnings Ltd	Reject	48
FS1314.9	344.10	Bunnings Ltd	Accept	48
FS1340.3	383.3	Queenstown Airport Corporation	Accept	62
FS1340.4	566.1	Queenstown Airport Corporation	Accept in Part	62

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Report 14

Report and Recommendations of Independent Commissioners Regarding Whole
of Plan, Chapter 2 (Definitions) and Chapter 28 (Natural Hazards)

Commissioners

Denis Nugent (Chair)

Trevor Robinson

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PART A: INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Terminology in this Report

1. Throughout this report, we use the following abbreviations:

Act	Resource Management Act 1991 as it stood prior to 19 April 2017
Council	Queenstown Lakes District Council
Clause 16(2)	clause 16(2) of the First Schedule to the Act
NPSET 2008	National Policy Statement for Electricity Transmission 2008
NZTA	New Zealand Transport Authority
ODP	the Operative District Plan for the Queenstown Lakes District as at the date of this report
ONF	Outstanding Natural Feature(s)
ONL	Outstanding Natural Landscape(s)
PDP	Stage 1 of the Proposed District Plan for Queenstown Lakes District as publicly notified on 26 August 2015
Proposed RPS	the Proposed Regional Policy Statement for the Otago Region as modified by decisions on submissions and dated 1 October 2016
Proposed RPS (notified)	the Proposed Regional Policy Statement for the Otago Region dated 23 May 2015
QAC	Queenstown Airport Corporation
RPS	the Operative Regional Policy Statement for the Otago Region dated October 1998
UCES	Upper Clutha Environmental Society
Stage 2 Variations	The variations, including changes to the existing text of the PDP, notified by the Council on 23 November 2017

1.2. Topics Considered:

2. There were three topics of this hearing:

- a. Whole of Plan submissions;
- b. Chapter 2 (Definitions);
- c. Chapter 28 (Natural Hazards).

3. The hearing of these matters collectively comprised Hearing Stream 10.

4. Whole of Plan submissions were classified as such by reason of the fact that they did not relate to a specific part or parts of the PDP. In effect, this was the opportunity for submissions that did not fall neatly into any one of the previous hearing streams to be heard.
5. Chapter 2 of the PDP sets out definitions of terms used in the PDP. Some 256 separate terms are defined in Chapter 2.
6. Chapter 28 is the Chapter of the PDP related to natural hazards. It has five subheadings:
 - a. 28.1 – Purpose;
 - b. 28.1 – Natural hazard Identification;
 - c. 28.3 – Objectives and policies;
 - d. 28.4 – Other relevant provisions;
 - e. 28.5 – Information requirements.

1.3. Hearing Arrangements:

7. The hearing of Stream 10 took place over four days. The Hearing Panel sat in Queenstown on 14-16 March 2017 inclusive and in Wanaka on 17 March 2017.
8. The parties we heard on Stream 10 were:

Council:

- Sarah Scott (Counsel)
- Amy Bowbyes
- Amanda Leith
- Craig Barr

Federated Farmers of New Zealand¹:

- Phil Hunt

Bunnings Limited²:

- Daniel Minhinnick (Counsel)
- Elizabeth Davidson
- Tim Heath
- Kay Panther Knight

Cardrona Station Limited³, Ayrburn Farm Estate Limited⁴ and Arcadian Triangle Limited⁵:

- Warwick Goldsmith (Counsel)

Real Journeys Limited⁶ and Te Anau Developments Limited⁷:

- Fiona Black

Otago Regional Council⁸:

1 Submission 600/Further Submission 1132
 2 Submission 746
 3 Submission 407
 4 Submission 430
 5 Submission 836/Further submission 1255
 6 Submission 621/Further submission 1341
 7 Submission 607/Further submission 1342
 8 Submission 798

- Ralph Henderson

Remarkables Park Limited⁹ and Queenstown Park Limited¹⁰:

- Tim Williams

Pounamu Holdings 2014 Limited¹¹:

- Scott Freeman

- Niki Gladding¹²

- Leigh Overton¹³

UCES¹⁴:

- Julian Haworth

9. We also received written material from the following parties who did not appear:
- Chorus New Zealand Limited¹⁵, Spark New Zealand Trading Limited¹⁶ and Vodafone New Zealand Limited¹⁷ (a representation penned by Matthew McCallum-Clark).
 - QAC¹⁸ (a statement of evidence of Kirsty O’Sullivan).
 - Ministry of Education¹⁹ (a statement of evidence of Julie McMinn).
 - Southern District Health Board²⁰ (a statement of evidence of Julie McMinn).
 - Aurora Energy Limited²¹ (a memorandum of Bridget Irving (Counsel)).
 - Transpower New Zealand²² (a representation penned by Jess Bould).
 - New Zealand Police²³ (a letter from Michael O’Flaherty (counsel)).
 - New Zealand Transport Agency²⁴ (a letter from Tony MacColl).
 - Z Energy Limited, BP Oil Company Limited and Mobil Oil Company Limited²⁵ (statement by Mark Laurenson).
10. In addition, we received additional written material from parties who did appear:
- Mr Young provided written submissions on behalf of Queenstown Park Limited and Remarkables Park Limited, but did not appear at the hearing.
 - Ms Black provided further comments to the Hearing Panel on definitions on behalf of Real Journeys Limited and Te Anau Developments Limited.

⁹ Submission 806
¹⁰ Submission 807
¹¹ Submission 552
¹² Further Submission 1170
¹³ Submission 465
¹⁴ Submission 145 and Further Submission 1034
¹⁵ Submission 781
¹⁶ Submission 191
¹⁷ Submission 197
¹⁸ Submission 433/Further Submission 1340
¹⁹ Submission 524
²⁰ Submission 678
²¹ Submission 635
²² Submission 805/Further Submission 1301
²³ Submission 57
²⁴ Submission 719
²⁵ Collectively Submission 768 and Further Submission 1182

- c. A Memorandum of Counsel (Mr Minhinnick) on behalf of Bunnings Limited dated 17 March 2017.

1.4. Procedural Issues:

- 11. The hearing proceeded in accordance with the procedural directions applying to the PDP hearings generally, summarised in Report 1. The only material variation from those directions was the number of parties (summarised above) who sought leave to table evidence and/or representations in lieu of appearance and in the filing of additional material for Real Journeys/Te Anau Developments Limited and for Bunnings Limited summarised above, providing further information following their respective appearances.
 - 12. We also note that, following a discussion during presentation of the Council case, counsel advised in her submissions in reply that in a limited number of cases, Ms Leith had recommended changes to definitions considered in previous hearings, but the submitters at those earlier hearings had not received notice of the Stream 10 hearing. Counsel considered this could raise natural justice issues. We agreed with that view and consequently directed that the submitters in this category should have the opportunity to make written submissions on Ms Leith's recommendations²⁶. No party took up that opportunity.
 - 13. The Stage 2 Variations were notified on 23 November 2018. They include changes- both deletions and amendments - to a number of the definitions in Chapter 2.
 - 14. Clause 16B(1) of the First Schedule to the Act provides that submissions on any provision the subject of variation are automatically carried over to hearing of the variation.
 - 15. Accordingly, for those Chapter 2 definitions the subject of the Stage 2 Variations, we have 'greyed out' the relevant definition/ part definition (as notified) in the revised version of Chapter 2 attached as Appendix 1 to this Report, in order to indicate that those definitions did not fall within our jurisdiction.
- #### 1.5. Statutory Considerations:
- 16. The Hearing Panel's Report 1 contains a general discussion of the statutory framework within which submissions and further submissions on the PDP should be considered, including matters that have to be taken into account, and the weight to be given to those matters.
 - 17. The nature of the matters raised in submissions on the Whole of Plan sector of the hearing, and on Definitions means that the statutory considerations noted in Report 1 are of limited relevance or assistance to us. We have nevertheless had regard to those matters as relevant. The statutory considerations come much more clearly into focus in relation to Chapter 28 (Natural Hazards) and we will discuss those matters in greater detail in that context.
 - 18. Related to the above, as is the case for previous reports, we have not undertaken a separate section 32AA analysis of the changes to the PDP recommended in this report. Rather, our reasons for our recommendations in terms of the statutory tests contained in section 32 are incorporated in this report.

²⁶ Refer the Chair's Memorandum dated 7 August 2017

PART B: WHOLE OF PLAN:

2. PRELIMINARY

19. Mr Barr's Section 42A Report discussed the whole of plan submissions under 8 issues, as follows:
 - a. Issue 1 – The PDP does not accord with the requirements of the RMA;
 - b. Issue 2 – Staged review;
 - c. Issue 3 – Reduction of prescription and use of an effects based approach
 - d. Issue 4 - Extent of discretion;
 - e. Issue 5 - "Appropriately qualified or experienced" expert reports;
 - f. Issue 6 – Default activity status for unlisted activities;
 - g. Issue 7 – Avoidance of conflicts between water based activities and surrounding activities; and
 - h. Issue 8 – Cost of infrastructure to council.
20. We will follow the same format.
21. Mr Barr also noted a number of submissions as either being out of scope or already addressed in another hearing stream. We accept Mr Barr' recommendations on these submissions in the absence of any conflicting evidence, and do not address those submissions further. Mr Barr also noted that errors or minor issues identified in the PDP²⁷ had already been addressed under Clause 16(2), meaning no recommendation was required from us.
22. In one case, Mr Barr provided his reasoning in the schedule of submitters. This is in relation to submissions²⁸ seeking a policy that established wilding exotic trees be removed as a condition of consent for subdivision, use or development of land in residential or rural living zones. Mr Barr recommended rejection of that submission on the basis that the trees might already be the subject of resource consent or existing use rights, and that subdivision does not always confer development rights. These are all valid reasons, but more importantly to our mind, the submitter provided no evidence of the cost of such action, that might be weighed against the benefits. We recommend the submission be rejected.
23. At this high level, a number of submissions categorised as 'whole of plan' submissions were catchall submissions, seeking to make it clear that they sought consequential or alternative relief, as required, without identifying what that consequential or alternative relief might be. Such submissions are routinely made by submitters in First Schedule processes out of an abundance of caution. We do not regard it as necessary to explicitly seek consequential or alternative relief to the same effect. The Hearing Panel has treated primary submissions as not being restricted to the precise relief sought. We therefore do not categorise these catchall submissions as in fact asking for any particular relief, and on that basis, we recommend they be rejected.
24. In the case of both consequential and alternative relief, while we recommend rejection of the submission on a 'whole or plan' basis, that is without prejudice to the recommendations other Hearing Panels have made in the context of particular parts of the PDP.

²⁷ By Council submission (383) and that of NZTA 719)

²⁸ Submissions 177 and 514 (D Fea)

25. Lastly, a number of submissions noted in the submission schedules were not valid submissions, because they sought no relief (or no clear relief) in terms of changes to the PDP (or retention of its existing provisions). We have made no recommendation in respect of such ‘submissions’.

3. WHOLE OF PLAN ISSUES

3.1. Accordance with the requirements of the RMA:

26. The submissions Mr Barr addressed under this heading²⁹ were generally expressed complaints about the inadequacy of the PDP with reference to Section 5 of the Act, Part 2 of the Act and Section 32 of the Act. None of the submitters in question appeared before us to explain why the PDP was flawed in the relevant respect.
27. Mr Barr noted a number of other submissions³⁰ seeking that the PDP be put on hold (or withdrawn and renotified) until a proper/further Section 32 analyses had been undertaken. Many of the submissions were focused on particular aspects of the PDP but, again, other than UCES, none of submitters in question sought to explain to us why they held this view. As Mr Barr noted, the more specific relief has in each case been addressed in other hearings.
28. In Report 7³¹, we discuss the fact that a submission criticising the section 32 analysis needs to be accompanied by a request for a change to the PDP to be of any value – as we have no jurisdiction over the section 32 analysis the Council has undertaken, only over the PDP itself.
29. We agree with Mr Barr’s comment that viewed on their own, without regard to the more specific relief sought by submitters, these general submissions are problematic because of the difficulty potentially interested parties would have in identifying, still less responding, to the relief as sought.
30. To the extent that the submitters were specific, through seeking deletion of whole chapters of the PDP, we would have required cogent evidence and analysis before concluding that was warranted.
31. In the event, the only submitter to appear and argue for such wide-ranging relief was UCES. We will address that submission later, in a separate section.
32. To the extent, however, that other submissions sought relief on the basis generally that the PDP did not accord with the requirements of the RMA, we do not find those submissions to have been made out at the higher level at which the submissions were pitched.
33. There are of course many aspects of the PDP where the respective Hearing Panel has concluded that more specific submissions on the flaws of the PDP have some merit, but those points have been addressed in those other reports.

²⁹ He instanced Submissions 414, 670, 715 and 811: Supported by FS1097, FS1145 and FS1255; Opposed by FS1071, FS1073, FS1103, FS1108, FS1114, FS1116, FS1192, FS1218, FS1219, FS1224, FS1225, FS1237, FS1247, FS1250, FS1252, FS1277, FS1283, FS1292, FS1293, FS1299, FS1316 and FS1321

³⁰ Submissions 145, 338, 361, 414, and 850; Supported by FS1097, FS1118, FS1229, FS1255 and FS1270; Opposed by FS1071, FS1097, FS1114, FS1155, FS1162, FS1289 and FS1347

³¹ By the Council submission (383) and that of NZTA (719)

3.2. Staged Review

34. Under this heading, Mr Barr noted submissions³² opposing the staged review process being undertaken in respect of the PDP. The submitters sought variously that the entire District Plan be put on hold or rejected until the remaining chapters are included in the review and that it be withdrawn and renotified with a transport chapter.
35. While, as noted in other reports, the staged review process has introduced considerable complexity into the hearing process, we agree with Mr Barr's conclusion that these are not submissions on the PDP that we can properly entertain. Section 79 of the Act provides that Regional Policy Statements, Regional Plans and District Plans may be reviewed in whole or in part. The resolutions of Council determining what matters are reviewed is the exercise of a statutory discretion that would need to be challenged, if it is to be challenged at all, in either the High Court or (possibly) the Environment Court. Our role is to make recommendations on matters the Council has chosen to review (and not subsequently withdrawn pursuant to clause 8D of the First Schedule of the Act).
36. Accordingly, we do not have jurisdiction to consider the submissions in question. They must necessarily be rejected.
37. Mr Barr identifies a related submission on the part of Remarkables Park Limited³³ supporting the exclusion of the Remarkables Park Zone from the PDP and seeking that the PDP be amended to clarify the exclusion.
38. As Mr Barr notes, this submission has effectively been overtaken by the Council's resolution to withdraw the Remarkables Park Zone land from the PDP³⁴ (and thereby remove it from our jurisdiction). This has necessitated amendment to some Chapters of the Plan referring to that Zone. Those matters are addressed in other hearing reports.

3.3. Reduction of Prescription and Use of an Effects Based Approach

39. Mr Barr notes the submission of Remarkables Park Limited³⁵ in this regard. That submission seeks reduction of prescription and enabling of an effects-based assessment of activities. It also criticises the "*direct and control*" approach to tourism, commercial, residential and industrial activities.
40. The Hearing Panel's Report 3 discusses similar criticisms made of the "*strategic chapters*" and reference should be made to that report because, as Mr Barr noted in his Section 42A Report³⁶ the very nature of chapters providing strategic direction is that they might be expected to be more guiding and strategic in nature (i.e. directive) than first generation district plans, such as the ODP, many of which were further along the spectrum towards effects-based planning.
41. With that Hearing Panel having recommended that the strategic chapters be retained we think it follows inevitably that the PDP will be less effects-based than was the ODP. We discussed this point with Mr Barr who agreed that while the ODP was a hybrid, it sat more at the effects-based end, of the spectrum whereas the PDP was more at the "*command and control*" end,

³² Submissions 249 and 414: Supported by FS1097 and FS1255; Opposed by FS1071, FS1090 and FS1136

³³ Submission 807

³⁴ Refer Council Resolutions of 29 September 2016 and 25 May 2017

³⁵ Submission 807

³⁶ At paragraph 8.2

but in his view, only to a point. He drew our attention, in particular, to the general policy approach as enabling effects-based assessment, albeit with exceptions.

42. We agree also with that characterisation.
43. Looked at more broadly, we consider that the general approach in a District Plan needs to take account of the characteristics of the district and the issues that it faces. The Hearing Panel on Chapters 3-4 and 6 concluded that the issues that Queenstown Lakes District is facing require a greater degree of direction to assist achievement of the purpose of the Act than was perhaps the case in the second half of the 1990s, when the ODP was being framed³⁷. We agree with that conclusion at the high level at which the submission is pitched. That is not to say that a case cannot be made for specific provisions to be more effects-based, but that needs to be determined on a case by case basis (and has been in earlier hearing reports).
44. Accordingly, we recommend that Submission 807 be rejected at this higher level.

3.4. Extent of Discretion:

45. Under this heading, Mr Barr drew our attention to Submissions 243³⁸ and 811³⁹ that suggest that too much within the PDP, in the submitters view, is discretionary, providing too little certainty for the community.
46. There is a certain irony given that the criticism in these submissions is, in effect, the inverse of the point raised in Submission 807 addressed under the immediately preceding heading. A plan that is at the “*command and control*” end of the spectrum has very little discretion and considerable certainty. It also has a corresponding lack of flexibility.
47. An effects-based plan has considerable flexibility (at least as to the nature of the activities that can be established) and usually, considerable discretion.
48. As noted in the previous section of this Report, the PDP lies more at the command and control end of the spectrum than the ODP, but not entirely so. We regard this as a positive feature. We do not support an extreme position providing complete certainty, and we do not think it is the most appropriate way, at a very general level, to assist achievement of the purpose of the Act.
49. As with the previous section, we note, that there are elements of the Plan that might be able to be criticised as providing too great an ambit of discretion, but the issue needs to be considered at that more specific level (as has occurred under earlier hearing reports). Accordingly, we recommend that Submissions 243 and 811 be rejected on this point.

3.5. Appropriately qualified or experienced Expert Reports:

50. Under this heading, Mr Barr notes four submissions⁴⁰ requesting deletion of provisions in the PDP that require a report from “*an appropriately qualified and experienced*” person, or alternatively clarification as to what that entails.
51. Mr Barr identified that the PDP referred to “*qualified*” persons, “*qualified and experienced*” persons, “*suitably qualified*” persons “*suitably qualified and experienced*” persons and

³⁷ Refer Report 3 at Section 1.9

³⁸ Supported by FS1117; Opposed by FS1224

³⁹ Opposed by FS1224

⁴⁰ Submissions 607, 615, 621 and 624: Supported by FS1105, FS1137 and FS1160

“*appropriately qualified*” persons, at various points. We should note in passing that we do not regard the difference between “*suitably*” and “*appropriately*” as being material in this context. Usually, these adjectives were used in conjunction with a specified discipline. Mr Barr observed that in earlier reports, the respective Staff Reporting Officer had recommended that reference to experience be deleted in each case with one exception (in Chapter 32). Mr Barr recommended that for consistency, reference to experience should be deleted in all cases.

52. None of the submitters on the point sought to amplify their submissions in evidence before us.
53. We discussed with Mr Barr whether, notwithstanding his recommendation, experience might continue to be a relevant factor and best be judged by some arbitrary nominated period of years following qualification, as is the case, for instance, for some roles requiring experience in legal practice⁴¹. Mr Barr did not favour that option and he amplified his views in reply. He suggested that any nominated period of years would be inherently arbitrary and that operating for a nominated period of years in a certain field does not always carry with it either proficiency or expertise in that field.
54. The point remains live because the provisions of the PDP recommended by the Hearing Panel continue to make reference to experience in particular fields as being both relevant and required⁴². We also consider that in many fields, experience allied to formal qualifications is desirable. Indeed, in some fields, experience is a relevant qualification, either on its own, or allied to some formal qualification. We accept Mr Barr’s point that experience is not synonymous with skill, but as Mr Barr also observed in his reply evidence, generally, some experience is better than none.
55. It follows that we do not agree with those submissions seeking that as a general rule, reference to experience should be deleted, but we agree that it would be helpful if the PDP provided greater clarity as to how much experience is sufficient. Although arbitrary, specifying experience in terms of a nominated period of years is the only objective way to capture what is required. The difficulty, however, is that no one period of years would be adequate in all contexts. What is appropriate for an arborist (in the context of Chapter 32) is probably not appropriate for an archaeologist (in the context of Chapter 26).
56. Accordingly, rather than attempt to provide an overall solution, we consider that the best approach is for the Hearing Panels recommending text referring to appropriately/suitably experienced persons in particular fields to identify where possible, the nature and extent of experience sufficient to qualify a person in that particular field.
- 3.6. **Default activity status for unlisted activities:**
57. This issue was raised in a submission by Arcadian Triangle Limited⁴³ seeking that in relation to non-complying activity status applied to unlisted activities in many zones, the default consent status for any activity not otherwise specified or listed be “*permitted*”, as is the case under the ODP.
58. Mr Barr noted that while, in some zones (most obviously the residential and rural zones) the default activity status is “*non-complying*”, in other zones such as the business zones⁴⁴,

⁴¹ See for instance Section 15 of the District Court Act 2016

⁴² See e.g. recommended Chapter 26 at section 26.2.1

⁴³ Submission 836: Supported by FS1097, FS1341 and FS1342

⁴⁴ Chapters 12-17

activities not listed are “*permitted*”. He was of the view that, where the PDP had made the default activity status non-complying, this was appropriate and should not be reversed as a matter of general principle.

59. When Mr Barr appeared before us, we sought to test the extent to which the permitted activity default status in the ODP in fact governs the situation. Mr Barr’s advice was that permitted activity status seldom applied in either the Rural General or the urban zones in practice, and that the permitted activity default was therefore potentially illusory. When Counsel for Arcadian Triangle Limited (Mr Goldsmith) appeared before us, he agreed with Mr Barr’s assessment that the ODP permitted activity default would seldom apply in practice, but said that the PDP had solved that problem (by deleting the ‘nature and scale’ standard that most activities triggered). Mr Goldsmith argued that the non-complying default status in many chapters of the PDP was unduly restrictive. He relied, in particular, on the presumption in section 9 of the Act that a land use activity can be undertaken unless constrained by a relevant rule in a District Plan. Mr Goldsmith also pointed to what he argued were anomalies in the default activity status between the Jack’s Point and Millbrook Zones (where activities not listed in the PDP are permitted) and the Waterfall Park Zone (where the default activity status is non-complying).
60. Mr Goldsmith also argued that non-complying activity status should not be afforded to activities that are not known, because there has been no section 32 evaluation that justifies non-complying status for such activities.
61. Although not resiling from his argument that the default activity status should be “*permitted*”, Mr Goldsmith contended in the alternative that if the default were anything other than permitted, it should be “*discretionary*”, as that would enable a full assessment, but not create a precedent.
62. In his reply evidence, Mr Barr discussed Mr Goldsmith’s reasoning and concluded that where the PDP had identified the activity status for unspecified activities as being non-complying, that was appropriate.
63. We agree with Mr Barr’s reasoning. As the PDP demonstrates, it is not appropriate to determine at a high level what the default activity status should be for unlisted activities. The activity status adopted has to be the most appropriate way to achieve the objectives applying to each zone.
64. We also do not accept the arguments presented by Mr Goldsmith as to why non-complying status is necessarily an inappropriate default status given the way in which the PDP has been structured. As already discussed, the PDP is deliberately more directive and less effects-based than the ODP. It seeks to provide greater certainty by nominating the activity status of a range of different activities that are anticipated in the various zones provided in the PDP. The corollary of that approach is that if activities are not listed, they are generally not anticipated and not intended to occur in that zone. That does not mean that a case cannot be mounted for unlisted activities to occur in any zone (unless they are nominated as prohibited). But in our view, it is appropriate that they be subject to rigorous testing against the objectives and policies governing the relevant zone, to determine whether they are nonetheless appropriate. In some cases, discretionary activity status may be an appropriate framework for that testing to occur, but in our view, non-complying status would generally be the more appropriate activity status given the way the PDP has been structured.

65. Accordingly, we do not recommend acceptance of the Arcadian Triangle submission.
- 3.7. Avoidance of conflicts between water based activities and surrounding activities:**
66. Under this heading, Mr Barr referred us to a submission by Real Journeys Limited⁴⁵ seeking that a new policy be inserted into either the rural chapter or within a new water chapter to avoid surface water activities that conflicted with adjoining land uses, particularly those of key tourism activities.
67. Mr Barr referred us to the provisions of Chapter 21 bearing on the issue and to the evidence for Real Journeys heard in that hearing stream.
68. He referred, in particular, to the evidence of Real Journeys Limited emphasising the importance of the District's waterways for various purposes. In his view, it was inappropriate for the PDP to impose rules or to have a policy framework relating to the provision of water resources, this being a regional council function. More generally, Mr Barr was of the view that the breadth and location of the objectives, policies and rules for activities on the surface water are appropriate and he recommended that the additional policy sought by Real Journeys Limited should be rejected as not offering any additional value.
69. When Real Journeys Limited appeared before us, Ms Black did not give evidence on this aspect of Real Journeys' submissions. By contrast, the representative of Federated Farmers (Mr Hunt, appearing in lieu of Mr David Cooper) supported Mr Barr's recommendation, emphasising the water quality and quantity related policies in the regional plans of Otago Regional Council.
70. Hearing Panels in both Stream 1B and Stream 2 have considered the extent to which separate provision needs to be made for management of water resources and activities on the surface of the District waterways, making recommendations in that regard⁴⁶.
71. Given the absence of any evidence in support of the submission at this hearing, we do not find any need for a higher level approach across the whole of the Plan. We agree with Mr Barr's recommendation that while the Council has a role in the integrated management of land and water resources, we should properly take cognisance both of the role of and the policy framework established by Otago Regional Council for the management of water resources in relevant Regional Plans.
72. We likewise agree with Mr Barr that there is no basis for the policy sought in the Real Journey's submission.
- 3.8. Cost of Infrastructure to Council:**
73. Under this heading, Mr Barr referred us to the submission for Remarkables Park Limited⁴⁷ seeking that all references to the cost of infrastructure to Council be deleted on the basis that this is something that should be addressed under the Local Government Act 2002. Mr Barr advised us that his search of the notified text of the PDP and the provisions in the right of reply versions of each Chapter had identified only one reference to the cost of infrastructure to Council, that being in the context of notified objective 3.2.2.1.
74. The Hearing Panel for Chapter 3 has recommended⁴⁸ that the objectives of Chapter 3 be reformulated in a way that does not now refer directly to the cost of Council infrastructure.

⁴⁵ Submission 621

⁴⁶ Refer Report 3 at Section 8.8 and Report 4A at Section 3.4

⁴⁷ Submission 807

⁴⁸ Refer Report 3 at Section 2.5

We note also that the recommendations of the Stream 4 Hearing Panel considering Chapter 27 (Subdivision) have sought to emphasise that that levying of development contributions for infrastructure occurs under the Local Government Act 2002, in parallel with the operation of the PDP⁴⁹.

75. Accordingly, while we recommend this submission be accepted, we do not think any further amendment to the PDP is required to respond to it.

3.9. UCES – Plan Structure:

76. As already noted, UCES was the sole submitter that appeared before us in support of a submission seeking large scale restructuring of the PDP. UCES's submission⁵⁰ was that, with certain exceptions, the general approach and text of the ODP, particularly as it relates to activities in Rural Zones, should be retained. When Mr Haworth appeared in support of this submission, he presented a marked up version showing how, in the Society's view, the ODP and PDP should be melded together, thereby responding to the comment in Mr Barr's Section 42A Report that those submitters seeking very general relief created natural justice issues, because of the inability of others to understand the implications of what it is that they seek. The Society clearly spent considerable time on the appendix to Mr Haworth's pre-circulated evidence, but we are afraid that Mr Haworth rather missed the point Mr Barr was making. The fact that Mr Haworth appeared before us on the very last day of hearings on the text of the PDP rather tended to emphasise the fact that if the objective was to solve a natural justice problem, it would not assist potentially affected parties to learn exactly what the Society had in mind so late in the process. It needed to be clear when the Society's submission was lodged in 2015.
77. Considering UCES's submission on its merits, as Mr Haworth's submissions/evidence made clear, much of the Society's concerns turned on the role and content of the Strategic chapters of the PDP. The Stream 1B Hearing Panel has already considered the UCES argument on those points in considerable detail, concluding that suitably reframed, those Chapters form a valuable role in the structure of the PDP and should be retained⁵¹.
78. With the Stream 1B Hearing Panel having reached that conclusion, the die is effectively cast in terms of the overall structure of the PDP. As already noted, it is the existence and content of the Strategic Chapters that shifts the PDP more towards being a directive document than, as currently, the effects-based approach of the ODP.
79. In summary, Mr Haworth did not give us reason to doubt the wisdom of the recommendations of the Stream 1B Hearing Panel and if the Strategic Chapters are to remain substantially as proposed in the notified PDP, it is not consistent to approach the balance of the PDP in the overall manner in which UCES seeks.
80. That is not to say that there are not specific aspects of the PDP where the language and/or approach of the ODP might be adopted in addition to, or in substitution for, the existing text of the PDP, but such matters need to be addressed on a provision by provision basis, as they have been in previous Hearing Panel Reports.

⁴⁹ Refer Report 7 at Section 3.1

⁵⁰ Opposed by FS1090, FS1097, FS1162, FS1313 and FS1347

⁵¹ Refer Report 3 at Section 2

81. Accordingly, even if we had felt able to discount the natural justice issues Mr Barr identified, we would recommend rejection of the UCES submission on the point.
 82. Before leaving the UCES submission, we should note that Mr Haworth also presented an argument based on the provisions of the Resource Legislation Amendment Bill 2015 related to public notification of subdivision applications. Mr Haworth argued that because the effect of the Amendment Bill, once passed, would be that any subdivision classified as a controlled, restricted discretionary or discretionary activity would be considered on a non-notified basis in the absence of special circumstances, all rural subdivisions should be made non-complying in the District Plan.
 83. Mr Haworth's argument effectively repeated the argument that he had already presented in the Stream 4 (Subdivision) hearing.
 84. The Stream 4 Hearing Panel has already considered Mr Haworth's argument in the light of the Bill subsequently having been enacted⁵² and made recommendations on the point⁵³.
 85. Mr Haworth did not present any additional arguments that suggested to us that we should reconsider those recommendations.
- 3.10. Summary of Recommendations**
86. The nature of the matters canvassed in this part of our report does not lend itself to ready summary. Suffice it to say, we do not recommend any material overall changes to the PDP for the reasons set out above. Our recommendations in relation to specific submissions are summarised in Appendix 3 to this report.

⁵² As the Resource Legislation Amendment Act 2017

⁵³ Refer Report 7 at Section 7

PART C: DEFINITIONS

4. NOTES TO DEFINITIONS:

87. As notified, Chapter 2 had the following notes:
- “2.1.1 *The following applies for interpreting amendments to text:*
- ~~Strikethrough~~ means text to be removed.
 - Underline means new text to be added.
- 2.1.2 *The definitions that relate to Tangata Whenua that have been removed now sit within Chapter 5.*
- 2.1.3 *Any definition may also be amended in Stage 2 of the District Plan review.”*
88. The Stream 1 Hearing Panel queried the strikethrough/underlining in Chapter 2 as part of a more wide-ranging discussion of the staged nature of the District Plan review. The advice from counsel for the Council to that Hearing Panel⁵⁴ was that the strike through/underlining purported to show the changes from the definitions in the ODP, but this was an error and a clean version of the Chapter should have been notified. In April 2016, that correction was made, and the three notes in the notified Chapter 2 deleted, by Council pursuant to Clause 16(2).
89. Presenting the Section 42A Report on Chapter 2, Ms Leith suggested that what was the second note would merit amplification in a new note. She suggested that it read as follows:
- “Definitions are also provided within Chapter 5: Tangata Whenua (Glossary). These defined terms are to be applied across the entire Plan and supplement the definitions within this Chapter.”*
90. We have no difficulty with the concept that a cross reference might to be made to the glossary in Chapter 5. We consider, however, that both the notified note and the revised version suggested by Ms Leith mischaracterised the nature of that glossary. They are not ‘definitions’. Rather, the glossary provides English translations and explanations of Maori words and terms used in the Plan and we think, for clarity, that should be stated.
91. Accordingly, we recommend that Ms Leith’s proposed note be amended to read:
- “Chapter 5: - Tangata Whenua (Glossary) supplements the definitions within this chapter by providing English translations – explanations of Maori words and terms used in the plan.”*
92. A related point arises in relation to the QLDC corporate submission⁵⁵ requesting that all references to Maori words within Chapter 2 are deleted and that instead, reliance be placed on the Chapter 5 Glossary. In Ms Leith’s consideration of this submission⁵⁶ she observed that the notified Chapter 2 included four Maori ‘definitions’ – of the terms ‘hapū’, ‘iwi’, ‘koiwi tangata’ and ‘tino rangatiratanga’. Ms Leith observes that the term ‘iwi’ has the same definition at both the Chapter 5 Glossary and in Chapter 2. We agree that the Chapter 2 definition might therefore appropriately be deleted.

⁵⁴ Refer Counsel’s Opening Submissions in Stream 1 dated 4 March 2016 at Schedule 3.

⁵⁵ Submission 383

⁵⁶ Section 42A Report at Section 26

93. Ms Leith observed that the term ‘hapū’ is defined slightly differently between the Chapter 5 Glossary and Chapter 2. To us, if anything, this is all the more reason to delete the Chapter 2 definition in preference for the updated Chapter 5 ‘definition’ that, understandably, tangata whenua submitters will have focussed on.
94. Ms Leith’s advice was that ‘koiwi tangata’ is only found within Chapter 37 – Designations. We discuss the application of the Chapter 2 definitions to designations shortly. In summary, for the reasons below, we agree with Ms Leith’s recommendation that the defined term should be deleted.
95. Lastly, Ms Leith advised that while ‘tino rangatiratanga’ is not contained in the Glossary, the word ‘rangatiratanga’ is. Given the overlap, and that the definitions are essentially the same, we agree with Ms Leith’s recommendation that the Chapter 2 definition should be deleted.
96. The Oil Company submitters⁵⁷ sought in their submission a statement in Chapter 2 that reliance will be placed on definitions in the Act where there are such ‘definitions’ and no alternative is provided through the Plan. Ms Leith supported this submission and, in her Section 42A Report, supported inclusion of a more comprehensive note to the effect that the definitions in Chapter 2 have primacy over definitions elsewhere, that in the absence of a Chapter 2 definition, the definitions in the Act should be used, and that the ordinary dictionary meaning should apply where neither provides a definition. Mr Laurenson’s tabled statement agreed with that suggestion. We discussed with Ms Leith the desirability of referring to dictionary definitions given that while this is obviously the interpretative starting point, a dictionary will often give multiple alternative meanings or shades of meaning for the same word and different dictionaries will often have slightly different definitions for the same word. In her Reply Evidence, Ms Leith returned to this point and referred us to the approach taken in the Auckland Unitary Plan that refers one to a contextual analysis undertaken in the light of the purpose of the Act and any relevant objectives and policies in the Plan. She suggested augmenting the note at the commencement of Chapter 2 accordingly.
97. In our view, as amended, this particular note was getting further and further from the jurisdictional base provided by the Oil Companies’ submission and that it needed to be pared back rather than extended.
98. We also admit to some discomfort in seeking to circumscribe the interpretation process.
99. The starting point is to be clear what the definitions in the Chapter apply to. Ms Leith suggested a note stating that the definitions apply throughout the Plan whenever the defined term is used. We inquired of counsel for the Council as to whether we could rely on the fact that this is literally correct, that is to say that on every single occasion where a defined term is used, it is used in the sense defined. While that is obviously the intention, we observed that section 1.3 of the PDP used the term “*Council*” to refer to councils other than QLDC (the defined term). The existence of at least one exception indicates a need for some caution and we suggested that it might be prudent to use the formula typically found in legislation⁵⁸ that definitions apply “*unless the context otherwise requires*”. Ms Leith adopted that suggestion in her reply.

⁵⁷ Submission 768

⁵⁸ See e.g. Section 2(1) of the Act

100. More substantively, counsel for the Council observed in opening submissions that the defined terms in Chapter 2 did not apply to the designation chapter⁵⁹. We discussed with counsel whether there was anywhere in the notified Plan that actually said the Chapter 2 definitions did not apply to designations, and if not, why that should be the case. Initially, Counsel referred us to Section 176(2) of the Act as justifying that position⁶⁰. We thought that this was a somewhat slender basis on which to form a view as to how designations should be interpreted, but Ms Scott also observed that a number of the designations had been rolled over from the ODP (and we infer, potentially from still earlier planning documents). We agree that to the extent that defined terms have changed through successive District Plans, it cannot be assumed that the designation would use the term in the sense set out in Chapter 2 of the PDP.
101. Ms Leith amplified the point in her reply evidence drawing our attention to the limited number of cases where designations in Chapter 37 in fact refer to the definitions in Chapter 2 and the problem that where the Council is not the relevant requiring authority, any amendments to definitions used in designations would need to be referred to (and agreed by) the requiring authority.
102. Accordingly, we think that there is merit in the Staff recommendation that designations be specifically referenced as an exception, that is to say that Chapter 2 definitions apply to designations only if the designation states that. We have drawn that intended approach to the attention of the Hearing Panel considering Chapter 37 (Designations).
103. In summary, we therefore agree with the form of note suggested in Ms Leith's reply with some minor rewording as follows:
- “Unless the context otherwise requires, the definitions in this chapter apply throughout the plan whenever the defined term is used. The reverse applies to the designations in Chapter 37. The definitions in Chapter 2 only apply to designations where the relevant designation says they apply.”*
104. With that note, reference in a second note to the definitions in Chapter 2 having primacy over other definitions elsewhere is unnecessary. We think that the second note suggested by Ms Leith can accordingly be limited to state:
- “Where a term is not defined in the plan, reliance will be placed on the definition in the Act, where there is such a definition.”*
105. Ms Leith suggested to us that a third note should be added to say that where a definition includes reference to another defined term in this Chapter, this definition should be relied upon in the interpretation of the first definition. As Ms Leith explained it in her Section 42A Report⁶¹ this was intended to address the many instances of interrelated definitions. We think, however, that the note is unnecessary. If, as stated in the first note, the definitions in Chapter 2 apply throughout the Plan when a defined term is used, unless the context requires otherwise, that necessarily applies to the interpretation of Chapter 2 because it is part of the Plan.

⁵⁹ Opening submissions at paragraph 4.1

⁶⁰ Section 176(2) states that the provisions of a District Plan apply to land that is subject to a designation only to the extent that the land is used for a purpose other than the designated purpose

⁶¹ At paragraph 7.5

106. Ms Leith also suggested inclusion of a note stating that where a word or phrase is defined, the definition applies also to any variations of the word or phrase including singular for plural and vice versa.
107. We discussed with Ms Leith whether the suggested note needed to be more precise as to what was meant by “*variations*”. We read the intent as seeking to capture section 32 of the Interpretation Act 1999 – so that a definition would be read to include different parts of speech and grammatical forms - and wondered whether it should not say that more clearly. Ms Leith undertook to ponder the point and in her reply evidence, she recommended that the note she was proposing to add be simplified to refer just to singular and plural versions of words. We agree with that (Section 32 of the Interpretation Act will apply irrespective), but suggest that the wording of a note might be simplified from that suggested by Ms Leith, so it would read as follows:
- “Any defined term includes both the singular and the plural.”*
108. We discussed with counsel whether it would be helpful to identify defined terms in the text through methods such as italics, underlining or capitalisation. Ms Leith responded in her reply evidence that use of such methods can result in Plan users interpreting that the defined term is of greater importance in a provision, which is not necessarily desirable. She also noted that capitalisation can be problematic as it can be confused with terms that are capitalised because they are proper nouns. We record that Arcadian Triangle Limited⁶² suggested that greater consistency needed to be employed as regards the use of capitalisation so that either all defined terms are capitalised, or none of them are.
109. We agree with that suggestion in principle although Ms Leith suggested adding a separate list of acronyms used in the Plan to Chapter 2. We think that is helpful, but most acronyms are capitalised so that would be an exception to the general rule.
110. It follows that where terms are currently capitalised in the body of Chapter 2 (and elsewhere), they should be decapitalised unless they are proper nouns. We have made that change without further comment, wherever we noted it as being necessary, and have recommended to other Hearing Panels that they do the same.
111. We have, however, formed the view that it would be helpful to readers of the PDP if defined terms are highlighted in the text. While we accept Ms Leith’s point that the approach has its dangers, the potential for readers of the PDP not to appreciate terms are used in a sense they may not have anticipated is, we think, rather greater. The revised chapters of the PDP recommended by other Hearing Panels reflect that change, which we consider to be of no substantive effect given the ability, where necessary, to debate whether context requires a different meaning.
112. Ms Leith suggested a further note to the effect that notes included within the definitions are purely for information or guidance and do not form part of the definition. She referred us to Submission 836 as providing a jurisdictional basis for this suggested amendment. That submission (of Arcadian Triangle Limited) is limited to the notes to the definition of “*residential flat*” but we think that the submitter makes a sound general point. Elsewhere in her Section 42A Report, Ms Leith referred to some notes being fundamental to the meaning of the defined term (so that accordingly, they should be shifted into the definition). She recognised, however, that this posed something of a problem if Clause 16(2) was being relied on as the

⁶² Submission 836: Supported by FS1097

jurisdictional basis for the change (if the presence or absence of a 'note' makes a fundamental difference, it is difficult to classify their incorporation in the definition as a minor change).

113. We have approached the definitions on the basis that the Arcadian Triangle submission is correct and advice notes are solely for information purposes and cannot have substantive effect. If a definition cannot be read coherently without reference to the advice note, that suggests the definition is defective and needs work. If there is no submission to provide a basis for a substantive change to the definition, then it needs to be the subject of variation.

114. Coming back to the notes at the commencement of Chapter 2, we therefore agree with Ms Leith's recommendation that there should be a note stating:

"Any notes included within the definitions listed below are purely for information or guidance purposes only and do not form part of the definition."

115. Lastly, Ms Leith suggested a note stating:

"Where a definition title is followed by zone or specific notation, the application of the definition shall only be limited to the specific zone or scenario described."

116. She explained that this was a consequential point arising from her recommending that definitions contained within Chapter 26 (historic heritage) be shifted into Chapter 2, but remain limited in their application to Chapter 26.

117. We drew to Ms Leith's attention the fact that chapter specific definitions had also been recommended within Chapters 12 and 13. In her reply, Ms Leith accepted that the same conclusion should follow, that those definitions should be imported into Chapter 2 as a consequential change and be subject to the suggested note.

118. We agree with that suggestion and with the substance of the suggested note. We think, however, that as Ms Leith framed it, it appeared to be an instruction with substantive effect rather than a note. We therefore suggest that it be reworded as follows:

"Where a definition title is followed by a zone or specific notation, the intention is that the application of the definition is limited to the specific zone or scenario described."

119. We note that it does not necessarily follow that a copy of the relevant definitions should not also be in the Chapter to which they relate, but that is a matter for the Hearing Panels considering submissions on those chapters to determine.

120. We note also that where definitions with limited application have been shifted/copied into Chapter 2 with no substantive amendment (other than noting the limitation) we have not discussed them further.

5. GENERAL ISSUES WITH DEFINITIONS

121. There are a number of general issues that we should address at the outset of our consideration of the Chapter 2 definitions. The first arises from the fact that defined terms (and indeed some new definitions of terms), have been considered by the Hearing Panels addressing submissions on the text of the PDP.

122. We canvassed with counsel for the Council the appropriate way for us to address definitions in this category. While we have the responsibility of making recommendations on the final form on Chapter 2, our consideration of the Chapter 2 definitions should clearly be informed by the work that other Hearing Panels have undertaken on the definition of terms. We have accordingly asked each Hearing Panel to report to us on their recommendations as to new or amended definitions that should be in Chapter 2. Where we have no evidence to support a substantive change from another Hearing Panel’s recommendations, we have almost invariably adopted those recommendations. In some cases, we have recommended non-substantive grammatical or formatting changes. We do not discuss those definitions further in our Report. Similarly, where another Hearing Panel has considered submissions on a defined term (or seeking a new definition) and recommended rejection of the submission, we have not considered the matter further in the absence of further evidence.
123. Where we have had evidence on terms that have been considered in earlier hearings, we have considered that evidence, along with the reasoning of the Hearing Panel in question, and come to our own view.
124. In the specific instance where Ms Leith recommended changes to definitions that had been considered in earlier hearings, counsel for the Council identified, and we agreed, that this created a natural justice problem, because submitters heard at those earlier hearings had not had the opportunity to make submissions on the varied position of Council staff. Accordingly, as already noted⁶³, we directed that the submitters in question should have the opportunity to make written submissions to us. In the event, however, no further submissions were filed within the allotted time and thus there was no additional material to consider.
125. The second general point which we should address is the fact that as notified, Chapter 2 contained a number of definitions that were in fact just cross references to the definition contained in legislation⁶⁴. We suggested, and Ms Leith agreed, that it would be of more assistance to readers of the PDP if the actual definition were set out in Chapter 2. Having said that, there are exceptions where the definition taken from a statute is not self-contained, that is to say, it cannot be read without reference to other statutory provisions. We consider that in those circumstances, it is generally better to utilise the notified approach of just cross referencing the statutory definition. We also consider that where a definition has been incorporated from either the Act, or another Statute, that should be noted in a footnote to the definition so its source is clear. We regard inserting definitions from statutes and footnoting the source as a minor change under Clause 16(2). Accordingly, our suggested revision of Chapter 2 makes those changes with no further comment. Similarly, where we have chosen to retain a cross reference to a statutory definition, we have not commented further on the point.
126. In one case (the definition of ‘national grid’) the definition in the regulations has an internal cross reference that we consider can easily be addressed by a non-substantive amendment, as discussed below.
127. The next general point is that in her Section 42A Report, Ms Leith identified⁶⁵ that a number of definitions contained within Chapter 2 are of terms that are not in fact used within the PDP and/or which are only applicable to zones that are not included within the PDP (either because

⁶³ Refer Section 1.4 above

⁶⁴ See for example the definition of “reserve”.

⁶⁵ At paragraph 27.1

they were never part of Stage 1 of the District Plan review or because they have subsequently been withdrawn). She recommended deletion of these definitions and of any references to such zones within definitions. We agree. Given that the purpose of Chapter 2 is to define terms used in or relevant to the PDP, deletion of definitions which do not fall within this category is, by definition, a minor change within the ambit of Clause 16(2). Again, our recommended revised Chapter 2 in Appendix 1 shows such deletions without further comment⁶⁶. In some cases, terms we would have recommended be deleted on this basis are the subject of the Stage 2 Variations. In those cases, they are greyed out, rather than deleted.

128. It follows also that where submissions⁶⁷ sought new definitions, sought retention of definitions of terms not used in the PDP, or amendments to definitions that apply only in zones not the subject of the PDP, those submissions must necessarily be rejected.
129. Another general consideration relates to definitions that are currently framed in the form of rules. The definition of “*domestic livestock*” for instance is expressed in the language of a rule. It purports to state numerical limits for particular livestock in particular zones. Such definitions are unsatisfactory. Rules/standards of this kind should be in the relevant zone rules, not buried in the definitions. We will address each definition in this category on a case by case basis. Where we find that we do not have jurisdiction to correct the situation, we will make recommendations that the Council address the issue by way of variation.
130. Our next general point relates the notified definition of “*noise*” which reads as follows:
“Acoustic terms shall have the same meaning as in NZS 6801:2008 Acoustics – Measurement of environmental sound and NZS 6802:2008 Acoustics – Environmental noise.

L_{dn}:

⁶⁶ The terms deleted from Appendix 1 on this basis are:

‘Amenity Tree Planting’; ‘Amenity Vegetation; Automotive and Marine Supplier (Three Parks and Industrial B Zones)’; ‘Back Lane Site (Three Parks Zone)’; ‘Balcony’; ‘Block Plans (Tree Parks Zones)’; ‘Boundary Fencing’; ‘Building (Remarkables Park Zone)’; ‘Bus Shelters (Mount Cardrona Special Zone)’; ‘Comprehensive Residential Development’; ‘Condominiums’; ‘Development (Financial Contributions)’; ‘Design Review Board’; ‘Elderly Persons Housing Unit’; ‘Farming and Agricultural Supplier’ (Three Parks and Industrial B Zones); ‘Farm Yard Car Park’; ‘Food and Beverage Outlet (Three Parks Zone)’; ‘Front Site’; ‘Garden and Patio Supplier (Three Parks and Industrial B Zones)’; ‘Ground Level (Remarkables Park Zone)’; ‘Habitable Space (Three Parks Zone)’; ‘Hazardous Wastes’; ‘Historic Equipment’; ‘Home Occupation (Three Parks Zone)’; ‘Large Format Retail (Three Parks Zone)’; ‘Manufacturing of Hazardous Substances’; ‘Multi Unit Development’; ‘Night Time Noise Boundary Wanaka’; ‘North Three Parks Area’; ‘Office Furniture, Equipment and Systems Suppliers (Three Parks and Industrial B Zones)’; ‘On-Site Workers (Three Parks and Industrial B Zones)’; ‘Outline Development Plan’; ‘Place of Assembly’; ‘Place of Entertainment’; ‘Relocatable’; ‘Retention Mechanism’; ‘Rural Selling Place’; ‘Sandwich Board’; ‘Secondary Rear Access Lane’; ‘Secondary Unit’; ‘Secondhand Goods Outlet (Three Parks and Industrial B Zones)’; ‘Specialty Retail (Three Parks Zone)’; ‘Stakeholder Deed’; ‘Step In Plan’; ‘Storey (Three Parks Zone)’; ‘Tenancy (Three Parks Zone)’; ‘Visually Opaque Fence’; ‘Yard Based Service Activity’; ‘Yard Based Supplier (Three Parks and Industrial B Zones)’; ‘Zone Standards’

⁶⁷ E.g. submission 836: Neither supported nor opposed in FS1117

Means the day/night level, which is the A-frequency-weighted time-average sound level, in decibels (dB), over a 24-hour period obtained after the addition of 10 decibels to the sound levels measured during the night (2200 to 0700 hours).

L_{Aeq(15 min)}:

Means the A-frequency-weighted time-average sound level over 15 minutes, in decibels (dB).

L_{AFmax}:

means the maximum A-frequency-weighted fast-time-weighted sound level, in decibels (dB), recorded in a given measuring period.

Noise Limit:

Means a L_{Aeq(15 min)} or L_{AFmax} sound level in decibels that is not to be exceeded.

In assessing noise from helicopters using NZS 6807: 1994 any individual helicopter flight movement, including continuous idling occurring between an arrival and departure, shall be measured and assessed so that the sound energy that is actually received from that movement is conveyed in the Sound Exposure Level (SEL) for the movement when calculated in accordance with NZS 6801: 2008.

131. This 'definition' is unsatisfactory. Among other things, it does not actually define the term 'noise'.
132. In her reply evidence, Ms Leith noted that the reporting officer and the acoustic expert giving evidence for Council in the context of Chapter 36 – Noise had not raised any concerns with the above definition or recommended any amendments, and that there was only one submission⁶⁸ on it, seeking deletion of the day/night level (which was not supported). Accordingly, while Ms Leith recognised that the definition was somewhat anomalous, she did not recommend any change to it. Ms Leith also identified that while the definition of "sound" in Chapter 2 cross references the relevant New Zealand Standards and states that the term has the same meaning as in those standards, the Standards do not in fact define the term "sound". Again, however, Ms Leith did not recommend any amendment.
133. We disagree. The definition of "noise" is a combination of:
- A note that reference should be made to the relevant New Zealand Standards when considering acoustic terms.
 - A definition of some terms, not including 'noise'; and
 - A rule as to how particular noise (from helicopters) should be assessed.
134. In our view, the aspects of this definition that constitute a note should be shifted into the notes to Chapter 2, and be reframed as such – rather than being expressed in the language of a rule.
135. Accordingly, we suggest that the notes at the start of Chapter 2 have added to them the following:
"Acoustic terms not defined in this chapter are intended to be read with reference to NZS 6801:2008 Acoustics – Measurement of environmental sound and NZS 6802:2008 Acoustics – environmental noise".
136. The terms that are actually defined within the definition of "noise" should be set out as separate definitions of their own. The Hearing Panel on Chapter 36 did not recommend that

⁶⁸ Submission 243: Opposed by FS1224 and FS1340

Ms Brych's submission⁶⁹ be accepted and accordingly, we have no basis on which to recommend removal of the definition of Ldn.

137. Lastly, on this point, we recommend to the Chapter 36 Hearing Panel that the helicopter rule/assessment standard should be incorporated in Chapter 36.
138. The 'definition' of 'sound' should likewise be deleted, because the cross reference it contains is impossible to apply. It is therefore of no assistance as it is.
139. As another general point, we note that there is no consistency as to definition formatting. Some definitions have bullets, some have numbering systems, and where the latter, the numbering systems differ.
140. We think it is desirable, on principle, for all subparts of definitions to be numbered, to aid future reference to them. Our revised Chapter 2 therefore amends definitions with subparts to insert a consistent numbering system. We regard this as a minor non-substantive change, within Clause 16(2).
141. Lastly at a general level, we do not propose to discuss submissions seeking the retention of existing definitions if there is no suggestion, either in other submissions or by Ms Leith, that the definition should be changed.

6. DEFINITIONS OF SPECIFIC TERMS

142. We now turn to consider the content of Chapter 2 following the notes to definitions. Where suggested changes fall within the general principles set out above, we do not discuss them further. Accordingly, what follows is a discussion of those terms that were:
 - a. The subject of submissions heard in this hearing stream;
 - b. The subject of recommendations by Ms Leith; or
 - c. In a small number of cases, where we identified aspects of the definition that require further consideration.

6.1. Access

143. As notified, this definition included reference to 'common property' "*as defined in Section 2 of the Unit Titles Act 2010*". Consistent with the general approach to cross references to definitions in legislation discussed above, Ms Leith suggested deleting the reference to the Unit Titles Act and inserting the actual definition of common property from that Act. Because the end result is the same, these are non-substantive amendments within the scope of Clause 16(2).
144. We agree with Ms Leith's approach, with one minor change. We think it would be helpful to still cross reference the Unit Titles Act in the definition of 'access' but suggest the cross reference be put in brackets. As above, the proposed additional definition of 'common property' should be footnoted to source that definition to the Unit Titles Act 2010.

6.2. Access leg:

145. In the marked-up version of Chapter 2 attached to her Section 42A Report, Ms Leith suggested deletion of the initial reference in the notified definition to this relating to rear lots or rear sites. As far as we could ascertain, there is no discussion of this suggested change in the body

⁶⁹ Submission 243

of the Report and no submission which would provide jurisdiction for it. We have some concerns as to whether deletion of reference to rear lots or rear sites falls within Clause 16(2). On the face of the matter, it has the effect that the definition is broadened to apply to every site, because every site will have a strip of land included within the lot or site which provides legal physical access to the road frontage. On that basis, we do not agree with the suggested amendment. However, we think the cross reference to rear lots and rear sites might appropriately be shifted to the term defined, using the convention applied to other defined terms.

6.3. Access Lot:

146. Ms Leith recommended that this definition be deleted because the term is not used within the PDP. We discussed with her whether this might be an exception, where it was nevertheless useful to include the definition, given that the term is commonly used in subdivision applications.

147. In her reply evidence, the text⁷⁰ reiterates the position that the definition should be deleted, to be consistent with her other recommendations. However, her marked up version of Chapter 2 has a note appended to this definition saying that the definition is necessary as the term is frequently used on survey plans.

148. For our part, we think there is value in having the definition of access lot for the reason just identified. In addition, while the term ‘access lot’ is not used in the PDP, Chapter 27 refers to ‘lots for access’⁷¹.

149. Accordingly, we recommend that the notified definition of access lot be retained in Chapter 2.

6.4. Accessory Building:

150. Ms Leith recommends that the opening words to this definition, “*in relation to any site*” be deleted. Again, we could not locate any discussion of this particular amendment in the Section 42A Report but, on this occasion, we think that it falls squarely within clause 16(2) of the First Schedule – it is self-evident that the term relates to activities on a site. Having deleted the opening words, however, we think that a minor grammatical change is required where the definition refers to “*that site*” in the second line. Consequential on the suggested amendment, the reference in the second line should be to “*a site*”.

6.5. Activity Sensitive to Aircraft Noise (ASAN):

151. Ms Leith recommended two changes to this definition, both stemming from the staff recommended amendments considered in the Stream 6 hearing relating to Chapters 7-11 (Urban Residential Zones).

152. The first is to utilise the same definition for activities sensitive to road noise and the second to substitute reference to any “*education activity*” for “*educational facility*”. The latter change reflects the staff recommendation to delete the definition of ‘educational facility’. The Stream 6 Hearing Panel identifies the commonality of issues raised by the effects of aircraft and road noise in its report⁷² and we agree that it is useful to combine the two with one definition. We discuss the deletion of ‘educational facility’ later in this report, but we agree that consequential on our recommendation to delete that definition, the cross reference to it

⁷⁰ At paragraph 6.1

⁷¹ E.g. recommended Rule 27.6.2 (Report 7)

⁷² Refer Report 9A at Section 36.1

needs to be amended in this context. Accordingly, we recommend acceptance of the suggested amendments.

6.6. Activities Sensitive to Aircraft Noise (ASAN) Wanaka:

153. Ms Leith recommended deletion of this definition, consequent on a recommendation to that effect to the Stream 8 Hearing Panel considering Chapter 17 (Airport Mixed Use Zone).

154. The Stream 8 Hearing Panel concurs that this would remove duplication and aid clarity⁷³ and for our part, we heard no evidence that would suggest that we should take a different view. Accordingly, we recommend that this definition be deleted.

6.7. Adjacent and Adjoining:

155. In her Section 42A Report⁷⁴, Ms Leith drew our attention to the use of the terms ‘adjacent’ and ‘adjoining’ in the PDP. As Ms Leith observes, ‘adjoining land’ is defined as:

“In relation to subdivision, land should be deemed to be adjoining other land, notwithstanding that it is separated from the other land only by a road, railway, drain, water-race, river or stream.”

156. Ms Leith was of the view that it was desirable that this definition be expanded to apply in situations other than that of subdivision, to provide for the consistent implication of the term ‘adjoining’ between land use and subdivision consent applications. We agree that this is desirable. Chapter 27 uses the term ‘adjoining land’ in a number of places. Where necessary, it is qualified to refer to *“immediately adjoining”* lots⁷⁵. It makes sense to us that a consistent approach should be taken across subdivision and land use provisions, which are frequently combined. We also agree, however, that with no submission on the point, there is no jurisdiction to make substantive changes to this definition.

157. Accordingly, we accept Ms Leith’s suggestion that we recommend that this be considered further by Council, either at a later stage of the District Plan process or by way of District Plan variation. In the interim, we recommend that consistent with the formatting of other definitions, the limited purpose of the definition be noted in the defined term, and that it be expressed as a definition and not a rule. Appendix 1 shows the suggested changes.

158. Ms Leith considered, at the same time the use of the term ‘adjacent’ in the context of the PDP. She referred us to dictionary definitions aligning ‘adjacent’ with ‘adjoining’. She did not consider it was necessary to define the term given its natural ordinary meaning. We agree with that recommendation also.

6.8. Aircraft:

159. Ms Leith recommended that an additional sentence be inserted on the end of this definition to exclude remotely piloted aircraft weighing less than 15kg. Again, this recommendation reflects a suggested amendment considered and accepted by the Stream 8 Hearing Panel⁷⁶.

160. As with the previous definition, we heard no evidence that would cause us to take a different view. Accordingly, we recommend that the definition be amended to include the sentence:

⁷³ Refer Report 11 at Section 63.3

⁷⁴ A Leith, Section 42A Report at Section 29

⁷⁵ E.g. Recommended Rule 27.5.4

⁷⁶ Refer Report 11 at Section 63.4

“Excludes remotely piloted aircraft that weigh less than 15kg.”

6.9. Aircraft Operations:

161. As notified, this definition was expressed to include the operation of aircraft during landing, take-off and taxiing, but excluding certain specified activities. The Stream 8 Hearing Panel has considered submissions on it and recommends no change to the notified version. Ms Leith, however, recommended that the definition be converted from ‘including’ these matters to ‘meaning’ these matters. In other words, they are to be changed from being inclusive to exclusive.
162. We could not identify any specific discussion of this suggested change in the Section 42A Report. Shifting a definition from being inclusive to exclusive would normally have substantive effect and therefore fall outside Clause 16(2). However, in this case, the only conceivable activity involving aircraft not already specified is when they are in flight and section 9(5) excludes the normal operation of aircraft in flight from the control of land uses in the Act. Accordingly, we consider that this is a minor change that provides greater clarity as to the focus of the PDP. We therefore recommend that Ms Leith’s suggestion be adopted.

6.10. Air Noise Boundary:

163. Ms Leith recommended deletion of this definition consequent on a recommendation to the Stream 8 Hearing Panel considering Chapter 17. The Stream 8 Hearing Panel agreed that the definition was redundant and should be deleted⁷⁷. We heard no evidence that would cause us to take a different view.

164. Accordingly, we recommend that this definition be deleted.

6.11. Airport Activity:

165. Ms Leith recommended a series of changes to this definition consequent on changes recommended to the Stream 8 Hearing Panel considering Chapter 17, together with non-substantive formatting changes. The most significant suggested changes appear to be in the list of buildings that are included. In some respects, the ambit of the definition has been expanded (to include flight information services), but in a number of respects, the number of buildings qualifying as an airport activity have been reduced (e.g. to delete reference to associated offices). The Stream 8 Hearing Panel concurred with the suggested amendments⁷⁸ and we heard no evidence that would cause us to take a different view. In particular, although the Oil Companies⁷⁹ sought that the notified definition be retained, the tabled statement of Mr Laurenson for the submitters supported the suggested amendments. Accordingly, we recommend that the definition be amended to incorporate the changes suggested by Ms Leith and shown in Appendix 1 to this Report.

166. We should note that in Ms Leith’s section 42A Report, she recorded that the intention of the Reporting Officer on Chapter 17 was to make the now bullet pointed list of specified airport activities exclusive, rather than inclusive, by suggesting deletion of the words *“but not limited to”*⁸⁰.

⁷⁷ Refer Report 11 at Section 63.6

⁷⁸ Refer Report 11 at Section 63.8

⁷⁹ Submission 768

⁸⁰ A Leith, Section 42A Report, paragraph 30.2

167. To our mind, it is perfectly clear that a definition like that of ‘Airport activity’ which provides an initial definition and says that various specified matters are included is not intended to be exhaustive. The words “*but not limited to*” add only emphasis. They do not change the meaning. If the Council desires to alter an existing definition that is expressed inclusively, to be exclusive, in the absence of a submission on the point, that would generally be a substantive change that will need to be achieved by way of variation. The same point arises in relation to the definition of the ‘airport related activity’, which we will discuss shortly.

6.12. Airport Operator:

168. Ms Leith recommended this definition be deleted as it is not used in the PDP. Ms O’Sullivan from QAC⁸¹ noted in her tabled evidence that it was used in a designation (of Wanaka Airport Aerodrome Purposes) and suggested that it would be appropriate to retain it.

169. This raises the question addressed earlier and more generally regarding the inter-relationship between the designations in Chapter 37 and the Chapter 2 definitions. For the reasons we discussed above, we take a different view to the Stream 8 Hearing Panel (which recommended to us that the definition be retained⁸²) and find that if this term needs to be defined for the purposes of a designation, that is a matter for the Stream 7 Hearing Panel to address.

170. We therefore recommend it be deleted from Chapter 2.

6.13. Airport Related Activity:

171. Ms Leith made a series of suggested changes to this definition largely reflecting recommendations to the Stream 8 Hearing Panel. The additional changes recommended by Ms Leith are for non-substantive formatting matters. The effect of the recommended changes was to shift many of the activities formally identified as ‘airport activities’ to being ‘airport related activities’. The Stream 8 Hearing Panel concurred with the suggested changes⁸³ and, for our part, we heard no evidence to suggest we should take a different view.

6.14. All Weather Standard

172. In her Section 42A Report, Ms Leith recommended that this term be deleted on the basis that it was not used within the PDP. She reconsidered that recommendation in her reply evidence, having noted that it was used within the definition of ‘formed road’. On that basis, she recommended that the notified definition be retained. We agree, for the same reason.

6.15. Bar:

173. Ms Leith recommended a rejigging of this definition to delete the initial reference in the notified definition to any hotel or tavern, placing that reference into the term defined. We agree with the suggested reformulation, save that a minor consequential change is required so that rather than referring in the first sentence to ‘*the*’ hotel or tavern, the definition should refer to ‘*a*’ hotel or tavern.

6.16. Biodiversity Offsets:

174. This is a new definition flowing from the recommendation to the Stream 2 Hearing Panel, considering Chapter 33 – Indigenous Vegetation & Biodiversity. The Stream 2 Hearing Panel concurred with this recommendation and we heard no evidence that would cause us to take a different view. Accordingly, we recommend the definition be inserted in the form suggested by Ms Leith and shown in Appendix 1 to this Report.

⁸¹ Submission 433

⁸² Refer Report 11 at Section 63.10

⁸³ Refer Report 11 at Section 63.11

6.17. Boundary:

175. Ms Leith recommended that this definition be amended by deleting the note in the notified version referring the reader to the separate definitions of '*internal boundary*' and '*road boundary*'. Ms Leith described it in her marked up version of Chapter 2 as a non-substantive amendment. We agree with that. We agree both with that classification and consider that the note was unnecessary. We therefore recommend that the note in the notified version of this definition be deleted.

6.18. Building:

176. Ms Leith recommended that shipping containers be added as an additional exception and that reference be to residential units rather than residential accommodation in this definition, consequent on recommendations to the Stream 5 Hearing Panel considering Chapter 35 – Temporary Activities and Relocated Buildings. The second is a consequential change that we have no issue about, but the Stream 5 Hearing Panel queried the jurisdiction to insert the first, making no recommendation.

177. Although the Oil Companies⁸⁴ sought that the notified definition be retained, Mr Laurenson's tabled statement described the suggested changes as minor, and indicated agreement with Ms Leith's recommendations.

178. The notified definition includes an explicit extension of the statutory definition of 'building' to include, among other things, shipping containers used for residential purposes for more than 2 months. The clear implication is that shipping containers would not otherwise be considered a 'building'. We are not at all sure, however, that is correct. The reporting officer on Chapter 35, Ms Banks, thought they were⁸⁵ and we tend to agree with that (as a starting premise at least).

179. That would suggest to us that including an exclusion for shipping containers, irrespective of use and albeit for 2 months only, is a substantive change to the definition.

180. We are not aware of any submission having sought that exemption. Accordingly, we conclude that we have no jurisdiction to accept Ms Leith's recommendation in that regard.

181. The same problem does not arise with Ms Leith's recommendation that the introduction to the last bullet refer both to the statutory definition and the specified exemptions. We regard that as a non-substantive clarification. Ms Leith also suggests some minor grammatical changes for consistency reasons that we have no issues with.

182. Queenstown Park Ltd⁸⁶ sought in its submission that the definition excludes gondolas and associated structures. Giving evidence for the submitter, Mr Williams recorded that the effect of the definition referring to the Building Act 2004, rather than its predecessor (as the ODP had done) was to remove the ODP exclusion of cableways and gondola towers, but gave no evidence as to why this was not appropriate. Rather, because he went on to discuss and agree with the recommendation of Mr Barr to the Stream 2 Hearing Panel that 'passenger lift systems' be specifically defined, we infer that Mr Williams agreed with the analysis in Ms Leith's Section 42A Report that the submission has been addressed in a different way.

⁸⁴ Submission 768

⁸⁵ See Banks Reply Evidence in relation to Chapter 35 at 10.4

⁸⁶ Submission 806

Certainly, Mr Williams gave us no reason why we should not accept Ms Leith's recommendation in this regard.

183. Accordingly, we recommend that the only amendments to this definition be the consequential change to refer to 'residential unit' noted above, Ms Leith's suggested clarification of the role of the final bullet, and her suggested minor grammatical changes.

6.19. Building Supplier (Three Parks and Industrial B Zones):

184. Ms Leith recommended two sets of amendments to this definition. The first is to delete the reference in the term defined to the Three Parks and Industrial B Zones, arising out of a recommendation to and accepted by⁸⁷ the Stream 8 Hearing Panel considering Chapter 16-Business Mixed Use Zone. Given that the Three Parks and Industrial B Zones are not part of the PDP, were it not for inclusion of the term in Chapter 16, we would have recommended deletion of the definition. Accordingly, we agree with the suggested change.

185. The second suggested amendment is a reformatting of the definition. Currently it switches between identifying different types of building suppliers (glaziers and locksmiths), and identification of the goods a building supplier will supply. Ms Leith suggests focussing it on the latter and making appropriate consequential amendments. We agree with that suggested minor reformatting.

186. Lastly, the structure of the definition is an initial description of what a building supplier is, continuing "*and without limiting the generality of this term, includes...*". The phrase "*without limiting the generality of this term*" adds nothing other than emphasis, and in our view should be deleted.

187. Accordingly, we recommend that the revised definition of 'building supplier' should be as follows:

"Means a business primarily engaged in selling goods for consumption or use in the construction, modification, cladding, fixed decoration or outfitting of buildings includes suppliers of:

- a. glazing;*
- b. awnings and window coverings;*
- c. bathroom, toilet and sauna installations;*
- d. electrical materials and plumbing supplies;*
- e. heating, cooling and ventilation installations;*
- f. kitchen and laundry installations, excluding standalone appliances;*
- g. paint, varnish and wall coverings;*
- h. permanent floor coverings;*
- i. power tools and equipment;*
- j. locks, safes and security installations; and*
- k. timber and building materials."*

6.20. Cleanfill and Cleanfill Facility:

188. In her Section 42A Report, Ms Leith recommended that definitions of these terms be added to Chapter 2, responding to the submission of HW Richardson Group⁸⁸. The point of the submission relied on is that the definition of 'cleanfill' from Plan Change 49 should be included in the PDP. Although the submission was limited to 'cleanfill', Ms Leith identified that the

⁸⁷ Refer Report 11 at Section 49

⁸⁸ Submission 252

definition of earthworks she separately recommended be amended to align with the outcome of Plan Change 49 (accepting submission 768 in this regard) refers to both cleanfill and cleanfill facilities. She regarded addition of a definition of cleanfill facilities (from Plan Change 49) as being a consequential change. The tabled statement of Mr Laurenson for the Oil Companies⁸⁹, however, noted that the definitions of ‘cleanfill’ (and consequently ‘cleanfill facility’) could be interpreted to include a range of substances that should not be considered to fall within that term, such as contaminated soils and hazardous substances. Mr Laurenson also drew attention to Ministry for the Environment Guidelines exempting such materials from the definition of ‘cleanfill’.

189. In her reply evidence⁹⁰, Ms Leith accepted Mr Laurenson’s point. She noted that Submission 252 did not provide scope to introduce definitions of ‘cleanfill’ and ‘cleanfill facility’ reflecting the Ministry’s guidance, and recommended that the best approach was not to define those terms, thereby leaving their interpretation, when used in the definition of earthworks, at large pending review of the Earthworks Chapter of the District Plan, proposed to occur in Stage 2 of the District Plan Review process.
190. We agree with Ms Leith’s revised position, substantially for the reasons set out in her reply evidence. It follows that we recommend that Submission 252 (seeking inclusion of the definition of ‘cleanfill’ from Plan Change 49) be rejected. We note that the Stage 2 Variations propose introduction of new definitions of both ‘clean fill’ and ‘cleanfill facility’.

6.21. Clearance of Vegetation (includes indigenous vegetation):

191. Ms Leith recommended insertion of reference to “*soil disturbance including direct drilling*” in this definition, reflecting in turn, recommendations to the Stream 2 Hearing Committee considering Chapter 33 – Indigenous Vegetation and Biodiversity. That Hearing Panel accepted that recommendation, but has also recommended additional changes; to delete the reference to indigenous vegetation in brackets in the term defined and to introduce reference to oversowing⁹¹. We heard no evidence that would cause us to take a different view on any of these points. Accordingly, we recommend that the definition be amended as shown in Appendix 1 to this Report.

6.22. Community Activity:

192. Ms Leith recommended two amendments to this definition. The first is to broaden the notified reference to “*schools*” to refer to “*daycare facilities and education activities*”, reflecting recommendations to the Stream 6 Hearing Panel considering Chapter 7 – Low Density Residential Zone. We note that this suggested change was supported by the tabled evidence for the Ministry of Education of Ms McMinn⁹² and we agree with it (as did the Stream 6 Hearing Panel). The second suggested change responded to the submission of New Zealand Police⁹³ by amending the previous reference to “*Police Stations*” to refer to “*Police Purposes*”. We can readily understand the rationale for that amendment⁹⁴ although the Council may wish to consider whether reference to Fire Stations should similarly be broadened by way of variation since presumably the same logic would apply to New Zealand Fire Services Commission as to New Zealand Police.

⁸⁹ Submission 768

⁹⁰ A Leith, Reply Evidence at 20.4

⁹¹ Report 4A at Section 47.2

⁹² Submission 524

⁹³ Submission 57

⁹⁴ Refer the tabled letter/submission of Mr O’Flaherty for NZ Police emphasising the restriction on the scope of police activities otherwise.

193. Lastly, we note that in the course of the hearing, we discussed with Ms Leith the rationale for excluding recreational activities from this definition. Ms Leith frankly admitted that this was something of a puzzle. While the intention may have been to exclude commercial recreational activities, use of land and buildings for sports fields and Council owned swimming pools would clearly seem to be community activities, in the ordinary sense. We drew this point to the Council's attention in our Minute of 22 May 2017 as an aspect where a variation might be appropriate given the lack of any submission providing jurisdiction to address the point.

194. Given those jurisdictional limitations, we recommend that the definition be amended in line with Ms Leith's evidence, as shown in Appendix 1 to this Report.

6.23. Community Facility:

195. Ms Leith recommended that this definition be deleted, consequent on a recommendation to the Stream 6 Hearing Panel considering Chapter 7 – Low Density Zone. The point was also considered in the Stream 4 hearing and the Stream 4 Hearing Panel considering Chapter 27 (Subdivision) recommends that the definition be deleted.

196. The tabled evidence of Ms McMinn for the Ministry of Education queried the staff planning recommendation in relation to Chapter 7 and whether staff in that context had actually recommended the definition be deleted.

197. Be that as it may, it appeared to us that the Ministry's concern related to use of the term "community facility" in any new subzone, that will necessarily be the subject of a future plan process. It can accordingly be considered at that time.

198. Likewise, the tabled evidence of Ms McMinn for Southern District Health Board⁹⁵ drew our attention to the desirability of retaining the term 'community facility' in order that the PDP might clearly provide for Frankton Hospital at its existing location should the Community Facility Sub-Zone be reintroduced as part of Stage 2 of the District Plan review process.

199. It seems to us that, as with her concern on behalf of the Ministry of Education, this is an issue that should be addressed as part of a later stage of the District Plan review. The Council will necessarily have to consider, should it reintroduce the Community Facility Sub-Zone, what additional terms need to be defined for the proper administration of those provisions. We do not believe it is appropriate that we seek to anticipate the consequences of Council decisions that are yet to be made.

200. We therefore recommend deletion of this definition.

6.24. Community Housing:

201. Ms Leith recommended that this definition be amended by decapitalising the terms previously themselves the subject of definitions. Although she did not specifically identify this change as responding to the Arcadian Triangle submission referred to earlier, her recommendation is consistent with that submission and we agree with it. We therefore recommend a like change in the marked version of Chapter 2 annexed in Appendix 1.

⁹⁵ Submission 678

6.25. Critical Listening Environment:

202. The only change recommended by Ms Leith to this definition is correction of a typographical error pointed out in the evidence of Ms O’Sullivan for QAC⁹⁶ and also noted by the Stream 8 Hearing Panel; substitution of “listening” for “living” in the last line. We regard this as a minor change, correcting an obvious error.

6.26. Domestic Livestock:

203. The notified version of this definition read:

“Means the keeping of livestock, excluding that which is for the purpose of commercial gain:

- *In all Zones, other than the Rural General, Rural Lifestyle and Rural Residential Zones, it is limited to 5 adult poultry, and does not include adult roosters; and*

- *In the Rural General, Rural Lifestyle and Rural Residential Zones it includes any number of livestock bred, reared and/or kept on a property in a Rural Zone for family consumption, as pets, or for hobby purposes and from which no financial gain is derived, except that in the Rural Residential Zone it is limited to only one adult rooster per site.*

Note: Domestic livestock not complying with this definition shall be deemed to be commercial livestock in a farming activity as defined by the Plan.”

204. This definition needs to be read together with the definition of ‘commercial livestock’:

“Means livestock bred, reared and/or kept on a property for the purpose of commercial gain, but excludes domestic livestock.”

205. The definition of ‘farming activity’ is also relevant:

“Means the use of land or buildings for the primary purpose of the production of vegetative matters and/or commercial livestock...”

206. There were two submissions on the definition of ‘domestic livestock’. The first, that of Ms Brych⁹⁷, sought that the definition refer to the livestock rather than their keeping. The second, that of Arcadian Triangle Limited⁹⁸, made a number of points:

- a. There is an inconsistency between the two bullet points in that the second refers to livestock on a property and, per site, whereas the first bullet does not do so.
- b. The use of reference in the second bullet point variously to “a property” and “per site” is undesirable given that the second is defined, whereas the first is not.
- c. Similar controls should be imposed on adult peacocks to those in relation to adult roosters.
- d. The words in the note “as defined by the Plan” are unnecessary and should be deleted.

207. Ms Leith agreed with Ms Brych’s submission that the inconsistency of terminology as between ‘commercial livestock’ and ‘domestic livestock’ was undesirable and should be corrected.

⁹⁶ Submitter 433

⁹⁷ Submission 243: Opposed by FS1224

⁹⁸ Submission 836

208. Ms Leith also agreed with the points made in the Arcadian Triangle submission, and recommended amendments to address those issues. Ms Leith also recommended minor changes to the references to zones, to bring them into line with the PDP terminology.
209. More fundamentally, Ms Leith observed that this is one of the definitions that is framed more as a rule than as a definition. Although she did not identify all the consequential changes that would be required, her recommendation was that the operative parts of the definition (i.e. those that appear more as a rule), might appropriately be shifted into the relevant zone. In her reply evidence, Ms Leith identified that the term ‘domestic livestock’ only appears in the Rural and Gibbston Character Zones. Her view was that given the absence of any submission, that would need to be rectified by way of variation.
210. In our view, there are even more fundamental problems with this definition that largely stem from the absence of any definition as to what animals come within the concept of ‘livestock’. The Collins English Dictionary⁹⁹ defines livestock as *“cattle, horses, poultry, and similar animals kept for domestic use but not as pets – esp. on a farm or ranch”*.
211. Dictionary.com gives the following definition:
- “The horses, cattle, sheep, and other useful animals kept or raised on a farm or ranch”*.
212. Lastly, Oxford Living Dictionaries¹⁰⁰ defines ‘livestock’ as *“farm animals regarded as an asset”*.
213. These definitions suggest that the concept of ‘livestock’ on property that is not farmed is something of a contradiction in terms.
214. The subtle differences between these definitions raise more questions than they answer given the implication of the second bullet point in the notified definition that livestock includes animals kept as pets or for hobby purposes. We are left wondering whether a single horse kept for casual riding as a hobby, if held on a property not within the Rural, Rural Lifestyle or Rural Residential Zones, would be considered livestock falling outside the definition of ‘domestic livestock’, and therefore be deemed to be ‘commercial livestock’, and consequently a ‘farming activity’.
215. Or perhaps even more problematically, a household dog of which there are presumably many located within the District’s residential zones.
216. Similarly, is it material that a dog might be considered ‘useful’ or an ‘asset’ on a farm, even if it is kept as a pet within a residential zone, so that a resource consent is required for a border collie (for instance), but not a miniature poodle?
217. Ms Leith’s recommendation that peacocks be specifically referred to tends to blur the position further; peacocks would not normally (we suggest) be considered ‘farm animals’.
218. We discussed with Ms Leith whether control of poultry in residential zones, for instance, should not better be undertaken through the Council bylaw process. That would obviously be an alternative option considered in the course of any section 32 analysis. In addition, as pointed out in our 22 May 2017 Minute, the existing definition treats the Gibbston Character

⁹⁹ 1979 edition

¹⁰⁰ www.oxforddictionaries.com

Zone as a effectively a non-rural zone. Ms Leith thought that that was an error, but we lack the scope to recommend a change to the definition that would address it.

219. These considerations prompt us to the view that while, as an interim step, we should recommend the amendments suggested by Ms Leith, responding to the submissions on this definition and to the minor errors she has identified, we recommend that the Council consider regulation of animals, as a land use activity, afresh, determining with significantly greater clarity than at present, what animals it seeks to regulate through the District Plan and determining appropriate standards for the number of those animals that is appropriate for each zone in the relevant chapters of the PDP (not the definitions). Defining what is considered 'livestock' would seem to be a good starting point.

6.27. Earthworks:

220. As already noted (in the context of our discussion of 'cleanfill' and 'cleanfill facility' Ms Leith recommended amending the definition of earthworks to adopt the definition established through Plan Change 49, thereby responding to the submission of the Oil Companies¹⁰¹. Ms Leith's recommendation has been overtaken by the Stage 2 Variations which propose amendments to this definition and thus we need not consider it further.

6.28. Earthworks within the National Grid Yard:

221. In her Reply Evidence¹⁰², Ms Leith noted the tabled representation of Ms Bould reiterating the evidence on behalf of Transpower New Zealand Limited¹⁰³ seeking a new definition of 'earthworks within the national grid yard'. This submission and evidence was considered by the Stream 5 Hearing Panel which has determined that no new definition is required for the purposes of the implementation of Chapter 30¹⁰⁴.

222. Ms Bould raised the point that the definition of 'earthworks' does not capture earthworks associated with tree planting. However, Ms Leith observed that the recommended rules in Chapter 30 specifically exclude such earthworks and so the recommended new definition would not provide the desired relief, and would in fact be inconsistent with the rules recommended in Chapter 30. We note also the Stream 5 Hearing Panel's conclusion¹⁰⁵ that the recommended rules were essentially as proposed by Transpower's planning witness. Accordingly, we do not accept the need for the suggested definition.

6.29. Ecosystem Services:

223. Ms Leith recorded that there were two submissions on this definition, one from the Council in its corporate capacity¹⁰⁶, and the other from Ms Brych¹⁰⁷.
224. The Council's submission sought substantive changes to the definition, adopting a definition provided by Landcare Research.
225. Ms Brych sought that the definition should be re-written to cover more than just the services that people benefit from.

¹⁰¹ Submission 768

¹⁰² A Leith, Reply at 22.1

¹⁰³ Submission 805

¹⁰⁴ Refer Report 8, Section 5.15

¹⁰⁵ Ibid

¹⁰⁶ Submission 383

¹⁰⁷ Submission 243

226. Ms Leith observed that the notified definition is practically identical to the definition in the Proposed RPS which is now beyond appeal in this respect. While, as a matter of law, we are not required to give effect to the proposed RPS, there appears no utility in contemplating amendments to take this definition to a position where it is inconsistent the definition we now know will form part of the future operative Regional Policy Statement.
227. As regards Ms Brych’s submission, Ms Leith provided additional commentary in her reply evidence to the effect that while a wide range of flora and fauna benefit from ecosystem services, that term is usually identified in the PDP alongside ‘nature conservation values’, ‘indigenous biodiversity’ and ‘indigenous fauna habitat’. She was of the view, and we agree, that the PDP therefore already addresses those other attributes in another way. Ms Brych did not appear to support her submission, or to explain why we should accept it in preference to adopting the Proposed RPS definition.
228. Accordingly, we recommend acceptance of Ms Leith’s revised definition which varies from the notified version only by way of the minor wording and formatting changes shown in Appendix 1.

6.30. Educational Facilities:

229. Ms Leith recommended deletion of this definition and substitution of a new definition for ‘education activity’, reflecting an officer recommendation we now know the Stream 6 Hearing Panel has accepted. Ms Leith also recommended a minor grammatical amendment to the definition of education activity. We heard no evidence that would suggest that we should not accept these recommendations¹⁰⁸ or take a different view. Accordingly, we recommend deletion of the definition of ‘education facility’ and insertion of the suggested definition of ‘education activity’.

6.31. Electricity Distribution Corridor and Electricity Distribution Lines:

230. Ms Leith recommended two new definitions, consequent on recommendations to the Stream 5 hearing committee considering Chapter 30 – Energy and Utilities. The Stream 5 Hearing Panel has not recommended insertion of these definitions and accordingly, we do not accept Ms Leith’s recommendation either.
231. We note, however, that the Stream 5 Hearing Panel recommends a new definition of ‘electricity distribution’, responding to a submission of Aurora Energy¹⁰⁹, and intended to include those electricity lines that do not form part of the National Grid, reading as follows:

“Means the conveyance of electricity via electricity distribution lines, cables, support structures, substations, transformers, switching stations, kiosks, cabinets and ancillary buildings and structures, including communication equipment, by a network utility operator.”

232. We heard no evidence to cause us to take a different view, accordingly, we recommend inclusion of the suggested new definition¹¹⁰.

6.32. Energy Activities:

233. Ms Leith recommended a definition of this term be inserted consequent on recommendations to the Stream 5 Hearing Panel considering Chapter 30. That Hearing Panel recommends that the suggested definition be varied to delete the initial reference to the generation of energy

¹⁰⁸ Ms McMinn supported that recommendation in her evidence for Ministry of Education

¹⁰⁹ Submission 635

¹¹⁰ Refer Report 8 at Section 6.6

and to make it exclusive, rather than inclusive. We adopt the recommendation of the Stream 5 Hearing Panel¹¹¹ with the minor change recommended by Ms Leith – decapitalising the bullet pointed terms.

6.33. Environmental Compensation:

234. Ms Leith recommended a new definition of this term, consequent on a recommendation to the Stream 2 Hearing Panel considering Chapter 33 – Indigenous Vegetation & Biodiversity. The Stream 2 Hearing Panel accepted the suggested new definition¹¹² and we heard no evidence to cause us to disagree.

6.34. Exotic:

235. Initially, Ms Leith recommended only a minor formatting change to this definition in her section 42A Report (consistent with the recommendations of the Stream 5 Hearing Panel that considered submissions on the term). We discussed with her, however, what the reference in the suggested definition to species indigenous “to that part of the New Zealand” means.

236. Putting aside the typographical error, which part?

237. In her reply evidence Ms Leith suggested that the definition should be clarified to refer to species not indigenous to the District. Having reflected on the point, we admit to some discomfort with the suggested revision of the definition because we consider it has potentially significant effect given the implication that what is exotic is (by definition) not indigenous. We have not previously seen a definition of indigenous flora and fauna that was more specific than New Zealand as a whole. We also wonder whether it is practical to determine whether species are indigenous to Queenstown-Lakes District, or whether they might have been imported from other parts of New Zealand, potentially as far away as Cromwell or Tarras, and indeed, whether that should matter.

238. Adopting a narrower definition than one relating to New Zealand as a whole is also, in our view, potentially inconsistent with section 6(c) of the Act. Both the Operative and the Proposed RPS likewise define “*indigenous*” as relating to New Zealand as a whole.

239. Last but not least, the definition of ‘indigenous vegetation’ in Chapter 2 similarly takes a New Zealand wide focus. We cannot understand how vegetation could be both exotic and indigenous for the purposes of the PDP.

240. This reasoning suggests to us that we should leave well-enough alone.

241. Accordingly, the only amendments we recommend to this definition are to adopt the formatting change Ms Leith recommended (shifting reference to trees and plants into the defined term) and to correct the typographical error in the second line, deleting the word “*the*”.

6.35. External Appearance:

242. Ms Leith recommended a reformatting change to this definition, shifting reference to buildings into the defined term. We consider this is a minor change that aids understanding and we support that recommendation.

¹¹¹ Among other things, suggesting that energy might be generated contradicts the first law of thermodynamics

¹¹² Refer Report 4A, Section 51.2

6.36. Factory Farming:

243. Ms Leith recommended that this definition be amended so that rather than including the three bullet pointed matters it should “mean” those three matters i.e. converting the definition from being inclusive to exclusive. In her Section 42A Report, Ms Leith explained that the definition is unclear whether the list is intended to be exhaustive or not. She recommended that this be made clear¹¹³.

244. As far as we can establish, there is no submission seeking this change. Rather the contrary, the submissions of Federated Farmers of New Zealand¹¹⁴ and Transpower New Zealand¹¹⁵ both sought that the existing definition be retained. Those submissions were before the Stream 2 Hearing Panel that does not recommend any change to the existing definition.

245. Ms Leith did not explain the basis on which she determined that the definition of ‘factory farming’ was intended to be exclusive and it is not obvious to us that that is the intention. Accordingly, we regard this as a substantive change falling outside Clause 16(2) and we do not accept it. We therefore recommend that the definition remain as notified, other than by way of the minor grammatical change suggested by Ms Leith (decapitalising the first word in each of the bullet points).

6.37. Farm Building:

246. Ms Leith recommended a minor grammatical change to this definition (shifting the location of the word “excludes”). We agree that the definition reads more easily with the suggested change and we recommend that it be amended accordingly.

6.38. Flat Site:

247. Ms Leith recommended that a definition for this term be inserted, consequent on a recommendation to the Stream 6 Hearing Panel that has the effect that the definition of ‘flat site’ previously found in notes to rules in Chapters 7, 8 and 9 is converted to a definition in Chapter 2¹¹⁶. The Stream 6 Hearing Panel accepts the desirability of distinguishing between flat and sloping sites¹¹⁷. Ms Leith also suggested a minor grammatical change that we believe improves the definition. We heard no evidence seeking to contradict Ms Leith’s recommendation. Accordingly, we recommend that the slightly varied definition Ms Leith also suggested be inserted, as shown in Appendix 1 to this Report.

6.39. Floor Area Ratio:

248. Ms Leith recommended deletion of this definition consequent on a recommendation to the Stream 6 Hearing Panel. The Stream 6 Hearing Panel accepted that recommendation¹¹⁸ and we had no reason to take a different view.

6.40. Formed Road:

249. Federated Farmers¹¹⁹ sought that this definition be amended to distinguish between publicly and privately owned roads in the District.

¹¹³ Refer Section 42A Report at 30.4

¹¹⁴ Submission 600: Supported in FS1209 and FS1342; Opposed in FS1034

¹¹⁵ Submission 805

¹¹⁶ Refer Report 9A, Section 37.1

¹¹⁷ Refer the discussion in Report 9A at Section 37.1

¹¹⁸ Report 9A at Section 36.8

¹¹⁹ Submission 600: Supported in FS1209; Opposed in FS1034 and FS1040

250. Ms Leith referred us to the definition of ‘road’ which, in her view, means that a ‘formed road’ must necessarily be a formed public road. When Federated Farmers appeared before us, its representative accepted Ms Leith’s analysis, as do we. Accordingly, we recommend that the submission be rejected.

6.41. Ground Level:

251. As notified, this definition had the effect that where historic ground levels have been altered by earthworks carried out as part of a subdivision under either the Local Government Act 1974 or the Act, ground level is determined by a reference to the position following that subdivision, but otherwise, any historic changes in actual ground level do not affect the ground level for the purposes of the application of the PDP.

252. This position was the subject of two submissions. Nigel Sadlier¹²⁰ sought that the definition be retained as proposed. We note in passing that that submission was itself the subject of a further submission¹²¹ seeking to alter the definition. The Stream 1B Hearing Panel discussed the permissible scope of further submissions in Report 3. We refer to and rely on the reasoning in that report¹²², concluding, therefore, that this is not a valid further submission that we can entertain.

253. The second submission of this definition is that of Arcadian Triangle Limited¹²³. This submission focussed on the third bullet point of this definition which, as notified, read as follows:

“Earthworks carried out as a part of a subdivision” does not include earthworks that are authorised under any land use consent for earthworks, separate from earthworks approved as part of a subdivision consent.”

254. The submission makes the point that for a period prior to Plan Change 49 becoming operative on 29 April 2016, the Council routinely required subdividers to obtain land use consent for earthworks associated with their subdivision (following a policy decision to this effect). This bullet point accordingly had the potential to alter ground levels for future purposes where they have been changed as a result of earthworks that were actually associated with subdivision. The submitter sought that the bullet point apply to the position after 29 April 2016. Ms Leith agreed with the point made by the submitter and recommended that the relief sought be granted.

255. Ms Leith also recommended (as minor changes) that three of the notified notes to this definition should be relocated into the definition itself, and that a statement at the end of the notified definition that it did not apply to the Remarkables Park Zone or the Industrial B Zone should be deleted.

256. We agree with Ms Leith’s recommendations, as far as they go but we have a fundamental problem with the definition insofar as it requires an inquiry as to what the ground level was prior to earthworks being carried out “*at any time in the past*”. We discussed with Ms Leith the futility, for instance, of seeking to establish what changes gold miners operating in the 1860s made to the pre-existing ground level and whether it would be more practical to

¹²⁰ Submission 68

¹²¹ Of Erna Spijkerbosch – FS1059

¹²² Report 3 at Section 1.7

¹²³ Submission 836

nominate a specific date before which any changes to the pre-existing ground level could be ignored.

257. Ms Leith provided us with further information in her evidence in reply. Apparently, the original definition of ‘ground level’ in the ODP nominated the date of the ODP’s public notification as just such a reference point but this posed problems because establishing ground level at that date (10 October 1995) was found to be difficult and in some cases impossible. Plan Change 11B was promulgated to address the issue and the notified definition in the PDP reflects the resolution of appeals through the Environment Court. Given that the current definition appeared to be the combination of much previous assessment and consideration, she did not recommend any additional amendments to it.
258. Ms Leith did not refer us to an Environment Court decision settling appeals on Plan Change 11B and we could not locate one ourselves. We infer that the resolution of appeals may have been by way of consent order.
259. Be that as it may, and with due respect to the Court, it appears to us to be illogical to address a problem caused by the inability to establish ground levels at a date in 1995, by putting in place a regime requiring knowledge of ground levels at all times in the past, that is to say tens if not hundreds of years before 1995.
260. The obvious solution, it seems to us, is to nominate a reference point when there was adequate knowledge of ground levels across the District, possibly in conjunction with provision for an earlier date if public records provide adequate certainty as to the historic ground level. For this reason, the Chair included this definition as one of the points recommended for variation in his 22 May 2017 Minute.
261. In the meantime, however, we have no jurisdiction to recommend a material change to the definition of ‘ground level’ from that recommended by Ms Leith. Appendix 1 therefore reflects those changes only.
- 6.42. Hanger:**
262. Ms Leith recommended a change to this definition (to insert the word “means”) consequent on a recommendation to the Stream 8 Hearing Panel considering Chapter 17 – Airport Zone. The Stream 8 Hearing Panel concurred¹²⁴ and we had no basis to take a different view.
- 6.43. Hazardous Substance**
263. This definition was the subject of a submission from the Oil Companies¹²⁵ supporting the existing definition. Ms Leith recommended only minor formatting changes that do not make any difference to the meaning of a definition. We accept her recommendations in that regard. The relevant changes are as shown in Appendix 1 to this report.
- 6.44. Height:**
264. Ms Leith recommended a minor formatting change to this definition and deletion of reference to assessment of height in the Three Parks Zone, recognising that that zone is not part of the PDP. We agree with Ms Leith’s suggestions on both points and the revised definition in Appendix 1 to this Report shows the relevant changes.

¹²⁴ Refer Report 11 at Section 63.1

¹²⁵ Submission 768

- 6.45. Heritage Landscape:**
 265. We recommend deletion of this definition, consequent on the recommendation of the Stream 3 Hearing Panel concerning Chapter 26 – Historic Heritage that this term not be used in Chapter 26¹²⁶.
- 6.46. Home Occupation:**
 266. Ms Leith recommended an amendment to this definition to delete the final sentence, stating the position applying in the Three Park Zone, given that that Zone is not part of the PDP. We agree with that recommendation for the reasons set out above.
- 6.47. Hotel:**
 267. This definition was the subject of a submission¹²⁷ pointing out that there appeared to be a word missing. Ms Leith accepted the point and recommended a minor change to correct the error, together with minor reformatting changes. We accept Ms Leith’s suggestions and the revised version of the definition in Appendix 1 shows the relevant changes.
- 6.48. Indigenous Vegetation:**
 268. Ms Leith recommended a change to this definition consequent on a recommendation to the Stream 2 Hearing Panel considering Chapter 33 – Indigenous Vegetation & Biodiversity. The Stream 2 Hearing Panel agreed with that recommendation (to refer to vascular and non-vascular plants) and we had no evidence to suggest that we should take a different view.
- 6.49. Indoor Design Sound Level:**
 269. In Appendix 1, we have corrected the reference to L_{dn} , to reflect the defined term.
- 6.50. Informal Airport:**
 270. Ms Leith recommended a minor non-substantive change to the note to this definition.
 271. We agree that her suggested change shown in Appendix 1 to this Report provides greater clarity and recommend it accordingly.
- 6.51. Internal Boundary:**
 272. Ms Leith recommended that the note referring the reader to other definitions is unnecessary. We agree and recommend that it be deleted.
- 6.52. Kitchen Facility:**
 273. Ms Brych¹²⁸ suggested in her submission that this definition is not very clear but did not identify either the particular problem with it, or how it might be amended to address any issue. Ms Leith was unsure as to what was not clear, as were we. Accordingly, we do not recommend any change to the definition.
- 6.53. Landside:**
 274. Ms Leith recommended a minor change consequent on a recommendation to the Stream 8 Hearing Panel considering Chapter 17- Airport Zone. That Panel agreed and we have no basis to disagree with the suggested revision shown in Appendix 1 to this Report.

¹²⁶ Refer Report 5 at Section 3

¹²⁷ Christine Brych – Submission 243; Opposed by FS1224

¹²⁸ Submission 243; Opposed by FS1224

6.54. Liquor:

275. Consistent with the general approach we suggested to her, Ms Leith recommended that this definition set out in full the defined term rather than cross referencing the definition in the Sale and Supply of Alcohol Act 2012. However, on this occasion, the definition is so detailed that we think the cross reference to the legislation from which it is taken is appropriate.

276. Accordingly, we recommend that the notified definition be retained.

6.55. Lot:

277. Ms Leith recommended a minor formatting change (to shift the reference to subdivision into the defined term). We agree that this is clearer and recommend the amendment shown in Appendix 1 to this Report.

6.56. Low Income:

278. Ms Leith recommended minor formatting changes to remove unnecessary capitals in this definition. We agree and Appendix 1 shows the relevant changes.

6.57. MASL:

279. Ms Leith recommended that this definition be shifted to the separate section she recommended containing acronyms used in the PDP. While, as defined, it is indeed an acronym (standing for metres above sea level), reference to it raises a more substantive issue.

280. Given the continuous and ongoing rise in sea levels, use of the literal meaning of MASL as a fundamental reference point in the PDP is unsatisfactory. The Chair's 22 May 2017 memorandum recommended that Council promulgate a variation to define sea level as 100 metres above Otago Datum in order to provide a reference point that will not shift over time. We have no scope to make that change ourselves in the absence of any submission, but anticipating a possible variation, we recommend in the interim that 'MASL' remain in the first section of Chapter 2, rather than being shifted into a separate section of acronyms.

6.58. Mast:

281. In her tabled evidence for QAC, Ms O'Sullivan drew our attention to a potential issue with the definitions of 'mast' and 'antenna', because both of those terms are framed as being specific to telecommunications. Ms O'Sullivan's concern was that the rules in Chapter 30 governing installation of masts and antenna would not, therefore, address structures used for radio communications, navigation or metrological activities – all matters of obvious importance to QAC.

282. Ms O'Sullivan accepted that QAC had not filled a submission with respect to these definitions but drew our attention to the issue in case we could identify scope to address the point.

283. Ms Leith's initial view was that there was no scope to broaden the definitions. We canvassed various possible options in discussions with Ms Leith, but she remained of the view that there was no scope through submissions to recommend these changes.

284. We think that Ms O'Sullivan's concern might be slightly overstated because the ordinary natural meaning of telecommunications includes communications by way of radio waves and to the extent that navigation and metrological facilities on masts and antenna communicate data, they might similarly be considered to fall within the existing definitions. To the extent that this is not the case, however, we have insufficient evidence to conclude that broadening

the definitions to provide more clearly for these facilities would be a minor change for the purposes of Clause 16(2). Accordingly, we conclude that this is a matter which should be addressed by the Council by a way of variation, as Ms Leith recommended to us.

6.59. Mineral Exploration:

285. Ms Leith recommended a new definition for this term consequent on recommendations to the Stream 2 Hearing Panel considering Chapter 21 – Rural Zone

286. The Stream 2 Hearing Panel agreed with that recommendation. Ms Leith, however, suggested two changes to the definition considered by the Stream 2 Hearing Panel. The first is non-substantive in nature (deleting “any” in the third line). The second, however, is more problematic, in our view. The definition recommended to, and accepted by the Stream 2 Hearing Panel had the concluding words “*and to explore has a corresponding meaning*”. Ms Leith suggested that this be deleted on the basis that the definition relates to exploration. While this is correct, the extra words provide for a change of grammatical form (from a noun to a verb) and make it clear that the definition applies to both. We think for our part that that is helpful and we disagree with Ms Leith’s recommendation in that regard. Appendix 1, accordingly, only shows the minor change noted above from the version recommended by the Stream 2 Hearing Panel.

6.60. Mineral Prospecting:

287. Ms Leith recommended a new definition of this term be inserted consequent on a recommendation to the Stream 2 Hearing Panel considering Chapter 21 – Rural Zone. That Hearing Panel concurred. Ms Leith has suggested only a minor grammatical change (decapitalising the initial word in each bullet point). We had no evidence to suggest substantive changes to the definition from that recommended by the Stream 2 Hearing Panel, but we agree that the minor grammatical change suggested by Ms Leith is appropriate. Appendix 1 to this Report shows the revised definition.¹²⁹

288. As a consequential change, the existing definition of ‘prospecting’ should be deleted.

289. Before leaving this term, however, we should note the concern expressed by the Stream 2 Hearing Panel that the way the definition is expressed (being inclusive rather than exclusive) does not accord with the apparent intent – that it describe a low impact activity. The Panel suggested that Council needed to revise it in a future variation. We concur.

6.61. Mini and Micro Hydro Electricity Generation:

290. Ms Leith recommended a minor amendment to insert the word “*means*” at the start of the defined term. The suggested amendment does not alter the meaning, but is consistent with how other defined terms are framed. We accordingly recommend that change.

6.62. Mining Activity:

291. Ms Leith recommended a substantive change to this definition consequent on a recommendation to the Stream 2 Hearing Panel, considering Chapter 21 – Rural Zone, subject only to minor reformatting changes. This recommendation has been overtaken by the Stage 2 Variations, which propose amendments to the notified definition and thus we need not consider it further, although we note that a new definition of ‘mining’ has been inserted into our recommended revised Chapter 2 consequent on the recommendation of the Stream 2 Hearing Panel.

¹²⁹ Report 4A at Section 4.12

6.63. Minor Alterations and Additions to a Building:

292. Ms Leith suggested amendments to this definition consequent on recommendations to the Stream 6 Hearing Panel considering Chapter 10 – Arrowtown Residential Historic Management Zone and accepted by that Hearing Panel¹³⁰. We had no basis to take a different position. The defined term is, however, specific to Chapter 10, and so it needs to be noted as such. Accordingly, Appendix 1 to this Report shows the relevant changes.

6.64. Minor Upgrading:

293. Ms Leith recommended a series of changes to this definition consequent on recommendations to the Stream 5 Hearing Panel considering Chapter 30 – Energy and Utilities. The Stream 5 Hearing Panel largely accepts that recommendation (changing only the tense of the introduction of the specified items: “shall include” to “includes”). Ms Leith adopted that recommendation subject only to minor formatting changes. Ms Bould’s tabled statement for Transpower New Zealand Limited¹³¹ drew our attention to the evidence of Ms McLeod for Transpower in the context of the Stream 5 hearing seeking provision in the definition for a 15% increase to the height of support structures. Although not apparent from Ms Bould’s statement, the relief supported by Ms McLeod suggests that the proposed increase could only occur when necessary to comply with NZECP 34:2001, and so is more limited than would appear to be the case.

294. Be that as it may, Ms Bould provided us with no additional evidence not already put before the Stream 5 Hearing Panel. In addition, Ms Leith drew our attention to the difficulty in judging compliance with such a permitted activity condition and to the potential for significant increases to the height of support structures incurring incrementally over time as permitted activities¹³².

295. We are unsure whether the second point is a valid concern given that the relief supported by Ms McLeod is limited to extensions necessary to provide clearance under the NZECP, but ultimately, we have no basis on which to form a different view to the Stream 5 Hearing Committee.

296. Ms Irving drew our attention to the evidence for Aurora Energy¹³³ in the Stream 5 Hearing in her tabled memorandum, but provided no additional evidence or argument to cause as to doubt the conclusions of the Stream 5 Hearing Panel. Accordingly, we do not recommend that the definition be extended further from that recommended by the Stream 5 Hearing Panel, other than to make it clear that it is limited in application to Chapter 30.

297. We also heard evidence from Ms Black for Real Journeys Limited¹³⁴, who sought an expansion of the definition to provide for upgrades to infrastructure other than electricity transmission. The particular point of concern to Ms Black was the need to provide from time to time for upgrades to wharves. After the conclusion of the hearing, Ms Black provided us with suggested wording for a revised definition (2 options).

¹³⁰ Report 9A at Section 36.10

¹³¹ Submission 805

¹³² Refer Leith reply evidence at 21.2

¹³³ Submission 635: Supported in part in FS1301; Opposed in FS1132

¹³⁴ Submission 621

298. Ms Leith did not support the suggested amendment of the ‘minor upgrading’ definition¹³⁵. Ms Leith observed that the requested relief went beyond a change to the definition and would require new rules which have not been recommended in the Stream 5 Hearing Report. In our view, there would be no point providing an amended definition if the term is not used in the context of an upgrade other than electricity infrastructure.
299. In addition, we have a concern that upgrades of wharves located in sensitive rural areas such as at Walter Peak, might have significant adverse effects.
300. Last but not least, Real Journeys Limited did not seek an amendment to this definition in its submission and we could not identify any jurisdiction for the relief now sought.
301. Accordingly, our revised version of the definition in Appendix 1 is limited to the amendments referred to above.

6.65. Moderate Income:

302. Ms Leith recommended minor amendments (decapitalising words) in this definition that we agree are desirable for consistency reasons. Appendix 1 shows the suggested amendments.

6.66. National Grid:

303. Ms Leith recommended a new definition of this term, arising out of the Stream 5 Hearing in relation to Chapter 30 – Energy and Utilities. The recommended definition in that hearing suggested a cross reference to the Resource Management (National Environmental Standards for Electricity) Transmission Activities Regulations 2009 which define what the National Grid is. The Stream 5 Hearing Panel accepted the desirability of having a definition in the terms recommended, but consistent with the general approach for such cross references, Ms Leith suggested reproducing what the regulations actually say. While we agree that this is more user-friendly, the definition in the Regulations refers to the ownership of the National Grid as at the commencement of the regulations which, if retained, defeats the intention of making the Chapter 2 definition self-contained. We recommend replacing that with a cross reference to notification of the PDP. Given that Transpower has owned the National Grid at all material times, this change falls within Clause 16(2).

6.67. National Grid Corridor:

304. Ms Leith recommended deletion of this definition and its replacement by a new term (National Grid Subdivision Corridor) consequential on recommendations to the Stream 5 Hearing Panel considering Chapter 30 – Energy and Utilities. The new term is proposed to have the same definition save for a minor non-substantive amendment to the note, and a grammatical change in the second line (delete the word “*the*”).
305. The description of the area either side of national grid lines was the subject of discussion in both the Stream 4 and Stream 5 hearings. The recommendations from those Hearing Panels are that the term used in the relevant rules should be ‘National Grid Corridor’, that is to say, the notified defined term. Accordingly, we reject Ms Leith’s recommendation in that regard. In addition, we think it is unnecessary to state (in the same note) that the term does not include underground lines – the opening words of the definition make it perfectly clear that it only relates to above ground lines. However, the amendment she suggested to what was formerly the note aids understanding of the inter-relationship between the defined term and any lines that are designated and so we recommend that ‘National Grid Corridor’ be amended as shown in Appendix 1.

¹³⁵ Refer A Leith, Reply at 21.3

6.68. National Grid Sensitive Activities:

306. Ms Leith recommended a revised definition for this term, reflecting recommendations to the Stream 5 Hearing Committee considering Chapter 30 – Energy and Utilities, subject to minor grammatical changes (removing capitalisation of initial words in bullets and a surplus “*the*”). The Stream 5 Hearing Panel agreed with the recommendation. We heard no evidence to suggest that we should take a different view other than a consequential change to reflect our recommendation above to delete the definition of “education facility” and in relation to Ms Leith’s suggested minor additional changes. Accordingly, we recommend the revised definition in the form set out in Appendix 1.

6.69. National Grid Yard:

307. Ms Leith recommended an amendment to this definition (to replace the diagram), reflecting a recommendation to the Stream 5 Hearing Panel, together with a minor non-substantive change to the former note to the definition. The Stream 5 Hearing Panel accepted the recommendation to amend the diagram and we heard no evidence to suggest that we should take a different view. As regards the note, we consider that as with the definition of ‘national grid corridor’, it is preferable that the body of the definition makes clear that it relates to overhead lines, rather than that being stated in a note.

308. Accordingly, we recommend that amended definition set out in Appendix 1.

6.70. Nature Conservation Values:

309. Ms Leith recommended a revised definition for this term, reflecting a recommendation to the Stream 1B Hearing considering Chapter 3 – Strategic Direction. The Report of the Stream 1B Panel recommends a slightly different definition which refers at the end to habitats rather than landscapes and inserts reference to ecosystem services as an aspect of natural ecosystems, but otherwise accepts the staff recommendation. The only submission on this term listed for hearing in Stream 10 was that of X-Ray Trust Limited¹³⁶, which sought a definition of the term, but did not suggest how it should be worded. Accordingly, we have no basis on which to disagree with the Stream 1B Hearing Panel and recommend a revised definition in the terms set out in Appendix 1.

6.71. Navigation Facility:

310. The Airways Corporation of New Zealand Limited¹³⁷ sought a new definition for this term. Wording was provided in the submission.

311. Ms Leith’s Section 42A Report however identifies that as a result of recommended amendments, the term is no longer used in Chapter 30. Accordingly, in her view, there is no utility in inserting a definition for it¹³⁸. While that is correct, we note that the Stream 1B Hearing Panel has recommended the definition of ‘regionally significant infrastructure’ that refers, among other things, to ‘navigation infrastructure’ associated with Queenstown and Wanaka Airports. It appears to us that, therefore, there is value in defining that term.

312. The definition suggested in the Airways Corporation submission for ‘navigation facility’ was:

“Means any permanent or temporary device or structure constructed and operated for the purpose of facilitating navigation by aircraft or shipping.”

¹³⁶ Submission 356

¹³⁷ Submission 566: Supported by FS1106, FS1208, FS1253 and FS1340

¹³⁸ Refer Section 42A Report at 14.5

313. While as a matter of fact, navigation infrastructure includes shipping (e.g. at the entrance to Queenstown Bay), the reference to shipping is unnecessary given the context in which the term is used in the PDP, but otherwise we think that the suggested definition is perfectly serviceable. Accordingly, we recommend the submission be accepted in part by inclusion of a new term ‘navigation infrastructure’ defined as:

“Means any permanent or temporary device or structure constructed and operated for the purpose of facilitating navigation by aircraft.”

6.72. Net Area:

314. Ms Leith recommended a formatting change to this definition to shift the reference to sites or lots into the defined term, consistent with the approach to other terms in Chapter 2. This is a minor non-substantive change, but we agree that with some simplification, it improves readability. Accordingly, we recommend revision of the term as shown in Appendix 1.

6.73. Net Floor Area:

315. Ms Leith recommended a minor wording change to substitute “*means*” for “*shall be*” at the start of this definition. The end result is the same so it falls within Clause 16(2). We agree with the suggested change, which makes the definition consistent with other terms in Chapter 2.

6.74. Noise Event:

316. Ms Leith recommended correction of a typographical error in the fourth line of this definition that was also noted by the Stream 5 Hearing Panel. We agree that this is a minor error that should be corrected under Clause 16(2).

6.75. No Net Loss:

317. Ms Leith recommended a new definition for this term, reflecting a recommendation to the Stream 2 Hearing Panel considering Chapter 33 – Indigenous Vegetation & Biodiversity. The Stream 2 Hearing Panel accepted that recommendation and we heard no evidence which would provide us with a basis to take a different view. Accordingly, we recommend a new definition in the terms set out in Appendix 1.

6.76. Notional Boundary:

318. Ms Leith recommended amendment to this definition, reflecting a change recommended to the Stream 5 Hearing Panel considering Chapter 36 – Noise (to refer to “*any side*” of a residential unit rather than to “*the facade*”) together with a minor grammatical change (“*any*” to “*a*”). The Stream 5 Hearing Panel agreed with the staff recommendation and we heard no evidence that would give us a basis to take a different view. We also agree that the minor additional change suggested by Ms Leith aids readability. Accordingly, we recommend a revised definition in the terms set out in Appendix 1.

6.77. Outer Control Boundary (OCB) Queenstown:

319. Ms Leith recommended deletion of this term, reflecting a recommendation to the Stream 8 Hearing Panel considering Chapter 17 – Airport Zone to consolidate this definition with that of ‘Outer Control Boundary (OCB) Wanaka’. The Stream 8 Hearing Panel accepted that recommendation and we heard no evidence that would cause us to take a different view. Accordingly, we likewise recommend its deletion.

6.78. Outer Control Boundary (OCB) Wanaka:

320. Ms Leith recommended amendments to this definition that reflected some (but not all of the) changes suggested to the Stream 8 Hearing Panel considering Chapter 17. In particular, the version of the definition recommended by Ms Leith in her section 42A Report retained reference to a date which was omitted from the definition recommended to and accepted by the Stream 8 Hearing Panel. In her tabled evidence for QAC, Ms O’Sullivan pointed out that any reference to a date in this definition needed to acknowledge that the relevant dates were different as between Queenstown and Wanaka. When Ms Leith appeared, we also discussed with her the potential ambiguity referring to “*future predicted day/night sound levels*” – that might be taken to mean future predictions rather than the current prediction of the position at a future date (as intended). Ms Leith suggested amendments to address both points.
321. We think it is preferable to specify the reference date at both airports (as Ms Leith suggests) rather than leave that open (as the Stream 8 Hearing Panel’s recommendation would do) to be clearer what it is that the OCBs seek to do. Accordingly, we recommend acceptance of Ms Leith’s revised definition, as shown in Appendix 1.

6.79. Passenger Lift System:

322. Ms Leith recommended a new definition for this term, reflecting a recommendation to the Stream 2 Hearing Panel considering Chapter 21 – Rural Zone. The Stream 2 Hearing Panel accepted that recommendation.
323. Remarkables Park Limited¹³⁹ and Queenstown Park Limited¹⁴⁰ supported the suggested definition before us. We also received written legal submissions from Mr Goldsmith representing Mount Cardrona Station Limited¹⁴¹ expressing concern about the way in which the suggested definition was framed. However, when Mr Goldsmith appeared before us, he advised that on further reflection, he considered the concerns expressed in his written submissions unfounded and he withdrew them.
324. We discussed with Mr Williams, the planning witness for Remarkables Park Ltd and Queenstown Park Ltd, the logic of confining the definition of ‘passenger lift system’ to systems that transport passengers within or to a ski area sub-zone, given that the most visible (and well-known) passenger lift system in the District (the Skyline Gondola) does neither. Mr Williams advised that from a planning perspective, there was merit in broadening the definition and addressing the need for specific provisions governing lift systems in and around ski areas through the rules of Chapter 21. In her reply evidence however, Ms Leith advised that the submission the recommendation responded to was that of Mount Cardrona Station Limited, which was limited to integration between ski area sub-zones and nearby urban and resort zones. She advised further that neither that submission, nor the other submission seeking similar relief provided jurisdiction for definition of a passenger lift system not in the context of a ski area sub-zones, and therefore there was no jurisdiction to make the change we discussed with Mr Williams.
325. We accept that analysis. We contemplated a recommendation that the PDP be varied to provide for passenger lift systems not associated with ski area sub-zones, but given the Skyline Gondola was the subject of resource consent applications to permit a major refurbishing of

¹³⁹ Submission 807

¹⁴⁰ Submission 806

¹⁴¹ Submission 407: Supported in FS1097, FS1329 and FS1330

the existing facility that were before the Environment Court around the time of our hearing, we do not regard this as necessary at this point.

326. Given the lack of jurisdiction we have noted, we have no basis to recommend a change to the definition from that suggested by Ms Leith. Appendix 1 shows the suggested new definition.

6.80. Photovoltaics (PV):

327. Again, Ms Leith recommended a minor non-substantive change to improve consistency of expression in the Chapter. We agree with her suggested change, which is shown in Appendix 1.

6.81. Potable Water Supply:

328. In her Section 42A Report, Ms Leith noted (in the context of her discussion of the definition of the word 'site') her understanding that it is ultra vires to refer to future legislation within the PDP via a term such as 'replacement Acts'. Ms Leith's position reflected the legal submissions made to us by counsel for the Council. The reason why reference to future legislation is ultra vires is due to the uncertainty as to what that future legislation may contain.

329. When Ms Leith appeared before us, we inquired whether the same principle that counsel had made submissions on and she had accepted would apply to the definition of Potable Water Supply which, as notified, refers to the current drinking water standard "*or later editions or amendments of the Standards*". In her reply evidence, Ms Leith confirmed that the reference to future versions of the drinking water standards was an issue and recommended that it be deleted, in conjunction with a minor consequential amendment. We agree that this is appropriate. Because the deleted phrase is ultra vires and of no effect, its removal is a minor change within Clause 16(2).

6.82. Precedent:

330. Alan Cutler¹⁴² submitted that a definition of 'precedent' should be included in the PDP. Mr Cutler's reasons appeared to relate to the decisions of Council in relation to implementation of the ODP. Ms Leith advised, however, that the term is not used within the PDP. On that ground, and because the law on the significance of precedents in decisions under the Act is still evolving, she recommended definition not be included in Chapter 2. We agree, essentially for the same reasons, and recommend that this submission be declined.

6.83. Projected Annual Aircraft Noise Contour (AANC):

331. Ms Leith recommended a correction to the cross reference to the designation conditions, reflecting a recommendation accepted by the Stream 8 Hearing Panel considering Chapter 17 – Condition 13, not Condition 14.

332. We have no reason to take a different view and Appendix 1 reflects the suggested change.

6.84. Public Place:

333. This definition refers to the "*District Council*" when the defined term (council) should be used. Appendix 1 reflects that change.

6.85. Radio Communication Facility:

334. Ms Leith recommended a new definition for this term be inserted, accepting the submission of Airways Corporation of New Zealand Limited¹⁴³ in this regard. Ms Leith identified that although 'radio communication facility' was no longer an activity in its own right, following

¹⁴² Submission 110

¹⁴³ Submission 566: Supported by FS1106, FS1208, FS1253 and FS1340

recommended amendments to the Stream 5 Hearing Panel considering Chapter 30 Energy and Utilities, the term was used in the recommended definition of ‘regionally significant infrastructure’ and on that account, it is useful to have it defined.

335. In her reply evidence¹⁴⁴, Ms Leith noted that the reference to the Radio Communications Act 1989 at the end of the definition sought by the submitter was unnecessary and recommended its deletion. We agree both that the definition of the term is desirable for the reasons set out in Ms Leith’s Section 42A Report (given our recommendation to accept that aspect of the definition of “regionally significant infrastructure”) and that the reference to the Radio Communications Act 1989 sought by the submitter should be deleted (not least because that Act does not actually define the term “*Radio Communication Facility*”). Accordingly, we recommend that this submission be accepted in part with a new definition as set out in Appendix 1.

6.86. Recession Lines/Recession Plane:

336. Although not the subject of submission or evidence, we noted as part of our deliberations that this definition (and the accompanying diagrams) are very difficult to understand. They appear designed for the benefit of professionals who already understand the concept of recession planes, and what the diagrams seek to achieve. While there are some aspects of the PDP where lay people may need the assistance of professional advisors, this need not be one of them. We recommend that the Council give consideration to a variation to this aspect of Chapter 2 to provide a definition and interpretative diagrams that might be better understood by lay readers of the PDP. We have attempted to formulate a more readily understood definition ourselves, which is attached to this Report as Appendix 4

6.87. Regionally Significant Infrastructure:

337. Ms Leith recommended insertion of a new definition of this term, reflecting recommendations made to the Stream 1B Hearing Panel considering Chapter 3 – Strategic Direction, supplemented by changes recommended to the Stream 5 Hearing Panel considering Chapter 30 – Energy and Utilities. Ms Leith also recommended updating the suggested cross reference to the Resource Management (National Environmental Standards for Telecommunication Facilities Regulations 2016). The Stream 1B Hearing Panel recommended several amendments to the definition of this term, which the Stream 5 Hearing Panel adopted. We have no basis to take a different view from the Hearing Panels that have already considered the matter.

338. We note that we do not consider the suggested cross reference to the Regulations noted above to be helpful as neither ‘telecommunication facility’ nor ‘radio communication facility’ are in fact defined in the Regulations. Our recommendation, reflecting the recommendations we have received from the Stream 1B (and Stream 5) Hearing Panels, is set out in Appendix 1.

6.88. Registered Holiday Home:

339. Ms Leith recommended minor grammatical changes to the definition, deletion of the first advice note and amendment of the second note. However, this definition is the subject of the Stage 2 Variations (which proposes that it be deleted) and thus we need not consider it further.

6.89. Registered Home Stay:

340. Ms Leith recommended deletion of the advice note notified with this application, for the same reason as the corresponding note in relation to ‘registered holiday home’. Again, however, this definition is the subject of the Stage 2 Variations and we therefore do not need to form a view on Ms Leith’s recommendations.

¹⁴⁴ A Leith, Reply Evidence at 9.1

6.90. Relocated/Relocatable Building:

341. Ms Leith recommended amendment to this definition, reflecting a recommendation to the Stream 5 Hearing Panel considering Chapter 35 – Temporary Activities & Relocated Buildings. The Stream 5 Hearing Panel recommends an additional change (to insert the word “newly”), but otherwise agrees with the recommendation¹⁴⁵. We heard no evidence that would cause us to take a different view although we recommend that the capitalising and bolding of the terms ‘removal’ and ‘re-siting’ be removed, to promote consistency with the use of defined terms. Appendix 1 reflects the recommended end result.

6.91. Relocation:

342. Ms Leith recommended a reformatting change to shift the initial reference to building into the defined term. We agree with that suggested change which promotes greater consistency in Chapter 2. The Stream 5 Hearing Panel also recommends removal of the words “and re-siting’ from this definition to avoid confusion¹⁴⁶. We agree with that change also. Appendix 1 shows the recommended end result.

6.92. Remotely Piloted Aircraft:

343. Ms Leith recommended a new definition for this term, reflecting a recommendation to the Stream 8 Hearing Panel considering Chapter 17 – Airport Zone. That Hearing Panel agrees with the recommendation and we had no basis on which to take a different view. Accordingly, our recommended Appendix 1 shows the suggested new definition.

6.93. Removal of a Building:

344. Ms Leith recommended a new definition of this term, reflecting a recommendation to the Stream 5 Hearing Panel considering Chapter 35 – Temporary Activities & Relocated Buildings. The Stream 5 Hearing Panel agreed with the desirability of a new definition. Ms Leith’s suggested definition shifts some of the definition into the defined term and includes reference to demolition as an express exclusion. Both suggested changes are minor in nature. To promote consistency in the way other terms have been defined in Chapter 2, however, we think that the cross reference to building should be in brackets: i.e. “*Removal (Building)*”. The second suggested change provides a desirable clarification for the avoidance of doubt.

6.94. Renewable Electricity Generation Activities:

345. Ms Leith recommended minor grammatical changes (removing unnecessary capitals for separately defined terms). We agree with the suggested change which promote consistency in the reference to defined terms. Appendix 1 shows the recommended end result.

6.95. Residential Flat:

346. In her Section 42A Report¹⁴⁷, Ms Leith noted that although this term was discussed in the course of the Stream 2 Hearing Panel’s consideration of Chapter 21 – Rural Zone and was the subject of staff recommendations on submissions, that Hearing Panel directed that the relevant submissions be transferred to this hearing. Ms Leith recommended three changes to the notified definition:

- Insert provision for an increased floor area (up to 150m²) in the Rural and Rural Lifestyle Zones;
- Remove reference to leasing;

¹⁴⁵ Refer Report 8 at Section 20.2

¹⁴⁶ Ibid

¹⁴⁷ Section 15

- Delete the second note stating that development contributions and additional rates apply.
347. In the case of the first two suggested changes, Ms Leith adopted the recommendations that had earlier been made to the Stream 2 Hearing Panel.
348. She also referred us to the reasoning contained in her own Section 42A Report to the Stream 6 Hearing Panel, considering Chapter 7 of the PDP.
349. There were a number of submissions on this term that were scheduled for hearing as part of Stream 10:
- a. Dalefield Trustee Limited¹⁴⁸ and Grant Bissett¹⁴⁹, supporting the notified definition.
 - b. Christine Brych¹⁵⁰, seeking clarification as to whether the definition refers to the building or its use.
 - c. QAC¹⁵¹, seeking a limitation that a residential flat is limited to one per residential unit or one per site, whichever is less.
 - d. Arcadian Triangle Limited¹⁵², seeking to replace the limitation on gross floor area with a limitation based on the percentage occupation of the site, to delete reference to leasing or shift that reference into the advice notes and to delete the advice notes or make it clear that they are for information only.
350. Addressing the submission seeking changes to the notified definition, Ms Leith's Chapter 7 Staff Report pointed out that the term 'residential activity' is defined to mean the use of land and buildings. The term 'residential flat' in turn incorporates 'residential activity' as defined. This effectively answers Ms Brych's concern. The definition relates both to the building and the use of the building.
351. Ms Leith (again in the context of her Chapter 7 Report) suggested that there was good reason not to limit sites to a maximum of one residential unit and one residential flat. She pointed in particular to the intent of the PDP to address growth and affordability issues¹⁵³. QAC's tabled evidence did not seek to pursue their submission and thus Ms Leith's reasoning was effectively left uncontradicted. We agree with her reasoning in that regard.
352. Ms Leith's suggested amendment to make special provision for residential flats in the Rural and Rural Lifestyle Zones reflected Mr Barr's reply evidence in the context of the Stream 2 hearing, accepting an argument Mr Goldsmith had made for Arcadian Triangle Limited that the 70m² maximum size reflected an urban context¹⁵⁴. The Stream 2 Hearing Panel agreed with that recommendation, as do we. We also agree with Ms Leith's reasoning in her Chapter 7 Report that a rule that allowed residential flats to be established by reference to the size of the principal residential unit would permit over large residential flats associated with very large residential units. While arbitrary, a maximum floor area provides the appropriate degree of control¹⁵⁵. Accordingly, we recommend that that aspect of the Arcadian Triangle submission may be accepted only in part.

¹⁴⁸ Submission 330

¹⁴⁹ Submission 568

¹⁵⁰ Submission 243: Opposed by FS1224

¹⁵¹ Submission 433: Opposed by FS1097 and FS1117

¹⁵² Submission 836

¹⁵³ Refer Chapter 7 Section 42A Report at 14.21

¹⁵⁴ Refer C Barr Reply Evidence in Stream 2 Hearing at 6.4

¹⁵⁵ Refer Chapter 7, Section 42A Report at 14.23-14.24

353. Ms Leith accepted the underlying rationale of the Arcadian Triangle submission regarding specific reference to leasing. We agree with that reasoning also. A residential flat might be leased. It might be occupied by family members. It might be occupied by visitors on an unpaid basis. We do not understand why, there is any need to refer specifically to a leasehold arrangement, and impliedly exclude other arrangements that the landowners might enter into.
354. Lastly, we agree with Ms Leith’s suggested deletion of the note relating to development contributions and rates. Development contributions are levied under the separate regime provided in the Local Government Act 2002. Rates are levied under the Local Government (Rating) Act 2002. The District Plan should not presume how the separate statutory powers under other legislation will be exercised in future.
355. We also do not think there is any necessity to qualify the first note providing clarification as to the relationship between residential flats and residential units as Arcadian Triangle seeks. It does not have substantive effect – it describes the position that would result in the absence of any note.
356. In summary, we recommend that the definition of “*residential flat*”, be as suggested to us by Ms Leith to the extent that differs from the recommendation we have received from the Stream 2 Hearing Panel. Appendix 1 reflects that position.
- 6.96. Residential Unit:**
357. Ms Leith recommended deletion of the reference to dwelling in the first line of the notified definition, reflecting in turn, a recommendation to the Stream 6 Hearing Panel considering Chapter 7 – Low Density Residential. That Hearing Panel accepted that recommendation¹⁵⁶.
358. In her Section 42A Report, Ms Leith discussed a submission by H Leece and A Kobienia¹⁵⁷ seeking that rather than focussing on kitchen and laundry facilities, the definition should include flats, apartments and sleepouts on a site that are installed with ablution facilities that enable independent living. The purpose of this submission is to preserve, in particular, rural living amenity values.
359. Ms Leith’s response¹⁵⁸ is that the ‘residential unit’ is the key concept to control the number and intensity of residential activities within each zone. She notes that the definition of ‘residential unit’ does not incorporate ‘residential flats’ which are intended to be a minor form of accommodation within the same ownership, but which enable self-contained living separate from the residential unit (potentially we note in a separate building). Ms Leith notes that the PDP enables ‘residential flats’ in order to promote housing diversity and as a result, did not agree with the submission that residential flats be included within the definition of ‘residential units’.
360. Ms Leith also observes that self-contained apartments are already within the definition of ‘residential units’.
361. Ms Leith discussed sleepouts, they being buildings capable of residential living that are not completely self-contained and which therefore require access to the ‘residential unit’. In her

¹⁵⁶ Refer Report 9A at Section 35.11

¹⁵⁷ Submission 126

¹⁵⁸ A Leith, Section 42A Report at Section 16

view, a sleepout containing only a bathroom and no kitchen could not easily be resided in for long-term purposes without a relationship to the 'residential unit' on the site. She therefore thought that they were appropriately categorised as an accessory building.

362. We canvassed with Ms Leith whether there was a potential problem with sleepouts given that, as an accessory building, they could be located within boundary setback distances. In her reply evidence, Ms Leith discussed the point further. She pointed out that there are rules that apply to accessory buildings within normal setbacks which manage potential adverse effects and that although the ODP permits establishment of sleepouts as accessory buildings now, that has not proven to be a problem in practice. Having tested Ms Leith's reasoning, and in the absence of any evidence from the submitter, we accept her recommendation that the relief sought by the submitter should be declined and that deletion of reference to dwellings in the first line should be the only amendment we recommend. The revised version of the definition in Appendix 1 reflects that position.

6.97. Re-siting:

363. Ms Leith recommended insertion of a new definition, reflecting recommendations to the Stream 5 Hearing Panel considering Chapter 35 – Temporary Activities & Relocated Buildings, but reformatted to include reference to buildings within the defined term. We heard no evidence which would cause us to take a different view about the desirability of having a new definition from the Stream 5 Hearing Panel, which accepted the officer's recommendation¹⁵⁹. However, we recommend that the reference to buildings in the defined term be in brackets for consistency with other definitions in Chapter 2 with a limited subject matter. Appendix 1 shows the recommended end result.

6.98. Resort:

364. As discussed below, in the context of 'Urban Development', the Stream 1B Hearing Panel recommends a definition of this term be added, consequent on the changes it recommends to the definition of 'Urban Development'. Appendix 1 reflects the recommended addition.

6.99. Retail Sales/Retail/Retailing:

365. The definition of this term was the subject of extensive evidence and submissions on behalf of Bunnings Limited¹⁶⁰. The thrust of the case advanced for Bunnings was that building suppliers should be expressly excluded from the definition of 'retail'. The rationale for the Bunnings case was that the very large format enterprises operated by Bunnings do not sit comfortably within the policy framework for retail activities which seek to consolidate retail and commercial activities in town centres. As it was put to us, the result of the existing definition of 'retail' combined with the strategic direction contained in Chapter 3 is that either large-scale trade and building suppliers like Bunnings will be forced to locate in the town centres, which will undermine the objective of locating core retail activities in those areas to create vibrant centres, or alternatively, those large scale trade and building suppliers will be precluded from locating in the District entirely.

366. We discussed the issues posed by the Bunnings submission with Mr Minhinnick, counsel for Bunnings, at some length because it appeared to us that although the submitter had identified a real issue, the suggested solution of excluding trade and building suppliers from the definition of 'retail' was unsatisfactory and, indeed, might even have precisely the opposite result from that which the submitter sought.

¹⁵⁹ Refer Report 8 at Section 20.2

¹⁶⁰ Submission 746: Supported by FS1164

367. More specifically, although the evidence of Ms Davidson for Bunnings was a little coy about the percentage of Bunnings' operations represented by retail sales to the public, compared to sales to builders and other tradesmen, it was clear to us that the typical Bunnings operation has a substantial retail component. On the face of the matter, therefore, it was inappropriate to deem such operations not to be retail activities when they are retail activities¹⁶¹.
368. We also noted that so called 'big box retail' is currently already provided for by the ODP in the Three Parks Area in Wanaka. Assuming the ODP provisions are not materially changed when that part of the ODP is reviewed, if trade suppliers were to be excluded from the definition of 'retail', they would consequently be excluded from establishing within the Three Parks Zone, leaving no obvious site for them in Wanaka.
369. Moreover, Bunnings had not sought a parallel amendment to the definition of 'industrial activity' and its planning witness, Ms Panther Knight, told us that in her view it would be inappropriate to amend that definition to include a Bunnings-type operation.
370. We observed to Mr Minhinnick that the Chapter 3 approach was to avoid non-industrial activities occurring within industrial zoned areas – refer notified Policy 3.2.1.2.3 - suggesting that if a Bunnings-type operation was excluded from the definition of 'retail', and did not fall within the definition of an industrial activity, there might be nowhere within the District, in practice, for it to establish. We invited the representatives of Bunnings to consider these matters and to revert to us if they could identify a more satisfactory solution.
371. Counsel for Bunnings duly filed a memorandum suggesting that, rather than excluding building and trade suppliers from the definition of 'retail', the alternative relief sought by Bunnings was to amend the definition of 'trade supplier'. We will return to the issues raised by Bunnings in the context of our discussion of that definition. Suffice it to say that, as we think Bunnings representatives themselves came to accept, we do not consider an exclusion of building and trade suppliers from the definition of 'retail' to be appropriate. We therefore agree with the recommendation of Ms Leith¹⁶² that the submissions initially made by Bunnings to us be rejected.

6.100. Reverse Sensitivity:

372. Ms Leith recommended a new definition for this term, responding to the submissions of the Oil Companies¹⁶³ and Transpower New Zealand Limited¹⁶⁴. In her Section 42A Report¹⁶⁵, Ms Leith recorded that the Section 42A Report on Chapter 30 – Energy and Utilities reported on Transpower's submission and recommended its rejection on the basis that the term 'reverse sensitivity' has been defined by case law, and there is therefore potential that it might be further redefined. Ms Leith observes, however, that that recommendation (and consequently the Stream 5 Hearing Panel's consideration of the point) did not consider the submission of the Oil Companies seeking a somewhat less verbose definition (than that of Transpower) and the fact that the Proposed RPS has adopted a definition of 'reverse sensitivity' which is identical to that proposed by the Oil Companies. Lastly, Ms Leith observed that no appeals were lodged against the Proposed RPS as regards that definition.

¹⁶¹ Cf *Hawke's Bay and Eastern Fish and Game Councils v Hawke's Bay Regional Councils* [2014] NZHC 3191 on 'factual deeming'

¹⁶² Refer Leith Reply Evidence at 23.2

¹⁶³ Submission 768: Supported by FS1211 and FS1340

¹⁶⁴ Submission 805: Supported by FS1211; Opposed by FS1077

¹⁶⁵ Refer A Leith Section 42A Report at section 17

373. We consider that a definition of reverse sensitivity is desirable given that the term is used in a number of different contexts in the PDP. As Ms Leith observed, given that the Proposed RPS has adopted the meaning advocated by the Oil Companies and that it has not been appealed on the point, there is good reason to do likewise in the PDP context.

374. For that reason, we recommend a new definition of reverse sensitivity accepting the Oil Companies' submission.

6.101. Road Boundary:

375. Ms Leith recommended deletion of the note to this definition as notified. We agree that the note is unnecessary and recommend that it be deleted accordingly.

6.102. Sensitive Activities – Transmission Corridor:

376. Ms Leith recommended deletion of this term, reflecting in turn, the recommendation to the Stream 5 Hearing Panel considering Chapter 30 – Energy and Utilities. The Stream 5 Hearing Panel agrees with the recommendation and we heard no evidence that would give us a basis to take a different view. Accordingly, we too recommend its deletion.

6.103. Sensitive Activities:

377. X-Ray Trust Limited¹⁶⁶ sought a definition of “*sensitive activities*” is included within the PDP. The submission was cross referenced to notified Objective 21.2.4 which relates to the conflict between sensitive activities and existing and anticipated activities in the Rural Zone. The submitter did not suggest how the term might be defined. Given that, we would have difficulty inserting a definition which provided anything other than the natural and ordinary meaning of the term, for natural justice reasons. If any definition could only express the natural and ordinary meaning, one has to ask whether it serves any useful purpose.

378. Ms Leith also directed us to the objectives and policies of Chapter 21 which provide clarification as to how sensitivity might be assessed in the rural context. She noted that the specific instance of sensitivity of activities within the National Grid Corridor is addressed by a separate definition.

379. In summary, we agree with Ms Leith's recommendation¹⁶⁷ that there is no need to define the term 'sensitive activities'.

380. We note that the submitter sought also that new definitions of 'valuable ecological remnants' and 'ecological remnants' be inserted. Those terms are only used in Chapter 43 and the Stream 9 Hearing Panel considering that Chapter did not recommend inclusion of new definitions of those terms¹⁶⁸. X-Ray Trust did not provide wording to support its submission and Council has accepted the recommendations of the Stream 9 Hearing Panel (that were released in advance of the reports of other Hearing Panels). We do not consider we have any basis to recommend amendment to these definitions.

6.104. Service Station:

381. Ms Leith recommended a minor non-substantive change to this definition to separate out the exclusion in the second bullet point of the notified definition. We think that it is desirable to separate the exclusion to make the end result clearer, notwithstanding the support of the Oil

¹⁶⁶ Submission 356

¹⁶⁷ A Leith, Section 42A Report at 18.6

¹⁶⁸ Refer Millbrook Recommendation Report 1 September 2017 at 97

Companies¹⁶⁹ for the definition as notified. However, we recommend that the end result be expressed slightly differently, but still ultimately to the same effect. Appendix 1 shows our suggested revision.

6.105. SH6 Roundabout Works:

382. Ms Leith recommended acceptance of New Zealand Transport Agency¹⁷⁰ submission seeking that this definition be deleted as it is part of a notice of requirement. We have already discussed the relationship between Chapter 2 and Chapter 37 (Designations), essentially agreeing with the position underlying this submission. Accordingly, we recommend that the definition be deleted.

6.106. Sign and Signage:

383. Ms Leith's discussion of this issue in her Section 42A Report¹⁷¹ recorded that the Council's corporate submission¹⁷² sought that all definitions relating to signage be replaced with those recently made operative under Plan Change 48. Ms Leith analysed the Plan Change 48 definitions, identifying that the PDP definitions of 'sign and signage' and related terms differ from those in Plan Change 48 only by way of formatting. Ms Leith also noted that the only term related to signage used in the PDP is 'sign and signage'. She recommended that the related terms all be deleted. While we agree with that recommendation for those definitions within our jurisdiction, most of the definitions concerned are the subject of the Stage 2 Variations, and therefore, whether they remain in Chapter 2 will be determined in that process.

384. As regards the definition of 'sign and signage', Ms Leith recommended two changes that she described as non-substantive in nature.

385. The first suggested change is to remove the word "*includes*" in the third bullet point. We agree with that recommendation. Because the definition commences, "*means:...*", use of the word "*includes*" does not fit the form of the definition.

386. The second recommendation related to the notes to the definition addressing corporate colour schemes and cross referencing other terms. That recommendation has been overtaken by the Stage 2 Variations and thus we need not address it further.

387. Accordingly, we recommend that the term be amended to delete the words "*includes*" (in the third bullet point), and leave any consideration of the matters covered by the notified Notes to the Stage 2 Variation hearing process.

6.107. Site:

388. This term has been the subject of discussion at a number of hearings on the PDP. It is of particular importance to the provisions related to subdivision. The Reporting Officer in the Stream 4 hearing (Mr Nigel Bryce) deferred consideration of these issues until this hearing.

389. Ms Leith's discussion of the point¹⁷³ also noted a recommendation from the Reporting Officer in the Stream 6 Hearing Chapter 9 – High Density Residential (Ms Kim Banks) that the definition of 'site' be addressed either at this hearing, or by way of variation.

¹⁶⁹ Submission 768

¹⁷⁰ Submission 719

¹⁷¹ At Section 25

¹⁷² Submission 383

¹⁷³ A Leith, Section 42A Report at Section 19

390. The Stage 2 Variations now propose a new definition of ‘site’. We therefore need not consider it further.

6.108. Ski Area Activities:

391. Ms Leith recommended amendments to this definition, reflecting recommendations to the Stream 2 Hearing Panel considering Chapter 21 – Rural Zone. That Hearing Panel accepted those recommendations and for our part, we had no basis for taking a different view. Accordingly, we recommend that the definition be amended as shown in Appendix 1.

6.109. Sloping Site:

392. Ms Leith recommended a new definition of this term, reflecting a recommendation made to the Stream 6 Hearing Panel considering Chapter 9 – High Density Residential, but including a minor formatting change to express the new term consistently with other definitions in Chapter 2. The Stream 6 Hearing Panel agreed with the suggested definition¹⁷⁴ and we had no basis to take a different view. Accordingly, Appendix 1 shows the suggested new definition in the terms recommended by Ms Leith.

6.110. Small Cells Unit

393. Ms Leith initially recommended a new definition of the term “*small cells*”, reflecting a recommendation made to the Stream 5 Hearing Panel considering Chapter 30 – Energy & Utilities. The tabled statement of Mr McCallum-Clark on behalf of the telecommunication companies¹⁷⁵ pointed out that the National Environmental Standard for Telecommunication Facilities 2016 provides a definition of small cells (more specifically, for “*Small Cells Unit*”) and recommended that that be used in the PDP. That suggestion accords with the recommendation of the Stream 5 Hearing Panel, reflecting its recommendation that relevant rules refer to “*small cells unit*”.

394. We agree with that recommendation. Appendix 1 shows the revised definition, as per the 2016 NES.

6.111. Solar Water Heating:

395. Ms Leith recommended a minor reformatting change to this definition to make it consistent with the balance of the Chapter 2 definition. We agree with her suggested change and Appendix 1 shows the recommended revised definition.

6.112. Stand-Alone Power Systems (SAPS):

396. Again, Ms Leith recommended minor reformatting/grammatical changes to make this definition consistent with the balance of Chapter 2. We agree with her suggested changes, which are shown in Appendix 1.

6.113. Structure Plan:

397. While not the subject of submission or comment from Ms Leith, we note that the Stream 4 Hearing Panel recommends a definition of ‘Structure Plan’ be inserted into Chapter 2, to assist interpretation of rules that Hearing Panel has recommended be inserted.

398. The suggested definition is:

¹⁷⁴ Refer Report 9A at Section 37.1

¹⁷⁵ Submissions 179, 191 and 781

“Structure Plan means a plan included in the District Plan and includes Spatial Development Plans, Concept Development Plans and other similarly titled documents.”

399. We have no basis to take a different view, and accordingly recommend a new definition in those terms

6.114. Subdivision and Development:

400. At this point, we note the recommendation¹⁷⁶ of the Stream 1B Hearing Panel considering Chapter 6 that we include a definition of ‘Subdivision and Development’. We heard no evidence to suggest we should take a different view and accordingly recommend accordingly. Appendix 1 shows the suggested definition.

6.115. Support Structure:

401. Ms Leith recommended a new definition of this term reflecting a recommendation to the Stream 5 Hearing Panel considering Chapter 30 – Energy and Utilities. Mr McCallum-Clark on behalf of the telecommunication companies¹⁷⁷ suggested in his tabled statement that the new definition needed to include reference to telecommunication lines, as the term is used within the definition of ‘minor upgrading’. Ms Leith agreed with that point in the summary of her evidence presented at the hearing. The Stream 5 Hearing Panel, however, notes that the definition sought by the relevant submitter¹⁷⁸ did not include reference to telecommunication lines and concluded that it did not have jurisdiction to recommend a satisfactory definition. We agree and accordingly do not accept Ms Leith’s recommendation¹⁷⁹.

6.116. Telecommunication Facility:

402. Ms Leith recommended deletion of this term consequent on a recommendation to the Stream 5 Hearing Panel considering Chapter 30 – Energy and Utilities. The Stream 5 Hearing Panel accepts the suggested deletion¹⁸⁰ and we heard no evidence that would cause us to take a different view.

6.117. Temporary Activities:

403. Ms Leith recommended amendment to this term reflecting recommendations made to the Stream 5 Hearing Panel considering Chapter 35 – Temporary Activities & Relocated Buildings, together with minor grammatical/reformatting changes. The Stream 5 Hearing Panel largely accepts the suggested amendments. It considers, however, that there is no scope to expand the ambit of provision for informal airports and recommends that the final bullet point be amended to provide a limit on that provision¹⁸¹. We heard no evidence that would cause us to take a different view.

404. Accordingly, Appendix 1 shows the changes recommended by Ms Leith, save for the final bullet point, where we have adopted the Stream 5 Hearing Panel’s recommendation.

6.118. Temporary Events:

405. Ms Leith Recommended insertion of a note on the end of this definition, reflecting in turn a recommendation to the Stream 5 Hearing Panel considering Chapter 35 – Temporary Activities

¹⁷⁶ Refer Recommendation Report 3 at Section 8.4

¹⁷⁷ Submissions 179, 191 and 781

¹⁷⁸ Aurora Energy: submission 635

¹⁷⁹ Recommendation report 8 at Section 20.3

¹⁸⁰ Report 8 at Section 6.3

¹⁸¹ Refer Recommendation Report 8 at Section 20.3

& Relocated Buildings. The Stream 5 Hearing Panel largely accepts that recommendation¹⁸² and we had no basis on which to take a different view. Appendix 2 accordingly shows the term defined as per Ms Leith's recommendation.

6.119. Temporary Military Training Activity (TMTA):

406. Ms Leith recommended this new definition, reflecting in turn a recommendation to the Stream 5 Hearing Panel considering Chapter 35 – Temporary Activities & Relocated Buildings, subject only to a minor reformatting change to be consistent with other definitions. The Stream 5 Hearing Panel accepts the recommendation with minor wording changes¹⁸³. We heard no evidence that would cause us to take a different view. Accordingly, Appendix 1 shows the new definition.

6.120. Tourism Activity:

407. Ms Leith drew to our attention¹⁸⁴ that a number of submitters sought a definition of this term and that the Section 42A Report on Chapter 21 – Rural Zone recommended that those submissions be rejected. Four additional submissions seeking the same relief were listed for hearing as part of Stream 10 – those of D & M Columb¹⁸⁵, Cardrona Alpine Resort Limited¹⁸⁶, Amrta Land Limited¹⁸⁷ and Nga Tahu Tourism Limited¹⁸⁸, together with the relevant further submissions. None of the other submitters in question appeared to explain to us why a definition of this term would be beneficial notwithstanding the recommendation to the Stream 2 Hearing Panel, and the submissions themselves are relatively uninformative, containing a bare request for a new definition, with suggested wording, but (apart from Submission 716) no reasons. Submission 716 suggested that differentiating tourism activities from other commercial activities would provide certainty and aid effective and efficient administration of the Plan. However, it did not explain how the suggested definition would do that, and from our observation, the suggested wording is so broadly expressed that it is difficult to conceive of many commercial activities in the district that would fall outside it.

408. Accordingly, like Ms Leith, we see no reason to conclude that a definition of 'tourism activity' should be inserted into the PDP.

6.121. Trade Supplier:

409. Ms Leith recommended a new definition of this term, reflecting in turn a recommendation to the Stream 8 Hearing Panel considering Chapter 16 – Business Mixed Use Zone. The Stream 8 Hearing Panel recommends acceptance of that position.

410. As above, Bunnings Limited¹⁸⁹ suggested that its submission might appropriately be addressed by an amendment to this definition reading:

"Trade suppliers are to be treated in the Plan as both retail and industrial activities, unless trade suppliers are otherwise specifically provided for."

411. This suggestion reflected a discussion we had with counsel for Bunnings Limited and with its planning witness, Ms Panther Knight to the effect that part of the problem Bunnings had was

¹⁸² Report 8 at Section 20.4

¹⁸³ Ibid

¹⁸⁴ Section 42A Report at Section 21

¹⁸⁵ Submission 624: Supported by FS1097

¹⁸⁶ Submission 615: Supported by FS1097, FS1105, FS1117, FS1137, FS1153, and FS1187

¹⁸⁷ Submission 677: Supported by FS1097, and FS1117; Opposed by FS1035, FS1074, FS1312 and FS1364

¹⁸⁸ Submission 716: Supported by FS1097 and FS1117

¹⁸⁹ Submission 746

that its large format operations were something of a hybrid, partly retail and partly industrial in nature.

412. Bunnings also suggested that the word “*wholly*” should be deleted from the definition recommended to the Stream 8 Hearing Panel.
413. Ms Leith considered this suggestion in her reply evidence. While she supported deletion of the word “*wholly*” in order to allow for some flexibility, she did not support the substantive change at the end of the definition, considering that that would pre-empt the content of the review of the Industrial Zone provisions that is yet to come, and indeed the review of any other chapter that might be suitable for a trade supplier, such as the Three Parks Special Zone. She also noted that the Business Mixed Zone already specifically provides for ‘Trade Suppliers’ and so the amendment is not required.
414. Ms Leith’s concerns have some validity. While we think there is merit in the suggestion that the non-retailing component of Bunnings-type operations should be recognised, the suggested amendment to the definition reads like a rule rather than a definition. On reflection, we are also uncomfortable with defining trade suppliers to be, in part, industrial activities. On the basis of the evidence we heard from Ms Davidson for Bunnings, we think that the large format operations that Bunnings and its principal competitor (Mitre 10 – Mega) undertake are more correctly described as a mixture of retailing and wholesaling. Whether it is appropriate for such operations to be provided for in Industrial Zones is a different question that needs to be addressed in a subsequent stage of the PDP review process. Relevant to that consideration, the Stream 1B Hearing Panel has recommended that what was Policy 3.2.1.2.3 be softened so that it now provides for non-industrial activities ancillary to industrial activities occurring within Industrial Zones.
415. In summary, therefore, we accept that some amendment to the definition of ‘Trade Supplier’ is desirable from that recommended by the Stream 8 Hearing Panel, but suggest it be limited to altering it to read:
“Means a business that is a mixture of wholesaling and retailing goods in one or more of the following categories...”

6.122. Trail:

416. While not the subject of submission or consideration by Ms Leith, the Stream 1B Hearing Panel recommends¹⁹⁰ a minor non-substantive change to this definition. We have no reason to take a different view to that Hearing Panel and accordingly Appendix 1 shows the recommended amendment.

6.123. Urban Development:

417. Ms Leith recommended a substantial amendment to this definition, reflecting recommendations to the Stream 1B Hearing Panel considering Chapter 3 – Strategic Direction. The Stream 1B Hearing Panel recommends further changes to the definition of ‘urban development’ and insertion of a new term ‘resort’.
418. The Hearing Panel’s Report contains a lengthy discussion of the rationale for the suggested changes¹⁹¹.

¹⁹⁰ See Report 3 at Section 8.7

¹⁹¹ Refer Report 3 at Section 3.5

419. Ms Leith referred us to the submission of MacTodd¹⁹² which sought that the definition of ‘urban development’ be amended in accordance with the Environment Court’s decision in *Monk v Queenstown Lakes District Council*¹⁹³. MacTodd did not appear before us to explain how exactly it thought that the definition should be amended, but the Stream 1B Hearing Report considers the Environment Court’s decision at some length, as well as MacTodd’s submission, before arriving at its recommendation. Further consideration of MacTodd’s submission does not cause us to come to a different view to the Stream 1B Hearing Panel.
420. Mr Goldsmith appeared at the Stream 10 Hearing on behalf of Ayrburn Farm Estate Limited¹⁹⁴ and took issue with the recommended exclusion of Millbrook and Waterfall Park Special Zones from the definition of urban development. Mr Goldsmith made it clear when he appeared before us that he was not seeking to debate the merits but wished to alert the Hearing Panel to the relevance of this point to the argument he was yet to make in the context of the Wakatipu Basin Mapping Hearing as to the location of the Arrowtown Urban Growth Boundary. He also queried the jurisdiction for excluding Millbrook and Waterfall Park.
421. The Stream 1B Hearing Report addresses both the jurisdictional issues¹⁹⁵ and the merits of how ‘urban development’ should be defined for the purposes of the PDP. Mr Goldsmith did not present us with any arguments that suggested to us that the logic of the Stream 1B Hearing Panel’s recommendations is unsound and we adopt those recommendations. Accordingly, Appendix 1 has both a new definition of ‘resort’ and a revised definition of ‘urban development’.

6.124. Urban Growth Boundary:

422. MacTodd¹⁹⁶ sought that this definition be amended in accordance with the Environment Court’s decision in *Monk v Queenstown Lakes District Council* referred to in the context of the definition of ‘urban development’. We have reviewed the *Monk* decision and while the Environment Court discusses the interrelationship between the definitions of ‘urban development’ and ‘urban growth boundary’ it does not appear to us to offer any guidance as to what the definition of the latter term should be, if it is to be amended.
423. MacTodd did not appear before us to assist us in that regard. Accordingly, we recommend that MacTodd’s submission be rejected.
424. Ms Leith, however, recommended a minor change to the definition to remove the repetitive reference to boundaries in the notified definition, together with a minor grammatical change. We agree that the recommended objective reads more simply and clearly and, accordingly, adopt Ms Leith’s suggestion in Appendix 1.

6.125. Utility:

425. Ms Leith recommended two changes to this definition, both arising out of recommendations to the Stream 5 Hearing Panel considering Chapter 30 – Energy and Utilities. The first is to refer to substations in the context of other infrastructure related to the transmission and distribution of electricity and the second to add reference to flood protection works. The Stream 5 Hearing Panel agrees with both recommendations and we did not hear any evidence that would cause us to take a different view.

¹⁹² Submission 192

¹⁹³ [2013] NZEnvC 12

¹⁹⁴ Submission 430

¹⁹⁵ The submission of Millbrook Country Club (696) clearly provides jurisdiction

¹⁹⁶ Submission 192

426. We note the tabled memorandum of Ms Irving for Aurora Energy Ltd¹⁹⁷ on this point. Ms Irving suggested that the term ‘utility’ needed to be amended to catch a wider range of electricity distribution infrastructure. Ms Irving’s point has largely been overtaken by our recommendation to insert a separate definition of ‘electricity distribution’ and in any event, we note that the definition has a catchall referring back to the Act’s definition of ‘network utility operation’, which would include all of Aurora’s network.
427. We do not believe therefore that further amendments are required to address Ms Irving’s concerns.
428. We do suggest, however, that the words “but not limited to” be deleted as unnecessary verbiage, and that the cross reference to the definition of telecommunication facilities should be deleted, consequent on removal of that definition.
429. Accordingly, with the addition of correction of a typographical error (the first bullet point should refer to transmission singular of electricity) and the deletions just referred to, we recommend the amendments to this term endorsed by the Stream 5 Hearing Panel.

6.126. Visitor Accommodation:

430. This definition was the subject of a number of submissions. However, consideration of the issues raised by those submissions has been overtaken by the Stage 2 Variations, which propose an amended definition. We need not, therefore, consider it further.

6.127. Waste:

431. H W Richardson Group¹⁹⁸ sought that this definition be amended to specify that ‘waste’ does not include cleanfill. Ms Leith recommended that that submission be accepted as a helpful amendment to the definition¹⁹⁹. We agree with that recommendation and Appendix 1 reflects the suggested change.

6.128. Waste Management Facility:

432. Ms Leith noted that this definition differs from that in Plan Change 49, related to earthworks, but considered that there was no scope to recommend substantive amendments to the PDP definition on this basis²⁰⁰. She did, however, recommend non-substantive amendments to correct typographical errors and clarify the relationship between the specified exclusions. We agree with those suggested amendments, which are shown in Appendix 1.

6.129. Wetland:

433. Ms Leith recommended deletion of the cross reference to the definition in the Act given that the balance of the notified definition in fact already sets out the Act’s definition of this term. We agree that the deleted text is unnecessary and that it should therefore be deleted.

6.130. Wholesaling:

434. In her Section 42A Report, Ms Leith recommended that this definition be referenced to the Airport Zone (as well as Three Parks and Industrial B Zones as notified), consequent on a recommendation to the Stream 8 Hearing Panel. The Stream 8 Hearing Panel refers the matter to us, so that it might be considered in the context of the whole Plan.

¹⁹⁷ Submission 635

¹⁹⁸ Submission 252

¹⁹⁹ A Leith, Section 42A Report at 24.8

²⁰⁰ Refer A Leith, Section 42A Report at 24.9

435. Reference to the Three Parks and Industrial B Zone should be deleted, given that those zones are not part of the PDP. The reporting officer on Stream 8 (Ms Holden) identified scope for the definition to apply in the Airport Zone²⁰¹.
436. We discussed with Ms Leith whether there was a case for the definition to apply beyond the three nominated zones. In her reply evidence, she acknowledged there is merit in a broader application, but expressed the opinion that there is no scope for amending the definition further.
437. We accept Ms Leith's conclusion that there is no scope to expand the application of the definition beyond the Airport Zone, and recommend that Council consider the desirability of a variation on the point.
438. In the interim, we recommend that the definition just be referenced to the Airport Zone, as Ms Holden recommended.

6.131. Wind Electricity Generation:

439. Ms Leith recommended a minor non-substantive amendment to this definition which promotes consistency with the formatting of the other definitions in Chapter 2. We agree that that consistency is desirable. Appendix 1 therefore sets out the change suggested by Ms Leith.

7. ACRONYMS:

440. Ms Leith suggested insertion of a new Section 2.2 in Chapter 2 collecting together all of the acronyms used in the PDP. We think that this is helpful for readers of the PDP. She considered that this was a non-substantive change simply providing clarification to Plan users (and therefore within Clause 16(2)). We agree and Appendix 1 includes a new Section 2.2 with a brief opening explanation as to what it includes.
441. In the list of acronyms, the acronyms currently referring to Heritage Landscapes²⁰² each need to be amended consequent on the recommendation of the Stream 3 Hearing Panel that these areas be described as Heritage Overlay Areas.
442. For similar reasons, RCL should be 'Rural Character Landscape', consequent on the recommendations of the Stream 1B Panel.
443. Lastly, the acronym 'R' suggested by Ms Leith is not required, given that it is only used in the Jacks Point Structure Plan.

8. SUMMARY OF RECOMMENDATIONS ON CHAPTER 2:

444. Our recommended amendments to Chapter 2 are set out in Appendix 1 to this Report.
445. In our detailed discussion of the definitions in Chapter 2, and those that might be added to it, we have recommended that Council consider variations to the PDP to insert new/amended definitions of a number of defined terms, as follows:
- a. Community Activity;

²⁰¹ Submission 433

²⁰² GH, MHL, SHL, SMHL

- b. Domestic Livestock/Livestock;
- c. Ground Level;
- d. MASL;
- e. Mineral prospecting
- f. Recession Lines/Recession Plane;
- g. Wholesaling.

446. Attached as Appendix 4 is a suggested basis for an amended definition/explanation of 'Recession Line/Recession Plane' should Council agree with our recommendation that the existing definition would benefit from clarification.
447. 'The need for Council to insert the relevant date into the definition of *'partial demolition'* before release of the Council's decisions on our recommendations is also noted.
448. As previously noted, Appendix 3 to this report contains a summary of our recommendations in relation to each submission before us.

PART D: NATURAL HAZARDS:

9. PRELIMINARY MATTERS

9.1. Background:

449. Both the Operative RPS and the Proposed RPS have a particular focus on management of natural hazards. Given the role of both documents in the decision-making process²⁰³, we need to discuss the direction provided by those documents in some detail.

450. In her Section 42A Report Ms Bowbyes drew our attention to four objectives of the Operative RPS as follows:

11.4.1 *To recognise and understand the significant natural hazards that threaten Otago communities and features.*

11.4.2 *To avoid or mitigate the adverse effects of natural hazards within Otago to acceptable levels.*

11.4.3 *To effectively and efficiently respond to natural hazards occurring within Otago.*

11.4.4 *To avoid, remedy or mitigate the adverse effects of hazard mitigation measures on natural and physical resources.”*

451. Supporting these objectives, Ms Bowbyes drew our attention to the following policies:

“11.5.1 *To recognise and provide for Kai Tahu values in natural hazard planning and mitigation.*

11.5.2 *To take action necessary to avoid or mitigate the unacceptable adverse effect of natural hazards and the responses to natural hazards on:*

- (a) Human life; and*
- (b) Infrastructure and property; and*
- (c) Otago’s natural environment; and*
- (d) Otago’s heritage sites.*

11.5.3 *To restrict development on sites or areas restricted as being prone to significant hazards, unless adequate mitigation can be provided.*

11.5.4 *To avoid or mitigate the adverse effects of natural hazards within Otago through:*

- (a) Analysing Otago’s natural hazards and identifying their location and potential risk; and*
- (b) Promoting and encouraging means to avoid or mitigate natural hazards; and*
- (c) Identifying and providing structures or services to avoid or mitigate the natural hazard; and*
- (d) Promoting and encouraging the use of natural processes where practicable to avoid or mitigate the natural hazard.*

11.5.5 *To provide a response, recovery and restoration capability to natural hazard events through:*

- (a) Providing civil defence capabilities;*

²⁰³ Refer Sections 75(3)(c) and 64(2)(a) of the Act respectively

- (b) *Establishing procedures and responsibility to ensure quick responses to any natural hazard event; and*
- (c) *Identifying agency responsibilities for assisting recovery during and after events; and*
- (d) *Developing recovery measures incorporated into civil defence plans.*

11.5.6 *To establish the level of natural hazard risk that threatened communities are willing to accept, through a consultative process.*

11.5.7 *To encourage and where practicable support community-based responses to natural hazard situations.”*

452. The Proposed RPS provides even more detailed guidance than did its predecessor. Ms Bowbyes drew our attention to Objective 4.1 which reads:

“Risk that natural hazards pose to Otago’s communities are minimised.”

453. This objective is supported by no fewer than 13 policies that we need to have regard to:

*“Policy 4.1.1 Identifying natural hazards
Identify natural hazards that may adversely affect Otago’s communities, including hazards of low likelihood and high consequence by considering all of the following:*

- a) Hazard type and characteristics;*
- b) Multiple and cascading hazards;*
- c) Cumulative effects, including from multiple hazards with different risks;*
- d) Effects of climate change;*
- e) Using the best available information for calculating likelihood;*
- f) Exacerbating factors.*

*Policy 4.1.2 Natural hazard likelihood
Using the best available information, assess the likelihood of natural hazard events occurring, over no less than 100 years.*

*Policy 4.1.3 Natural hazard consequence
Assess the consequences of natural hazard events, by considering all of the following:*

- a) The nature of activities in the area;*
- b) Individual and community vulnerability;*
- c) Impacts on individual and community health and safety;*
- d) Impacts on social, cultural and economic well being;*
- e) Impacts on infrastructure and property, including access and services;*
- f) Risk reduction and hazard mitigation measures;*
- g) Lifeline utilities, essential and emergency services, and their co-dependence;*
- h) Implications for civil defence agencies and emergency services;*
- i) Cumulative effects;*
- j) Factors that may exacerbate a hazard event.*

*Policy 4.1.4 Assessing activities for natural hazard risk:
Assess activities for natural hazard risk to people in communities, by considering all the following:*

- a) *The natural hazard risk identified, including residual risk;*
- b) *Any measures to avoid, remedy or mitigate those risks, including relocation and recovery methods;*
- c) *The longterm viability and affordability of those measures;*
- d) *Flow on effects of the risk to other activities, individuals and communities;*
- e) *The availability of and ability to provide, lifeline utilities, and essential and emergency services, during ‘and’ after a natural hazard event.*

Policy 4.1.5

Natural hazard risk

Manage natural hazard risk to people and communities, with particular regard to all of the following:

- a) *The risk posed, considering the likelihood and consequences of natural hazard events;*
- b) *The implications of residual risk, including the risk remaining after implementing or undertaking risk reduction and hazard mitigation measures;*
- c) *The community’s tolerance of that risk, now and in the future, including the community’s ability and willingness to prepare for and adapt to that risk, and respond to an event;*
- d) *The changing nature of tolerance to risk;*
- e) *Sensitivity of activities to risk.*

Policy 4.1.6

Avoiding increased natural hazard risk

Manage natural hazard risk to people and communities by both:

- a) *Avoiding activities that significantly increase risk including displacement of risk off-site; and*
- b) *Avoiding activities that increase risk in areas potentially affected by coastal hazards over at least the next 100 years.*

Policy 4.1.7

Reducing existing natural hazard risk

Reduce existing natural hazard risk to people and communities, including by all of the following:

- a) *Encouraging activities that:*
 - i. *Reduce risk; or*
 - ii. *Reduce community vulnerability;*
- b) *Discourage activities that:*
 - i. *Increase risk; or*
 - ii. *Increase community vulnerability;*
- c) *Considering the use of exit strategies for areas of significant risk to people and communities;*
- d) *Encouraging design that facilitates:*
 - i. *Recovery from natural hazard events;*
 - ii. *Relocation to areas of lower risk;*
- e) *Relocating lifeline utilities, and facilities for essential and emergency service, to areas of reduced risk, where appropriate and practicable;*
- f) *Enabling development, upgrade, maintenance and operation of lifeline utilities and facilities for essential and emergency services;*
- g) *Reassessing natural hazard risk to people and communities, and community tolerance of that risk, following significant natural hazard events.*

- Policy 4.1.8 Precautionary approach to natural hazard risk
Where natural hazard risk to people and communities is uncertain or unknown, but potentially significant or irreversible, apply a precautionary approach to identifying, assessing and managing that risk.*
- Policy 4.1.9 Protection features and systems that provide hazard mitigation
Avoid, remedy or mitigate adverse effects on natural or modified features and systems, which contribute to mitigating the effects of both natural hazards and climate change.*
- Policy 4.1.10 Mitigating natural hazards
Give preference to risk management approaches that reduce the need of hard protection structures or similar engineering interventions, and provide for hard protection structures only when all of the following apply:*
- a) Those measures are essential to reduce risk to a level the community is able to tolerate;*
 - b) There are no reasonable alternatives;*
 - c) It would not result in an increase in risk to people and communities, including displacement of risk off-site;*
 - d) The adverse effects can be adequately managed;*
 - e) The mitigation is viable in the reasonably foreseeable long term.*
- Policy 4.1.11 Hard protection structures
Enable the location of hard protection structures and similar engineering interventions on public land only when either or both the following apply:*
- a) There is significant public or environmental benefit in doing so;*
 - b) The work relates to the functioning ability of a lifeline utility, or a facility for essential or emergency services.*
- Policy 4.1.12 Lifeline utilities and facilities for essential or emergency services
Locate and design the lifeline utilities and facilities for essential or emergency services to:*
- a) Maintain their ability to function to the fullest extent possible, during and after natural hazard events; and*
 - b) Take into account their operational co-dependence with other lifeline utilities and essential services to ensure their effective operation.*
- Policy 4.1.13 Hazard mitigation measures, lifeline utilities, and essential and emergency services*
- Protect the functional and operational requirements of hazard mitigation measures, lifeline utilities, and essential or emergency services, including by all of the following:*
- a) Restricting the establishment of those activities that may result in reverse sensitivity effects;*
 - b) Avoiding significant adverse effects on those measures, utilities or services;*
 - c) Avoiding, remedying or mitigating other adverse effects on those measures, utilities or services;*
 - d) Maintaining access to those measures, utilities or services for maintenance and operational purposes;*

Managing other activities in a way that does not restrict the ability of those mitigation measures, utilities or services to continue functioning.”

454. Ms Bowbyes also drew our attention to Policy 4.5.1 of the Proposed RPS, that, relevantly reads: “Policy 4.5.1 *Managing for urban growth and development*

Managing urban growth and development in a strategic and co-ordinated way, by all of the following...:

- c) *Identifying future growth areas and managing the subdivision, use and development of rural land outside these areas to achieve all of the following:....*
- v) *Avoid land with significant risk from natural hazards.”*

455. The evidence of Mr Henderson for Otago Regional Council (adopting the pre-circulated Brief of Evidence of Mr Warren Hanley) was that the Proposed RPS had been developed against a background where, to use his words, “*the national importance placed on managing natural hazard risk has increased substantially since Otago’s first RPS became operative*”. Discussing the point with Mr Henderson, he confirmed our impression that it is not a matter of the natural hazard risk having changed materially, but rather one of the perception of that risk having been heightened as a result of very visible hazard events such as the Christchurch and Kaikoura earthquakes. As Mr Henderson observed, in general, hazards have always existed.

456. Be that as it may, the Proposed RPS gives a much greater degree of direction, as well as a much more explicit focus on natural hazard risk. Classically, risk is the combination of the likelihood of an event coming to pass, and its consequence(s)²⁰⁴. The operative RPS, by contrast, appears to focus solely on the consequences of natural hazards.

457. Ms Bowbyes noted in her Section 42A Report²⁰⁵ that the Proposed RPS advocates for a “*more definitive and cautious approach*” with regard to natural hazard risk than that proposed in the notified PDP provisions on natural hazards.

458. Ms Bowbyes, however, noted that as at the date of hearing, the Proposed RPS was the subject of numerous appeals to the Environment Court with almost all of the provisions quoted above the subject of challenge. Ms Bowbyes drew our attention specifically to appeals focussing on the extent to which an avoidance policy is pursued in the Proposed RPS. However, when we discussed the nature and scope of the appeals on the Proposed RPS with counsel for the Council, Ms Scott confirmed our own impression (having reviewed the various notices of appeal that had been filed), that the direction the appeals seek to take the Proposed RPS provisions on natural hazards is not uniform. In particular, while the effect of the appeals Ms Bowbyes drew to our attention might be to reduce the restriction on future development posed by these provisions, if successful, other appeals might push the Proposed RPS provisions in the opposite direction. That is to say, to a more restrictive position. That suggests, among other things, that while remaining true to our statutory obligation to take the Proposed RPS into account, we also need to be alive to the potential for it to change in ways that cannot currently be predicted.

459. Having emphasised the differences between the Operative RPS and the Proposed RPS, it is also appropriate to note the areas of commonality. Specifically, both acknowledge the relevance

²⁰⁴ See *Orica Mining Services New Zealand Limited v Franklin District Council* W032/2009 at [18]

²⁰⁵ At paragraph 5.20

of community opinion, although the language used is different. The Operative RPS speaks in terms of acceptability, whereas the Proposed RPS focuses on tolerability. We asked counsel for the Council whether these were the same thing in a natural hazard context. Her initial response was that the ordinary and natural meanings of the two terms are different. If correct, that would pose somewhat of a conundrum for us. As a matter of law, we are bound to give effect to the Operative RPS and while that does not mean that the PDP must use identical language to the Operative RPS, if there were indeed a meaningful difference between the terminology of the two documents, we would necessarily have to adopt the approach of the Operative RPS.

460. For ourselves, we are not at all sure that counsel's initial response (that there is a difference in the ordinary dictionary meaning) is correct and, having reflected on it, she agreed that if the relevant policies of the Operative RPS substituted "*tolerable*" for "*acceptable*" and "*intolerable*" for "*unacceptable*" in each case, the meaning would not change.
461. That was also the view of Mr Henderson, giving evidence for Otago Regional Council. He thought that they were similar concepts, but supported use of the language in the Proposed RPS because tolerability was now the term used in the planning literature.
462. We accept that there is no material difference between the terminology, and take the view that it is preferable to align the wording of the PDP with the Proposed RPS given that that represents Otago Regional Council's current thinking.
463. We also discussed with Mr Henderson an apparent contradiction in his evidence which stated at one point²⁰⁶ that tolerance for risk might vary from community to community, depending on the nature of the risk profile and the resources of the community to manage it, and at another,²⁰⁷ that he would be concerned if the PDP suggested different criteria for natural hazard risk management might be employed in Queenstown Lakes District to that in the balance of the Otago Region.
464. Mr Henderson sought to reconcile the two positions by stating a general desire that hazard response be "*relatively consistent*" within a range. However, he accepted that where a district has few options to meet development demand, that might drive choices that other districts with a greater range of options might not take. More specifically, Mr Henderson agreed that if Queenstown Lakes District has high demand for development and few choices as to how to accommodate that demand (manifestly an accurate statement of the position) the District's community might make choices as to what natural hazards have to be tolerated, and those choices might be different to another district with lower levels of development demand and greater options as to how demand might be accommodated.
465. We have approached our consideration of submissions and further submissions on Chapter 28 on that basis.
466. We will return to both the Operative RPS and the Proposed RPS provisions in the context of our more detailed discussion of the objectives and policies of Chapter 28 that follows. The last point of general background, however, that we need to note relates to the potential relevance of iwi management plans to our consideration of submissions and further submissions on Chapter 28. As Report 1 notes, any relevant planning document recognised by an iwi authority and lodged with the Council must be taken into account under Section 74(2A) of the Act.

²⁰⁶ Paragraph 22

²⁰⁷ Paragraph 24

467. In her reply evidence, Ms Bowbyes drew our attention to provisions in two such iwi management plans. Specifically, in *“The Cry of the People, Te Tangi Tauria: Ngai Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008*, Policy 12 of Section 3.1.1. supports development and improvement of contingency measures to recognise increased natural hazard risk, among other things, as a result of unpredictable weather patterns. Ms Bowbyes drew to our attention the link between this policy and the provisions of Chapter 28 relating to flood hazards and recommended changes she had suggested regarding the impacts of climate change.
468. Ms Bowbyes also drew our attention to section 3.5.7 of this Plan emphasising the relevance of natural hazards to determination of the appropriateness of subdivision at particular locations.
469. Secondly, Ms Bowbyes drew our attention general policy 54 in section 5.3.4 of *Kai Tahu ki Otago Natural Resource Management Plan 2005* which has a similar emphasis on aligning land uses to the type of land and climatic conditions.
470. Policy 43 of that document further seeks to discourage activities on riverbanks that have the potential to cause or increase bank erosion. More generally, Policy 10 promotes sustainable land use within the Clutha/Mata-au Catchment, which encompasses the entire district.
471. Ms Bowbyes was of the view that Chapter 28 already accounts for these various provisions in its objectives and policies. We agree with that view, although obviously, any suggested amendments need to be weighed with these provisions in mind, along with the other higher order documents and considerations that have to be factored in.
472. In addition to the matters that are relevant to the decision-making process external to the PDP, our consideration of submissions and further submissions also needs to take account of the recommendations of the Stream 1B Hearing Panel that considered the extent of strategic direction provided in Chapters 3 and 4 relevant to natural hazards.
473. We note in particular, that that Hearing Panel’s recommendation that renumbered Objective 3.2.1 promotes as an outcome that urban development among other things, *“minimise[s] the natural hazard risk, taking into account the predicted effects of climate change”*.
474. We also note recommended Policy 4.2.2.2 which links allocation of land within urban growth boundaries to *“any risk of natural hazards, taking into account the effects of climate change”*.
475. Our ability to respond appropriately to both the legislative directions of the Act and to the direction provided in Chapters 3 and 4 is dependent, of course, on the notified provisions of Chapter 28, and the scope provided for amendment of those provisions by the submissions lodged in accordance with the provisions of the First Schedule. It is therefore, to those detailed provisions that we now turn.

9.2. Natural Hazard Provisions – General Submissions:

476. Ms Bowbyes drew our attention to five submission points regarding the treatment of particular hazards in the PDP²⁰⁸. The first of these submissions is that of J & E Russell and ML Stiassny²⁰⁹ which sought the inclusion of new provisions acknowledging the presence of the Cardrona Gravel Aquifer, including a rule framework for earthworks and residential

²⁰⁸ Refer Section 42A Report at Section 10

²⁰⁹ Submission 42: Opposed by FS1300

development on land potentially affected by the aquifer. Ms Bowbyes confirmed in a discussion with us that the concern the submission is targeting is one of flood hazards.

477. Ms Bowbyes analysed the provisions of the earthworks chapter of the ODP, introduced by way of Plan Change 49. Her view was that those provisions are appropriate to address the matters raised in the submission and that no amendments are necessary to Chapter 28. We agree. To the extent the submitters may have a different view, they will be free to pursue the issue further when the earthworks provisions of the PDP are considered as part of the Stage 2 Variation hearing process. The submitter did not appear before us to take the matter further.
478. The second submission Ms Bowbyes drew to our attention is that of the Glenorchy Community Association Committee²¹⁰ which sought that Otago Regional Council and the Council update the natural hazards database with flooding information on the Bible Stream and remove any flood classification that is incorrect. Ms Bowbyes noted that the natural hazards database is held outside the PDP. We agree that it follows that this submission does not relate to the provisions of the PDP and the submission is accordingly not within the scope of the District Plan review.
479. Next, Ms Bowbyes drew our attention to three submissions relating to fire risk: those of Otago Rural Fire Authority²¹¹ (two submissions) and of Leigh Overton²¹².
480. As regards the first Otago Rural Fire Authority submission, this relates to a request that the PDP permit residents to remove flammable vegetation within the “*priority zones*” identified in a specified homeowners manual to address the high fire danger associated with living in areas such as Mount Iron and the Queenstown Red Zone. Ms Bowbyes clarified that the Red Zone relates to parts of the district where fires and fireworks are strictly prohibited.
481. Ms Bowbyes advised us²¹³ that the possible changes to provisions in the Rural Chapters balancing the need for vegetation retention versus managing fire risk were considered in the context of Hearing Stream 2. Insofar as the flammable vegetation in question is indigenous in nature, these issues overlap with the matters the Stream 2 Hearing Panel has considered in relation to Chapter 33. We believe that the issue is one more properly dealt with in that context. We do not regard it is appropriate that Chapter 28 address it further.
482. The second Rural Fire Authority submission and the submission of Mr Overton, however, are a different category. Both seek greater recognition for identification and mitigation of vegetation fire risk in the planning process. Mr Overton appeared in support of his submission and we think there is merit in some of the points he made. We will return to it in the context of the detailed provisions of Chapter 28.
483. Ms Bowbyes also drew our attention to some 33 submission points from a number of submitters²¹⁴ all expressed in identical terms, and seeking:

“Reconsider the extensive number of hazard related policies, remove unnecessary tautology and ensure they are focussed on significant hazards only.”

²¹⁰ Submission 564

²¹¹ Submission 849

²¹² Submission 465::Supported by FS1125

²¹³ Section 42A Report at 10.17

²¹⁴ Refer Submissions 632, 633, 636, 643, 672, 688, 693, 694, 696, 700, 702 and 724: Supported by FS1097; Opposed by FS1139, FS1191, FS1219, FS1252, FS1275, FS1277, FS1283, FS1316 and FS1319

484. The reasons provided in support of these submissions focus on the extent to which the Council’s hazard database identifies natural hazard risk, and the inefficiency of requiring all resource consents to assess natural hazard risk, irrespective of the nature and scale of that risk. A focus on significant natural hazard risk is suggested as being more practicable
485. Ms Bowbyes discusses the significantly enlarged treatment of natural hazard issues in Chapter 28 compared to the comparable ODP provisions, concluding that the notified suite of policies is both necessary and appropriate. We agree with that assessment. The considerations that have prompted the significantly enlarged treatment of natural hazards in the Proposed RPS apply equally to the PDP. It is also significant that none of the submitters in question appeared to support the generalised criticisms of the Chapter 28 provisions.
486. Considering the third point, Ms Bowbyes drew our attention to the absence of any mapping or classification of the significance of risk that would enable provisions focussing on significant natural hazard risks only to be implemented.
487. It is also material that neither the Operative nor the Proposed RPS focus solely on significant natural hazards and while there is a need to ensure that any requirements to assess natural hazard risk are proportionate to the level of risk, Ms Bowbyes has recommended specific provisions to address that concern.
488. Accordingly, we recommend rejection of these submissions at the very general level at which they are pitched. We will return to the requirements to assess natural hazard risk as part of our more detailed commentary on submissions on the objectives and policies that follows.

10. CHAPTER 28: PROVISION SPECIFIC SUBMISSIONS:

10.1. Section 28.1: Purpose:

489. The sole submission on Section 28.1 was that of Transpower New Zealand Limited²¹⁵ seeking that where the existing text refers to “tolerable” levels and “intolerable” risk, that be substituted with “acceptable” and “unacceptable” respectively. As Ms Bowbyes noted in her Section 42A Report²¹⁶, the reasons given for this submission did not explain the relief sought. Those reasons focus on provision for mitigation of risk, which the suggested amendments would not provide.
490. As discussed earlier, we do not regard the difference in terminology to be material and given that the Proposed RPS focuses on tolerability and intolerability, we believe it preferable to align the PDP with that terminology. In summary, therefore, we recommend that this submission not be accepted.
491. We have, however, identified a minor amendment that might usefully be made to Section 28.1, to aid the reader. This is to explain the role of the chapter given that it has no rules – namely to provide policy guidance on natural hazards that might be considered in the implementation of the rules in other chapters. Appendix 2 shows the suggested amendment. We consider this falls within clause 16(2).

²¹⁵ Submission 805

²¹⁶ At 12.2 and 12.3

10.2. Section 28.2 Natural Hazard Identification:

492. There are two submissions on this section of Chapter 28. The first, that of Otago Regional Council²¹⁷, supported the approach flagged in this section of the Council holding information in a natural hazard's database, outside the District Plan. No amendment was sought.

493. The one amendment sought to the section arises from the Council's Corporate submission²¹⁸ that sought a reference to a likely increase in climate extremes as a result of climate change. Ms Bowbyes recommends acceptance of that submission, albeit slightly reworded, and we agree. The recommended provisions already noted related to natural hazards in both Chapters 3 and 4 acknowledge the relevance of climate change to natural hazard management. In addition, Policy 4.2.2 of the Proposed RPS draws attention to the need to take into account the effects of climate change so as to ensure people in communities are able to adapt to or mitigate its effects.

494. Accordingly, we recommend that the Council's corporate submission be accepted and a new sentence be inserted on the end of the second paragraph of this section as shown in Appendix 2 to this Report.

495. We also recommend that in the list of natural hazards, subsidence be listed separately from alluvion and avulsion with which it has little or nothing in common, other than that they are all ground movements. We consider this a minor change within Clause 16(2).

496. Section 28.2 is also worthy of note by reason of the fact that fire is specifically listed as a relevant natural hazard. We will return to that when we discuss Mr Overton's submission further.

10.3. Objective 28.3.1:

497. There are three objectives in this section of Chapter 28. The first, Objective 28.3.1 read as notified:

"The effects of natural hazards on the community and the built environment are minimised to tolerable levels."

498. In her Section 42A Report, Ms Bowbyes drew our attention to two submissions specifically on this objective. Both sought to amend the reference to minimisation. Thus, QAC²¹⁹ sought that rather than natural hazard effects being minimised to tolerable levels, that they are

"appropriately managed".

499. The Oil Companies²²⁰ suggested retention of a reference to tolerable levels but sought amendment to the objective to state that natural hazard effects *"are avoided, remedied or mitigated"*.

500. The more general submission of Otago Regional Council²²¹ seeking that provisions of the Proposed RPS are reflected in this chapter by provision for avoiding natural hazard risk,

²¹⁷ Submission 798

²¹⁸ Submission 383

²¹⁹ Submission 433: Supported by FS1097 and FS1117

²²⁰ Submission 768

²²¹ Submission 798: Opposed by FS1182

reducing natural hazard risk and applying a precautionary approach to natural hazard risk also needs to be noted.

501. The stated rationale for the Oil Companies' submission was that 'minimise' means to reduce to the smallest level (of effect) possible, when the intention is to address effects to tolerable levels, which may or may not be the same thing. Ms Bowbyes records that the QAC submission did not provide any specific rationale for removing the term "*minimise*" other than a general statement that the notified provisions are too vague and require greater clarity and certainty. QAC did, however, comment in its submission regarding a focus on tolerance, suggesting that it is difficult to quantify and depends on the circumstances.
502. Ms Bowbyes recommended in response to those submissions that the objective be amended to refer to natural hazard risk rather than effects (for consistency within the chapter and with the Proposed RPS) and that rather than minimising risk, it "*is avoided or managed to a tolerable level*".
503. For our part, we think that the Oil Companies' submission has a point. Minimisation of risk is an outcome in itself and adding reference to what is or is not tolerable blurs the picture, because they are not necessarily the same thing. A tolerable level of risk may be somewhat greater than the minimum level of risk. Similarly, the minimum achievable level of risk may still be intolerable.
504. We found the stated rationale for the QAC submission somewhat ironic, because substituting reference to appropriate management without any indication as to what that might involve would, in our view, reduce certainty and clarity rather than improve it.
505. We did have some concerns, however, how in practice an objective focussing on tolerable levels would be applied. Among other things, tolerable to whom?
506. Because the concept of tolerability originates from the Proposed RPS, we sought to discuss these matters with Mr Henderson. His evidence was that reference to tolerability related to the community's view, as expressed primarily through the zoning of particular land. He acknowledged that there are issues about the reliability of any assessment of community tolerance obtained through the resource consent process given that the ability to make submission is not a reliable guide to community opinion, and neither Council staff nor Commissioners hearing and determining applications could purport as a matter of fact to represent the views of the community at large.
507. Ms Bowbyes also addressed this point in her reply evidence. Her view was that the person tasked with issuing a consent under delegated authority is representing the community's views in the Council's capacity as a decision-maker under the RMA. While as a matter of constitutional law, that may be the case, it does not solve the problem to us of how an individual decision-maker can satisfy themselves as to what is or is not tolerated by the community. Ms Bowbyes posed the example of flooding risk in the Queenstown town centre as well known and tolerated risk. We don't disagree about that specific risk. The lurking concern we have is with the application of the objectives and policies focussing on tolerability in less well known and obvious cases. We wonder, for instance, whether some risks are tolerated, because they are not known and/or well understood²²²

²²² Compare the risks of building on liquefaction prone land in eastern Christchurch prior to 2010.

508. Ultimately, we think the best answer was the one that Mr Henderson gave us, that tolerability has to be determined in the zoning applied to land, which will necessarily occur through a public process in which the community has the opportunity to participate.
509. Given Mr Henderson’s evidence, however, we think it is important to be clear that the tolerability referred to in this objective relates to what is tolerable to the community, as opposed to what individual landowners might tolerate (particularly where those landowners are effectively making choices for their successors in title). To that extent, we accept QAC’s submission. An amendment to that effect would mean, however, two references in the same objective to the “community”. To improve the English without changing the meaning, we suggest the first reference be to “people”.
510. We agree with Ms Bowbyes that management of natural hazards does not lend itself to remediation as an option (as the Oil Companies suggest). While, as Ms Bowbyes identified, Section 31 of the Act includes the avoidance or mitigation of natural hazards as a council function we also think that inserting reference to avoidance or mitigation in this context raises similar issues to those raised by the Oil Companies. If the natural hazard risk is tolerable, neither avoidance nor mitigation may be required.
511. We consider the answer to that concern is to substitute “managed” for “minimised”. Certainty is provided by continued reference to what is tolerable. We think that that can be sharpened further by referring to what is tolerable to the community.
512. We agree, however, that the reference point should be natural hazard “risk” given the consistent approach of the Proposed RPS. We consider that the Otago Regional Council’s submission noted above provides jurisdiction for an amendment to that effect. Ms Bowbyes considered that Policy 28.3.2.3 already gave effect to the emphasis in the Proposed RPS on the precautionary principle, because it put the onus on the applicant to produce an adequate assessment of hazard risk. We agree and note that the evidence for the Regional Council did not advance the point as an outstanding issue.
513. In summary, therefore, we recommend that the objective be amended to read:
- “The risk to people and the built environment posed by natural hazards is managed to a level tolerable to the community”.*
514. We consider that of the alternatives available to us, this formulation most appropriately achieves the purpose of the Act.
- 10.4. **Policy 28.3.1.1**
515. As notified, this read:
- 28.3.1.1 Policy
Ensure assets or infrastructure are constructed and located so as to avoid or mitigate the potential risk of damage to human life, property, infrastructure networks and other parts of the environment.
516. Ms Bowbyes drew our attention to four submissions on this policy:
- a. QAC²²³ sought specific reference to the adverse effects of natural hazards;

²²³ Submission 433: Supported by FS1097; Opposed by FS1117

- b. NZTA²²⁴ sought insertion of a practicability qualification on the operation of the policy;
 - c. Transpower New Zealand Limited²²⁵ sought an enlarged practicability qualification that also acknowledges the requirements of regionally significant infrastructure;
 - d. Queenstown Park Limited²²⁶ sought either deletion of reference to “*other parts of the environment*” or better definition of what parts were being referred to.
517. Ms Bowbyes did not recommend acceptance of the QAC submission. We agree with that position. While the submission is understandable given the form in which Objective 28.3.1 was notified, our recommended amendment to that objective would mean that amending the policy to refer to the effects of natural hazards would now be out of step with it.
518. We discussed with Ms Bowbyes, however, whether there needed to be some reference to natural hazards in the policy, given the context. Otherwise the policy might be read more widely than intended. In her reply evidence, she agreed that it would be desirable to be clear that it is natural hazard risk that is being referred to. We concur. To that extent therefore, we accept QAC’s submission.
519. Ms Bowbyes accepted a point made by Mr Tim Williams on behalf of Queenstown Park Limited that reference in the notified policy to “*damage*” to human life was somewhat inapt, prompting a need to reconfigure the form of the policy to separate out risks to human life from other risks.
520. However, we think that some tweaking of the language is required to make it clear that the focus is on construction and location of assets and infrastructure to avoid exacerbating natural hazard risk to human life. The reality is that natural hazards pose an existing risk to human life and the focus needs to be on management of activities that increase that risk²²⁷.
521. Ms Bowbyes recommended also acceptance of the relief sought by Transpower (and consequently the more limited relief of NZTA). In her view, the importance of regionally significant infrastructure meant that recognition of the limitations it operates under was appropriate. We agree. While it is probably not strictly necessary to make specific reference to the locational, technical and operational requirements of regionally significant infrastructure if a general practicability qualification is inserted (those requirements are on one view just examples of why it may not be practicable to avoid or mitigate a potential hazard risk), the role of regionally significant infrastructure means that it is worth being clear that that is the policy intent
522. However, we have some issues with framing that recognition in terms of an acknowledgement, because of the lack of clarity as to what that means. We think that it would be more clearly expressed if it referred to consideration of those requirements.
523. Ms Bowbyes also recommended acceptance of the Queenstown Park Limited submission on the basis that the generalised reference to “*other parts*” of the environment lacks definition and creates uncertainty. We agree with that position also.

²²⁴ Submission 719: Supported by FS1097, FS1341 and FS1342

²²⁵ Submission 805

²²⁶ Submission 806

²²⁷ Compare Policy 4.1.6 of the Proposed RPS

524. In summary, we largely accept Ms Bowbyes' recommendations with amendments to address the points made above. The end result is, therefore, that we recommend that Policy 28.3.1.1 be amended to read:

"Ensure assets or infrastructure are constructed and located so as to avoid or mitigate:

- a. The potential for natural hazard risk to human life to be exacerbated; and*
- b. The potential risk of damage to property and infrastructure networks from natural hazards to the extent practicable, including consideration of the locational, technical and operational requirements of regionally significant infrastructure."*

10.5. Policy 28.3.1.2

525. As notified, this read:

28.3.1.2 Policy

Restrict the establishment of activities which have the potential to increase natural hazard risk, or may have an impact on the community and built environment.

526. Ms Bowbyes drew our attention to five submissions on this policy, as follows:

- a. Real Journeys Limited²²⁸, Cook Adam Trustees Limited, C&M Burgess²²⁹, and Bobs Cove Developments Limited²³⁰ who all sought qualification of the level of risk (to refer to "significant natural hazard risk") and linking of the second part of the policy so that it relates to the first part, rather than establishes a separate and discrete restriction;
- b. The Oil Companies²³¹ sought deletion of reference to potential risks (so the policy would refer to actual increases in risk) and insertion of reference to tolerability as a criterion for both natural hazard risk increases and impacts on the community.

527. Queenstown Park Limited²³² sought qualification of a second half of the policy so it relates to "adverse and significant" impacts.

528. Addressing the first submission point, Ms Bowbyes noted that the approach of the Proposed RPS at Policy 4.1.6 is to focus on significant increases in natural hazard risk and, accordingly, she recommended qualification of the policy in the manner sought. That suggestion also addresses the first part of the Oil Companies' submission, although we do not consider the deletion of reference to potential increases in natural hazard risk to be material given that, as discussed above, natural hazard risk inherently incorporates concepts of probability/likelihood within it.

529. Ms Bowbyes also recommended acceptance of the second part of the relief sought by the Oil Companies by inserting an intolerability criterion for impacts on the community and the built environment, on the basis that this would increase alignment with the Proposed RPS. We agree with both points. We also note that the wording suggested by the Oil Companies would create the linkage between the two aspects of the policy that the submissions of Real Journeys and others sought.

530. We think that this is preferable to the relief sought by Queenstown Park Limited, which sought to limit the extent of the restriction the second half of the policy creates. We note that

²²⁸ Submission 621

²²⁹ Submission 669

²³⁰ Submission 712

²³¹ Submission 768: Supported by FS1287

²³² Submission 806

although Queenstown Park Limited appeared before us, the evidence of Mr Tim Williams did not address this policy or take issue with the relief recommended by Ms Bowbyes.

531. Accordingly, we recommend that Policy 28.3.1.2 be amended to read:

“Restrict the establishment of activities which significantly increase natural hazard risk, including where they will have an intolerable impact upon the community and built environment.”

10.6. Policy 28.3.1.3:

532. As notified, this policy read:

“Recognise that some areas that are already developed are now known to be at risk from natural hazards and minimise such risk as far as possible while acknowledging that landowners may be prepared to accept a level of risk.”

533. The only submission seeking a material change to this policy was that of the Oil Companies²³³ who sought that reference be inserted to “the effects” of natural hazards and substitution of a practicability test for what is “possible”.

534. Ms Bowbyes supported the suggested amendment to refer to practicable minimisation of risk to avoid any unintended implication that risk has to be reduced to the point where it is negligible. We agree with her reasoning in that regard.

535. Ms Bowbyes recommended that rather than refer to the effects of natural hazards, as the Oil Companies sought, the initial reference to risk be redrafted. We agree that her suggested rewording is an improvement, as well as being consistent with the recommended objective.

536. Responding to the evidence of Mr Henderson for Otago Regional Council, Ms Bowbyes also recommended that the policy should refer to what the community is prepared to accept, rather than what landowners are prepared to accept. This is consistent with the discussion we had with Mr Henderson, referred to above. We agree with Mr Henderson’s essential point, that it is inappropriate to rely on an existing landowner’s readiness to accept natural hazard risks on behalf of their successors in title. We note that while Otago Regional Council did not seek amendment of this Policy specifically, it did state a clear position that it is not appropriate to have new development occurring where natural hazard risks are intolerable to the community. We therefore regard the suggested amendment as being within scope but, consistent with the general desire to promote alignment of language with the Proposed RPS, we recommend that that policy talk in terms of what the community will tolerate, rather than what it will accept.

537. In summary, therefore, we recommend that Policy 28.3.1.3 be revised to read:

“Recognise that some areas that are already developed are now known to be subject to natural hazard risk and minimise such risk as far as practicable while acknowledging that the community may be prepared to tolerate a level of risk.”

10.7. Policy 28.3.1.4,

538. As notified, this policy read:

²³³ Submission 768: Supported by FS1287

“Allow Public Bodies exercising their statutory powers to carry out natural hazard mitigation activities.”

539. The only submission on this policy was from Queenstown Park Limited²³⁴, which sought that reference to “*Public Bodies*” be limited to the Regional and District Council and that the Policy be qualified to acknowledge the need to mitigate potential adverse effects resulting from hazard protection works. Ms Bowbyes recommended acceptance of both aspects of the submission. In her view, referring specifically to the Regional and District Council provided greater clarity and certainty, and that it was appropriate to acknowledge adverse effects that might result from hazard protection works. She also recommended replacing the word “*allow*” with “*enable*”, as more accurately articulating the role of the District Plan. She considered that to be a minor non-substantive change (and therefore within Clause 16(2)).
540. We were somewhat puzzled by the intent of this policy. At one level, if a public body is exercising a statutory power to undertake natural hazard mitigation activities, particularly in an emergency situation, the provisions of the District Plan are largely academic.
541. We also wondered about the restriction of the ambit of the policy, from initially referring to public bodies, to referring only to the Regional and District Council. We disagree with Ms Bowbyes’ comment²³⁵ that the ambit of the term “*public body*” is unclear and we were concerned that organisations like the Fire Service Commission and the Director of Civil Defence Emergency Management have important roles in managing civil defence emergencies that ought to be acknowledged.
542. Having reflected on our queries, Ms Bowbyes advised in her reply evidence²³⁶ that the intent of the Policy is to address planned mitigation works undertaken by the Regional and District Councils that require a resource consent, rather than emergency mitigation works. This was helpful, because if the focus is on planned hazard mitigation works, there is then a ready case for limiting the parties who may be involved to just the Regional and District Council (as Queenstown Park Ltd suggests). Amending the policy, as Ms Bowbyes suggests, to ‘enabling’ the Councils to undertake activities also reinforces the point that this is in the context of resource consent applications for such works. However, Ms Bowbyes continued to recommend reference to “*natural hazard mitigation activities*” which would capture both emergency and unplanned works. We think the policy intent, as explained to us, needs to be expressed more clearly.
543. We also think that rather than a generalised reference to “*the Regional and District Council*”, Otago Regional Council should be referred to in full (there being no other relevant Regional Council) and the defined term for the District Council be used.
544. In summary, therefore, we agree with Ms Bowbyes’ suggestions and recommend that policy 28.3.1.4 be amended to read:

“Enable Otago Regional Council and the Council exercising their statutory powers to undertake permanent physical works for the purposes of natural hazard mitigation while recognising the need to mitigate potential adverse effects that may result from those works.”

²³⁴ Submission 806

²³⁵ Section 42A Report at 12.36

²³⁶ At 7.1

545. We note that the only submission on Policy 28.3.1.5 was from the Oil Companies²³⁷, seeking that it be retained without further modification. However, it is evident to us that this policy is now entirely subsumed within Policy 28.3.1.3 as we have recommended it be amended. We therefore recommend it be deleted as a minor non-substantive change.
546. Having reviewed the policies in Section 28.3.1 collectively, we consider that with the amendments set out above and given the alternatives open to us, the resulting policies are the most appropriate means to achieve Objective 28.3.1.

10.8. Objective 28.3.2

547. Turning to Objective 28.3.2, as notified, it read:
“Development on land subject to natural hazards only occurs where the risks to the community and the built environment are avoided or appropriately managed or mitigated.”
548. Ms Bowbyes drew our attention to four submissions on this objective. The first three (Real Journeys Limited²³⁸, Cook Adam Trustees Limited, C&M Burgess²³⁹ and Bobs Cove Developments Limited²⁴⁰) all sought that the objective refer to *“a significant natural hazard”* and that it provide that risks are *“satisfactorily avoided”*.
549. Queenstown Park Limited²⁴¹ sought that the objective be replaced with Objective 4.8.3 of the ODP which reads:
“Avoid or mitigate loss of life, damage to assets or infrastructure, or disruption to the community of the District, from natural hazards.”
550. Ms Bowbyes considered Objective 28.3.2 an improvement on the ODP objective that Queenstown Park Limited’s submission sought to substitute, partly because of the former’s focus on natural hazard risk and partly because of the lack of clarity as to what the term *“disruption”* meant in the context of the ODP objective. We agree and note that when Queenstown Park Limited appeared before us, its planning witness, Mr Tim Williams, generally supported the existing wording of the objective.
551. Ms Bowbyes likewise did not support qualification of the reference to natural hazards, so that the objective would refer only to development on land the subject of a significant natural hazard. She pointed to the lack of evidential support for the submission and the lack of clarity as to what significant natural hazards encompass. She also suggested that limiting the objective to significant natural hazards would leave both the objective and underlying policies silent on the treatment of proposals subject to lower levels of natural hazard risk. We agree with these points. While there is merit in the observation in Submissions 669 and 712 that large areas in the District²⁴² are subject to some recorded natural hazard risk, the objective is framed sufficiently broadly to avoid overly restrictive policies applying to areas of low hazard risk.
552. Ms Bowbyes did recommend an amendment to delete the *“or mitigated”* from the end of the objective, accepting in this regard Mr Tim Williams evidence that *“management”* would

²³⁷ Submission 768

²³⁸ Submission 621

²³⁹ Submission 669

²⁴⁰ Submission 712

²⁴¹ Submission 806

²⁴² It may be, given the proximity of the Alpine Fault, as well as other localised earthquake faults, that the whole District would fall within that general description

necessarily include mitigation. While we agree the notified wording is clumsy, this suggested amendment prompted us to discuss with Mr Williams whether “avoidance” of hazard risk would similarly be an aspect of risk management. Mr Williams had reservations about the extent of overlap. In his view, reference to management of risk had implications of enabling the activity in question and he also thought that tolerability had to be considered. Having said that, he agreed that so long as the word “appropriate” was retained, that would enable those considerations to be brought to the fore.

553. Ms Bowbyes agreed with Mr Williams suggestions in her reply evidence. She expressed the opinion that *“avoidance is absolute whereas management provides flexibility for a range of options to be considered, including mitigation”*.
554. We do not disagree. Indeed, it is precisely because of the absolute nature of an avoidance objective that the suggestion that it be qualified to refer to risks being *“satisfactorily avoided”* is something of a contradiction in terms to us.
555. Stepping back, precisely because the initial reference to natural hazards has such wide application, the outcome sought similarly needs to be flexible. In addition, while we think that Mr Williams may well be right that talking about managing an activity implies that it may occur, the focus of the objective is on the management of risks and we think that the objective should be expressed more simply to say that, leaving it to the policies to flesh out what appropriate management entails. This provides less direction as to the outcome sought than we would normally regard as desirable, but the breadth of the subject matter (and the ambit of the submissions on it) leaves us with little alternative in our view.
556. In summary, we consider that the most appropriate objective to achieve the purpose of the Act in this context given the alternatives open to us, is:

“Development on land subject to natural hazards only occurs where the risks to the community and the built environment are appropriately managed.”

10.9. Policy 28.3.2.1:

557. As notified, Policy 28.3.2.1 stated:

28.3.2.1 Policy

Seek to avoid intolerable natural hazard risk, acknowledging that this will not always be practicable in developed urban areas.”

558. This policy was the subject of three submissions:
- a. QAC²⁴³ sought that it should be expressed more simply: *“Avoid significant natural hazard risk, acknowledging that this will not always be practicable in developed urban areas.”*
 - b. The Oil Companies²⁴⁴ sought that reference be to intolerable effects from natural hazards and that the acknowledgement apply to all developed areas, not just urban areas.
 - c. Otago Regional Council²⁴⁵ opposed the policy insofar as it left open the possibility for development in areas of intolerable hazard risk.

²⁴³ Submission 433: Supported by FS1097 and FS1117

²⁴⁴ Submission 768: Supported by FS1287

²⁴⁵ Submission 798

559. In her Section 42A Report, Ms Bowbyes drew attention to Proposed RPS Policies 4.1.6 and 4.5.1 quoted above, that seek variously avoidance of activities that significantly increase risk and avoidance of development on land with a significant natural hazard risk. In her view, these provisions supported QACs submission that reference should be to significant natural hazard risk, rather than intolerable risk. We agree that it is desirable for this policy to flesh out what might be considered an intolerable risk rather than leaving that for future decisionmakers to determine, with limited ability to ascertain the community's views. She also expressed the view that there was merit in the Oil Companies' argument that the focus should not just be on urban areas.
560. The evidence for Otago Regional Council suggested that the Policy was trying to be "*all things to all situations*" and that the focus should be on significant increases in risk. Mr Henderson suggested that if that were accepted, the acknowledgement in the second half of the policy might then be deleted. Mr Henderson's evidence reflected the general submission for Otago Regional Council already noted that new development should not occur where natural hazard risks are intolerable for the community, even if managed or mitigated.
561. Ms Bowbyes recommended acceptance of Mr Henderson's position.
562. We agree that this is a practicable way forward. The Oil Companies²⁴⁶ make the valid point that major natural hazards (like an earthquake along the Alpine fault) cannot be prevented at source. Similarly, to the extent that there is already a significant natural hazard risk in developed areas, that risk might be mitigated, but it is difficult to imagine how it can be avoided, whereas clearly choices are able to be made when new development is proposed in areas of significant natural hazard risk.
563. In summary, while the end result overlaps with recommended Policy 28.3.1.2, we recommend that Policy 28.3.2.1 be amended to the form suggested by Ms Bowbyes:
'Avoid significantly increasing natural hazard risk.'

10.10. Policy 28.3.2.2

564. As notified this policy read:
Allow subdivision and development of land subject to natural hazards where the proposed activity does not:
- *Accelerate or worsen the natural hazard and/or its potential impacts;*
 - *Expose vulnerable activities to intolerable natural hazard risk;*
 - *Create an unacceptable risk to human life;*
 - *Increase the natural hazard risk to other properties;*
 - *Require additional works and costs that would be borne by the community.*
565. Ms Bowbyes drew our attention to the following submissions on this policy:
- a. The Oil Companies²⁴⁷ sought that the first word of the policy be "*enable*", that the first bullet point refer to risks associated with the natural hazard and/or its potential impacts, the second bullet point refer to the consequences from natural hazards rather than natural hazard risk and that the fourth bullet point refer to an unacceptable level of natural hazard risk;

²⁴⁶ Refer the tabled evidence of Mr Laurenson

²⁴⁷ Submission 768: Supported by FS1287

- b. Real Journey’s Limited²⁴⁸, Cook Adam Trustees Limited, C&M Burgess²⁴⁹ and Bobs Cove Developments Limited²⁵⁰ sought that the initial reference be to land subject to “significant” natural hazards, the word “it” be substituted for “the proposed activity”, the first bullet point refer to natural hazard risk and delete reference to potential impacts, the fourth bullet point be deleted, and the fifth bullet point refer to the “public” rather than the “community”.
- c. Queenstown Park Limited²⁵¹ sought that the first bullet point refer to acceleration of hazards and impacts “to an unacceptable level” and the fourth bullet point refer to increases in natural hazard risk “to an intolerable level”.

566. In her Section 42A Report, Ms Bowbyes agreed with many of these suggestions. She did not, however, accept that reference should be made to significant natural hazards in the opening line of the policy, for the reasons discussed above²⁵². Similarly, she did not agree with the suggestion that the fourth bullet point, related to increasing risk to other properties be deleted, referring us to Proposed RPS Policies 4.1.6 and 4.1.10(c) that focus on displacement of risk off-site. We agree with her reasoning on both points. We note, in particular, that focussing the policy on significant natural hazards would leave a policy gap where land is subject to non-significant natural hazards, which is the very situation it needs to address.

567. As regards Ms Bowbyes’ recommendations that the balance of the submissions be accepted (subject to rewording the addition to the fourth bullet to refer to “intolerable” levels, for consistency with the Proposed RPS), we had a concern about this policy adopting an overtly enabling focus because it is necessarily limited in scope to natural hazard issues. There may be many other non-hazard related issues that mean that an enabling approach is not appropriate.

568. In her reply evidence Ms Bowbyes expressed the view, having reflected on the point, that an enabling policy in this context would not prevail over more restrictive policies in other chapters addressing those other issues. While we agree that that would be the sensible outcome, we are reluctant to leave the point open for an enthusiastic applicant to test. In any event, Ms Bowbyes agreed that an enabling focus in Policy 28.3.2.2 would leave gap between that and policy 28.3.2.1. She therefore recommended that it would be preferable to commence the policy “not preclude...”, as we had suggested to her.

569. We are therefore happy to adopt her reasoning. Accordingly, we recommend that Policy 28.3.2.2 be amended to read:

- 28.3.2.2. *“Not preclude subdivision and development of land subject to natural hazards where the proposed activity does not:*
- a. Accelerate or worsen the natural hazard risk to an intolerable level;*
 - b. Expose vulnerable activities to intolerable natural hazard risk;*
 - c. Create an intolerable risk to human life;*
 - d. Increase the natural hazard risk to other properties to an intolerable level;*
 - e. Require additional works and costs, including remedial works, that would be borne by the public.”*

²⁴⁸ Submission 621: Supported by FS1097

²⁴⁹ Submission 669

²⁵⁰ Submission 712

²⁵¹ Submission 806

²⁵² Refer Sections 10.5 and 10.9 above

10.11. Policy 28.3.2.3

570. As notified, this policy read:

“Ensure all proposals to subdivide or develop land that is subject to natural hazards provide an assessment covering:

- *The time, frequency and scale of the natural hazards;*
- *The type of activity being undertaken and its vulnerability to natural hazards;*
- *The effects of a natural hazard event on the subject land;*
- *The potential for the activity to exacerbate natural hazard risk both in and off the subject land;*
- *The potential for any structures on the subject land to be relocated;*
- *The design and construction of buildings and structures to mitigate the effects of natural hazards, such as the raising of floor levels;*
- *Site layout and management to avoid the adverse effects of natural hazards, including access and egress during a hazard event.”*

571. Ms Bowbyes noted the following specific submissions:

- a. Queenstown Park Limited²⁵³ sought an amendment to recognise that the level of assessment should be commensurate with the level of potential risk.
- b. The Oil Companies²⁵⁴ sought that the last bullet point be amended to provide for management and mitigation (rather than avoidance) and a criterion referring to a tolerable level of risk. This submission also sought a minor grammatical change;
- c. Real Journeys Limited²⁵⁵, Cook Adam Trustees Limited, C&M Burgess²⁵⁶ and Bob’s Cove Developments Limited²⁵⁷ suggested a range of amendments, which would result in the Policy reading as follows:

“Ensure new subdivision or land development at threat from a significant natural hazard risk (identified on the District Plan Maps) is assessed in terms of:

- a. *The type, frequency and scale of the natural hazard and the effects of a natural hazard event on the subject land;*
 - b. *The vulnerability of the activity in relation to the natural hazard;*
 - c. *The potential for the activity to exacerbate the natural hazard risk;*
 - d. *The location, design and construction of buildings and structures to mitigate the effects of natural hazards;*
 - e. *Management techniques that avoid or minimise the adverse effects of natural hazards.”*
- d. Otago Regional Council²⁵⁸ sought amendment to recognise that development in hazard areas had ongoing management costs that should not be met by the community;

572. Ms Bowbyes agreed with the suggestion of the Oil Companies that the policy provide for a varying standard of assessment. We agree that if, as we accept, the net should be spread wider than significant natural hazards, the extent of the assessment needs to be flexible to ensure that the costs and benefits of the requirement are properly aligned.

573. It follows that like Ms Bowbyes, we do not accept the submissions of Real Journeys Ltd and others seeking that the only natural hazards assessed are those significant natural hazards noted on the planning maps.

²⁵³ Submission 806

²⁵⁴ Submission 768: Supported by FS1287

²⁵⁵ Submission 621

²⁵⁶ Submission 669

²⁵⁷ Submission 712

²⁵⁸ Submission 798

574. Quite apart from the considerations already discussed regarding similar requests in relation to other policies, if accepted, that would gut the policy of any effect unless and until the planning maps had been varied to identify such hazards.
575. We also agree with Ms Bowbyes that effects beyond the subject site need to be addressed, consistent with the focus of the Proposed RPS on displacement of hazard risk off-site and that the previous policy (28.3.2.2.) already addresses the Regional Council's point.
576. Ms Bowbyes recommended we accept most of the balance of submitters' suggestions. We agree that they improve the clarity and expression of the policy.
577. Ms Bowbyes also recommended additional bullet points inserted to refer to a 100 year time horizon, consistent with the Proposed RPS (thereby responding to the more general submission of Otago Regional Council) and to the effects of climate change, to make it clear that natural hazard assessment is prospective and should not just rely on historical hazard data. We agree with both suggestions. While, as Ms Bowbyes noted in discussions with us, the existing reference to frequency and scale of natural hazards should pick up changes in hazard risk over time resulting from climate change (and for that reason, this is not a substantive change), this is a case where in our view, it is wise to explicitly acknowledge the likelihood that climatic extremes will increase with climate change (as sought in the Council's Corporate submission²⁵⁹, albeit in another context).
578. Lastly, in relation to this policy, we should note the evidence of Mr Overton in relation to management of fire risk. Mr Overton advised us that there are areas of the district that are subject to fire risk and that are inaccessible to emergency services. We agree that this is a concern that requires assessment in future. Accordingly, we recommend amendment to the final bullet point to refer to ingress and egress of both residents and emergency services.
579. Given the breadth of Policy 28.3.2.3, however, and the fact that (unlike the ODP) the PDP clearly classifies fire as a natural hazard, we do not consider that fire risk needs more explicit reference either in this policy or elsewhere²⁶⁰.
580. We do note, however, Ms Bowbyes' advice in her reply evidence that Council's Natural Hazard Database does not currently record areas of known vegetation fire risk, and that it needs to do so. We agree, and draw the point to Council's attention for action if it deems appropriate.
581. In summary, we recommend that Policy 28.3.2.3 be amended to read:
- “Ensure all proposals to subdivide or develop land that is subject to natural hazard risk provide an assessment that meets the following information requirements, ensuring that the level of detail of the assessment is commensurate with the level of natural hazard risk:*
- a. The likelihood of the natural hazard event occurring over no less than a 100 year period;*
 - b. The type and scale of the natural hazard and the effects of a natural hazard on the subject land;*
 - c. The effects of climate change on the frequency and scale of the natural hazard;*
 - d. The vulnerability of the activity in relation to the natural hazard;*
 - e. The potential for the activity to exacerbate the natural hazard risk both within and beyond the subject land;*
 - f. The potential for any structures on the subject land to be relocated;*

²⁵⁹ Submission 383

²⁶⁰ Refer the submissions of Mr Overton and of Otago Rural Fire Authority discussed at Section 9.2 above

- g. *The location, design and construction of buildings and structures to mitigate the effects of natural hazards, such as the raising of floor levels.*
- h. *Management techniques that avoid or manage natural hazard risk to a tolerable level, including with respect of ingress and egress of both residents and emergency services during a natural hazard event."*

10.12. Policy 28.3.2.4:

582. As notified, this policy read:

28.3.2.4 Policy

"Promote the use of natural features, buffers and appropriate risk management approaches in preference to hard engineering solutions in mitigating natural hazard risk."

583. Ms Bowbyes noted the submission of the Oil Companies²⁶¹ on this point, seeking deletion of this policy. The submitters suggest that the policy might have unintended consequences for mitigation measures that are widely employed across the District and which, in the submitters view, should be supported. Ms Bowbyes did not support deletion of the policy. As she observed in her Section 42A Report²⁶² the policy promotes alternatives to hard engineering solutions. It does not require them. She suggested a minor amendment to make that clearer, so that the policy would commence *"where practicable, promote...."*. We note Mr Laurenson's support for that suggested change in his tabled statement for the submitters.

584. The evidence of Mr Henderson for Otago Regional Council was that this policy is not consistent with Proposed RPS Policy 4.1.10, which is much more directive regarding the circumstances in which hard protection structures might be provided for. Ms Bowbyes could not, however, find any scope to recommend this change, which would (as she observed) have the opposite effect to the relief sought by the only submitters on the policy. We asked Mr Henderson whether he could point to any submission either by Otago Regional Council, or any other party, that would support greater alignment with the Proposed RPS in this regard and he could not.

585. We consider, therefore, that Ms Bowbyes is correct, and there is no jurisdiction to move this aspect of Chapter 28 into line with the Proposed RPS. In the event that Policy 4.1.10 of the Proposed RPS remains substantively in the same form as at present, the Council would necessarily have to consider a variation to the Plan to incorporate and thereby implement the Proposed RPS, once operative.

586. In the interim, we agree with Ms Bowbyes recommended amendment, accepting the Oil Companies' submission in part. Appendix 2 reflects that change.

10.13. Policy 28.3.2.5:

587. As notified, this policy read:

"Recognise that some infrastructure will need to be located on land subject to natural hazard risk."

588. The only submissions on this policy sought its retention. However, the notified policy has been overtaken by the amendments we have recommended to Policy 28.3.1.1, which provide more explicit recognition of the impracticality of avoiding location of all activities on land subject to natural hazard risk, particularly regionally significant infrastructure. Accordingly, we

²⁶¹ Submission 768

²⁶² At 12.65

recommend that Policy 28.3.2.5 be deleted, as a consequential change, to avoid any confusion as between the role of the two policies.

589. Having reviewed the policies in Section 28.3.2 collectively, taking account of the alternatives open to us and the policies recommended in Section 28.3.1, we consider that those policies are the most appropriate means to achieve Objective 28.3.2.

10.14. Objective 28.3.3. and Policies supporting it

590. Objective 28.3.3. was not the subject of any submission seeking it be changed, and Ms Bowbyes did not recommend any amendment to it. We need consider it no further. She did, however, recommend an amendment to Policy 28.3.3.1. As notified, that policy read:

28.3.3.1 Policy

Continually develop and refine a natural hazards database in conjunction with the Otago Regional Council, (as a basis for Council decisions on resource consent applications or plan changes and for the assessment of building consents).

591. The Oil Companies²⁶³ sought deletion of this policy on the basis that the ongoing changes to the natural hazards database will have statutory effect and, consequentially, should be undertaken by way of Plan Change.

592. The Oil Companies also suggested that the database should not itself be a basis for decision, but should rather be a consideration of the decision-making process.

593. Ms Bowbyes agreed with the last point. As she noted, the role of the database is to provide an initial flag for the presence of a natural hazard which is then the subject of assessment under Policy 28.3.2.3. She therefore thought it was more appropriate to refer to the database as a consideration in the decision-making process.

594. We agree, and consider that such an amendment also better reflects the role of the database sitting outside the District Plan. Further, Ms Bowbyes advised us in her reply evidence that there is no process currently in place that provides a formal avenue for the public to influence the information uploaded to the database. She also noted that the information requirements of notified Section 28.5 highlighted that the database contains information that has been developed at different scales and advises Plan users that further detailed analysis may be required. Again, this supports a much less formal role for the database in the decision making process.

595. Having said that, we think it is valuable that the Council can signal that the database is the subject of continual development and refinement, that being a course of action within its control.

596. We note, however, that there are actually two elements to this policy. The first relates to the Council's actions developing and refining the database. The second point relates to how the database will be used by Council. We think it would be clearer if these two elements were separated into two policies. We also consider that reference to the assessment of building consents should be deleted. This occurs under separate legislation (the Building Act 2004) and the PDP should not purport to constrain how the powers conferred by that legislation will be

²⁶³ Submission 768

exercised. Given the Oil Companies sought deletion of the policy, deletion of this aspect is clearly within scope.

597. We therefore recommend that Policy 28.3.3.1 be separated into two policies and amended to read:

“Continually develop and refine a natural hazards database in conjunction with the Otago Regional Council.

When considering resource consent applications or plan changes, the Council will have regard to the natural hazards database.”

598. Ms Bowbyes recommended minor non-substantive changes to the balance of the policies supporting Objective 28.3.3 including substitution of “intolerable” for “unacceptable” in Policy 28.3.3.4. We support the suggested amendments, the content of which are set out in our Appendix 2.

599. Having reviewed the policies in Section 28.3.3. collectively, we consider that given the alternatives open to us, they are the most appropriate policies to achieve the relevant objective.

10.15. Section 28.4 – Other Relevant Provisions:

600. This is a standard provision that is reproduced throughout the PDP. The Hearing Panels considering earlier chapters have recommended amendments to it to more correctly reflect the content of the PDP and the fact that once the First Schedule process is concluded, it will form part of the ODP. We recommend like amendments for the same reasons. The fact that some chapters have been inserted by the Stage 2 Variations is reflected in those chapters being in italics. Appendix 2 sets out the suggested changes.

10.16. Section 28.5 – Information Requirements:

601. As notified, this section purported to state a requirement for an assessment of natural hazard effects as part of development proposals. We discussed with Ms Bowbyes whether it was consistent with Policy 28.3.2.3. She addressed this point in Section 8 of her reply evidence. In summary, Ms Bowbyes concluded that a consequential amendment was required to Section 28.5 to make it clearer that the database is not a trigger for the need to provide a natural hazards assessment. She referred us to the Oil Companies’ submission²⁶⁴ as providing scope for the recommended change.

602. We agree with Ms Bowbyes assessment. Accordingly, we recommend that the text read as follows:

“The Councils natural hazards database identifies land that is affected by, or potentially affected by, natural hazards. The database contains natural hazard information that has been developed at different scales and this should be taken into account when assessing the potential natural hazard risk. It is highly likely that for those hazards that have been identified at a ‘district wide’ level, further detailed analysis will be required.”

603. As amended, this is no longer true to label (it is no longer a statement of information requirements). We consider it now assists that reader in understanding the inter-relationship of the database with the operation of Policy 28.3.2.3. As such, we recommend that the

²⁶⁴ Submission 768

amended text be shifted in order that it sits as an Advice Note to that policy. We regard this as a non-substantive formatting change.

11. SUMMARY OF RECOMMENDATIONS:

604. Appendix 2 to this report sets out our recommended amendments to Chapter 28.
605. In addition to those amendments, we note Policy 28.3.2.4 is not currently consistent with Proposed RPS Policy 4.1.10. We have no jurisdiction to recommend a substantive amendment that would align the two. Accordingly, we recommend that should Policy 4.1.10 be finalised as part of appeals on the Proposed RPS in a form that continues to be inconsistent with Policy 28.3.2.4, Council promulgate a variation to align the two.
606. We also draw Council's attention to the desirability of updating its hazards database to include areas of known vegetation fire risk²⁶⁵.
607. Lastly, Appendix 3 sets out a summary of our recommendations in relation to submissions on Chapter 28.

For the Hearing Panel



Denis Nugent, Chair
Dated: 31 March 2018

²⁶⁵ Discussed at Section 10.11 above

Appendix 1: Chapter 2 Definitions as Recommended

2 DEFINITIONS

2.1 Definitions

Notes:

- a. Unless the context otherwise requires, the definitions in this chapter apply throughout the plan whenever the defined term is used. The reverse applies to the designations in Chapter 37. The definitions in Chapter 2 only apply to designations where the relevant designation says they apply.
- b. Where a term is not defined within the plan, reliance will be placed on the definition in the Act, where there is such a definition.
- c. Chapter 5: Tangata Whenua (Glossary) supplements the definitions within this chapter by providing English translations-explanations of Maori words and terms used in the plan
- d. Acoustic terms not defined in this chapter are intended to be used with reference to NZS 6801:2008 Acoustics - Measurement of environmental sound and NZS 6802:2008 Acoustics - Environmental noise.
- e. Any defined term includes both the singular and the plural.
- f. Any notes included within the definitions listed below are purely for information or guidance purposes only and do not form part of the definition.
- g. Where a definition title is followed by a zone or specific notation, the intention is that the application of the definition is limited to the specific zone or scenario described.

D

Definitions

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Access	Means that area of land over which a site or lot obtains legal vehicular and/or pedestrian access to a legal road. This land may include an access leg, a private way, common land as defined on a cross-lease or company-lease, or common property (as defined in section 2 of the Unit Titles Act 2010).
Access Leg (Rear Lot or rear site)	Means the strip of land, which is included in the ownership of that lot or site, and which provides the legal, physical access from the frontage legal road to the net area of the lot or site.
Access Lot	Means a lot which provides the legal access or part of the legal access to one or more lots, and which is held in the same ownership or by tenancy-in-common in the same ownership as the lot(s) to which it provides legal access.
Accessory Building	Means any detached building the use of which is incidental to the principal building, use or activity on a site, and for residential activities includes a sleep out, garage or carport, garden shed, glasshouse, swimming pool, mast, shed used solely as a storage area, or other similar structure, provided that any garage or carport which is attached to or a part of any building shall be deemed to be an accessory building.
Accessway	Means any passage way, laid out or constructed by the authority of the council or the Minister of Works and Development or, on or after 1 April 1988, the Minister of Lands for the purposes of providing the public with a convenient route for pedestrians from any road, service lane, or reserve to another, or to any public place or to any railway station, or from one public place to another public place, or from one part of any road, service lane, or reserve to another part of that same road, service lane, or reserve ¹ .
Act	Means the Resource Management Act 1991.
Activity Sensitive To Aircraft Noise (ASAN) / Activity Sensitive to Road Noise	Means any residential activity, visitor accommodation activity, community activity and day care facility activity as defined in this District Plan including all outdoor spaces associated with any education activity, but excludes activity in police stations, fire stations, courthouses, probation and detention centres, government and local government offices.
Adjoining Land (Subdivision)	Includes land separated from other land only by a road, railway, drain, water race, river or stream.
Aerodrome	Means a defined area of land used wholly or partly for the landing, departure, and surface movement of aircraft including any buildings, installations and equipment on or adjacent to any such area used in connection with the aerodrome or its administration.
Aircraft	Means any machine that can derive support in the atmosphere from the reactions of the air otherwise than by reactions of the air against the surface of the earth. Excludes remotely piloted aircraft that weigh less than 15 kilograms.

¹. From section 315 of the Local Government Act 1974

D

Definitions

- A
- B
- C
- D
- E
- F
- G
- H
- I
- J
- K
- L
- M
- N
- O
- P
- Q
- R
- S
- T
- U
- V
- W
- X
- Y
- Z

Aircraft Operations	<p>Means the operation of aircraft during landing, take-off and taxiing but excludes:</p> <ul style="list-style-type: none"> a. aircraft operating in an emergency; b. aircraft using the Airport as an alternative to landing at a scheduled airport; c. military aircraft movements; and d. engine testing.
Air Noise Boundary Queenstown (ANB)	<p>Means a boundary as shown on the District Plan Maps, the location of which is based on the predicted day/night sound level of 65 dB L_{dn} from airport operations in 2037.</p>
Airport Activity	<p>Means land used wholly or partly for the landing, departure, and surface movement of aircraft, including:</p> <ul style="list-style-type: none"> a. aircraft operations which include private aircraft traffic, domestic and international aircraft traffic, rotary wing operations; b. aircraft servicing, general aviation, airport or aircraft training facilities and associated offices; c. runways, taxiways, aprons, and other aircraft movement areas; d. terminal buildings, hangars, air traffic control facilities, flight information services, navigation and safety aids, rescue facilities, lighting, car parking, maintenance and service facilities, fuel storage and fuelling facilities and facilities for the handling and storage of hazardous substances.
Airport Related Activity	<p>Means an ancillary activity or service that provides support to the airport. This includes:</p> <ul style="list-style-type: none"> a. land transport activities; b. buildings and structures; c. servicing and infrastructure; d. police stations, fire stations, medical facilities and education facilities provided they serve an aviation related purpose; e. retail and commercial services and industry associated with the needs of Airport passengers, visitors and employees and/or aircraft movements and Airport businesses; f. catering facilities; g. quarantine and incineration facilities; h. border control and immigration facilities; i. administrative offices (provided they are ancillary to an airport or airport related activity).
All Weather Standard	<p>Means a pavement which has been excavated to a sound subgrade, backfilled and compacted to properly designed drainage gradients with screened and graded aggregate and is usable by motor vehicles under all weather conditions, and includes metallised and sealed surfaces.</p>

Amenity Or Amenity Values	Means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes ² .
Antenna	Means telecommunications apparatus, being metal rod, wire or other structure, by which signals are transmitted or received, including any bracket or attachment but not any support mast or similar structure.
Archaeological Site	Means, subject to section 42(3) of the Heritage New Zealand Pouhere Taonga Act 2014: <ul style="list-style-type: none"> a. any place in New Zealand, including any building or structure (or part of a building or structure), that – <ul style="list-style-type: none"> i. was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and ii. provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and b. includes a site for which a declaration is made under section 43(1) of the Heritage New Zealand Pouhere Taonga Act 2014.
Area Median Income (AMI)	Means the median household income for the Queenstown Lakes District as published by Statistics New Zealand following each census, and adjusted annually by the Consumer Price Index (CPI).
Bar (Hotel or Tavern)	Means any part of a hotel or tavern which is used principally for the sale, supply or consumption of liquor on the premises. Bar area shall exclude areas used for storage, toilets or like facilities and space.
Biodiversity Offsets	Means measurable conservation outcomes resulting from actions designed to compensate for residual adverse biodiversity impacts arising from project development after appropriate avoidance, minimisation, remediation and mitigation measures have been taken. The goal of biodiversity offsets is to achieve no net loss and preferably a net gain of biodiversity on the ground.
Biomass Electricity Generation	Means electricity generation derived from biomass systems being recently living organisms such as wood, wood waste, by products of agricultural processes and waste.
Boat	Means any vessel, appliance or equipment used or designed to be used for flotation and navigation on or through the surface of water, other than a wetsuit or lifejacket, and includes any aircraft whilst such aircraft is on the surface of the water. Craft or boating craft shall have the same meaning. Boating activities shall mean activities involving the use of boats on the surface of water.
Boundary	Means any boundary of the net area of a site and includes any road boundary or internal boundary. Site boundary shall have the same meaning as boundary.

² From section 2 of the Act

Definitions

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

	<p>Shall have the same meaning as the Building Act 2004, with the following exemptions in addition to those set out in the Building Act 2004:</p> <ol style="list-style-type: none"> fences and walls not exceeding 2m in height; retaining walls that support no more than 2 vertical metres of earthworks; structures less than 5m² in area and in addition less than 2m in height above ground level; radio and television aerials (excluding dish antennae for receiving satellite television which are greater than 1.2m in diameter), less than 2m in height above ground level; uncovered terraces or decks that are no greater than 1m above ground level; the upgrading and extension to the Arrow Irrigation Race provided that this exception only applies to upgrading and extension works that involve underground piping of the Arrow Irrigation Race; flagpoles not exceeding 7m in height; building profile poles, required as part of the notification of Resource Consent applications; public outdoor art installations sited on Council owned land; pergolas less than 2.5 metres in height either attached or detached to a building; <p>Notwithstanding the definition set out in the Building Act 2004, and the above exemptions a building shall include:</p> <ol style="list-style-type: none"> any vehicle, trailer, tent, marquee, shipping container, caravan or boat, whether fixed or moveable, used on a site for a residential accommodation unit for a period exceeding 2 months.
<p>Building Coverage</p>	<p>Means that portion of the net area of a site which is covered by buildings or parts of buildings, including overhanging or cantilevered parts of buildings, expressed as a percentage or area. Building coverage shall only apply to buildings at ground, or above ground level. The following shall not be included in building coverage:</p> <ol style="list-style-type: none"> pergolas; that part of eaves and/or spouting, fire aprons or bay or box windows projecting 600mm or less horizontally from any exterior wall; uncovered terraces or decks which are not more than 1m above ground level; uncovered swimming pools no higher than 1m above ground level; fences, walls and retaining walls; driveways and outdoor paved surfaces.
<p>Building Line Restriction</p>	<p>Means a restriction imposed on a site to ensure when new buildings are erected or existing buildings re-erected, altered or substantially rebuilt, no part of any such building shall stand within the area between the building line and the adjacent site boundary.</p>

	<p>Means a business primarily engaged in selling goods for consumption or use in the construction, modification, cladding, fixed decoration or outfitting of buildings and without limiting the generality of this term, includes suppliers of:</p> <ul style="list-style-type: none"> a. glazing; b. awnings and window coverings; c. bathroom, toilet and sauna installations; d. electrical materials and plumbing supplies; e. heating, cooling and ventilation installations; f. kitchen and laundry installations, excluding standalone appliances; g. paint, varnish and wall coverings; h. permanent floor coverings; i. power tools and equipment; j. locks, safes and security installations; and k. timber and building materials.
Camping Ground	Means camping ground as defined in the Camping Ground Regulations 1985 ³ .
Carriageway	Means the portion of a road devoted particularly to the use of motor vehicles.
Clearance Of Vegetation	<p>Means the removal, trimming, felling, or modification of any vegetation and includes cutting, crushing, cultivation, soil disturbance including direct drilling, spraying with herbicide or burning.</p> <p>Clearance of vegetation includes, the deliberate application of water or oversowing where it would change the ecological conditions such that the resident indigenous plant(s) are killed by competitive exclusion. Includes dryland cushion field species.</p>
Commercial	Means involving payment, exchange or other consideration.
Commercial Activity	Means the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment or services, and includes shops, postal services, markets, showrooms, restaurants, takeaway food bars, professional, commercial and administrative offices, service stations, motor vehicle sales, the sale of liquor and associated parking areas. Excludes recreational, community and service activities, home occupations, visitor accommodation, registered holiday homes and registered homestays.
Commercial Livestock	Means livestock bred, reared and/or kept on a property for the purpose of commercial gain, but excludes domestic livestock.
Commercial Recreational Activities	Means the commercial guiding, training, instructing, transportation or provision of recreation facilities to clients for recreational purposes including the use of any building or land associated with the activity, excluding ski area activities.

³ Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

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Common Property	<p>Means:</p> <ul style="list-style-type: none"> a. all the land and associated fixtures that are part of the unit title development but are not contained in a principal unit, accessory unit, or future development unit; and b. in the case of a subsidiary unit title development, means that part of the principal unit subdivided to create the subsidiary unit title development that is not contained in a principal unit, accessory unit, or future development unit⁴.
Community Activity	Means the use of land and buildings for the primary purpose of health, welfare, care, safety, education, culture and/or spiritual well being. Excludes recreational activities. A community activity includes day care facilities, education activities, hospitals, doctors surgeries and other health professionals, churches, halls, libraries, community centres, police purposes, fire stations, courthouses, probation and detention centres, government and local government offices.
Community Housing	Means residential activity that maintains long term affordability for existing and future generations through the use of a retention mechanism, and whose cost to rent or own is within the reasonable means of low and moderate income households.
Comprehensive Development (For the purpose of Chapters 12 and 13 only)	Means the construction of a building or buildings on a site or across a number of sites with a total land area greater than 1400m ² .
Contributory Buildings (For the purpose of Chapter 26 only)	Means buildings within a heritage precinct that contribute to the significance of a heritage precinct some of which may be listed for individual protection in the Inventory under Rule 26.8. They may contain elements of heritage fabric, architecture or positioning that adds value to the heritage precinct. They have been identified within a heritage precinct because any future development of the site containing a contributory building may impact on the heritage values of heritage features, or the heritage precinct itself. Contributory buildings are identified on the plans under Section 26.7 'Heritage Precincts'. (Refer also to the definition of Non-Contributory Buildings).
Council	Means the Queenstown Lakes District Council or any Committee, Sub Committee, Community Board, Commissioner or person to whom any of the Council's powers, duties or discretions under this Plan have been lawfully delegated pursuant to the provisions of the Act. District council shall have the same meaning.
Critical Listening Environment	Means any space that is regularly used for high quality listening or communication for example principle living areas, bedrooms and classrooms but excludes non-critical listening environments.
Day Care Facility	Means land and/or buildings used for the care during the day of elderly persons with disabilities and/or children, other than those residing on the site.
Design Sound Level	Means 40 dB L _{dn} in all critical listening environments.
District	Means Queenstown Lakes District

⁴From the Unit Titles Act 2010

	<p>Means livestock bred, reared and/or kept on a property, excluding that which is for the purpose of commercial gain.</p> <p>a. In all zones, other than the Rural, Rural Lifestyle and Rural Residential Zones, it is limited to 5 adult poultry per site, and does not include adult roosters or peacocks; and</p> <p>b. In the Rural, Rural Lifestyle and Rural Residential Zones it includes any number of livestock bred, reared and/or kept on a site for family consumption, as pets, or for hobby purposes and from which no financial gain is derived, except that in the Rural Residential Zone it is limited to only one adult rooster and peacock per site.</p> <p>Note: Domestic livestock not complying with this definition shall be deemed to be commercial livestock and a farming activity.</p>
Earthworks	<p>Means the disturbance of land surfaces by the removal or depositing of material, excavation, filling or the formation of roads, banks, and tracks. Excludes the cultivation of land and the digging of holes for offal pits and the erection of posts or poles or the planting of trees⁵.</p>
Ecosystem Services	<p>Means the resources and processes the environment provides that people benefit from e.g. purification of water and air, pollination of plants and decomposition of waste.</p>
Education Activity	<p>Means the use of land and buildings for the primary purpose of regular instruction or training including early childhood education, primary, intermediate and secondary schools, tertiary education. It also includes ancillary administrative, cultural, recreational, health, social and medical services (including dental clinics and sick bays) and commercial facilities.</p>
Electricity Distribution	<p>Means the conveyance of electricity via electricity distribution lines, cables, support structures, substations, transformers, switching stations, kiosks, cabinets and ancillary buildings and structures, including communication equipment, by a network utility operator.</p>
	<p>Means the following activities:</p> <p>a. small and community-scale distributed electricity generation and solar water heating;</p> <p>b. renewable electricity generation;</p> <p>c. non-renewable electricity generation;</p> <p>d. wind electricity generation;</p> <p>e. solar electricity generation;</p> <p>f. stand-alone power systems (SAPS);</p> <p>g. biomass electricity generation;</p> <p>h. hydro generation activity;</p> <p>i. mini and micro hydro electricity generation.</p>
Environmental Compensation	<p>Means actions offered as a means to address residual adverse effects to the environment arising from project development that are not intended to result in no net loss or a net gain of biodiversity on the ground, includes residual adverse effects to other components of the environment including landscape, the habitat of trout and salmon, open space, recreational and heritage values.</p>

⁵ Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

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Definitions

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Exotic (Trees and Plants)	Means species which are not indigenous to that part of New Zealand.
Extent of Place (For the purpose of Chapter 26 only)	Means the area around and/or adjacent to a heritage feature listed in the Inventory under Section 26.8 and which is contained in the same legal title as a heritage feature listed in the Inventory, the extent of which is identified in Section 26.8.1. (Refer also to the definition of Setting).
External Alterations and Additions (For the purpose of Chapter 26 only)	Means undertaking works affecting the external heritage fabric of heritage features, but excludes repairs and maintenance, and partial demolition. External additions includes signs and lighting.
External Appearance (Buildings)	Means the bulk and shape of the building including roof pitches, the materials of construction and the colour of exterior walls, joinery, roofs and any external fixtures.
Factory Farming	Includes: <ul style="list-style-type: none"> a. the use of land and/or buildings for the production of commercial livestock where the regular feed source for such livestock is substantially provided other than from grazing the site concerned; b. boarding of animals; c. mushroom farming.
Farming Activity	Means the use of land and buildings for the primary purpose of the production of vegetative matters and/or commercial livestock. Excludes residential activity, home occupations, factory farming and forestry activity. Means the use of lakes and rivers for access for farming activities.
Farm Building	Means a building (as defined) necessary for the exercise of farming activities (as defined) and excludes: <ul style="list-style-type: none"> a. buildings for the purposes of residential activities, home occupations, factory farming and forestry activities; b. visitor accommodation and temporary accommodation.
Flatboard	Means a portable sign that is not self-supporting ⁶ .
Flat site	Means a site where the ground slope is equal to or less than 6 degrees (i.e equal to or less than 1 in 9.5). Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation. Where all elevations indicate a ground slope of less than 6 degrees (i.e equal to or less than 1 in 9.5), rules applicable to flat sites will apply.
Flood Protection Work	Means works, structures and plantings for the protection of property and people from flood fairways or lakes, the clearance of vegetation and debris from flood fairways, stopbanks, access tracks, rockwork, rockwork, anchored trees, wire rope and other structures.

⁶ Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

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Forestry Activity	Means the use of land primarily for the purpose of planting, tending, managing and harvesting of trees for timber or wood production in excess of 0.5ha in area.
Formed Road	Means a road with a carriageway constructed to an all-weather standard with a minimum width of 3m.
Free Standing Sign	Means a self supporting sign not attached to a building and includes a sign on a fence and a sandwich board ⁷ .
Frontage	Means the road boundary of any site.
Full-Time Equivalent Person	Means the engagement of a person or persons in an activity on a site for an average of 8 hours per day assessed over any 14 day period.
Garage	Is included within the meaning of residential unit, and means a building or part of a building principally used for housing motor vehicles and other ancillary miscellaneous items.
Gross Floor Area (GFA)	Means the sum of the gross area of the several floors of all buildings on a site, measured from the exterior faces of the exterior walls, or from the centre lines of walls separating two buildings.
	Shall be measured:
Ground Floor Area (For Signs)	<ul style="list-style-type: none"> a. horizontally by the length of the building along the road, footpath, access way or service lane to which it has frontage. b. vertically by the height from the surface of the road, footpath, access way or service land or as the case may be to the point at which the verandah, if any, meets the wall of the building or to a height of 3m above the surface of the road, footpath, access way or service lane, whichever is less⁸.
Ground Floor Area	Means any areas covered by the building or parts of the buildings and includes overhanging or cantilevered parts but does not include pergolas (unroofed), projections not greater than 800mm including eaves, bay or box windows, and uncovered terraces or decks less than 1 m above ground level.

^{7,8} Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panels recommendations.

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	<p>Means:</p> <p>The surface of the ground prior to any earthworks on the site, except that where the surface of the ground has been altered through earthworks carried out as part of a subdivision under the Resource Management Act 1991 or Local Government Act 1974 “ground level” means the finished surface of the ground following completion of works associated with the most recently completed subdivision.</p> <ol style="list-style-type: none"> a. “earthworks” has the meaning given in the definition of that term in this Plan and includes earthworks carried out at any time in the past; b. “completed subdivision” means a subdivision in respect of which a certificate pursuant to section 224(c) of the Resource Management Act 1991 or a completion certificate under the Local Government Act 1974 has been issued; c. “earthworks carried out as part of a subdivision” does not include earthworks that are authorized under any land use consent for earthworks, separate from earthworks approved as part of a subdivision consent after 29 April 2016; d. ground level interpretations are to be based on credible evidence including existing topographical information, site specific topography, adjoining topography and known site history; e. changes to the surface of the ground as a result of earthworks associated with building activity do not affect the “ground level” of a site; f. subdivision that does not involve earthworks has no effect on “ground level”; <p>Notes:</p> <ol style="list-style-type: none"> a. See interpretive diagrams in the definition of Height; b. Special height rules apply in the Queenstown town centre, where “metres above sea level” is used. This is not affected by the definition of “ground level” above, which applies elsewhere.
Ground Level	
Handicrafts	Means goods produced by the use of hand tools or the use of mechanical appliances where such appliances do not produce the goods in a repetitive manner according to a predetermined pattern for production run purpose.
Hangar	Means a structure used to store aircraft, including for maintenance, servicing and/or repair purposes.
Hard Surfacing	<p>Means any part of that site which is impermeable and includes:</p> <ol style="list-style-type: none"> a. concrete, bitumen or similar driveways, paths or other areas paved with a continuous surface or with open jointed slabs, bricks, gobi or similar blocks; or hardfill driveways that effectively put a physical barrier on the surface of any part of a site; b. any area used for parking, manoeuvring, access or loading of motor vehicles; c. any area paved either with a continuous surface or with open jointed slabs, bricks, gobi or similar blocks; <p>The following shall not be included in hard surfacing:</p> <ol style="list-style-type: none"> a. paths of less than 1m in width; b. shade houses, glasshouses and tunnel houses not having solid floors.

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	<p>Means any substance with one or more of the following characteristics:</p> <ul style="list-style-type: none"> a <ul style="list-style-type: none"> i explosives ii flammability iii a capacity to oxidise iv corrosiveness v toxicity (both acute and chronic) vi ecotoxicity, with or without bio-accumulation; or b which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph a to this definition.
<p>Hazardous Substance</p>	<p>Means land and/or buildings used for the provision of services relating to the physical and mental health of people and animals but excludes facilities used for the promotion of physical fitness or beauty such as gymnasias, weight control clinics or beauticians.</p>
<p>Health Care Facility</p>	<p>Means a motor vehicle, other than a motor car that is not used, kept or available for the carriage of passengers for hire or reward, the gross laden weight of which exceeds 3500kg; but does not include a traction engine or vehicle designed solely or principally for the use of fire brigades in attendance at fires. (The Heavy Motor Vehicle Regulation 1974).</p>

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	<p>Means the vertical distance between ground level (as defined), unless otherwise specified in a District Plan rule, at any point and the highest part of the building immediately above that point. For the purpose of calculating height in all zones, account shall be taken of parapets, but not of:</p> <ul style="list-style-type: none"> a. aerials and/or antennas, mounting fixtures, mast caps, lightning rods or similar appendages for the purpose of telecommunications but not including dish antennae which are attached to a mast or building, provided that the maximum height normally permitted by the rules is not exceeded by more than 2.5m; and b. chimneys or finials (not exceeding 1.1m in any direction); provided that the maximum height normally permitted by the rules is not exceeded by more than 1.5m. <p>See interpretive diagrams below and definition of GROUND LEVEL.</p> <div style="text-align: center;"> <p>1 NO EARTHWORKS</p> <p>2 EARTHWORKS ASSOCIATED WITH LAND USE / BUILDING ACTIVITY</p> <p>3 EARTHWORKS ASSOCIATED WITH APPROVED SUBDIVISION</p> <p>Legend:</p> <ul style="list-style-type: none"> Max height plane Ground level (as per definition) Fill or cut Finished surface of ground Max building height (as specified by zone) e.g. 8m Surface of ground prior to any earthworks on site <p>Note earthworks may require resource consent</p> <p>Ground level following completion of works approved by subdivision approved by consent under RMA 1991 or LCA 1974</p> </div>
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Height (Building)

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<p>Heritage Fabric (For the purpose of Chapter 26 only)</p>	<p>Means any physical aspect of a heritage feature which contributes to its heritage values as assessed with the criteria contained in section 26.5. Where a heritage assessment is available on the Council's records this will provide a good indication of what constitutes the heritage fabric of that heritage feature. Where such an assessment is not available, heritage fabric may include, but is not limited to:</p> <ul style="list-style-type: none"> a. original and later material and detailing which forms part of, or is attached to, the interior or exterior of a heritage feature; b. the patina of age resulting from the weathering and wear of construction material over time; c. fixtures and fittings that form part of the design or significance of a heritage feature but excludes inbuilt museum and art work exhibitions and displays, and movable items not attached to a building, unless specifically listed. d. heritage features which may require analysis by archaeological means, which may also include features dating from after 1900.
<p>Heritage Feature or Features (For the purpose of Chapter 26 only)</p>	<p>Means the collective terms used to describe all heritage features listed in the Inventory of Heritage Features under Section 26.8.</p>
<p>Heritage Significance (For the purpose of Chapter 26 only)</p>	<p>Means the significance of a heritage feature (identified in this Chapter as Category 1, 2, or 3) as evaluated in accordance with the criteria listed in section 26.5. A reduction in heritage significance means where a proposed activity would have adverse effects which would reduce the category that has been attributed to that heritage feature.</p>

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	<p>Means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:</p> <ul style="list-style-type: none"> a. archaeological; b. architectural; c. cultural; d. historic; e. scientific; f. technological; and <p>And includes:</p> <ul style="list-style-type: none"> a. historic sites, structures, places, and areas; and b. archaeological sites; and c. sites of significance to Maori, including wāhi tapu; and d. surroundings associated with natural and physical resources. e. heritage features (including where relevant their settings or extent of place), heritage areas, heritage precincts, and sites of significance to Maori.
Historic Heritage	
Holding	Means an area of land in one ownership and may include a number of lots and/or titles.
Home Occupation	Means the use of a site for an occupation, business, trade or profession in addition to the use of that site for a residential activity and which is undertaken by person(s) living permanently on the site, but excludes homestay.
Homestay	Means a residential activity where an occupied residential unit is also used by paying guests ⁹ .
Hospital	Means any building in which two or more persons are maintained for the purposes of receiving medical treatment; and where there are two or more buildings in the occupation of the same person and situated on the same piece of land they shall be deemed to constitute a single building.
Hotel	Means any premises used or intended to be in the course of business principally for the provision to the public of: <ul style="list-style-type: none"> a. lodging; b. liquor, meals and refreshments for consumption on the premises.
Household	Means a single individual or group of people, and their dependents who normally occupy the same primary residence.
Household Income	Means all income earned from any source, by all household members.

⁹ Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

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Hydro Generation Activity	Means activities associated with the generation of hydro electricity and includes the operation, maintenance, refurbishment, enhancement and upgrade of hydro generation facilities.
Indigenous Vegetation	Means vegetation that occurs naturally in New Zealand, or arrived in New Zealand without human assistance, including both vascular and non-vascular plants.
Indoor Design Sound Level	Means 40 dB L _{dn} in all critical listening environments.
Industrial Activity	Means the use of land and buildings for the primary purpose of manufacturing, fabricating, processing, packing, or associated storage of goods
Informal Airport	Means any defined area of land or water intended or designed to be used for the landing, departure movement or servicing of aircraft and specifically excludes the designated 'Aerodromes', shown as designations 2, 64, and 239 in the District Plan. This excludes the airspace above land or water located on any adjacent site over which an aircraft may transit when arriving and departing from an informal airport.
Internal Boundary	Means any boundary of the net area of a site other than a road boundary.
Internal Alterations (For the purpose of Chapter 26 only)	Means undertaking works affecting the internal heritage fabric of heritage features, but excludes repairs and maintenance. Internal alterations includes the partial removal and replacement of decoration, windows, ceilings, floors or roofs that only affect the interior of the building.
Kitchen Facility	Means any space, facilities and surfaces for the storage, rinsing preparation and/or cooking of food, the washing of utensils and the disposal of waste water, including a food preparation bench, sink, oven, stove, hot-plate or separate hob, refrigerator, dish-washer and other kitchen appliances.
L_{Aeq} (15min)	Means the A frequency weighted time average sound level over 15 minutes, in decibels (dB).
L_{AFmax}	Means the maximum A frequency weighted fast time weighted sound level, in decibels (dB), recorded in a given measuring period.
L_{dn}	Means the day/night level, which is the A frequency weighted time average sound level, in decibels (dB), over a 24-hour period obtained after the addition of 10 decibels to the sound levels measured during the night (2200 to 0700 hours).
Lake	Means a body of fresh water which is entirely or nearly surrounded by land ¹⁰ .
Landfill	Means a site used for the deposit of solid wastes onto or into land ¹¹ .
Landmark Building (For the purposes of Chapter 12 only)	Means the provision of tree and/or shrub plantings and may include any ancillary lawn, water, rocks, paved areas or amenity features, the whole of such provision being so arranged as to improve visual amenity, human use and enjoyment and/or to partially or wholly screen activities or buildings, and/or to provide protection from climate.

¹⁰ From section 2 of the Act

¹¹ Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

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Landscaping	Means the provision of tree and/or shrub plantings and may include any ancillary lawn, water, rocks, paved areas or amenity features, the whole of such provision being so arranged as to improve visual amenity, human use and enjoyment and/or to partially or wholly screen activities or buildings, and/or to provide protection from climate.
Landside	Means an area of an airport and buildings to which the public has unrestricted access.
Laundry Facilities	Means facilities for the rinsing, washing and drying of clothes and household linen, and the disposal of waste water, and includes either a washing machine, tub or clothes dryer.
Licensed Premises	Means any premises or part of any premises, in which liquor may be sold pursuant to a licence, and includes any conveyance, or part of any conveyance on which liquor may be sold pursuant to the licence.
Lift Tower	Means a structure used for housing lift machinery and includes both the lift shaft and machinery room.
Liquor	Shall have the same meaning as alcohol as defined in the Sale and Supply of Alcohol Act 2012.
Living Area	Means any room in a residential unit other than a room used principally as a bedroom, laundry or bathroom.
Loading Space	Means a portion of a site, whether covered or not, clear of any road or service lane upon which a vehicle can stand while being loaded or unloaded.
Lot (Subdivision)	Means a lot, two or more adjoining lots to be held together in the same ownership, or any balance area, shown on a subdivision consent plan, except that in the case of land being subdivided under the cross lease or company lease systems or the Unit Titles Act 2010, lot shall have the same meaning as site.
Low Income	Means household income below 80% of the area median income.
Manoeuvre Area	Means that part of a site used by vehicles to move from the vehicle crossing to any parking, garage or loading space and includes all driveways and aisles, and may be part of an access strip.
MASL	Means "metres above sea level".
Mast	Means any pole, tower or similar structured designed to carry antennas or dish antennas or otherwise to facilitate telecommunications.
Mineral	Means a naturally occurring inorganic substance beneath or at the surface of the earth, whether or not under water and includes all metallic minerals, non metallic minerals, fuel minerals, precious stones, industrial rocks and building stones and a prescribed substance within the meaning of the Atomic Energy Act 1945.
Mineral Exploration	Means any activity undertaken for the purpose of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of 1 or more minerals; and includes any drilling, dredging, or excavations (whether surface or subsurface) that are reasonably necessary to determine the nature and size of a mineral deposit or occurrence; and to explore has a corresponding meaning.
Mineral Prospecting	Means any activity undertaken for the purpose of identifying land likely to contain mineral deposits or occurrences; and includes the following activities: <ol style="list-style-type: none"> geological, geochemical, and geophysical surveys; the taking of samples by hand or hand held methods; aerial surveys.

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Mini and Micro Hydro Electricity Generation	Means conversion of the energy of falling water into electricity. Mini and micro generation may utilise impulse or reaction turbines and include intake or diversion structures, small weir, headrace, penstock, channel, pipes and generator.
Mining	Means to take, win or extract, by whatever means: a. a mineral existing in its natural state in land; or b. a chemical substance from a mineral existing in its natural state in land.
Mining Activity	Means the use of land and buildings for the primary purpose of the extraction, winning, quarrying, excavation, taking and associated processing of minerals and includes prospecting and exploration ¹² .
Minor Alterations and Additions to a Building (For the purposes of Chapter 10 only)	Means the following: a. constructing an uncovered deck; b. replacing windows or doors in an existing building that have the same profile, trims and external reveal depth as the existing; c. changing existing materials or cladding with other materials or cladding of the same texture, profile and colour.
Minor Repairs and Maintenance (For the purpose of Chapter 26 only)	Means repair of building materials and includes replacement of minor components such as individual bricks, cut stone, timber sections, roofing and glazing. The replacement items shall be of the original or closely matching material, colour, texture, form and design, except that there shall be no replacement of any products containing asbestos, but a closely matching product may be used instead. Repairs and maintenance works that do not fall within this definition will be assessed as alterations.
Minor Trimming (For the purpose of Chapter 32 only)	Means the removal of not more than 10% of the live foliage from the canopy of the tree or structural scaffold branches within a single calendar year.
Minor Trimming of a Hedgerow (For the purpose of Chapter 32 only)	Means the removal of not more than 50% of the live foliage within a single five year period.

¹² Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

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<p>Minor Upgrading (For the purpose of Chapter 30 only)</p>	<p>Means an increase in the carrying capacity, efficiency or security of electricity transmission and distribution or telecommunication lines utilising the existing support structures or structures of similar character, intensity and scale and includes the following:</p> <ul style="list-style-type: none"> a. addition of lines, circuits and conductors; b. reconducting of the line with higher capacity conductors; c. re-sagging of conductors; d. bonding of conductors; e. addition or replacement of longer or more efficient insulators; f. addition of electrical fittings or ancillary telecommunications equipment; g. addition of earth-wires which may contain lightning rods, and earth-peaks; h. support structure replacement within the same location as the support structure that is to be replaced; i. addition or replacement of existing cross-arms with cross-arms of an alternative design; j. replacement of existing support structure poles provided they are less or similar in height, diameter and are located within 2 metres of the base of the support pole being replaced; k. addition of a single service support structure for the purpose of providing a service connection to a site, except in the Rural zone; l. the addition of up to three new support structures extending the length of an existing line provided the line has not been lengthened in the preceding five year period.
<p>Moderate Income</p>	<p>Means household income between 80% and 120% of the area median income.</p>
<p>Motorised Craft</p>	<p>Means any boat powered by an engine.</p>
<p>National Grid</p>	<p>Means the network that transmits high-voltage electricity in New Zealand and that, at the notification of this Plan, was owned and operated by Transpower New Zealand Limited, including:</p> <ul style="list-style-type: none"> a. transmission lines; and b. electricity substations¹³.
<p>National Grid Corridor</p>	<p>Means the area measured either side of the centreline of above ground national grid line as follows:</p> <ul style="list-style-type: none"> a. 16m for the 110kV lines on pi poles b. 32m for 110kV lines on towers c. 37m for the 220kV transmission lines. <p>Excludes any transmission lines (or sections of line) that are designated.</p>

¹³ Adapted from the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009

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Definitions

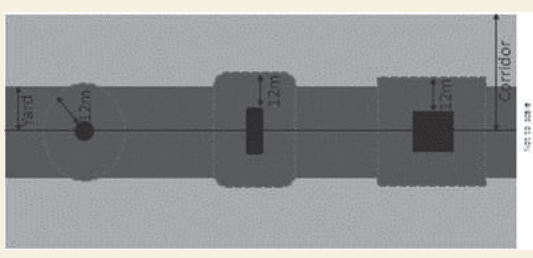
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National Grid Sensitive Activities	<p>Means those activities within the national grid corridor that are particularly sensitive to risks associated with electricity transmission lines because of either the potential for prolonged exposure to the risk, or the vulnerability of the equipment or population that is exposed to the risk. Such activities include buildings or parts of buildings used for, or able to be used for the following purposes:</p> <ul style="list-style-type: none">a. child day care activity;b. day care facility activity;c. educational activity;d. home stay;e. healthcare facility;f. papakainga;g. any residential activity;h. visitor accommodation.
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Definitions

A B C D E F G H I J K L M **N** O P Q R S T U V W X Y Z

<p>National Grid Yard</p>	<p>Means:</p> <ol style="list-style-type: none"> the area located 12 metres in any direction from the outer edge of a national grid support structure; and the area located 12 metres either side of the centreline of any overhead national grid line; (as shown in dark grey in diagram below)  <p>LEGEND</p> <ul style="list-style-type: none"> Centreline Single Pole Pi Pole Tower
<p>Nature Conservation Values</p>	<p>Excludes any transmission lines (or sections of line) that are designated. Means the collective and interconnected intrinsic value of indigenous flora and fauna, natural ecosystems (including ecosystem services), and their habitats.</p>
<p>Navigation Infrastructure</p>	<p>Means any permanent or temporary device or structure constructed and operated for the purpose of facilitating navigation by aircraft.</p>
<p>Net Area (Site or Lot)</p>	<p>Means the total area of the site or lot less any area subject to a designation for any purpose, and/or any area contained in the access to any site or lot, and/or any strip of land less than 6m in width.</p>

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Definitions

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	<p>Means the sum of the floor areas, each measured to the inside of the exterior walls of the building, and shall include the net floor area of any accessory building, but it shall exclude any floor area used for:</p> <ol style="list-style-type: none"> lift wells, including the assembly area immediately outside the lift doors for a maximum depth of 2m; stairwells; tank rooms, boiler and heating rooms, machine rooms, bank vaults; those parts of any basement not used for residential, retail, office or industrial uses; toilets and bathrooms, provided that in the case of any visitor accommodation the maximum area permitted to be excluded for each visitor unit or room shall be 3m²; 50% of any pedestrian arcade, or ground floor foyer, which is available for public thoroughfare; parking areas required by the Plan for, or accessory to permitted uses in the building.
<p>Noise Event</p>	<p>Means an event, or any particular part of an event, whereby amplified sound, music, vocals or similar noise is emitted by the activity, but excludes people noise.</p>
<p>Noise Limit</p>	<p>Where amplified noise ceases during a particular event, the event is no longer considered a noise event.</p>
<p>Noise Limit Non-Contributory Buildings (For the purpose of Chapter 26 only)</p>	<p>Means a L_{Aeq} (15 min) or L_{AFmax} sound level in decibels that is not to be exceeded.</p> <p>Means buildings within a heritage precinct that have no identified heritage significance or fabric and have not been listed for individual protection in the Inventory under Rule 26.8. They have been identified within a heritage precinct because any future development of a site containing a non-contributory building may impact on the heritage values of heritage features or contributory buildings within the heritage precinct. Non-Contributory Buildings are identified on the plans under Section 26.7 'Heritage Precincts'.</p>
<p>Non Critical Listening Environment</p>	<p>Means any space that is not regularly used for high quality listening or communication including bathroom, laundry, toilet, pantry, walk-in-wardrobe, corridor, hallway, lobby, cloth drying room, or other space of a specialised nature occupied neither frequently nor for extended periods.</p>
<p>No net loss</p>	<p>Means no overall reduction in biodiversity as measured by the type, amount and condition.</p>
<p>Notional Boundary</p>	<p>Means a line 20m from any side of residential unit or the legal boundary whichever is closer to the residential unit.</p>
<p>Office</p>	<p>Means any of the following:</p> <ol style="list-style-type: none"> administrative offices where the administration of any entity, whether trading or not, and whether incorporated or not, is conducted; commercial offices being place where trade, other than that involving the immediately exchange for goods or the display or production of goods, is transacted; professional offices.
<p>Open Space</p>	<p>Means any land or space which is not substantially occupied by buildings and which provides benefits to the general public as an area of visual, cultural, educational, or recreational amenity values.</p>

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Definitions

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Outdoor Living Space	Means an area of open space to be provided for the exclusive use of the occupants of the residential unit to which the space is allocated.
Outdoor Recreation Activity	Means a recreation activity undertaken entirely outdoors with buildings limited to use for public shelter, toilet facilities, information and ticketing.
Outdoor Storage	Means land used for the purpose of storing vehicles, equipment, machinery, natural and processed products and wastes, outside a fully enclosed building for periods in excess of 4 weeks in any one year.
Outer Control Boundary (OCB)	Means a boundary, as shown on district plan maps, the location of which is based on the predicted day/night sound levels of 55 dBA L_{dn} from airport operations in 2036 for Wanaka Airport and 2037 for Queenstown Airport.
Park and Ride Facility	Means an area to leave vehicles and transfer to public transport or car pool to complete the rest of a journey into an urban area. Park and Ride Facilities include car parking areas, public transport interchange and associated security measures, fencing, lighting, ticketing systems, shelter and ticketing structures, landscape planting and earthworks ¹⁴ .
Parking Area	Means that part of a site within which vehicle parking spaces are accommodated, and includes all parking spaces, manoeuvre areas and required landscape areas.
Parking Space	Means a space on a site available at any time for accommodating one stationary motor vehicle.
Partial Demolition (For the purpose of Chapter 26 only)	Means the demolition of the heritage fabric of a heritage feature exceeding 30% but less than 70% by volume or area whichever is the greater. Volume is measured from the outermost surface of the heritage feature (including any surfaces below ground) and the area is measured by the footprint of the heritage feature. Partial demolition shall be determined as the cumulative or incremental demolition of the heritage fabric as from the date that the decision [specify] on Chapter 26 of the District Plan is publicly notified.
Passenger Lift Systems	Means any mechanical system used to convey or transport passengers and other goods within or to a Ski Area Sub-Zone, including chairlifts, gondolas, T-bars and rope tows, and including all moving, fixed and ancillary components of such systems such as towers, pylons, cross arms, pulleys, cables, chairs, cabins, and structures to enable the embarking and disembarking of passengers. Excludes base and terminal buildings.
Photovoltaics (PV)	Means a device that converts the energy in light (photons) into electricity, through the photovoltaic effect. A PV cell is the basic building block of a PV system, and cells are connected together to create a single PV module (sometimes called a 'panel'). PV modules can be connected together to form a larger PV array.
Potable Water Supply	Means a water supply that meets the criteria of the Ministry of Health 'Drinking Water Standards for New Zealand 2005 (revised 2008)'.
Principal Building	Means a building, buildings or part of a building accommodating the activity for which the site is primarily used.
Private Way	Means any way or passage whatsoever over private land within a district, the right to use which is confined or intended to be confined to certain persons or classes of persons, and which is not thrown open or intended to be open to the use of the public generally; and includes any such way or passage as aforesaid which at the commencement of this Part exists within any district ¹⁵ .
Projected Annual Aircraft Noise Contour (AANC)	Means the projected annual aircraft noise contours calculated as specified by the Aerodrome Purposes Designation 2, Condition 13.

¹⁴ Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

¹⁵ From the Local Government Act 1974.

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Protected Feature (For the purpose of Chapter 26 only)	Means the collective terms used to explain all buildings, features, and structures listed in the Inventory of protected features (26.9).
Public Area	Means any part(s) of a building open to the public, but excluding any service or access areas of the building.
Public Place	Means every public thoroughfare, park, reserve, lake, river to place to which the public has access with or without the payment of a fee, and which is under the control of the council, or other agencies. Excludes any trail as defined in this Plan.
Public Space (For the purposes of Chapter 32 only)	Means the parts of the district that are owned and managed by the Queenstown Lakes District Council, are accessible to the public within the Residential Arrowtown Historic Management Zone including roads, parks and reserves.
Radio Communication Facility	Means any transmitting/receiving devices such as aerials, dishes, antennas, cables, lines, wires and associated equipment/apparatus, as well as support structures such as towers, masts and poles, and ancillary buildings.
Rear Site	Means a site which is situated generally to the rear of another site, both sites having access to the same road or private road, and includes sites which have no frontage to a road or private road of 6m or more.

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<p>Recession Lines/Recession Plane</p>	<p>Means the lines constructed from points on or above a boundary surface or a road surface, the angle of inclination of which is measured from the horizontal, at right angles to a site boundary and in towards the site. See interpretive diagrams below.</p> <div data-bbox="459 600 1013 1512"> </div>
<p>Recreation</p>	<p>Means activities which give personal enjoyment, satisfaction and a sense of well being.</p>
<p>Recreational Activity</p>	<p>Means the use of land and/or buildings for the primary purpose of recreation and/or entertainment. Excludes any recreational activity within the meaning of residential activity.</p>
<p>Regionally Significant Infrastructure</p>	<p>Means:</p> <ul style="list-style-type: none"> a. renewable electricity generation activities undertaken by an electricity operator; and b. the national grid; and c. telecommunication and radio communication facilities; and d. state highways; and e. Queenstown and Wanaka airports and associated navigation infrastructure.

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Definitions

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	<p>Means a stand-alone or duplex residential unit which has been registered with the Council as a Registered Holiday Home. For the purpose of this definition:</p> <ul style="list-style-type: none"> a. a stand-alone residential unit shall mean a residential unit contained wholly within a site and not connected to any other building; b. a duplex residential unit shall mean a residential unit which is attached to another residential unit by way of a common or party wall, provided the total number of residential units attached in the group of buildings does not exceed two residential units; c. where the residential unit contains a residential flat, the registration as a Registered Holiday Home shall apply to either the letting of the residential unit or the residential flat but not to both. <p>Advice Notes:</p> <ul style="list-style-type: none"> a. a formal application must be made to the Council for a property to become a Registered Holiday Home. b. there is no requirement to obtain registration for the non-commercial use of a residential unit by other people (for example making a home available to family and/or friends at no charge)¹⁶.
Registered Holiday Home	
Registered Homestay	<p>Means a Homestay used by up to 5 paying guests which has been registered with the Council as a Registered Homestay.</p> <p>Advice Note:</p> <p>A formal application must be made to the Council for a property to become a Registered Homestay¹⁷.</p>
Relocated/Relocatable Building	<p>Means a building which is removed and re-erected on another site, but excludes any newly pre-fabricated building which is delivered dismantled to a site for erection on that site. This definition excludes removal and re-siting.</p>
Relocation (For the purpose of Chapter 26 only)	<p>Means the relocation of heritage features, both within, or beyond the site. The definition of Relocation (Buildings) in Chapter 2 (which means the removal of a building from any site to another site) shall not apply to chapter 26.</p>
Relocation (Building)	<p>Means the removal of any building from any site to another site.</p>
Remotely Piloted Aircraft	<p>Means an unmanned aircraft that is piloted from a remote station.</p>
Removal (Building)	<p>Means the shifting of a building off a site and excludes demolition of a building.</p>
Renewable Electricity Generation (REG)	<p>Means generation of electricity from solar, wind, hydro-electricity, geothermal and biomass energy sources.</p>

^{16, 17} Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

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Definitions

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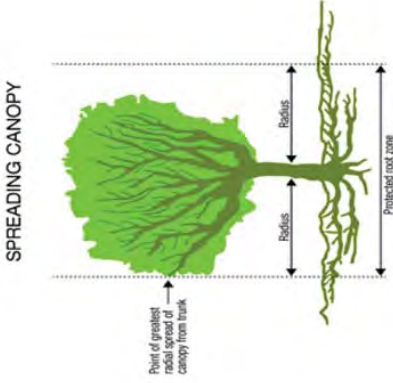
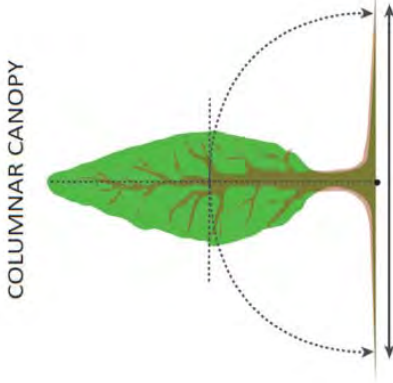
Renewable Electricity Generation Activities	Means the construction, operation and maintenance of structures associated with renewable electricity generation. This includes small and community-scale distributed renewable generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity. Includes research and exploratory scale investigations into technologies, methods and sites, such as masts, drilling and water monitoring. This definition includes renewable electricity generation (REG), solar water heating, wind electricity generation, and mini and micro hydro electricity generation (as separately defined).
Renewable Energy	Means energy that comes from a resource that is naturally replenished, including solar, hydro, wind, and biomass energy.
Reserve	Means a reserve in terms of the Reserves Act 1977.
Residential Activity	Means the use of land and buildings by people for the purpose of permanent residential accommodation, including all associated accessory buildings, recreational activities and the keeping of domestic livestock. For the purposes of this definition, residential activity shall include Community Housing, emergency, refuge accommodation and the non-commercial use of holiday homes. Excludes visitor accommodation ¹⁸ .
Residential Flat	Means a residential activity that comprises a self-contained flat that is ancillary to a residential unit and meets all of the following criteria: <ul style="list-style-type: none"> a. the total floor area does not exceed; <ul style="list-style-type: none"> i. 150m² in the Rural Zone and the Rural Lifestyle Zone; ii. 70m² in any other zone; b. not including in either case the floor area of any garage or carport; c. contains no more than one kitchen facility; d. is limited to one residential flat per residential unit; and e. is situated on the same site and held in the same ownership as the residential unit. Note: A proposal that fails to meet any of the above criteria will be considered as a residential unit.
Residential Unit	Means a residential activity which consists of a single self contained household unit, whether of one or more persons, and includes accessory buildings. Where more than one kitchen and/or laundry facility is provided on the site, other than a kitchen and/or laundry facility in a residential flat, there shall be deemed to be more than one residential unit.
Re-siting (Building)	Means shifting a building within a site.
Resort	Means an integrated and planned development involving low average density of residential development (as a proportion of the developed area) principally providing temporary visitor accommodation and forming part of an overall development focused on onsite visitor activities.
Restaurant	Means any land and/or buildings, or part of a building, in which meals are supplied for sale to the general public for consumption on the premises, including such premises which a licence has been granted pursuant to the Sale and Supply of Alcohol Act 2012.

¹⁸ Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

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Definitions

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<p>Retail Sales / Retail / Retailing</p>	<p>Means the direct sale or hire to the public from any site, and/or the display or offering for sale or hire to the public on any site of goods, merchandise or equipment, but excludes recreational activities.</p>
<p>Retirement Village</p>	<p>Means the residential units (either detached or attached) and associated facilities for the purpose of accommodating retired persons. This use includes as accessory to the principal use any services or amenities provided on the site such as shops, restaurants, medical facilities, swimming pools and recreational facilities and the like which are to be used exclusively by the retired persons using such accommodation.</p>
<p>Reverse Sensitivity</p>	<p>Means the potential for the operation of an existing lawfully established activity to be constrained or curtailed by the more recent establishment or intensification of other activities which are sensitive to the established activity.</p>
<p>Right of Way</p>	<p>Means an area of land over which there is registered a legal document giving rights to pass over that land to the owners and occupiers of other land.</p>
<p>River</p>	<p>Means a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal)¹⁹.</p>
<p>Road</p>	<p>Means a road as defined in section 315 of the Local Government Act 1974.</p>
<p>Road Boundary</p>	<p>Means any boundary of a site abutting a legal road (other than an accessway or service land) or contiguous to a boundary of a road designation. Frontage or road frontage shall have the same meaning as road boundary.</p>
<p>Root Protection Zone (For the purposes of Chapter 32 only)</p>	<p>Means for a tree with a spreading canopy, the area beneath the canopy spread of a tree, measured at ground level from the surface of the trunk, with a radius to the outer most extent of the spread of the tree's branches, and for a columnar tree, means the area beneath the canopy extending to a radius half the height of the tree. As demonstrated by the diagrams below.</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  <p>SPREADING CANOPY</p> </div> <div style="text-align: center;">  <p>COLUMNAR CANOPY</p> </div> </div>

¹⁹ From section 2 of the Act.

Definitions

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Rural Industrial Activity	Means the use of land and buildings for the purpose of manufacturing, fabricating, processing, packing and/or storage of goods and materials grown or sourced within the Rural Zone and the storage of goods, materials and machinery associated with commercial contracting undertaken within the Rural Zone.
Sense of Place (For the purpose of Chapter 12 only)	Means the unique collection of visual, cultural, social, and environmental qualities and characteristics that provide meaning to a location and make it distinctly different from another. Defining, maintaining, and enhancing the distinct characteristics and quirks that make a town centre unique fosters community pride and gives the town a competitive advantage over others as it provides a reason to visit and a positive and engaging experience. Elements of the Queenstown town centre that contribute to its sense of place are the core of low rise character buildings and narrow streets and laneways at its centre, the pedestrian links, the small block size of the street grid, and its location adjacent to the lake and surrounded by the ever-present mountainous landscape.
Service Activity	Means the use of land and buildings for the primary purpose of the transport, storage, maintenance or repair of goods.
Service Lane	Means any lane laid out or constructed either by the authority of the council or the Minister of Works and Development or, on or after 1 April 1988, the Minister of Lands for the purpose of providing the public with a side or rear access for vehicular traffic to any land ²⁰ .
Service Station	Means any site where the dominant activity is the retail sale of motor vehicle fuels, including petrol, LPG, CNG, and diesel, and may also include any one or more of the following: <ul style="list-style-type: none"> a. the sale of kerosene, alcohol based fuels, lubricating oils, tyres, batteries, vehicle spare parts and other accessories normally associated with motor vehicles; b. mechanical repair and servicing of motor vehicles, including motor cycles, caravans, boat motors, trailers, except in any Residential, Town Centre or Township Zone; c. inspection and/or certification of vehicles; d. the sale of other merchandise where this is an ancillary activity to the main use of the site. <p>Excludes:</p> <ul style="list-style-type: none"> i. panel beating, spray painting and heavy engineering such as engine reboring and crankshaft grinding, which are not included within mechanical repairs of motor vehicles and domestic garden equipment for the purposes of b. above.
Setback	Means the distance between a building and the boundary of its site. Where any building is required to be set back from any site boundary, no part of that building shall be closer to the site boundary than the minimum distance specified. Where any road widening is required by this Plan, the setback shall be calculated from the proposed final site boundary. The setback distance shall only apply to buildings at ground, or above ground level.

²⁰. From section 315 of the Local Government Act 1974

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Definitions

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<p>Setting (For the purpose of Chapter 26 only)</p>	<p>Means the area around and/or adjacent to a heritage feature listed under the Inventory in Section 26.8 and defined under 26.8.1, which is integral to its function, meaning, and relationships, and which is contained in the same legal title as the heritage feature listed on the Inventory. (Refer also to the definition of 'Extent of Place').</p>
<p>Showroom</p>	<p>Means any defined area of land or a building given over solely to the display of goods. No retailing is permitted unless otherwise specifically provided for in the zone in which the land or building is located.</p>
<p>Sign and Signage</p>	<p>Means:</p> <ul style="list-style-type: none"> a. any external name, figure, character, outline, display, delineation, announcement, design, logo, mural or other artwork, poster, handbill, banner, captive balloon, flag, flashing sign, flatboard, free-standing sign, illuminated sign, moving signs, roof sign, sandwich board, streamer, hoarding or any other thing of a similar nature which is: i) intended to attract attention; and ii) visible from a road or any public place; b. all material and components comprising the sign, its frame, background, structure, any support and any means by which the sign is attached to any other thing; c. any sign written vehicle/trailer or any advertising media attached to a vehicle/trailer. <p>Notes:</p> <ul style="list-style-type: none"> i. This does include corporate colour schemes. ii. See definitions of SIGN AREA and SIGN TYPES²¹.
<p>Sign Area</p>	<p>The area of a sign means the surface area of a sign and the area of a sign includes all the area actually or normally enclosed, as the case may be, by the outside of a line drawn around the sign and enclosing the sign²².</p>

^{21, 22} Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

Definitions

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<p>Sign Types</p>	<p>Above Ground Floor Sign: means a sign attached to a building above the verandah or above 3 metres in height from the ground.</p> <p>Arcade Directory Sign: means an externally located sign which identifies commercial activities that are accessed internally within a building or arcade</p> <p>Banner: means any sign made of flexible material, suspended in the air and supported on more than one side by poles or cables.</p> <p>Flag: means any sign made of flexible material attached by one edge to a staff or halyard and includes a flagpole.</p> <p>Flashing Sign: means an intermittently illuminated sign.</p> <p>Flat Board Sign: means a portable flat board sign which is not self-supporting.</p> <p>Free Standing Sign: means any sign which has a structural support or frame that is directly connected to the ground and which is independent of any other building or structure for its support; and includes a sign on a fence²³.</p>
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²³ Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

	<p>Hoarding: means any sign that is for purely commercial brand awareness purposes and which does not relate to land use activity conducted on the site.</p> <p>Moving Sign: means a sign other than a flag or a banner that is intended to move or change whether by reflection or otherwise.</p> <p>Off-Site Sign: means a sign which does not relate to goods or services available at the site where the sign is located and excludes a Hoarding.</p> <p>Roof Sign: means any sign painted on or attached to a roof and any sign projecting above the roof line of the building to which it is attached.</p> <p>Sandwich Board: means a self-supporting and portable sign.</p> <p>Signage Platform: means a physical area identified for the purpose of signage.</p> <p>Temporary Event Sign: means any sign established for the purpose of advertising or announcing a single forthcoming temporary event, function or occurrence including carnivals, fairs, galas, market days, meetings exhibitions, parades, rallies, filming, sporting and cultural events, concerts, shows, musical and theatrical festivals and entertainment; but does not include Electioneering Signs, Real Estate Signs, Construction Signs, a Land Development Sign, Off-Site Sign or Temporary Sale Sign.</p> <p>Temporary Sale Sign: means any sign established for the purpose of advertising or announcing the sale of products at special prices.</p> <p>Under Verandah Sign: means a sign attached to the underside of a verandah.</p> <p>Upstairs Entrance Sign: means a sign which identifies commercial activities that are located upstairs within a building.</p> <p>Wall Sign: means a sign attached to the wall of a building²⁴.</p> <p>Means the removal of more than 10% of the live foliage from the canopy of the tree or structural scaffold branches.</p>
<p>Significant Trimming (For the purposes of Chapter 32 only)</p>	

²⁴ Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

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Definitions

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	<p>Means:</p> <ul style="list-style-type: none"> a. an area of land which is: <ul style="list-style-type: none"> i. comprised in a single lot or other legally defined parcel of land and held in a single Certificate of Title; or ii. comprised in a single lot or legally defined parcel of land for which a separate certificate of title could be issued without further consent of the Council. <p>Being in any case the smaller land area of i or ii, or</p> <ul style="list-style-type: none"> b. an area of land which is comprised in two or more adjoining lots or other legally defined parcels of land, held together in one certificate of title in such a way that the lots/parcels cannot be dealt with separately without the prior consent of the Council; or c. an area of land which is comprised in two or more adjoining certificates of title where such titles are: <ul style="list-style-type: none"> i. subject to a condition imposed under section 37 of the Building Act 2004 or section 643 of the Local Government Act 1974; or ii. held together in such a way that they cannot be dealt with separately without the prior consent of the Council; or d. in the case of land not subject to the Land Transfer Act 1952, the whole parcel of land last acquired under one instrument of conveyance; <p>Except:</p> <ul style="list-style-type: none"> a. in the case of land subdivided under the cross lease of company lease systems, other than strata titles, site shall mean an area of land containing: <ul style="list-style-type: none"> i. a building or buildings for residential or business purposes with any accessory buildings(s), plus any land exclusively restricted to the users of that/those building(s), plus an equal share of common property; or ii. a remaining share or shares in the fee simple creating a vacant part(s) of the whole for future cross lease or company lease purposes; and b. in the case of land subdivided under Unit Titles Act 1972 and 2010 (other than strata titles), site shall mean an area of land containing a principal unit or proposed unit on a unit plan together with its accessory units and an equal share of common property; and c. in the case of strata titles, site shall mean the underlying certificate of title of the entire land containing the strata titles, immediately prior to subdivision. <p>In addition to the above.</p> <ul style="list-style-type: none"> a. A site includes the airspace above the land. b. If any site is crossed by a zone boundary under this Plan, the site is deemed to be divided into two or more sites by that zone boundary. c. Where a site is situated partly within the District and partly in an adjoining District, then the part situated in the District shall be deemed to be one site²⁵.
	<p>Site</p>

²⁵ Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

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Definitions

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	<p>Means the use of natural and physical resources for the purpose of establishing, operating and maintaining the following activities and structures:</p> <ol style="list-style-type: none"> recreational activities either commercial or non-commercial; passenger lift systems; use of snowgroomers, snowmobiles and 4WD vehicles for support or operational activities; activities ancillary to commercial recreational activities including avalanche safety, ski patrol, formation of snow trails and terrain; installation and operation of snow making infrastructure including reservoirs, pumps and snow makers; and in the Waioarau Snow Farm Ski Area Sub-Zone vehicle and product testing activities, being activities designed to test the safety, efficiency and durability of vehicles, their parts and accessories.
<p>Ski Area Sub-Zone Accommodation</p>	<p>Means the use of land or buildings for short-term living accommodation for visitor, guest, worker, and</p> <ol style="list-style-type: none"> includes such accommodation as hotels, motels, guest houses, bunkhouses, lodges and the commercial letting of a residential unit; and may include some centralised services or facilities such as food preparation, dining and sanitary facilities, conference, bar and recreational facilities if such facilities are ancillary to the accommodation facilities; and is limited to visitors, guests or workers, visiting and or working in the respective Ski Area Sub-Zone.
<p>Sloping Site</p>	<p>Means a site where the ground slope is greater than 6 degrees (i.e greater than 1 in 9.5). Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation. Where any elevation indicates a ground slope of greater than 6 degrees (i.e greater than 1 in 9.5), rules applicable to sloping sites will apply.</p>
<p>Small and Community-Scale Distributed Electricity Generation</p>	<p>Means renewable electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network.</p>
<p>Small Cells Unit</p>	<p>Means a device:</p> <ol style="list-style-type: none"> that receives or transmits radiocommunication or telecommunication signals; and the volume of which (including any ancillary equipment, but not including any cabling) is not more than 0.11m³.
<p>Solar Electricity Generation</p>	<p>Means the conversion of the sun's energy directly into electrical energy. The most common device used to generate electricity from the sun is photovoltaics (PV). This may include free standing arrays, solar arrays attached to buildings or building integrated panels.</p>
<p>Solar Water Heating</p>	<p>Means devices that heat water by capturing the sun's energy as heat and transferring it directly to the water or indirectly using an intermediate heat transfer fluid. Solar water heaters may include a solar thermal collector, a water storage tank or cylinder, pipes, and a transfer system to move the heat from the collector to the tank.</p>

Definitions

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Stand-Alone Power Systems (SAPS)	Means off-grid generation for activities including residential, visitor and farming activities, on remote sites that do not have connection to the local distribution network. SAP's will usually include battery storage, a backup generator, an inverter and controllers etc, as well as generation technologies such as solar, mini or micro hydro, wind electricity generation or a combination thereof.
Structure	Means any building, equipment device or other facility made by people and which is fixed to land and includes any raft.
Structure Plan	Means a plan included in the district plan, and includes spatial development plans, concept development plans and other similarly titled documents.
Subdivision	Means: <ol style="list-style-type: none"> a. the division of an allotment: <ol style="list-style-type: none"> i. by an application to the Registrar-General of Land for the issue of a separate certificate of title for any part of the allotment; or ii. by the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or iii. by a lease of part of the allotment which, including renewals, is or could be for a term of more than 35 years; or iv. by the grant of a company lease or cross lease in respect of any part of the allotment; or v. by the deposit of a unit plan, or an application to the Registrar-General of Land for the issue of a separate certificate of title for any part of a unit on a unit plan; or b. an application to the Registrar-General of Land for the issue of a separate certificate of title in circumstances where the issue of that certificate of title is prohibited by section 226²⁶.
Subdivision and Development	Includes subdivision, identification of building platforms, any buildings and associated activities such as roading, earthworks, lighting, landscaping, planting and boundary fencing and access/gateway structures.
Tavern	Means any premises used or intended to be used in the course of business principally for the provision to the public of liquor and other refreshments but does not include an airport bar.
Technical Arborist (For the purposes of Chapter 32 only)	Means a person who: <ol style="list-style-type: none"> a. by possession of a recognised arboricultural degree or diploma and on-the-job experience is familiar with the tasks, equipment and hazards involved in arboricultural operations; and b. has demonstrated proficiency in tree inspection and evaluating and treating hazardous trees; and c. has demonstrated competency to Level 6 NZQA Diploma in Arboriculture standard or Level 4 NZQA Certificate in Horticulture (Arboriculture) standard (or be of an equivalent arboricultural standard).

²⁶ From section 218 of the Act

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Temporary Activities	<p>Means the use of land, buildings, vehicles and structures for the following listed activities of short duration, limited frequency and outside the regular day-to-day use of a site:</p> <ul style="list-style-type: none">a. temporary events;b. temporary filming;c. temporary activities related to building and construction;d. temporary military training;e. temporary storage;f. temporary utilities;g. temporary use of a site as an informal airport as part of a temporary event.
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Temporary Events	<p>Means the use of land, buildings, tents and marquees, vehicles and structures for the following activities:</p> <ul style="list-style-type: none"> a. carnivals; b. fairs; c. festivals; d. fundraisers; e. galas; f. market days; g. meetings; h. exhibitions; i. parades; j. rallies; k. cultural and sporting events; l. concerts; m. shows; n. weddings; o. funerals; p. musical and theatrical entertainment, and q. uses similar in character. <p>Note: The following activities associated with Temporary Events are not regulated by the PDP:</p> <ul style="list-style-type: none"> a. Food and Beverage; b. Sale of Alcohol.
Temporary Filming Activity	<p>Means the temporary use of land and buildings for the purpose of commercial video and film production and includes the setting up and dismantling of film sets, and associated facilities for staff.</p>
Temporary Military Training Activity (TMTA)	<p>Means means a temporary military activity undertaken for defence purposes. Defence purposes are those in accordance with the Defence Act 1990.</p>
Total Demolition (For the purposes of Chapter 26 only)	<p>Means the demolition of the heritage fabric of a heritage feature equal to or exceeding 70% by volume or area whichever is greater. Volume is measured from the outermost surface of the heritage feature (including any surfaces below ground) and the area is measured by the footprint of the heritage feature.</p>

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Definitions

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	<p>Means a business that is a mixture of wholesaling and retailing goods in one or more of the following categories:</p> <ul style="list-style-type: none"> a. automotive and marine suppliers; b. building suppliers; c. catering equipment suppliers; d. farming and agricultural suppliers; e. garden and patio suppliers f. hire services (except hire or loan of books, video, DVD and other similar home entertainment items); g. industrial clothing and safety equipment suppliers; and h. office furniture, equipment and systems suppliers.
Trade Supplier	
Trade Wastes	<p>Means any water that is used in a commercial or industrial process, and is then discharged to the Council's waste water system.</p> <p>Means any public access route legally created by way of a grant of easement registered after 11 December 2007 for the purpose of providing public access in favour of the Queenstown Lakes District Council, the Crown or any of its entities, and specifically excludes:</p> <ul style="list-style-type: none"> a. roads, including road reserves; b. public access easements created by the process of tenure review under the Crown Pastoral Land Act; and c. public access routes over any reserve administered by Queenstown Lakes District Council, the Crown or any of its entities.
Trail	
Under Verandah Sign	<p>Means a sign attached to the under side of a verandah²⁷.</p>
Unit	<p>Means any residential unit, or visitor accommodation unit of any type.</p>
Urban Development	<p>Means development which is not of a rural character and is differentiated from rural development by its scale, intensity, visual character and the dominance of built structures. Urban development may also be characterised by a reliance on reticulated services such as water supply, wastewater and stormwater and by its cumulative generation of traffic. For the avoidance of doubt, a resort development in an otherwise rural area does not constitute urban development.</p>
Urban Growth Boundary	<p>Means a boundary shown on the planning maps which provides for and contains existing and future urban development within an urban area.</p>

²⁷ Greyed out text indicates the provision is subject to variation and is therefore not part of the Hearing Panel's recommendations.

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Definitions

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	<p>Means the systems, services, structures and networks necessary for operating and supplying essential utilities and services to the community including:</p> <ul style="list-style-type: none"> a. substations, transformers, lines and necessary and incidental structures and equipment for the transmissions and distribution of electricity; b. pipes and necessary incidental structures and equipment for transmitting and distributing gas; c. storage facilities, pipes and necessary incidental structures and equipment for the supply and drainage of water or sewage; d. water and irrigation races, drains, channels, pipes and necessary incidental structures and equipment (excluding water tanks); e. structures, facilities, plant and equipment for the treatment of water; f. structures, facilities, plant, equipment and associated works for receiving and transmitting telecommunications and radio communications; g. structures, facilities, plant, equipment and associated works for monitoring and observation of meteorological activities and natural hazards; h. structures, facilities, plant, equipment and associated works for the protection of the community from natural hazards; i. structures, facilities, plant and equipment necessary for navigation by water or air; j. waste management facilities; k. flood protection works; and l. anything described as a network utility operation in s166 of the Resource Management act 1991. <p>Utility does not include structures or facilities used for electricity generation, the manufacture and storage of gas, or the treatment of sewage.</p>
Vehicle Crossing	<p>Means the formed and constructed vehicle entry/exit from the carriageway of any road up to and including that portion of the road boundary of any site across which vehicle entry or exit is obtained to and from the site, and includes any culvert, bridge or kerbing.</p>
Verandah	<p>Means a roof of any kind which extends out from a face of a building and continues along the whole of that face of the building.</p>

	<p>Means the use of land or buildings for short-term, fee paying, living accommodation where the length of stay for any visitor/guest is less than 3 months; and</p> <ul style="list-style-type: none"> i. Includes such accommodation as camping grounds, motor parks, hotels, motels, boarding houses, guest houses, backpackers' accommodation, bunkhouses, tourist houses, lodges, homestays; and the commercial letting of a residential unit; and ii. May include some centralised services or facilities, such as food preparation, dining and sanitary facilities, conference, bar and recreational facilities if such facilities are associated with the visitor accommodation activity. <p>For the purpose of this definition:</p> <ul style="list-style-type: none"> a. The commercial letting of a residential unit in (i) excludes: <ul style="list-style-type: none"> • A single annual let for one or two nights. • Homestay accommodation for up to 5 guests in a Registered Homestay. • Accommodation for one household of visitors (meaning a group which functions as one household) for a minimum stay of 3 consecutive nights up to a maximum (ie: single let or cumulative multiple lets) of 90 nights per calendar year as a Registered Holiday Home. (Refer to respective definitions). b. "Commercial letting" means fee paying letting and includes the advertising for that purpose of any land or buildings. c. Where the provisions above are otherwise altered by Zone Rules, the Zone Rules shall apply²⁸.
Visitor Accommodation	
Wall Sign	Means a sign attached to a wall within the ground floor area ²⁹ .
Waste	Means any contaminant, whether liquid solid, gaseous, or radioactive, which is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an adverse effect on the environment, and which includes all unwanted and economically unusable by-products at any given place and time, and any other matters which may be discharged accidentally or otherwise, to the environment. Excludes cleanfill.
Waste Management Facility	Means a site used for the deposit of solid wastes onto or into land, but excludes: <ul style="list-style-type: none"> a. sites situated on production land in which the disposal of waste generated from that land takes place, not including any dead animal material or wastes generated from any industrial trade or process on that productive land; b. sites used for the disposal of vegetative material. The material may include soil that is attached to plant roots and shall be free of hazardous substances and wastes; and c. sites for the disposal of clean fill.

^{28, 29} Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

Definitions

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Waterbody	Means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area ³⁰ .
Wetland	Includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions ³¹ .
Wholesaling (Airport Zones)	Means a business engaged in the storage and distribution of goods to businesses (including retail activities) and institutional customers.
Wind Electricity Generation	Means the conversion of the energy from wind into electricity, through the use of the rotational motion. A wind turbine may be attached to a building or freestanding. Wind turbine components may include blades, nacelle, tower and foundation. This definition shall include masts for wind monitoring.
Works Within the Root Protection Zone (For the Purpose of Chapter 32 only)	Means works including paving, excavation, trenching, ground level changes, storage of materials or chemicals, vehicle traffic, vehicle parking, soil compaction, construction activity, whether on the same site or not as the tree.
2037 Noise Contours	Means the predicted airport noise contours for Queenstown airport for the year 2037 in 1dB increments from 70dB L _{dn} to 55dB L _{dn} inclusive. Note: These contours shall be available from the council and included in the airport noise management plan.
2037 60 dB Noise Contours	Means the predicted 60 dB L _{dn} noise contour for Queenstown airport for 2037 based on the 2037 noise contours.

^{30, 31} From Section 2 of the Act

2.2 Acronyms Used in this Plan

Listed below are acronyms used within the plan. They do not include the acronyms of names of activity areas identified within structure plans adopted under the PDP.

AANC	Projected annual aircraft noise contour
AMI	Area median income
ANB	Air noise boundary
ASAN	Activity sensitive to aircraft noise
C	Controlled
CPI	Consumer price index
CPTED	Crime prevention through environmental design
dB	Decibels
D	Discretionary
GFA	Gross floor area
GHOA	Glenorchy Heritage Overlay Area
HD	Hanley Downs
LAR	Limited access roads
LENZ	Land Environments New Zealand
MHOA	Macetown Heritage Overlay Area
NC	Non-complying
NES	National Environmental Standard
NESETA	Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009
NOR	Notice of requirement
NZTA	New Zealand Transport Agency
OCB	Outer control boundary
ONF	Outstanding natural feature
ONL	Outstanding natural landscape
P	Permitted
PR	Prohibited
PV	Photovoltaics
RCL	Rural character landscape

RD	Restricted discretionary
REG	Renewable electricity generation
RMA	Resource Management Act 1991
SAPS	Stand-alone power systems
SEL	Sound exposure level
SHOA	Skippers Heritage Overlay Area
SMLHOA	Sefferton and Moke Lake Heritage Overlay Area
SNA	Significant natural areas
UGB	Urban growth boundary

Appendix 2: Chapter 28 Natural Hazards as Recommended

28 NATURAL HAZARDS

28.1 Purpose

The purpose of this chapter is to provide a policy framework to address natural hazards throughout the District. The District is recognised as being subject to multiple hazards and as such, a key issue is ensuring that when development is proposed on land potentially subject to natural hazards, the risk is managed or mitigated to tolerable levels. In instances where the risk is intolerable¹, natural hazards will be required to be avoided. Council has a responsibility to address the developed parts of the District that are subject to natural hazard risk through a combination of mitigation measures and education, to lessen the impacts of natural hazards.

There are no rules in this chapter. It is intended to provide policy guidance on natural hazards that is factored into the consideration of land use and subdivision applications made under the rules in other chapters.

28.2 Natural Hazard Identification

Natural Hazards that exist in the District include:

- Flooding and inundation
- Erosion and deposition (including landslip and rockfall)
- Land instability
- Earthquakes and liquefaction
- Avalanche
- Alluvion², avulsion³
- Subsidence
- Tsunami / seiche⁴
- Fire

The District is located in an inland mountainous environment and as such can also be exposed to climatic extremes in terms of temperature, rain and heavy snowfall. This is likely to increase as a result of climate change.

Council holds information in a natural hazards database which has been accumulated over a long period of time by both the Council and the Otago Regional Council. The database is continually being updated and refined as new information is gathered. Given the ongoing updates occurring, with the exception of flooding information, which has historically been mapped, Council has decided not to map natural hazards as part of the District Plan. This decision has been made due to the fact the maps may quickly become out of date as new information becomes available. Council will rely upon the hazards database in the consideration of resource consents and building consents.

¹ The concept of risk 'tolerability' is derived from the Otago Regional Council's Regional Policy Statement, which provides additional guidance as to the management of natural hazards.

² Increase in the size of a piece of land due to deposits by a river.

³ Abandonment of a river channel and the formation of a new channel.

⁴ Oscillation of water due to earthquake shaking

The database is readily available to the public through the Council website and at Council Offices.

Additional to the Resource Management Act, Council has obligations to address hazards under other legislation such as the Building Act 2004, the Civil Defence and Emergency Management Act 2002 and the Local Government Act 2002. In particular the provisions of the Building Act provide Council with the ability to refuse to issue a building consent in certain circumstances where a property is subject to natural hazards. As such, Council uses the provisions in the District Plan as just one tool to address natural hazard risk.

28.3

Objectives and Policies

28.3.1 **Objective - The risk to people and the built environment posed by natural hazards is managed to a level tolerable to the community.**

Policies

28.3.1.1 Ensure assets or infrastructure are constructed and located so as to avoid or mitigate:

- a. the potential for natural hazard risk to human life to be exacerbated; and
- b. the potential risk of damage to property and infrastructural networks from natural hazards to the extent practicable, including consideration of the locational, technical and operational requirements of regionally significant infrastructure.

28.3.1.2 Restrict the establishment of activities which significantly increase natural hazard risk, including where they will have an intolerable impact upon the community and built environment.

28.3.1.3 Recognise that some areas that are already developed are now known to be subject to natural hazard risk and minimise such risk as far as practicable while acknowledging that the community may be prepared to tolerate a level of risk.

28.3.1.4 Enable Otago Regional Council and the Council exercising their statutory powers to undertake permanent physical works for the purposes of natural hazard mitigation while recognising the need to mitigate potential adverse effects that may result from those works.

28.3.2 **Objective - Development on land subject to natural hazards only occurs where the risks to the community and the built environment are appropriately managed.**

Policies

28.3.2.1 Avoid significantly increasing natural hazard risk.

28.3.2.2 Not preclude subdivision and development of land subject to natural hazards where the proposed activity does not:

- a. accelerate or worsen the natural hazard risk to an intolerable level;
- b. expose vulnerable activities to intolerable natural hazard risk;
- c. create an intolerable risk to human life;
- d. increase the natural hazard risk to other properties to an intolerable level;
- e. require additional works and costs including remedial works, that would be borne by the public.

28.3.2.3 Ensure all proposals to subdivide or develop land that is subject to natural hazard risk provide an assessment that meets the following information requirements, ensuring that the level of detail of the assessment is commensurate with the level of natural hazard risk:

- a. the likelihood of the natural hazard event occurring over no less than a 100 year period;
- b. the type and scale of the natural hazard and the effects of a natural hazard on the subject land;
- c. the effects of climate change on the frequency and scale of the natural hazard;
- d. the vulnerability of the activity in relation to the natural hazard;
- e. the potential for the activity to exacerbate the natural hazard risk both within and beyond the subject land;
- f. the potential for any structures on the subject land to be relocated;
- g. the location, design and construction of buildings and structures to mitigate the effects of natural hazards, such as the raising of floor levels;
- h. management techniques that avoid or manage natural hazard risk to a tolerable level, including with respect to ingress and egress of both residents and emergency services during a natural hazard event.

Advice Note:

Council's natural hazards database identifies land that is affected by, or potentially affected by, natural hazards. The database contains natural hazard information that has been developed at different scales and this should be taken into account when assessing potential natural hazard risk. It is highly likely that for those hazards that have been identified at a 'district wide' level, further detailed analysis will be required.

28.3.2.4 Where practicable, promote the use of natural features, buffers and appropriate risk management approaches in preference to hard engineering solutions in mitigating natural hazard risk.

28.3.3 Objective - The community’s awareness and understanding of the natural hazard risk in the District is continually enhanced.

- Policies
- 28.3.3.1** Continually develop and refine a natural hazards database in conjunction with the Otago Regional Council.
 - 28.3.3.2** When considering resource consent applications or plan changes, the Council will have regard to the natural hazards database.
 - 28.3.3.3** Ensure the community has access to the most up-to-date natural hazard information available.
 - 28.3.3.4** Increase the community awareness of the potential risk of natural hazards, and the necessary emergency responses to natural hazard events.
 - 28.3.3.5** Monitor natural hazard trends and changes in risk and consider action should natural hazard risk become intolerable.

28.4 Other Relevant Provisions

28.4.1 District Wide Rules

Attention is drawn to the following District Wide chapters.

1	Introduction	2	Definitions	3	Strategic Direction
4	Urban Development	5	Tangata Whenua	6	Landscapes and Rural Character
25	<i>Earthworks</i>	26	Historic Heritage	27	Subdivision
29	<i>Transport</i>	30	Energy and Utilities	31	<i>Signs</i>
32	Protected Trees	33	Indigenous Vegetation	34	Wilding Exotic Trees
35	Temporary Activities and Relocated Buildings	36	Noise	37	Designations
	Planning Maps				

Appendix 3: Recommendations of this Panel on Submissions and Further Submissions

Part A: Submissions

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
9.9	Terry Drayron	Reject	2
19.1	Kain Fround	Accept in part	General
19.27	Kain Fround	Accept in part	Plan maps
19.27	Kain Fround	Accept in part	Mapping reports
38.1	Stewart Mahon	Accept in Part	General
42.3	J, E & ML Russell & Stiassny	Reject	9.2
68.1	Nigel Sadlier	Accept in part	6.41
110.1	Alan Cutler	Reject	6.82
124.1	Bruce & Alison Hebbard	Accept in Part	General
126.8	Hunter Leece / Anne Kobienia	Reject	6.96
145.23	Upper Clutha Environmental Society (Inc)	Reject	2
145.24	Upper Clutha Environmental Society (Inc)	Reject	2
145.26	Upper Clutha Environmental Society (Inc)	Reject	3.1
145.26	Upper Clutha Environmental Society (Inc)	Reject	2
145.28	Upper Clutha Environmental Society (Inc)	Reject	2
145.31	Upper Clutha Environmental Society (Inc)	Reject	3.9
145.34	Upper Clutha Environmental Society (Inc)	Reject	2
145.6	Upper Clutha Environmental Society (Inc)	Reject	3.9
153.1	Christopher Horan	Accept in Part	Reports 2, 3 and 9A
159.3	Karen Boulay	Reject	2
159.4	Karen Boulay	Reject	2
177.11	Duncan Fea	Reject	2
179.1	Vodafone NZ	Accept in Part	Reports 3 and 8
179.2	Vodafone NZ	Accept	All reports
183.1	James & Jeanette Cullen	Reject	2
191.1	Spark Trading NZ Limited	Accept in Part	Reports 3 and 8
192.1	Mactodd	Accept in part	6.123 and 6.124
208.1	Pounamu Body Corporate Committee	Reject	2
222.1	Louise & Alfred Bell	Reject	2
225.1	Quentin Smith	Accept in part	Reports 9A and 11
238.11	NZIA Southern and Architecture + Women Southern	No relief sought	N/A

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
238.11	NZIA Southern and Architecture + Women Southern	Accept in part	Report 3
243.1	Christine Byrch	Reject	2, 3.4
243.35	Christine Byrch	Accept in part	6.26
243.36	Christine Byrch	Reject	6.29
243.38	Christine Byrch	Accept in part	6.47
243.42	Christine Byrch	Accept in part	6.95
249.1	Willowridge Developments Limited	Reject	3.2
252.1	HW Richardson Group	Accept	5
252.3	HW Richardson Group	Accept	5
252.5	HW Richardson Group	Accept	5
252.6	HW Richardson Group	Accept in part	6.128
252.7	HW Richardson Group	Accept	6.127
252.8	HW Richardson Group	Reject	6.2
252.9	HW Richardson Group	Accept	5
256.1	Te Wanaka Lodge / Wanaka Selection	Reject	2
271.1	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	Reports 3 and 9A
289.21	A Brown	Reject	2
295.1	John Coe	Reject	2
296.3	Royal New Zealand Aero Club Inc/Flying NZ	Reject	2
324.1	Nevis Jones	Reject	2
338.1	Middleton Family Trust	Reject	3.1
	Middleton Family Trust	Reject	2
350.1	Dalefield Trustee Ltd	Accept in part	6.95
356.1	X-Ray Trust Limited	N/A	Section 6.70, 6.103, Chapter 43 (Millbrook) Report
361.4	Grant Hylton Hensman, Sharyn Hensman & Bruce Herbert Robertson, Scope Resources Ltd, Granty Hylton Hensman & Noel Thomas van Wichen, Trojan Holdings Ltd	Reject	3.1, 3.2
366.3	Robins Road Limited	Reject	2
383.1	Queenstown Lakes District Council	Accept in part	10.2
383.107	Queenstown Lakes District Council	N/A	2
383.107	Queenstown Lakes District Council	N/A	2
383.108	Queenstown Lakes District Council	N/A	2
383.108	Queenstown Lakes District Council	N/A	2
383.109	Queenstown Lakes District Council	N/A	2
383.110	Queenstown Lakes District Council	N/A	2
383.110	Queenstown Lakes District Council	N/A	2
383.5	Queenstown Lakes District Council	Reject	6.29
383.8	Queenstown Lakes District Council	Accept	4

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
400.5	James Cooper	Reject	2
410.3	Alps Investment Limited	Reject	2
414.1	Clark Fortune McDonald & Associates Ltd	Reject	3.1, 3.2
420.4	Lynn Campbell	Reject	2
420.5	Lynn Campbell	Reject	2
420.6	Lynn Campbell	Reject	2
421.1	Two Degrees Mobile Limited	Accept in part	Reports 3 and 8
426.36	Heritage New Zealand	Accept in part	Reports 2, 3, 4A, 8, 9A and 11
433.100	Queenstown Airport Corporation	Accept in part	10.3
433.101	Queenstown Airport Corporation	Reject	10.4
433.102	Queenstown Airport Corporation	Accept in part	10.9
433.103	Queenstown Airport Corporation	Reject	10.13
433.16	Queenstown Airport Corporation	Accept	5
433.31	Queenstown Airport Corporation	Reject	6.95
438.1	New Zealand Fire Service	Accept in part	Reports 3, 7 and 9A
465.1	Leigh Overton	Accept in part	9.2, 10.11
509.1	Lewis Grant	Reject	2
514.7	Duncan Fea	Reject	2
524.46	Ministry of Education	Accept in part	10.3
524.47	Ministry of Education	Accept in part	10.8
524.48	Ministry of Education	Accept	10.14
564.1	Glenorchy Community Association Committee	Reject	9.2
566.2	Airways Corporation of New Zealand	Accept in part	6.71, 6.85
568.9	Grant Laurie Bissett	Accept in part	6.95
580.1	Contact Energy Limited	Accept in Part	All reports
584.2	Air new Zealand Limited (ANZL)	Accept in part	Reports 4A and 11
592.1	Wanaka Kiwi Holiday Park & Motels Ltd	Reject	3.2
600.1	Federated Farmers of New Zealand	Accept in part	All reports
600.106	Federated Farmers of New Zealand	Accept in part	10.3
600.107	Federated Farmers of New Zealand	Accept in part	10.8
600.2	Federated Farmers of New Zealand	Accept in part	Relevant reports
600.9	Federated Farmers of New Zealand	Reject	Section 6.40
607.1	Te Anau Developments Limited	Reject	2
607.2	Te Anau Developments Limited	Accept in part	All reports
607.24	Te Anau Developments Limited	Accept in part	Report 4B
607.25	Te Anau Developments Limited	Reject	2
607.3	Te Anau Developments Limited	Accept in part	All reports
607.4	Te Anau Developments Limited	Accept in part	3.5
607.9	Te Anau Developments Limited	Reject	2
615.1	Cardrona Alpine Resort Limited	Reject	2
615.2	Cardrona Alpine Resort Limited	Accept in part	All reports
615.3	Cardrona Alpine Resort Limited	Accept in part	All reports

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
615.4	Cardrona Alpine Resort Limited	Accept in part	3.5
615.9	Cardrona Alpine Resort Limited	Reject	2
621.107	Real Journeys Limited	Accept in part	10.5
621.108	Real Journeys Limited	Accept in part	10.8
621.109	Real Journeys Limited	Accept in part	Section 10.10
621.110	Real Journeys Limited	Accept in part	10.11
621.2	Real Journeys Limited	Accept in part	All reports
621.3	Real Journeys Limited	Accept in part	All reports
621.4	Real Journeys Limited	Accept in part	3.5
621.80	Real Journeys Limited	Reject	2
621.81	Real Journeys Limited	Reject	2
621.82	Real Journeys Limited	Reject	3.7
621.89	Real Journeys Limited	Reject	2
621.89	Real Journeys Limited	Reject	2
621.9	Real Journeys Limited	Reject	2
623.1	John W Mclvor	Reject	2
624.1	D & M Columb	Reject	2
	D & M Columb	Accept in part	All reports
624.3	D & M Columb	Accept in part	3.5
624.5	D & M Columb	Reject	Section 6.120
624.9	D & M Columb	Reject	2
625.5	Upper Clutha Track Trust	Accept in part	Report 7
626.4	Barnhill Corporate Trustee Limited & DE, ME Bunn & LA Green	Accept in part	Reports 3 and 4A
626.5	Barnhill Corporate Trustee Limited & DE, ME Bunn & LA Green	Accept in part	Report 7
627.1	HW Holdings Ltd	Reject	2
627.3	HW Holdings Ltd	Reject	2
629.4	Morven Ferry Limited	Accept in part	Reports 3 and 4A
629.5	Morven Ferry Limited	Accept in part	Report 7
632.1	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Reject	2
632.67	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Reject	9.2
635.43	Aurora Energy Limited	Accept in part	10.4
635.44	Aurora Energy Limited	Accept in part	10.6
635.45	Aurora Energy Limited	Accept in part	10.8
635.46	Aurora Energy Limited	Accept in part	10.9
635.86	Aurora Energy Limited	See Report 8	Report 8
635.86	Aurora Energy Limited	Accept in part	Report 8
636.13	Crown Range Holdings Ltd	Reject	9.2
640.5	John Wellington	Reject	2
641.3	Aws Trustees No 31 Limited	Reject	2
643.1	Crown Range Enterprises	Reject	2
643.17	Crown Range Enterprises	Reject	9.2
643.18	Crown Range Enterprises	Reject	9.2
643.19	Crown Range Enterprises	Reject	9.2

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
643.20	Crown Range Enterprises	Reject	9.2
655.3	Bridesdale Farm Developments Limited	Reject	2
660.1	Andrew Fairfax	Reject	2
662.1	I and P Macauley	Reject	2
663.1	IHG Queenstown Ltd and Carter Queenstown Ltd	Reject	2
663.21	IHG Queenstown Ltd and Carter Queenstown Ltd	Reject	9.2
667.1	Cedric Hockey	Reject	2
669.1	Cook Adam Trustees Limited, C & M Burgess	Reject	2
669.2	Cook Adam Trustees Limited, C & M Burgess	Accept in part	All reports
669.21	Cook Adam Trustees Limited, C & M Burgess	Accept in part	10.5
669.22	Cook Adam Trustees Limited, C & M Burgess	Accept in part	10.8
669.23	Cook Adam Trustees Limited, C & M Burgess	Accept in part	Section 10.10
669.24	Cook Adam Trustees Limited, C & M Burgess	Accept in part	10.11
670.1	Lynette Joy Hamilton	Reject	3.1
672.35	Watertight Investments Ltd	Reject	9.2
677.10	Amrta Land Ltd	Reject	2
677.10	Amrta Land Ltd	Reject	2
677.1	Amrta Land Ltd	Reject	Section 6.120
677.5	Amrta Land Ltd	Reject	2
681.1	Gerard Auckram	Reject	2
684.3	Michael Ramsay	Reject	2
684.5	Michael Ramsay	Reject	2
685.1	Tony Moran	Reject	2
686.1	Garth Makowski	Reject	2
688.1	Justin Crane and Kirsty Mactaggart	Reject	2
688.12	Justin Crane and Kirsty Mactaggart	Reject	9.2
688.13	Justin Crane and Kirsty Mactaggart	Reject	9.2
688.14	Justin Crane and Kirsty Mactaggart	Reject	9.2
688.15	Justin Crane and Kirsty Mactaggart	Reject	9.2
689.3	Kingston Lifestyle Family Trust	Reject	2
691.4	Aaron and Rebecca Moody	Reject	2
693.18	Private Property Limited	Reject	9.2
693.19	Private Property Limited	Reject	9.2
693.20	Private Property Limited	Reject	9.2
693.21	Private Property Limited	Reject	9.2
694.1	Glentui Heights Ltd	Reject	2
694.26	Glentui Heights Ltd	Reject	9.2
694.27	Glentui Heights Ltd	Reject	9.2
694.28	Glentui Heights Ltd	Reject	9.2

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
694.29	Glentui Heights Ltd	Reject	9.2
696.35	Millbrook Country Club Ltd	Reject	9.2
696.36	Millbrook Country Club Ltd	Reject	9.2
696.37	Millbrook Country Club Ltd	Reject	9.2
696.38	Millbrook Country Club Ltd	Reject	9.2
696.40	Millbrook Country Club Ltd	Reject	2
698.1	Spence Farms Ltd	Reject	2
700.4	Ledge Properties Ltd and Edge Properties Ltd	Reject	9.2
700.5	Ledge Properties Ltd and Edge Properties Ltd	Reject	9.2
700.6	Ledge Properties Ltd and Edge Properties Ltd	Reject	9.2
700.7	Ledge Properties Ltd and Edge Properties Ltd	Reject	9.2
702.15	Lake Wakatipu Stations Limited	Reject	9.2
702.16	Lake Wakatipu Stations Limited	Reject	9.2
702.17	Lake Wakatipu Stations Limited	Reject	9.2
702.18	Lake Wakatipu Stations Limited	Reject	9.2
712.1	Bobs Cove Developments Limited	Reject	2
712.1	Bobs Cove Developments Limited	Reject	2
712.15	Bobs Cove Developments Limited	Accept in part	10.5
712.16	Bobs Cove Developments Limited	Accept in part	10.8
712.17	Bobs Cove Developments Limited	Accept in part	Section 10.10
712.18	Bobs Cove Developments Limited	Accept in part	10.11
712.2	Bobs Cove Developments Limited	Accept in part	All reports
712.2	Bobs Cove Developments Limited	Accept in part	All reports
713.1	Heli Tours Limited	Reject	2
713.1	Heli Tours Limited	Reject	2
715.1	Jardine Family Trust and Remarkables Station Limited	Reject	3.1
716.1	Ngai Tahu Tourism Ltd	Reject	2
716.1	Ngai Tahu Tourism Ltd	Reject	2
716.2	Ngai Tahu Tourism Ltd	Accept in part	All reports
716.2	Ngai Tahu Tourism Ltd	Accept in part	All reports
716.3	Ngai Tahu Tourism Ltd	Reject	Section 6.120
716.7	Ngai Tahu Tourism Ltd	Reject	2
717.2	The Jandel Trust	Reject	2
718.1	Allium Trustees Limited	Reject	2
718.1	Allium Trustees Limited	Reject	2
719.145	NZ Transport Agency	Accept in part	10.4
719.146	NZ Transport Agency	Reject	10.13
719.163	NZ Transport Agency	N/A	2
719.164	NZ Transport Agency	N/A	2
719.165	NZ Transport Agency	N/A	2
719.2	NZ Transport Agency	Accept	6.105
723.1	Wakatipu Aero Club	Accept in part	Report 4A

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
724.3	Queenstown Gold Ltd	Reject	9.2
730.1	Adrian Snow	Accept in part	Report 4A
732.1	Revell William Buckham	Accept in part	Report 4A
734.1	Kerry Connor	Accept in part	Report 4A
736.1	Southern Lakes Learn to Fly Limited	Accept in part	Report 4A
738.1	Hank Sproull	Accept in part	Report 4A
739.1	Southern Lakes Learn to Fly Limited	Accept in part	Report 4A
746.8	Bunnings Limited	Reject	2
754.2	Bruce Patton	Accept	Report 3
759.1	Shaping our Future	Accept in part	Reports 3, 7, 8 and 11
760.1	Southern Lakes Aviation Limited	Accept in part	Report 4A
768.1	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	4
768.2	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	5, 6.11, 6.18, 6.104
768.25	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	10.3
768.26	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	10.4
768.27	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	10.5
768.28	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	10.6
768.29	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Reject	10.7
768.30	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	10.8
768.31	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	10.9
768.32	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	Section 10.10
768.33	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	10.11
768.34	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	10.12
768.35	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Reject	10.13
768.36	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	10.14
768.4	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept	Section 6.100
773.13	John & Jill Blennerhassett	Accept	Report 9A
776.5	Hawthenden Limited	Accept in part	Reports 3 and 4A
780.1	Rogers Francis Monk	Reject	2
781.1	Chorus New Zealand Limited	Accept in part	Reports 3 and 8
781.2	Chorus New Zealand Limited	Accept	All reports
788.4	Otago Fish and Game Council	Accept in part	Report 4A

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
797.1	Marjorie Goodger	Reject	2
798.12	Otago Regional Council	Accept	10.1
798.13	Otago Regional Council	Accept in part	10.3
798.14	Otago Regional Council	Accept in part	10.3
798.15	Otago Regional Council	Accept	10.2
798.16	Otago Regional Council	Accept	Sections 9-10
798.18	Otago Regional Council	Accept in part	Section 10.10
798.19	Otago Regional Council	Accept in part	10.9
798.20	Otago Regional Council	Reject	10.11
798.26	Otago Regional Council	Accept in part	Report 7
798.48	Otago Regional Council	Reject part, balance considered in Mapping Stream reports	2
799.1	Brian & Sheila McCaughan	Reject	2
805.17	Transpower New Zealand Limited	Accept in part	Section 6.100
805.66	Transpower New Zealand Limited	Reject	10.1
805.67	Transpower New Zealand Limited	Accept in part	10.4
805.68	Transpower New Zealand Limited	Reject	10.13
806.194	Queenstown Park Limited	Accept	10.4
806.195	Queenstown Park Limited	Accept in part	10.5
806.196	Queenstown Park Limited	Accept in part	10.7
806.197	Queenstown Park Limited	Reject	10.8
806.199	Queenstown Park Limited	Accept in part	Section 10.10
806.200	Queenstown Park Limited	Accept in part	10.11
806.201	Queenstown Park Limited	Accept in part	10.12
806.202	Queenstown Park Limited	Reject	10.13
806.203	Queenstown Park Limited	Accept in part	10.16
806.3	Queenstown Park Limited	Accept in part	Reports 3, 4A, 7 and 8
806.6	Queenstown Park Limited	Reject	6.18
807.1	Remarkables Park Limited	Accept in part	Report 3
807.2	Remarkables Park Limited	Reject	2
807.3	Remarkables Park Limited	Reject	2
807.4	Remarkables Park Limited	Accept	Reports 3 and 7
807.5	Remarkables Park Limited	Reject	3.3
807.8	Remarkables Park Limited	Accept	3.5
809.14	Queenstown Lakes District Council	Accept in part	3.5
809.8	Queenstown Lakes District Council	Accept in part	3.5
809.9	Queenstown Lakes District Council	Accept in part	3.5
811.14	Marc Scaife	Reject	3.4
819.1	Mark McGuinness	Accept in part	Reports 3 and 11
823.1	B J Gan	Accept	Report 12
834.1	Helen McPhail	Reject	2
836.12	Arcadian Triangle Limited	Accept in part	6.95
836.13	Arcadian Triangle Limited	Accept in part	4
836.14	Arcadian Triangle Limited	Accept	4

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
836.23	Arcadian Triangle Limited	Reject	3.6
836.4	Arcadian Triangle Limited	Accept	6.26
836.6	Arcadian Triangle Limited	Accept	6.41
836.7	Arcadian Triangle Limited	Accept in part	6.41
845.1	Simon Hayes	Accept in part	All reports
849.1	Otago Rural Fire Authority	Reject	9.2
849.2	Otago Rural Fire Authority	Accept in part	9.2, 10.11
850.2	R & R Jones	Reject	3.1
854.1	Slopehill Properties Limited	Reject	2
854.2	Slopehill Properties Limited	Accept in part	All reports
145.22,	Upper Clutha Environmental Society (Inc)	Reject	3.9
687.1,	Lynden Cleugh	Accept in part	All reports

Part B: Further Submissions

Further Submission No	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1029.8	717.2	Universal Developments Limited	Accept	2
FS1034.1	600.1	Upper Clutha Environmental Society (Inc.)	Accept in part	All reports
FS1034.106	600.106	Upper Clutha Environmental Society (Inc.)	Accept in part	10.3
FS1034.107	600.107	Upper Clutha Environmental Society (Inc.)	Accept in part	10.8
FS1034.2	600.2	Upper Clutha Environmental Society (Inc.)	Accept in part	Relevant reports
FS1034.9	600.9	Upper Clutha Environmental Society (Inc.)	Accept	Section 6.40
FS1035.1	677.1	Mark Crook	Accept	Section 6.120
FS1035.5	677.5	Mark Crook	Accept	2
FS1040.40	600.9	Forest and Bird	Accept	Section 6.40
FS1059.77	366.3	Erna Spijkerbosch	Reject	2
FS1059.78	366.3	Erna Spijkerbosch	Reject	2
FS1059.79	420.5	Erna Spijkerbosch	Accept	2
FS1059.8	68.1	Erna Spijkerbosch	Reject	6.41
FS1061.32	655.3	Otago Foundation Trust Board	Reject	2
FS1061.42	717.2	Otago Foundation Trust Board	Accept	2
FS1064.3	655.3	Martin MacDonald	Accept in part	2
FS1066.1	730.1	Aircraft Owners and Pilots Associates (NZ) Inc	Accept in part	Report 4A
FS1070.4	626.4	Lyn Hamilton	Accept in part	Reports 3 and 4A
FS1070.5	626.5	Lyn Hamilton	Accept in part	Report 7

Further Submission No	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1071.104	414.1	Lake Hayes Estate Community Association	Accept	3.1, 3.2
FS1071.112	850.2	Lake Hayes Estate Community Association	Accept	3.1
FS1071.4	655.3	Lake Hayes Estate Community Association	Accept in part	2
FS1072.4	626.4	Jay Berriman	Accept in part	Reports 3 and 4A
FS1072.5	626.5	Jay Berriman	Accept in part	Report 7
FS1073.57	715.1	Greig Garthwaite	Accept	3.1
FS1074.1	677.1	Alistair Angus	Accept	Section 6.120
FS1074.10	677.10	Alistair Angus	Accept	2
FS1074.10	677.10	Alistair Angus	Accept	2
FS1074.5	677.5	Alistair Angus	Accept	2
FS1077.54	584.2	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	Reports 4A and 11
FS1077.65	805.17	Board of Airline Representatives of New Zealand (BARNZ)	Reject	Section 6.100
FS1083.1	807.3	Clark Fortune McDonald	Accept in part	Report 3
FS1089.18	819.1	Mark McGuinness	Accept in part	Reports 3 and 11
FS1090.1	145.6	Jardine Family Trust and Remarkables Station Limited	Accept	3.9
FS1090.6	249.1	Jardine Family Trust and Remarkables Station Limited	Accept	3.2
FS1096.22	715.1	Peter & Carol Haythornthwaite	Accept	3.1
FS1097.104	271.1	Queenstown Park Limited	Accept in part	Reports 3 and 9A
FS1097.137	295.1	Queenstown Park Limited	Accept	2
FS1097.146	324.1	Queenstown Park Limited	Reject	2
FS1097.256	400.5	Queenstown Park Limited	Accept	2
FS1097.276	414.1	Queenstown Park Limited	Reject	3.1, 3.2
FS1097.28	145.6	Queenstown Park Limited	Accept	3.9
FS1097.302	433.16	Queenstown Park Limited	Reject	5
FS1097.317	433.31	Queenstown Park Limited	Accept	6.95
FS1097.386	433.100	Queenstown Park Limited	Accept in part	10.3
FS1097.387	433.101	Queenstown Park Limited	Reject	10.4
FS1097.388	433.102	Queenstown Park Limited	Accept in part	10.9
FS1097.389	433.103	Queenstown Park Limited	Accept	10.13
FS1097.39	145.22	Queenstown Park Limited	Accept	3.9
FS1097.41	145.26	Queenstown Park Limited	Accept	3.1
FS1097.41	145.26	Queenstown Park Limited	Accept	2
FS1097.419	438.1	Queenstown Park Limited	Accept in part	Reports 3, 7 and 9A
FS1097.44	145.31	Queenstown Park Limited	Accept	3.9
FS1097.534	600.1	Queenstown Park Limited	Accept in part	All reports

Further Submission No	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1097.547	607.9	Queenstown Park Limited	Reject	2
FS1097.596	615.5	Queenstown Park Limited	Reject	Section 6.120
FS1097.600	615.9	Queenstown Park Limited	Reject	2
FS1097.606	621.9	Queenstown Park Limited	Reject	2
FS1097.615	621.109	Queenstown Park Limited	Accept in part	Section 10.10
FS1097.619	621.89	Queenstown Park Limited	Accept	2
FS1097.619	621.89	Queenstown Park Limited	Reject	2
FS1097.621	624.5	Queenstown Park Limited	Reject	Section 6.120
FS1097.631	626.4	Queenstown Park Limited	Accept in part	Reports 3 and 4A
FS1097.632	626.5	Queenstown Park Limited	Accept in part	Report 7
FS1097.634	629.4	Queenstown Park Limited	Accept in part	Reports 3 and 4A
FS1097.639	632.67	Queenstown Park Limited	Reject	9.2
FS1097.651	677.1	Queenstown Park Limited	Reject	Section 6.120
FS1097.655	677.5	Queenstown Park Limited	Reject	2
FS1097.685	716.3	Queenstown Park Limited	Reject	Section 6.120
FS1097.689	716.7	Queenstown Park Limited	Reject	2
FS1097.697	719.145	Queenstown Park Limited	Accept in part	10.4
FS1097.701	759.1	Queenstown Park Limited	Reject	2
FS1097.723	836.13	Queenstown Park Limited	Accept in part	4
FS1097.728	836.23	Queenstown Park Limited	Reject	3.6
FS1098.3	383.109	Heritage New Zealand Pouhere Taonga	N/A	2
FS1103.57	715.1	Ben and Catherine Hudson	Accept	3.1
FS1105.1	615.1	Cardrona Valley Residents and Ratepayers Society Inc	Reject	2
FS1105.2	615.2	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	All reports
FS1105.3	615.3	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	All reports
FS1105.4	615.4	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	3.5
FS1105.9	615.9	Cardrona Valley Residents and Ratepayers Society Inc	Reject	2
FS1106.9	566.2	Chorus New Zealand Limited	Accept in part	6.71, 6.85
FS1108.57	715.1	Christine and Neville Cunningham	Accept	3.1
FS1114.57	715.1	Lingasen and Janet Moodley	Accept	3.1
FS1115.10	621.89	Queenstown Wharves Limited	Reject	2
FS1115.10	621.89	Queenstown Wharves Limited	Reject	2
FS1115.11	759.1	Queenstown Wharves Limited	Reject	2
FS1116.57	715.1	Stephen and Karen Pearson	Accept	3.1

Further Submission No	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1117.148	433.101	Remarkables Park Limited	Accept in part	10.4
FS1117.149	433.103	Remarkables Park Limited	Accept	10.13
FS1117.16	243.1	Remarkables Park Limited	Accept	3.4
FS1117.187	433.100	Remarkables Park Limited	Accept in part	10.3
FS1117.188	433.102	Remarkables Park Limited	Accept in part	10.9
FS1117.21	271.1	Remarkables Park Limited	Accept in part	Reports 3 and 9A
FS1117.226	584.2	Remarkables Park Limited	Accept in part	Reports 4A and 11
FS1117.234	600.1	Remarkables Park Limited	Accept in part	All reports
FS1117.242	607.9	Remarkables Park Limited	Reject	2
FS1117.248	615.5	Remarkables Park Limited	Reject	Section 6.120
FS1117.252	615.9	Remarkables Park Limited	Reject	2
FS1117.259	621.9	Remarkables Park Limited	Reject	2
FS1117.265	677.1	Remarkables Park Limited	Reject	Section 6.120
FS1117.269	677.5	Remarkables Park Limited	Reject	2
FS1117.273	716.3	Remarkables Park Limited	Reject	Section 6.120
FS1117.277	716.7	Remarkables Park Limited	Reject	2
FS1117.283	836.7	Remarkables Park Limited	Accept	6.41
FS1117.285	845.1	Remarkables Park Limited	Accept in part	All reports
FS1117.42	324.1	Remarkables Park Limited	Reject	2
FS1117.52	400.5	Remarkables Park Limited	Accept	2
FS1117.72	433.16	Remarkables Park Limited	Reject	5
FS1117.87	433.31	Remarkables Park Limited	Accept	6.95
FS1118.4	361.4	Robins Road Limited	Reject	3.1, 3.2
FS1121.44	809.8	Aurora Energy Limited	Accept in part	3.5
FS1121.45	809.9	Aurora Energy Limited	Accept in part	3.5
FS1124.4	626.4	Dennis Rogers	Accept in part	Reports 3 and 4A
FS1124.5	626.5	Dennis Rogers	Accept in part	Report 7
FS1125.1	849.1	New Zealand Fire Service	Reject	9.2
FS1125.2	465.1	New Zealand Fire Service	Accept in part	9.2, 10.11
FS1132.34	625.5	Federated Farmers of New Zealand	Accept in part	Report 7
FS1136.1	249.1	Ian Percy	Accept	3.2
FS1137.10	615.9	Kay Curtis	Reject	2
FS1137.2	615.1	Kay Curtis	Reject	2
FS1137.3	615.2	Kay Curtis	Accept in part	All relevant reports
FS1137.4	615.3	Kay Curtis	Accept in part	All reports
FS1137.5	615.4	Kay Curtis	Accept in part	3.5
FS1139.2	663.1	Carl & Lorraine Holt	Accept	2
FS1139.22	663.21	Carl & Lorraine Holt	Accept in part	9.2

Further Submission No	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1145.1	715.1	John Martin Management Company Limited	Reject	3.1
FS1152.10	621.80	Kawarau Jet Services Holdings Ltd	Accept	2
FS1152.5	621.9	Kawarau Jet Services Holdings Ltd	Reject	2
FS1155.1	145.26	Mt Rosa Wines Ltd	Accept	3.1
FS1155.1	145.26	Mt Rosa Wines Ltd	Accept	2
FS1159.4	805.68	PowerNet Ltd	Reject	10.13
FS1160.1	9.9	Otago Regional Council	Accept	2
FS1160.3	438.1	Otago Regional Council	Accept in part	Reports 3, 7 and 9A
FS1160.5	600.1	Otago Regional Council	Accept in part	All reports
FS1160.6	607.4	Otago Regional Council	Accept in part	3.5
FS1162.22	145.22	James Wilson Cooper	Accept	3.9
FS1162.23	145.23	James Wilson Cooper	Accept	2
FS1162.24	145.24	James Wilson Cooper	Accept	2
FS1162.26	145.26	James Wilson Cooper	Accept	3.1
FS1162.26	145.26	James Wilson Cooper	Accept	2
FS1162.28	145.28	James Wilson Cooper	Accept	2
FS1162.31	145.31	James Wilson Cooper	Accept	3.9
FS1162.34	145.34	James Wilson Cooper	Accept	2
FS1162.6	145.6	James Wilson Cooper	Accept	3.9
FS1182.1	798.13	Z-Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd	Accept in part	10.3
FS1182.2	798.14	Z-Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd	Accept in part	10.3
FS1191.1	663.1	Adam & Kirsten Zaki	Accept	2
FS1191.21	663.21	Adam & Kirsten Zaki	Accept in part	9.2
FS1192.132	715.1	Murray and Jennifer Butler	Accept	3.1
FS1192.57	715.1	Murray and Jennifer Butler	Accept	3.1
FS1208.9	566.2	Vodafone New Zealand Limited	Accept in part	6.71, 6.85
FS1209.1	600.1	Richard Burdon	Accept in part	All reports
FS1209.106	600.106	Richard Burdon	Accept in part	10.3
FS1209.107	600.107	Richard Burdon	Accept in part	10.8
FS1209.2	600.2	Richard Burdon	Accept in part	Relevant reports
FS1209.9	600.9	Richard Burdon	Reject	Section 6.40
FS1211.20	805.17	New Zealand Defence Force	Accept in part	Section 6.100
FS1211.34	271.1	New Zealand Defence Force	Accept in part	Reports 3 and 9A
FS1211.36	768.4	New Zealand Defence Force	Accept	Section 6.100
FS1218.57	715.1	Grant and Cathy Boyd	Accept	3.1
FS1219.2	632.1	Bravo Trustee Company	Accept	2
FS1219.68	632.67	Bravo Trustee Company	Accept in part	9.2
FS1219.93	715.1	Bravo Trustee Company	Accept	3.1
FS1224.1	243.1	Matakauri Lodge Limited	Accept	3.4

Further Submission No	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1224.35	243.35	Matakauri Lodge Limited	Accept in part	6.26
FS1224.36	243.36	Matakauri Lodge Limited	Accept	6.29
FS1224.38	243.38	Matakauri Lodge Limited	Reject	6.47
FS1224.42	243.42	Matakauri Lodge Limited	Accept in part	6.95
FS1224.61	811.14	Matakauri Lodge Limited	Accept	3.4
FS1225.57	715.1	David Martin and Margaret Poppleton	Accept	3.1
FS1227.57	715.1	James and Elisabeth Ford	Accept	3.1
FS1229.4	361.4	NXSki Limited	Reject	3.1, 3.2
FS1235.19	621.89	Jet Boating New Zealand	Accept	2
FS1235.19	621.89	Jet Boating New Zealand	Accept in part	2
FS1237.57	715.1	Kristi and Jonathan Howley	Accept	3.1
FS1242.2	208.1	Antony & Ruth Stokes	Accept	2
FS1247.57	715.1	Mark and Katherine Davies	Accept	3.1
FS1250.57	715.1	Sonia and Grant Voldseth and McDonald	Accept	3.1
FS1252.2	632.1	Tim & Paula Williams	Accept	2
FS1252.68	632.67	Tim & Paula Williams	Accept in part	9.2
FS1252.93	715.1	Tim & Paula Williams	Accept	3.1
FS1253.9	566.2	Spark New Zealand Trading Limited	Accept in part	6.71, 6.85
FS1254.123	145.26	Allenby Farms Limited	Accept	3.1
FS1254.123	145.26	Allenby Farms Limited	Accept	2
FS1255.10	414.1	Arcadian Triangle Limited	Reject	3.1, 3.2
FS1270.108	717.2	Hansen Family Partnership	Reject	2
FS1270.74	338.1	Hansen Family Partnership	Reject	3.1
FS1270.74	338.1	Hansen Family Partnership	Reject	2
FS1275.175	632.1	"Jacks Point" (Submitter number 762 and 856)	Accept	2
FS1275.241	632.67	"Jacks Point" (Submitter number 762 and 856)	Accept in part	9.2
FS1277.5	632.1	Jacks Point Residents and Owners Association	Accept	2
FS1277.71	632.67	Jacks Point Residents and Owners Association	Accept in part	9.2
FS1277.96	715.1	Jacks Point Residents and Owners Association	Reject	3.1
FS1283.115	632.1	MJ and RB Williams and Brabant	Accept	2
FS1283.181	632.67	MJ and RB Williams and Brabant	Accept in part	9.2
FS1283.212	715.1	MJ and RB Williams and Brabant	Accept	3.1
FS1286.54	854.1	Mr M and Mrs J Henry	Reject	2
FS1286.55	854.2	Mr M and Mrs J Henry	Accept in part	All reports
FS1287.138	768.27	New Zealand Tungsten Mining Limited	Accept in part	10.5
FS1287.139	768.28	New Zealand Tungsten Mining Limited	Accept in part	10.6
FS1287.140	768.32	New Zealand Tungsten Mining Limited	Accept in part	Section 10.10

Further Submission No	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1287.141	768.31	New Zealand Tungsten Mining Limited	Accept in part	10.9
FS1287.142	768.33	New Zealand Tungsten Mining Limited	Accept in part	10.11
FS1289.23	338.1	Oasis In The Basin Association	Accept	3.1
FS1289.23	338.1	Oasis In The Basin Association	Reject	2
FS1293.57	715.1	Joanna and Simon Taverner	Accept	3.1
FS1299.57	715.1	Thomas Ibbotson	Accept	3.1
FS1300.3	42.3	Wanaka Trust	Accept	9.2
FS1301.20	635.86	Transpower New Zealand Limited (Transpower)	See Report 8	Report 8
FS1301.20	635.86	Transpower New Zealand Limited (Transpower)	Accept in part	Report 8
FS1310.4	626.4	Anna-Marie Chin	Accept in part	Reports 3 and 4A
FS1310.5	626.5	Anna-Marie Chin	Accept in part	Report 7
FS1312.1	677.1	AG Angus	Accept	Section 6.120
FS1312.10	677.10	AG Angus	Accept	2
FS1312.10	677.10	AG Angus	Accept	2
FS1312.5	677.5	AG Angus	Accept	2
FS1313.65	145.6	Darby Planning LP	Accept	3.9
FS1313.72	145.28	Darby Planning LP	Accept	2
FS1313.73	145.22	Darby Planning LP	Accept	3.9
FS1313.75	145.31	Darby Planning LP	Accept	3.9
FS1313.80	145.31	Darby Planning LP	Accept	3.9
FS1316.1	632.1	Harris-Wingrove Trust	Accept	2
FS1316.67	632.67	Harris-Wingrove Trust	Accept in part	9.2
FS1316.91	715.1	Harris-Wingrove Trust	Accept	3.1
FS1321.57	715.1	John and Mary Catherine Holland	Accept	3.1
FS1327.12	629.5	Morven Ferry	Accept in part	Report 7
FS1327.6	626.5	Morven Ferry	Accept in part	Report 7
FS1329.19	621.9	Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP	Reject	2
FS1329.2	615.9	Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP	Reject	2
FS1330.12	621.9	Treble Cone Investments Limited	Reject	2
FS1330.2	615.9	Treble Cone Investments Limited	Reject	2
FS1336.2	145.23	Peninsula Bay Joint Venture	Accept	2
FS1336.3	145.34	Peninsula Bay Joint Venture	Accept	2
FS1340.5	566.2	Queenstown Airport Corporation	Accept in part	6.71, 6.85
FS1340.6	768.4	Queenstown Airport Corporation	Accept	Section 6.100
FS1341.26	719.145	Real Journeys Limited	Accept in part	10.4
FS1341.31	836.23	Real Journeys Limited	Reject	3.6
FS1342.17	719.145	Te Anau Developments Limited	Accept in part	10.4
FS1342.21	836.23	Te Anau Developments Limited	Reject	3.6

Further Submission No	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1345.12	296.3	Skydive Queenstown Limited	Reject	2
FS1347.14	145.26	Lakes Land Care	Accept	3.1
FS1347.14	145.26	Lakes Land Care	Accept	2
FS1347.15	145.28	Lakes Land Care	Accept	2
FS1347.17	145.31	Lakes Land Care	Accept	3.9
FS1347.3	145.6	Lakes Land Care	Accept	3.9
FS1347.85	625.5	Lakes Land Care	Accept in part	Report 7
FS1353.4	626.4	Phillip Vautier	Accept in part	Reports 3 and 4A
FS1353.5	626.5	Phillip Vautier	Accept in part	Report 7
FS1364.1	677.1	John and Kay Richards	Accept	Section 6.120
FS1364.10	677.10	John and Kay Richards	Accept	2
FS1364.10	677.10	John and Kay Richards	Accept	2
FS1364.5	677.5	John and Kay Richards	Accept	2

Appendix 4: Recommendations on Submissions and Further Submissions on Definitions made by other Panels

Part A: Submissions

Submission Number	Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
68.1	Nigel Sadlier	Accept in part	9A	36.9	6.41
84.1	Richard Hanson	Accept in part	4A	5.16	6.108
170.1	Cameron Steele	Reject	9A	36.2	6.18
179.3	Vodafone NZ	Reject	8	6.2	6.18
179.4	Vodafone NZ	Accept	8	6.1	6.44
179.5	Vodafone NZ	Accept in part	8	5.14	6.64
179.6	Vodafone NZ	Reject	8	6.3	6.116
179.7	Vodafone NZ	Reject	8	6.4	6.125
191.2	Spark Trading NZ Limited	Reject	8	6.2	6.18
191.3	Spark Trading NZ Limited	Accept	8	6.1	6.44
191.4	Spark Trading NZ Limited	Accept in part	8	5.14	6.64
191.5	Spark Trading NZ Limited	Reject	8	6.3	6.116
191.6	Spark Trading NZ Limited	Reject	8	6.4	6.125
208.43	Pounamu Body Corporate Committee	Accept	9A	36.8	6.39
220.1	Clive Manners Wood	Reject	4A	22	6.50
243.34	Christine Byrch		11	62	6.9
243.37	Christine Byrch	Reject	4A	22	6.26
243.39	Christine Byrch	Accept in part	4A	58	6.70
243.40	Christine Byrch	Reject	8	18.2	5
243.4	Christine Byrch	Accept in part	9A	36.1	6.5
243.41	Christine Byrch	Accept in part	9A	36.11	6.95
243.42	Christine Byrch	Accept in part	9A	36.11	6.95
243.43	Christine Byrch	Accept in part	9A	36.11	6.96
243.44	Christine Byrch	Reject	4A	5.16	6.108
243.45	Christine Byrch	Accept in part	8	12.3	6.117
243.46	Christine Byrch	Reject	8	12.4	6.118
251.32	PowerNet Limited	Accept in part	8	5.14	6.64
252.4	HW Richardson Group	Accept	4A	22	5
271.2	Board of Airline Representatives of New Zealand (BARNZ)	Reject	9A	36.1	6.6
296.1	Royal New Zealand Aero Club Inc/Flying NZ	Reject	11	62	6.8
296.2	Royal New Zealand Aero Club Inc/Flying NZ	Accept in part	4A	22	6.50
315.1	The Alpine Group Limited	Reject	4A	48.2	6.48
339.10	Evan Alty	Reject	4A	60	6.34
339.11	Evan Alty	Reject	4A	48.1	6.48
339.12	Evan Alty	Accept in part	4A	58	6.70
339.13	Evan Alty	Reject	4A	58	5
339.9	Evan Alty	Accept in part	4A	48.2	6.21
344.10	Sam Flewellen	Accept	11	48	6.19
344.11	Sam Flewellen	Accept	11	48	6.121
350.1	Dalefield Trustee Ltd	Accept in part	9A	36.11	6.95

Submission Number	Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
373.1	Department of Conservation	Accept	4A	48.2	6.21
373.2	Department of Conservation	Accept in part	4A	52.2	6.16
373.3	Department of Conservation	Accept in part	4A	52.2	6.75
376.1	Southern Hemisphere Proving Grounds Limited	Accept	4A	5.16	6.108
383.2	Queenstown Lakes District Council	Accept	8	6.5	6.32
383.3	Queenstown Lakes District Council		11	62	6.8
383.4	Queenstown Lakes District Council	Accept	8	6.4	6.125
383.6	Queenstown Lakes District Council	Accept	8	5.15	6.102
400.2	James Cooper	Reject	4A	9.1	6.18
400.7	James Cooper	Reject	4A	48	6.21
407.1	Mount Cardrona Station Limited	Accept in part	4A	5.16	6.79
408.2	Otago Foundation Trust Board	Reject	9A	36.1	6.5
421.2	Two Degrees Mobile Limited	Reject	8	6.2	6.18
421.3	Two Degrees Mobile Limited	Accept	8	6.1	6.44
421.4	Two Degrees Mobile Limited	Accept in part	8	5.14	6.64
421.5	Two Degrees Mobile Limited	Reject	8	6.3	6.116
421.6	Two Degrees Mobile Limited	Reject	8	6.4	6.125
433.1	Queenstown Airport Corporation	Accept	11	62	5
433.10	Queenstown Airport Corporation	Reject	11	62	6.11
433.11	Queenstown Airport Corporation	Transferred to Definitions	11	62	5
433.12	Queenstown Airport Corporation	Accept	11	62	6.12
433.13	Queenstown Airport Corporation	Accept in Part	11	62	6.13
433.14	Queenstown Airport Corporation	Accept in Part	11	62	6.13
433.15	Queenstown Airport Corporation	Reject	11	62	6.17
433.16	Queenstown Airport Corporation	Accept	11	62	5
433.17	Queenstown Airport Corporation	Accept	11	62	6.22
433.18	Queenstown Airport Corporation	Accept	11	62	6.25
433.19	Queenstown Airport Corporation	Accept	11	62	5
433.2	Queenstown Airport Corporation	Accept	11	62	6.5
433.20	Queenstown Airport Corporation	Accept	11	62	5
433.21	Queenstown Airport Corporation	Accept	11	62	6.30
433.23	Queenstown Airport Corporation	Accept	11	62	6.49
433.24	Queenstown Airport Corporation	Accept	4A	22	6.50
433.25	Queenstown Airport Corporation	Accept	11	62	6.53
433.26	Queenstown Airport Corporation	Accept	11	62	5
433.27	Queenstown Airport Corporation	Accept in Part	11	62	6.77
433.28	Queenstown Airport Corporation	Reject	11	62	6.78
433.29	Queenstown Airport Corporation	Accept in Part	11	62	6.83
433.30	Queenstown Airport Corporation	Accept	9A	36.11	6.95
433.3	Queenstown Airport Corporation	Accept	11	62	6.6
433.31	Queenstown Airport Corporation	Accept in part	9A	36.11	6.95
433.32	Queenstown Airport Corporation	Accept in part	9A	36.11	6.96
433.33	Queenstown Airport Corporation	Reject	8	12.3	6.117
433.34	Queenstown Airport Corporation	Accept	11	62	6.126
433.35	Queenstown Airport Corporation	Accept	11	62	5

Submission Number	Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
433.36	Queenstown Airport Corporation	Accept	11	62	5
433.5	Queenstown Airport Corporation	Accept in Part	11	62	6.8
433.6	Queenstown Airport Corporation	Accept	11	62	6.9
433.7	Queenstown Airport Corporation	Accept	11	62	6.10
433.8	Queenstown Airport Corporation	Accept	11	62	6.10
433.9	Queenstown Airport Corporation	Accept in Part	11	62	6.11
438.2	New Zealand Fire Service	Accept in part	9A	36.4	6.22
496.4	House Movers Section of New Zealand Heavy Haulage Association (Inc)	Accept in part	8	12.2	6.90, 6.91, 6.93, 6.97
519.1	New Zealand Tungsten Mining Limited	Accept	4A	5.12	5
519.2	New Zealand Tungsten Mining Limited	Accept in part	4A	5.12	6.62
519.4	New Zealand Tungsten Mining Limited	Reject	4A	5.15	5
519.5	New Zealand Tungsten Mining Limited	Accept	4A	5.12	6.60
519.6	New Zealand Tungsten Mining Limited	Accept in part	4A	5.12	6.60
519.7	New Zealand Tungsten Mining Limited	Reject	8	12.3	6.117
524.1	Ministry of Education	Accept	9A	36.5	6.30
524.2	Ministry of Education	Accept in part	9A	36.4	6.22
524.3	Ministry of Education	Accept	9A	36.4	6.23
524.4	Ministry of Education	Accept in part	9A	36.5	5
566.1	Airways Corporation of New Zealand	Accept in Part	11	62	6.11
566.2	Airways Corporation of New Zealand	Transferred to Definitions	11	62	6.85
568.9	Grant Laurie Bissett	Accept in part	9A	36.11	6.95
584.3	Air new Zealand Limited (ANZL)	Reject	11	62	6.5
600.10	Federated Farmers of New Zealand	Reject	4A	48.1	6.48
600.4	Federated Farmers of New Zealand	Reject	4A	9.1	6.18
600.5	Federated Farmers of New Zealand	Reject	4A	48.2	6.21
600.6	Federated Farmers of New Zealand	Accept in part	4A	22	5
600.7	Federated Farmers of New Zealand	Reject	4A	22	6.37
600.8	Federated Farmers of New Zealand	Reject	4A	22	5
607.44	Te Anau Developments Limited	Reject	8	12.3	5
610.20	Soho Ski Area Limited and Blackmans Creek No. 1 LP	Reject	4A	5.16	6.18
610.22	Soho Ski Area Limited and Blackmans Creek No. 1 LP	Accept in part	4A	5.16	6.108
613.20	Treble Cone Investments Limited.	Reject	4A	5.16	6.18
613.21	Treble Cone Investments Limited.	Accept in part	4A	5.16	6.108
615.21	Cardrona Alpine Resort Limited	Accept in part	4A	5.16	6.108

Submission Number	Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
	Cardrona Alpine Resort Limited	Reject	8	12.3	5
	Real Journeys Limited	Reject	8	12.3	5
624.37	D & M Columb	Reject	4A	9.1	6.26
635.1	Aurora Energy Limited	Reject	8	2.2	5
635.2	Aurora Energy Limited	Accept	8	6.1	5
635.3	Aurora Energy Limited	Accept in part	8	6.1	6.31
635.4	Aurora Energy Limited	Reject	8	6.1	6.31
635.5	Aurora Energy Limited	Accept in part	8	5.14	6.64
635.6	Aurora Energy Limited	Accept in part	8	6.7	6.87
635.7	Aurora Energy Limited	Reject	8	6.8	6.115
635.8	Aurora Energy Limited	Accept in part	8	12.3	6.117
635.9	Aurora Energy Limited	Accept in part	8	6.2	6.125
649.20	Southern District Health Board	Accept	8	18.3	6.76
678.1	Southern District Health Board	Accept	9A	36.4	6.23
678.2	Southern District Health Board	Accept	9A	36.4	6.23
701.1	Paul Kane	Reject	4A	48.2	6.21
701.2	Paul Kane	Reject	4A	9.1	5
706.2	Forest and Bird NZ	Reject	4A	60	6.34
706.3	Forest and Bird NZ	Accept in part	4A	48.1	6.48
706.4	Forest and Bird NZ	Accept in part	4A	58	6.70
706.5	Forest and Bird NZ	Reject	4A	58	5
719.3	NZ Transport Agency	Reject	8	6.4	6.125
746.5	Bunnings Limited	Accept in Part	11	48	6.19
746.6	Bunnings Limited	Reject	11	48	6.99
752.2	Michael Farrier	Reject	9A	36.3	5
781.3	Chorus New Zealand Limited	Reject	8	6.2	6.18
781.4	Chorus New Zealand Limited	Accept	8	6.1	6.44
781.5	Chorus New Zealand Limited	Accept in part	8	5.14	6.64
781.6	Chorus New Zealand Limited	Reject	8	6.3	6.116
781.7	Chorus New Zealand Limited	Reject	8	6.4	6.125
784.1	Jeremy Bell Investments Limited	Reject	4A	48.2	6.21
784.2	Jeremy Bell Investments Limited	Reject	4A	9.1	6.18
791.1	Tim Burdon	Reject	4A	48.2	6.21
791.2	Tim Burdon	Reject	4A	48.1	6.48
791.3	Tim Burdon	Reject	4A	9.1	6.18
794.1	Lakes Land Care	Reject	4A	48.2	6.21
794.2	Lakes Land Care	Reject	4A	48.2	6.48
794.3	Lakes Land Care	Reject	4A	9.1	6.18
805.10	Transpower New Zealand Limited	Accept	4A	22	6.37
805.11	Transpower New Zealand Limited	Accept in part	8	6.2	6.64
805.12	Transpower New Zealand Limited	Accept	8	5.15	6.66
805.13	Transpower New Zealand Limited	Accept	8	5.15	6.67
805.14	Transpower New Zealand Limited	Accept	8	5.15	6.68
805.15	Transpower New Zealand Limited	Accept	8	5.15	6.69
805.16	Transpower New Zealand Limited	Accept in part	8	6.7	6.87
805.17	Transpower New Zealand Limited	Reject	8	6.9	6.100

Submission Number	Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
805.18	Transpower New Zealand Limited	Reject	8	5.15	5
805.19	Transpower New Zealand Limited	Accept in part	8	5.15	6.68
805.20	Transpower New Zealand Limited	Accept	8	6.1	5
805.21	Transpower New Zealand Limited	Accept in part	8	6.2	6.125
805.4	Transpower New Zealand Limited	Accept	8	6.1	5
805.5	Transpower New Zealand Limited	Reject	8	5.15	5
805.6	Transpower New Zealand Limited	Reject	8	5.15	5
805.7	Transpower New Zealand Limited	Reject	8	5.15	6.28
805.8	Transpower New Zealand Limited	Accept	4A	22	6.36
805.9	Transpower New Zealand Limited	Accept	4A	22	6.26
807.90	Remarkables Park Limited	Accept	11	62	6
836.1	Arcadian Triangle Limited	Accept in Part	11	62	6.5
836.10	Arcadian Triangle Limited	Accept in part	4A	58	6.70
836.11	Arcadian Triangle Limited	Accept in Part	11	62	6.77, 6.78
836.12	Arcadian Triangle Limited	Accept in part	9A	36.11	6.95
836.2	Arcadian Triangle Limited	Transferred to Definitions	11	62	5
836.3	Arcadian Triangle Limited	Accept	11	62	6.10
836.5	Arcadian Triangle Limited	Accept	9A	36.6	6.96
836.8	Arcadian Triangle Limited	Accept in part	9A	36.10	6.63
836.9	Arcadian Triangle Limited	Accept in part	8	5.15	6.66, 6.67, 6.68, 6.69
1365.1	New Zealand Defence Force	Accept in part	8	12.3	6.119

Appendix 4

Part B: Further Submissions

Further Submission No	Original Submission	Further Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
FS1015.37	519.1	Straterra	Accept	4A	5.12	5
FS1015.38	519.2	Straterra	Accept in part	4A	5.12	6.62
FS1015.40	519.4	Straterra	Reject	4A	5.15	5
FS1015.41	519.5	Straterra	Accept	4A	5.12	6.60
FS1015.42	519.6	Straterra	Accept in part	4A	5.12	6.60
FS1015.43	519.7	Straterra	Reject	8	12.3	6.117
FS1030.1	433.1	Jeremy Bell Investments Limited	Accept	11	62	5
FS1030.2	433.14	Jeremy Bell Investments Limited	Accept in Part	11	62	6.13
FS1034.10	600.10	Upper Clutha Environmental Society (Inc.)	Accept	4A	48.1	6.48
FS1034.4	600.4	Upper Clutha Environmental Society (Inc.)	Accept	4A	9.1	6.18
FS1034.5	600.5	Upper Clutha Environmental Society (Inc.)	Accept	4A	48.2	6.21
FS1034.6	600.6	Upper Clutha Environmental Society (Inc.)	Reject	4A	22	5
FS1034.7	600.7	Upper Clutha Environmental Society (Inc.)	Accept	4A	22	6.37
FS1034.8	600.8	Upper Clutha Environmental Society (Inc.)	Accept	4A	22	5
FS1040.22	519.1	Forest and Bird	Reject	4A	5.12	5
FS1040.3	373.1	Forest and Bird	Accept	4A	48.2	6.21
FS1040.39	600.5	Forest and Bird	Accept	4A	48.2	6.21
FS1040.4	373.2	Forest and Bird	Accept in part	4A	52.2	6.16
FS1040.41	600.10	Forest and Bird	Accept	4A	48.1	6.48

Further Submission No	Original Submission	Further Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
FS1040.5	373.3	Forest and Bird	Accept in part	4A	52.2	6.75
FS1061.33	524.2	Otago Foundation Trust Board	Accept in part	9A	36.4	6.22
FS1061.34	524.3	Otago Foundation Trust Board	Accept	9A	36.4	6.23
FS1077.16	408.2	Board of Airline Representatives of New Zealand (BARNZ)	Accept	9A	36.1	6.5
FS1077.17	408.2	Board of Airline Representatives of New Zealand (BARNZ)	Accept	9A	36.1	6.5
FS1077.18	433.1	Board of Airline Representatives of New Zealand (BARNZ)	Accept	11	62	5
FS1077.55	584.3	Board of Airline Representatives of New Zealand (BARNZ)	Reject	11	62	6.5
FS1077.56	635.6	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	8	6.7	6.87
FS1077.64	805.16	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	8	6.7	6.87
FS1077.65	805.17	Board of Airline Representatives of New Zealand (BARNZ)	Accept	8	6.9	6.100
FS1088.2	433.10	Ross and Judith Young Family Trust	Accept in Part	11	62	6.11
FS1088.3	433.14	Ross and Judith Young Family Trust	Accept in Part	11	62	6.13
FS1091.1	373.1	Jeremy Bell Investments Limited	Reject	4A	48.2	6.21
FS1091.15	600.4	Jeremy Bell Investments Limited	Reject	4A	9.1	6.18
FS1091.16	600.5	Jeremy Bell Investments Limited	Reject	4A	48.2	6.21
FS1091.29	791.1	Jeremy Bell Investments Limited	Reject	4A	48.2	6.21
FS1091.30	794.1	Jeremy Bell Investments Limited	Reject	4A	48.2	6.21

Further Submission No	Original Submission	Further Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
FS1091.9	400.7	Jeremy Bell Investments Limited	Reject	4A	48	6.21
FS1097.105	271.2	Queenstown Park Limited	Reject	11	62	6.6
FS1097.153	339.9	Queenstown Park Limited	Reject	4A	48.2	6.21
FS1097.154	339.13	Queenstown Park Limited	Accept	4A	58	5
FS1097.16	84.1	Queenstown Park Limited	Accept in part	4A	5.16	6.108
FS1097.215	373.2	Queenstown Park Limited	Reject	4A	52.2	6.16
FS1097.216	373.3	Queenstown Park Limited	Reject	4A	52.2	6.75
FS1097.261	400.2	Queenstown Park Limited	Reject	4A	9.1	6.18
FS1097.262	407.1	Queenstown Park Limited	Accept in part	4A	5.16	6.79
FS1097.274	408.2	Queenstown Park Limited	Reject	9A	36.1	6.5
FS1097.279	421.2	Queenstown Park Limited	Accept	8	6.2	6.18
FS1097.287	433.1	Queenstown Park Limited	Reject	11	62	5
FS1097.288	433.2	Queenstown Park Limited	Reject	11	62	6.5
FS1097.289	433.3	Queenstown Park Limited	Reject	11	62	6.95
FS1097.291	433.5	Queenstown Park Limited	Reject	11	62	6.8
FS1097.292	433.6	Queenstown Park Limited	Accept	11	62	6.9
FS1097.293	433.7	Queenstown Park Limited	Reject	11	62	6.10
FS1097.294	433.8	Queenstown Park Limited	Reject	11	62	6.10
FS1097.295	433.9	Queenstown Park Limited	Reject	11	62	6.11
FS1097.296	433.10	Queenstown Park Limited	Reject	11	62	6.11

Further Submission No	Original Submission	Further Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
FS1097.297	433.11	Queenstown Park Limited	Transferred to Definitions	11	62	5
FS1097.298	433.12	Queenstown Park Limited	Reject	11	62	6.12
FS1097.299	433.13	Queenstown Park Limited	Reject	11	62	6.13
FS1097.300	433.14	Queenstown Park Limited	Accept	11	62	6.13
FS1097.301	433.15	Queenstown Park Limited	Reject	11	62	6.17
FS1097.302	433.16	Queenstown Park Limited	Reject	11	62	5
FS1097.303	433.17	Queenstown Park Limited	Reject	11	62	6.22
FS1097.304	433.18	Queenstown Park Limited	Reject	11	62	6.25
FS1097.305	433.19	Queenstown Park Limited	Reject	11	62	5
FS1097.306	433.20	Queenstown Park Limited	Reject	11	62	5
FS1097.307	433.21	Queenstown Park Limited	Reject	11	62	6.30
FS1097.309	433.23	Queenstown Park Limited	Reject	11	62	6.49
FS1097.310	433.24	Queenstown Park Limited	Reject	4A	22	6.50
FS1097.311	433.25	Queenstown Park Limited	Reject	11	62	6.53
FS1097.312	433.26	Queenstown Park Limited	Reject	11	62	5
FS1097.313	433.27	Queenstown Park Limited	Reject	11	62	6.77
FS1097.314	433.28	Queenstown Park Limited	Reject	11	62	6.78
FS1097.315	433.29	Queenstown Park Limited	Reject	11	62	6.83
FS1097.316	433.30	Queenstown Park Limited	Reject	9A	36.11	6.95
FS1097.317	433.31	Queenstown Park Limited	Accept in part	9A	36.11	6.95
FS1097.318	433.32	Queenstown Park Limited	Accept in part	9A	36.11	6.96
FS1097.321	433.35	Queenstown Park Limited	Reject	11	62	5
FS1097.322	433.36	Queenstown Park Limited	Reject	11	62	5
FS1097.51	179.3	Queenstown Park Limited	Reject	8	6.2	6.18
FS1097.541	600.4	Queenstown Park Limited	Reject	4A	9.1	6.18
FS1097.542	600.7	Queenstown Park Limited	Reject	4A	22	6.37
FS1097.58	191.2	Queenstown Park Limited	Reject	8	6.2	6.18

Further Submission No	Original Submission	Further Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
FS1097.586	610.20	Queenstown Park Limited	Reject	4A	5.16	6.18
FS1097.588	610.22	Queenstown Park Limited	Accept in part	4A	5.16	6.108
FS1097.59	191.4	Queenstown Park Limited	Accept	8	5.14	6.64
FS1097.593	613.20	Queenstown Park Limited	Reject	4A	5.16	6.18
FS1097.595	613.21	Queenstown Park Limited	Accept in part	4A	5.16	6.108
FS1097.60	191.6	Queenstown Park Limited	Reject	8	6.4	6.125
FS1097.640	635.6	Queenstown Park Limited	Reject	8	6.7	6.87
FS1097.693	719.3	Queenstown Park Limited	Reject	8	6.4	6.125
FS1097.708	784.2	Queenstown Park Limited	Reject	4A	9.1	6.18
FS1097.722	836.10	Queenstown Park Limited	Accept in part	4A	58	6.70
FS1105.21	615.21	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	4A	5.16	6.108
FS1105.42	615.42	Cardrona Valley Residents and Ratepayers Society Inc	Reject	8	12.3	5
FS1106.10	805.16	Chorus New Zealand Limited	Accept in part	8	6.7	6.87
FS1106.9	566.2	Chorus New Zealand Limited	Transferred to Definitions	11	62	6.85
FS1117.15	243.44	Remarkables Park Limited	Accept in part	4A	5.16	6.108
FS1117.202	524.1	Remarkables Park Limited	Reject	9A	36.5	6.30
FS1117.203	524.2	Remarkables Park Limited	Accept in part	9A	36.4	6.22
FS1117.204	524.3	Remarkables Park Limited	Accept	9A	36.4	6.23
FS1117.205	524.4	Remarkables Park Limited	Accept in part	9A	36.5	5
FS1117.22	271.2	Remarkables Park Limited	Reject	11	62	6.6
FS1117.227	584.3	Remarkables Park Limited	Reject	11	62	6.5

Further Submission No	Original Submission	Further Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
FS1117.284	836.10	Remarkables Park Limited	Accept in part	4A	58	6.70
FS1117.55	421.2	Remarkables Park Limited	Accept	8	6.2	6.18
FS1117.57	433.1	Remarkables Park Limited	Reject	11	62	5
FS1117.58	433.2	Remarkables Park Limited	Reject	11	62	6.5
FS1117.59	433.3	Remarkables Park Limited	Reject	11	62	6.95
FS1117.61	433.5	Remarkables Park Limited	Reject	11	62	6.8
FS1117.62	433.6	Remarkables Park Limited	Accept	11	62	6.9
FS1117.63	433.7	Remarkables Park Limited	Reject	11	62	6.10
FS1117.64	433.8	Remarkables Park Limited	Reject	11	62	6.10
FS1117.65	433.9	Remarkables Park Limited	Reject	11	62	6.11
FS1117.66	433.10	Remarkables Park Limited	Reject	11	62	6.11
FS1117.67	433.11	Remarkables Park Limited	Transferred to Definitions	11	62	5
FS1117.68	433.12	Remarkables Park Limited	Reject	11	62	6.12
FS1117.69	433.13	Remarkables Park Limited	Reject	11	62	6.13
FS1117.70	433.14	Remarkables Park Limited	Accept in Part	11	62	6.13
FS1117.71	433.15	Remarkables Park Limited	Reject	11	62	6.17
FS1117.73	433.17	Remarkables Park Limited	Reject	11	62	6.22
FS1117.74	433.18	Remarkables Park Limited	Reject	11	62	6.25
FS1117.75	433.19	Remarkables Park Limited	Reject	11	62	5
FS1117.76	433.20	Remarkables Park Limited	Reject	11	62	5
FS1117.77	433.21	Remarkables Park Limited	Reject	11	62	6.30
FS1117.79	433.23	Remarkables Park Limited	Reject	11	62	6.49
FS1117.80	433.24	Remarkables Park Limited	Reject	4A	22	6.50
FS1117.81	433.25	Remarkables Park Limited	Reject	11	62	6.53
FS1117.82	433.26	Remarkables Park Limited	Reject	11	62	5
FS1117.83	433.27	Remarkables Park Limited	Reject	11	62	6.77
FS1117.84	433.28	Remarkables Park Limited	Reject	11	62	6.78
FS1117.85	433.29	Remarkables Park Limited	Reject	11	62	6.83

Further Submission No	Original Submission	Further Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
FS1117.86	433.30	Remarkables Park Limited	Reject	9A	36.11	6.95
FS1117.87	433.31	Remarkables Park Limited	Accept in part	9A	36.11	6.95
FS1117.88	433.32	Remarkables Park Limited	Accept in part	9A	36.11	6.96
FS1117.90	433.34	Remarkables Park Limited	Reject	11	62	6.126
FS1117.91	433.35	Remarkables Park Limited	Reject	11	62	5
FS1117.92	433.36	Remarkables Park Limited	Reject	11	62	5
FS1121.1	179.5	Aurora Energy Limited	Accept in part	8	5.14	6.64
FS1121.2	191.4	Aurora Energy Limited	Accept in part	8	5.14	6.64
FS1121.3	781.5	Aurora Energy Limited	Accept in part	8	5.14	6.64
FS1121.5	191.6	Aurora Energy Limited	Reject	8	6.4	6.125
FS1121.6	805.16	Aurora Energy Limited	Accept in part	8	6.7	6.87
FS1123.1	433.10	Airways New Zealand Ltd	Accept	11	62	6.11
FS1132.2	179.5	Federated Farmers of New Zealand	Reject	8	5.14	6.64
FS1132.22	373.1	Federated Farmers of New Zealand	Reject	4A	48.2	6.21
FS1132.23	373.3	Federated Farmers of New Zealand	Reject	4A	52.2	6.75
FS1132.3	179.7	Federated Farmers of New Zealand	Accept	8	6.4	6.125
FS1132.37	635.1	Federated Farmers of New Zealand	Accept	8	2.2	5
FS1132.38	635.3	Federated Farmers of New Zealand	Reject	8	6.1	6.31
FS1132.39	635.4	Federated Farmers of New Zealand	Accept	8	6.1	6.31
FS1132.40	635.5	Federated Farmers of New Zealand	Accept in part	8	5.14	6.64
FS1132.41	635.6	Federated Farmers of New Zealand	Reject	8	6.7	6.87
FS1132.42	635.7	Federated Farmers of New Zealand	Accept	8	6.8	6.115
FS1132.51	706.5	Federated Farmers of New Zealand	Accept	4A	58	5
FS1132.8	191.4	Federated Farmers of New Zealand	Reject	8	5.14	6.64
FS1132.9	191.6	Federated Farmers of New Zealand	Reject	8	6.4	6.125
FS1137.22	615.21	Kay Curtis	Accept in part	4A	5.16	6.108

Further Submission No	Original Submission	Further Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
FS1137.43	615.42	Kay Curtis	Reject	8	12.3	5
FS1153.2	610.22	Mount Cardrona Station Ltd	Accept in part	4A	5.16	6.108
FS1159.1	805.16	PowerNet Ltd	Accept in part	8	6.7	6.87
FS1162.36	701.1	James Wilson Cooper	Reject	4A	48.2	6.21
FS1162.37	701.2	James Wilson Cooper	Reject	4A	9.1	5
FS1162.56	706.2	James Wilson Cooper	Accept	4A	60	6.34
FS1162.57	706.3	James Wilson Cooper	Accept in part	4A	48.1	6.48
FS1162.58	706.4	James Wilson Cooper	Reject	4A	58	6.70
FS1162.59	706.5	James Wilson Cooper	Accept	4A	58	5
FS1164.1	344.11	Shotover Park Limited	Accept	11	48	6.121
FS1164.13	746.6	Shotover Park Limited	Reject	11	48	6.99
FS1167.5	408.2	Peter and Margaret Arnott	Accept in part	9A	36.1	6.5
FS1208.10	805.16	Vodafone New Zealand Limited	Accept in part	8	6.7	6.87
FS1208.9	566.2	Vodafone New Zealand Limited	Transferred to Definitions	11	62	6.85
FS1209.10	600.10	Richard Burdon	Reject	4A	48.1	6.48
FS1209.4	600.4	Richard Burdon	Reject	4A	9.1	6.18
FS1209.5	600.5	Richard Burdon	Reject	4A	48.2	6.21
FS1209.6	600.6	Richard Burdon	Accept in part	4A	22	5
FS1209.7	600.7	Richard Burdon	Reject	4A	22	6.37
FS1209.8	600.8	Richard Burdon	Reject	4A	22	5
FS1211.13	433.14	New Zealand Defence Force	Reject	11	62	6.13
FS1211.14	635.6	New Zealand Defence Force	Accept in part	8	6.7	6.87
FS1211.19	805.16	New Zealand Defence Force	Accept in part	8	6.7	6.87
FS1211.20	805.17	New Zealand Defence Force	Reject	8	6.9	6.100
FS1224.34	243.34	Matakauri Lodge Limited		11	62	6.9
FS1224.37	243.37	Matakauri Lodge Limited	Accept in part	4A	22	6.26
FS1224.39	243.39	Matakauri Lodge Limited	Reject	4A	58	6.70
FS1224.41	243.41	Matakauri Lodge Limited	Accept in part	9A	36.11	6.95

Further Submission No	Original Submission	Further Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
FS1224.42	243.42	Matakauri Lodge Limited	Accept in part	9A	36.11	6.95
FS1224.43	243.43	Matakauri Lodge Limited	Accept in part	9A	36.11	6.96
FS1224.44	243.44	Matakauri Lodge Limited	Accept in part	4A	5.16	6.108
FS1229.24	610.22	NXski Limited	Accept in part	4A	5.16	6.108
FS1229.26	615.21	NXski Limited	Accept in part	4A	5.16	6.108
FS1229.28	243.44	NXski Limited	Accept in part	4A	5.16	6.108
FS1253.10	805.16	Spark New Zealand Trading Limited	Accept in part	8	6.7	6.87
FS1253.9	566.2	Spark New Zealand Trading Limited	Transferred to Definitions	11	62	6.85
FS1255.17	179.3	Arcadian Triangle Limited	Accept	8	6.2	6.18
FS1255.18	191.2	Arcadian Triangle Limited	Accept	8	6.2	6.18
FS1270.31	408.2	Hansen Family Partnership	Reject	9A	36.1	6.5
FS1287.1	373.2	New Zealand Tungsten Mining Limited	Reject	4A	52.2	6.16
FS1287.2	373.3	New Zealand Tungsten Mining Limited	Reject	4A	52.2	6.75
FS1301.1	635.1	Transpower New Zealand Limited (Transpower)	Accept in part	8	2.2	5
FS1301.2	635.3	Transpower New Zealand Limited (Transpower)	Accept in part	8	6.1	6.31
FS1301.3	635.4	Transpower New Zealand Limited (Transpower)	Accept in part	8	6.1	6.31
FS1301.4	635.5	Transpower New Zealand Limited (Transpower)	Accept in part	8	5.14	6.64
FS1301.5	179.5	Transpower New Zealand Limited (Transpower)	Reject	8	5.14	6.64
FS1301.6	191.4	Transpower New Zealand Limited (Transpower)	Reject	8	5.14	6.64

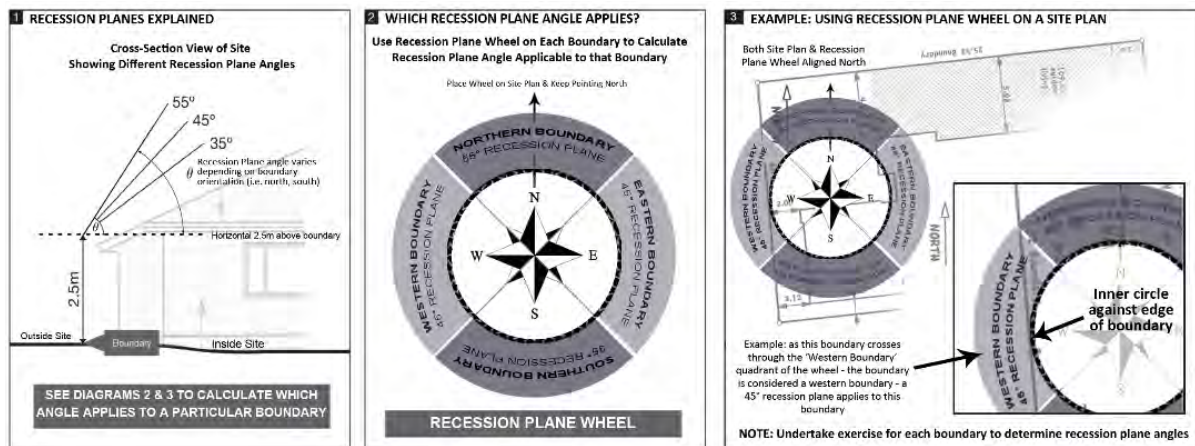
Further Submission No	Original Submission	Further Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
FS1301.7	635.9	Transpower New Zealand Limited (Transpower)	Accept in part	8	6.2	6.125
FS1301.8	635.7	Transpower New Zealand Limited (Transpower)	Reject	8	6.8	6.115
FS1313.2	373.2	Darby Planning LP	Accept in part	4A	52.2	6.16
FS1313.3	373.3	Darby Planning LP	Reject	4A	52.2	6.75
FS1314.10	344.11	Bunnings Ltd	Reject	11	48	6.121
FS1314.9	344.10	Bunnings Ltd	Accept	11	48	6.19
FS1329.8	407.1	Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP				
FS1330.4	407.1	Treble Cone Investments Limited	Accept in part	4A	5.16	6.79
FS1340.1	243.40	Queenstown Airport Corporation	Accept	8	18.2	5
FS1340.2	408.2	Queenstown Airport Corporation	Accept	9A	36.1	6.5
FS1340.3	383.3	Queenstown Airport Corporation		11	62	6.8
FS1340.4	566.1	Queenstown Airport Corporation	Accept in Part	11	62	6.11
FS1340.5	566.2	Queenstown Airport Corporation	Transferred to Definitions	11	62	6.85
FS1340.7	805.16	Queenstown Airport Corporation	Accept in part	8	6.7	6.87
FS1341.28	836.10	Real Journeys Limited	Accept in part	4A	58	6.70
FS1342.18	836.10	Te Anau Developments Limited	Accept in part	4A	58	6.70
FS1342.23	373.2	Te Anau Developments Limited	Accept in part	4A	52.2	6.16
FS1342.5	600.6	Te Anau Developments Limited	Accept in part	4A	22	5
FS1342.6	781.6	Te Anau Developments Limited	Reject	8	6.3	6.116
FS1342.7	781.5	Te Anau Developments Limited	Accept in part	8	5.14	6.64
FS1342.8	781.7	Te Anau Developments Limited	Reject	8	6.4	6.125
FS1347.18	373.1	Lakes Land Care	Reject	4A	48.2	6.21

Further Submission No	Original Submission	Further Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
FS1347.19	373.2	Lakes Land Care	Reject	4A	52.2	6.16
FS1347.20	373.3	Lakes Land Care	Reject	4A	52.2	6.75
FS1356.1	519.1	Cabo Limited	Reject	4A	5.12	5
FS1356.2	519.2	Cabo Limited	Reject	4A	5.12	6.62
FS1356.4	519.4	Cabo Limited	Accept	4A	5.15	5
FS1356.5	519.5	Cabo Limited	Reject	4A	5.12	6.60
FS1356.6	519.6	Cabo Limited	Accept in part	4A	5.12	6.60
FS1356.7	519.7	Cabo Limited	Accept	8	12.3	6.117

Appendix 5: Text that might form basis of a variation amending the definition of “Recession Lines/Recession Plane”

Recession Line/Recession Plane Definition:

Means a line drawn from a point 2.5 metres above a site boundary at right angles inward from the boundary, inclining at an angle that varies from the horizontal according to the extent to which the site is orientated to true north. The combination of recession lines drawn along the site boundary creates the recession plane. See interpretive diagrams below and use the recession plane wheel to calculate the angle of inclination relevant to each site boundary.



Instructions:

The recession plane angle is dependent on which boundary of the site (i.e. north, south, east or west) the recession plane originates from. To determine what angle applies to each boundary – use the recession plane wheel on the site plan:

Step 1: Place the wheel in the centre of the site on the site plan, with both the wheel and site plan aligned true north. Keep both aligned in this way at all times.

Step 2: Move the wheel toward a boundary until the boundary first touches the edge of the inner circle of the wheel.

Step 3: Look at which quadrant of the wheel the boundary in question primarily passes through – this will confirm the recession plane angle applicable to that boundary.

Note: If the boundary is centred on the line between two quadrants (i.e. it could be either orientation), the more restrictive (lower angle) recession plane angle will apply.

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on the Proposed District Plan

Report 17-1

Report and Recommendations of Independent Commissioners Regarding
Queenstown (other than Wakatipu Basin) Planning Maps

Commissioners

Denis Nugent (Chair)

Jan Crawford

David Mountfort

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Appendix 1: Amended Planning Maps

1. PRELIMINARY MATTERS

1.1. Introduction

1. This hearing considered submissions and further submissions relating to Hearing Stream 13, Queenstown mapping. This stream is concerned with rural and urban zones and planning map notations covered in the PDP (i.e., in Stage 1) in the Wakatipu Ward, excluding the Wakatipu Basin (as defined by the Shotover and Kawarau Rivers and the ONL boundary around the Basin) and the Crown Terrace.
2. The format of our reports is that, in this report we canvas some preliminary issues by way of overview, before addressing submissions related to zoning and/or planning map notations such as the location of ONL, ONF and SNA lines in a further 11 reports.
3. Generally submissions are considered individually. However, in three instances we have grouped submissions for our discussion. A number of submissions relate to the area we have referred to as Frankton North (northern side of SH6 from Hansen Road to Ferry Hill Drive) and these are addressed as a group. Similarly, submissions in the Queenstown Town Centre and in the vicinity of McBride Street, Frankton, are grouped together.

1.2. Terminology in Reports 17-1 to 17-12

4. Throughout these reports, we use the following abbreviations:

Act	Resource Management Act 1991
AMUZ	Airport Mixed Use Zone ¹
AZ	Airport Zone
BMUZ	Business Mixed Use Zone
Clause 16(2)	Clause 16(2) Of the First Schedule to the Act
Council	Queenstown Lakes District Council
DCM	Dwelling Capacity Model
HDRZ	High Density Residential Zone
LDRZ	Lower Density Suburban Residential Zone ²
LINZ	Land Information New Zealand
LSCZ	Local Shopping Centre Zone
LTP	Long Term Plan, Queenstown Lakes District Council
MDRZ	Medium Density Residential Zone

¹ This was the name given to the zone as notified.

² Noting that, as notified, this zone was called Low Density Residential

NPSUDC 2016	National Policy Statement on Urban Development Capacity
NPSET 2008	National Policy Statement for Electricity Transmission 2008
NPSFM 2014	National Policy Statement for Freshwater Management 2014
NZTA	New Zealand Transport Authority
NZIA	NZIA Southern Branch and Architecture + Southern Women
ONF	Outstanding Natural Feature(s)
ONL	Outstanding Natural Landscape(s)
PDP	Stage 1 of the Proposed District Plan for Queenstown Lakes District as publicly notified on 26 August 2015
PRPS	the Proposed Regional Policy Statement for the Otago Region dated 1 October 2016, unless otherwise stated
QAC	Queenstown Airport Corporation
QLDC	Queenstown Lakes District Council (or 'the Council')
QPL	Queenstown Park Ltd
QTCZ	Queenstown Town Centre Zone
RCL	Rural Character Landscape
RPL	Remarkables Park Ltd
RPS	the Operative Regional Policy Statement for the Otago Region dated October 1998
RZ	Rural Zone
RRZ	Rural Residential Zone
RLZ	Rural Lifestyle Zone
RVZ	Rural Visitor Zone
SASZ	Ski Area Sub-Zone
Stage 2 Variations	The variations, including changes to the existing text of the PDP, notified by the Council on 23 November 2017
UGB	Urban Growth Boundary

VASZ Visitor Accommodation Sub-Zone

WCO Water Conservation Order made under Part 9 of the Act

1.3. Topics considered

5. The subject matter of this hearing (Stream 13) was the submissions made in relation to the PDP Planning Maps for that part of the District within the catchment of the Kawarau River generally excluding the area subject to the Wakatipu Basin Planning Study³ and the Arrowtown urban area. The exceptions to this exclusion were submissions relating to land in Tucker Beach Road where submitters requested they be heard in Stream 13⁴. Accordingly, it encompassed submissions on Planning Map 6, part of Planning Map 7, Planning Map 9, part of Planning Map 10, Planning Map 12, part of Planning Map 13, including 13a and 13b, Planning Maps 14 and 15, 25, part of each of Planning Maps 26, 29, 30, 31 and 31a, and Planning Maps 32, 33, 34, 35, 36, 37, 38 and 39.
6. The area subject of the hearing included the urban areas of Queenstown Hill, central Queenstown, Fernhill, Frankton, Arthurs Point, Kelvin Heights, Glenorchy and Kingston. It also included the rural areas on both sides of Lake Wakatipu and south of the Kawarau River, the Gibbston Valley area to the boundary of the District at Roaring Meg. The SASZs (Soho/Cardrona, Coronet Peak and Remarkables⁵) were excluded as the submissions on those areas were heard separately in the Stream 11 Hearing and are the subject of a separate report⁶.
7. The subject of the hearing related to requests to extend or create new urban areas, often accompanied by requests to alter the location of UGBs and ONL/ONF lines, change the zoning within urban areas, create bespoke zoning for rural land, rezoning rural land for rural living purposes, along with minor adjustments of the application of zonings. In addition, associated with the hearing of submissions in relation to 1 Hansen Road, Frankton, we heard submissions on the zone provisions specific to that site which had been transferred to us from the Stream 8 hearing⁷.

1.4. Hearing arrangements

8. The Stream 13 hearing was held in Queenstown over 25 days, commencing on Monday, 24 July 2017 and ending on 13 September 2017. Due to one of the Panel members suffering a bereavement, it was necessary to adjourn the hearing from 27 July 2017 to 7 August 2017. This unforeseen circumstance involved the re-arrangement of the hearing schedule which required the co-operation of the Council and submitters and their representatives. We wish to thank those people for their understanding.

9. The parties we heard from were:

³ The area of this Planning Study has been rezoned by Variation 2 and is therefore outside the scope of this report.

⁴ Variation 2 proposes rezoning some of the land in Tucker Beach Road that were the subject of submissions heard in Stream 13. We discuss this below, but essentially, we make no recommendations in respect of those submissions or parts of submissions subject to Variation 2.

⁵ The submission on the Remarkables SASZ also sought to extend this onto an area adjoining SH6. That also was dealt with in Stream 11 and is dealt with in Report 15.

⁶ Recommendation Report 15

⁷ Minute Directing that Certain Submissions be Transferred to Mapping Hearings, dated 2 December 2016

Council

- Sarah Scott (Counsel)
- Kim Banks (author of Section 42A Reports on Strategic Issues and Group 1B – Queenstown Urban – Frankton and South)
- Ruth Evans (author of the Section 42A Report on Group 1A – Queenstown Business and Industrial)
- Rosalind Devlin (author of the Section 42A Report on Group 1C – Queenstown Urban – Central, West and Arthurs Point)
- Vicki Jones (author of the Section 42A Report on Group 1D – Queenstown Urban – Jacks Point Extension)
- Robert Buxton (author of the Section 42A Report on Group 2 – Rural)
- Philip Osborne
- Ulrich Glasner
- Dr Marion Read
- Denis Mander
- Glenn Davis
- Wendy Banks
- Timothy Heath
- Helen Mellsop

Jardine Family Trust and Remarkables Station Limited⁸

- Phil Page (Counsel)
- Ben Espie
- Jason Bartlett
- Christopher Hansen
- Nicholas Geddes

Peter Manthey⁹

Joanna and Simon Taverner¹⁰

- Joanna Taverner

Getrude's Saddlery Limited¹¹ and Larchmont Developments Limited¹²

- Warwick Goldsmith and Rosie Hill (Counsel)
- Peter Nicholson
- John McCartney
- Jason Bartlett
- Andrew Carr
- Ben Espie
- Carey Vivian

Sharpe Family Trust¹³

- Kirsty Sharpe

⁸ Submission 715

⁹ Submission 75

¹⁰ Further Submission 1293

¹¹ Submission 494

¹² Submission 527 and Further Submission 1281

¹³ Further Submission 1036

Bruce Grant¹⁴ and W & M Grant¹⁵

- Lucy Millton

Spence Farms Limited¹⁶

- John Edmonds

Queenstown Airport Corporation Limited¹⁷

- Rebecca Wolt (Counsel)
- Rachel Tregidga
- Christopher Day
- John Kyle

Ian and Dorothy Williamson¹⁸

- Ian Williamson

Hansen Family Partnership¹⁹; FII Holdings²⁰; Peter and Margaret Arnott, Fernlea Trust²¹; The Jandel Trust²²; and Universal Developments Limited²³

- Warwick Goldsmith and Rosie Hill (Counsel)
- James Bentley
- Andrew Carr
- Christopher Ferguson

MJ Williams and RB Brabant²⁴

- Richard Brabant

Christopher & Suzanne Hansen²⁵ and Brett Giddens²⁶

- Jayne Macdonald (Counsel)
- Jason Bartlett
- Brett Giddens
- Nicholas Geddes

Body Corporate 22362²⁷

- Sean McLeod

¹⁴ Submission 434

¹⁵ Submission 455

¹⁶ Submission 698. We were advised by Mr Edmonds that the new owner of 1 Hansen Road (the site the submission largely related to) was Staff Accommodation at Frankton Road Limited but have received no formal notice that that company is the successor under section 2A of the Act.

¹⁷ Submission 433 and Further Submission 1340

¹⁸ Submission 140

¹⁹ Submission 751

²⁰ Submission 847

²¹ Submission 399

²² Submission 717

²³ Submission 177

²⁴ Further Submission 1283

²⁵ Submission 840

²⁶ Submission 828

²⁷ Submission 389

Sean and Jean McLeod²⁸

- Sean McLeod

Coherent Hotels Limited²⁹

- Jeremy Brabant (Counsel)
- Nicholas Grala

Middleton Family Trust³⁰

- Jayne Macdonald (Counsel)
- Jason Bartlett
- Nicholas Geddes

Middleton Family Trust³¹

- Nicholas Geddes

Neil McDonald³²

- Nicholas Geddes

Remarkable Heights Limited³³

- Nicholas Geddes

Oasis in the Basin Association³⁴

- Rosie Hill (Counsel)
- Warwick Goldsmith
- Stephen Skelton
- Jeffrey Brown

Allium Trustees Limited³⁵

- Amanda Leith

Neville Mahon³⁶

- Amanda Leith

Sue Knowles³⁷; Angela Waghorn³⁸; and Diane Dever³⁹

- Sue Knowles
- Angela Waghorn
- Diane Dever

28 Submission 391
29 Submission 699 and Further Submission 1172
30 Submission 338
31 Submission 336
32 Submission 409
33 Submission 347
34 Further Submission 1289
35 Submission 718
36 Submission 628
37 Submission 7
38 Submissions 76
39 Submission 193

PR Queenstown Limited⁴⁰; Nicki Patel⁴¹; and Hamish Munro⁴²;

- Peter Ritchie
- Carey Vivian

Kerr Ritchie Architects⁴³

- Jeffrey Bryant
- Carey Vivian

F S Mee Developments Co Limited⁴⁴

- Warwick Goldsmith (Counsel)
- Jeffrey Bryant
- Patrick Baxter

Mount Crystal Limited⁴⁵

- Sean Dent

Otago Foundation Trust Board⁴⁶

- Alyson Hutton

Ngai Tahu Tourism Limited⁴⁷

- Ben Farrell

Queenstown Lakes District Council⁴⁸

- Stephen Skelton
- Rebecca Holden
- Dan Cruickshank

Darryl Sampson & Louise Cooper⁴⁹

- Jayne Macdonald (Counsel)
- Ben Espie
- Carey Vivian

Trustees of Lakeland Park Christian Camp⁵⁰

- Murray Frost
- Jason Moss

P J & G H Hensman & Southern Lakes Holdings Limited⁵¹

- Timothy Walsh

40	Submission 102
41	Submission 103
42	Submission 104
43	Submission 48
44	Submissions 425 and 429
45	Submission 150
46	Submission 408
47	Submission 716
48	Submission 790
49	Submission 495
50	Further Submissions 1039 and 1328
51	Submission 543

Land Information New Zealand⁵²

- Jeffrey Bryant
- Patrick Baxter
- Scott Edgar

Jacks Point Residents & Owners Association⁵³; Jacks Point⁵⁴; and Henley Downs Land Holdings Limited⁵⁵

- Maree Baker-Galloway (Counsel)
- Michael Coburn
- Ken Gousmett
- Christopher Ferguson
- Andrew Carr

Gibbston Valley Station Limited⁵⁶

- Michael Parker (Counsel)
- Sascha Herbert
- Tony Milne
- Brett Giddens
- Andrew Carr
- Ken Gousmett
- Gregory Hunt

Jed Frost⁵⁷

- Nicholas Geddes

Te Anau Developments Limited⁵⁸

- Fiona Black
- Ben Farrell

N Gutzewitz & J Boyd⁵⁹

- Nicholas Geddes

New Zealand Tungsten Mining Limited⁶⁰

- Rosie Hill (Counsel)

Karen & Murray Scott⁶¹

- Jayne Macdonald (Counsel)
- Ben Espie
- Carey Vivian

52 Submission 661
53 Further Submission 1277
54 Further Submission 1275
55 Further Submission 1269
56 Submission 827
57 Submission 323
58 Submission 607
59 Submission 328
60 Submission 519
61 Submission 447

Temple Peak Limited⁶²

- Carey Vivian

Cabo Limited⁶³

- Carey Vivian

Bobs Cove Developments Limited⁶⁴

- Ben Farrell
- Donald Reid
- Stephen Skelton

Mount Christina Limited⁶⁵

- Rosie Hill (Counsel)
- Stephen Skelton
- Christopher Ferguson

Remarkables Park Limited⁶⁶ and Queenstown Park Limited⁶⁷

- John Young (Counsel)
- Stephen Brown
- Rick Spear
- Justin Ralston
- Tim Johnson
- Rebecca Skidmore
- Anthony Penny
- Robert Greenaway
- John Ballingall
- Stephen Hamilton
- Alastair Porter
- David Serjeant
- Paul Anderson

DJ and EJ Cassells, the Bulling Family, the Bennett Family, and M Lynch⁶⁸; and Friends of the Wakatipu Gardens and Reserves⁶⁹

- Rosie Hill (Counsel)
- Dr Andrea Farminer
- David Cassells

Tim & Paula Williams⁷⁰

- Tim Williams

⁶² Submission 486
⁶³ Submission 481
⁶⁴ Submission 712
⁶⁵ Submission 764
⁶⁶ Submission 807 and Further Submission 1117
⁶⁷ Submission 806 and Further Submission 1097
⁶⁸ Submission 503
⁶⁹ Submission 506
⁷⁰ Submission 601 and Further Submission 1252

Halfway Bay Lands Limited⁷¹

- Graeme Todd (Counsel)
- Stephen Skelton
- Gary Dent
- Paul Faulkner
- Ben Farrell

New Zealand Transport Agency⁷²

- Jo Appleyard (Counsel)
- Anthony Sizemore
- Anthony MacColl

Skyline Enterprises Limited⁷³

- Graeme Todd (Counsel)
- Michelle Snodgrass
- Sean Dent

ZJV (NZ) Limited⁷⁴

- John Young (Counsel)
- Jeffrey Brown
- Trent Yeo

**Grant Hylton Hensman, Sharyn Hensman & Bruce Herbert Robertson, Scope Resources Ltd,
Grant Hylton Hensman & Noel Thomas van Wichen, Trojan Holdings Ltd⁷⁵**

- Jayne Macdonald (Counsel)
- Michelle Snodgrass
- Derrick Railton
- Michael Copeland
- Glenn Davis
- Jason Bartlett
- Alyson Hutton

10. The following witnesses pre-lodged evidence but were excused from attending the hearing, as after reading the evidence concerned, the Panel found they had no questions for those witnesses:

For the Council

- Dr Stephen Chiles
- Walter Clarke
- Dr Kelvin Lloyd
- Charlie Watts

For Jardine Family Trust and Remarkables Station Limited⁷⁶

- David Rider

⁷¹ Submission 478

⁷² Submission 719 and Further Submission 1092

⁷³ Submissions 556 and 574

⁷⁴ Further Submission 1370

⁷⁵ Submission 361

⁷⁶ Submission 715

For Queenstown Park Limited⁷⁷

- Simon Beale
- Robert Bond
- Alison Dewes
- Paul Faulkner
- Simon Milne

11. A brief of evidence by Grant Bulling was tabled on 7 September 2017 in support of Submissions 503 and 506.
12. Evidence was received after parties had been heard as follows:
 - a. From QAC⁷⁸:
 - i. Memorandum of Counsel dated 18 August 2017 explaining QAC's position regarding the residential use of 1 Hansen Road;
 - ii. Memorandum of Counsel dated 25 August 2017 providing noise monitoring results requested by the Panel.
 - b. From Universal Developments Limited & Ors⁷⁹:
 - i. Memorandum of Counsel dated 22 August 2017 providing information requested by the Panel related to vehicle access limitations, internal roading and revised building height provisions.
 - c. From Middleton Family Trust⁸⁰:
 - i. An Addendum to Mr Geddes evidence lodged on 18 August 2017 providing suggested provisions for inclusion in Chapters 7 and 27.
 - d. For Oasis in the Basin Association⁸¹:
 - i. Supplementary Attachment D to Mr Skelton's evidence, dated 22 August 2017.
 - e. For Queenstown Lakes District Council⁸²:
 - i. Information requested by the Panel showing possible subdivision plans for Vancouver Drive land and an image of the Kerry Drive site showing the pedestrian page and zoning overlays, lodged on 28 August 2017.
 - f. For DJ and EJ Cassells and Ors⁸³:
 - i. A Memorandum of Counsel dated 13 September 2017 answering our questions as to the workability of the provisions proposed by the submitters.
 - g. For Jardine Family Trust and Remarkables Station Limited⁸⁴:
 - i. Memorandum from Lowe Environmental Impact Ltd to Nick Geddes dated 22 August 2017 in response to our questions concerning on-site effluent disposal.
 - ii. Memorandum of Traffic Conferencing dated 5 September 2017
 - h. For Jacks Point Residents and Owners Association⁸⁵:
 - i. Supplementary Evidence of Mr Gousmett in response to the Memorandum of Lowe Environmental Impact Ltd to Nick Geddes above.
 - ii. For Gibbston Valley Station Limited⁸⁶:

⁷⁷ Submission 806 and Further Submission 1097

⁷⁸ Submission 433 and Further Submission 1340

⁷⁹ Submissions 751, 847, 399, 717 and 177

⁸⁰ Submission 338

⁸¹ Further submission 1289

⁸² Submission 790

⁸³ Submissions 503 and 506

⁸⁴ Submission 715

⁸⁵ Further Submission 1277

⁸⁶ Submission 827

- iii. Draft Standards and a copy of the proposed Structure Plan, lodged on 4 September 2017;
 - iv. A Joint Witness Statement of Messrs Giddens and Buxton dated 9 October 2017.
- i. For Hensman and Ors⁸⁷:
- i. An undertaking offered by Scope Resources Limited to not implement land use consent RM070294 pending the decision of the Council on Submission 361;
 - ii. A Joint Witness Statement of Ms Hutton and Mr Buxton setting out the results of their caucusing, dated 15 September 2017.
 - iii. A revised version of the proposed Coneburn Industrial Zone prepared by Ms Hutton following the caucusing.
 - iv. A letter from Mr Bartlett dated 15 September 2017 confirming that his traffic assessment remained unaltered as a result of the amendments suggested in the Joint Witness Statement.
13. In addition to the parties who appeared, evidence was tabled by Don Lawrence⁸⁸ and Z Energy Limited⁸⁹. A brief of evidence was lodged by Mr Vivian in support of a submission by Lloyd James Vient, Arcadia Station⁹⁰. This submission was in support of the Arcadia Rural Visitor Zone, which was not part of Stage 1. By email dated 28 August 2017, Mr Vivian withdrew the submission (and the evidence) and vacated the hearing time allocated.
14. Prior to the hearing, the we visited all of the submission sites and the neighbourhoods of those sites. Site visits were carried out over seven consecutive working days, commencing on Monday 10 July 2017 and concluding on Tuesday, 18 July 2017. Richard Kemp, a consultant, assisted the panel by arranging these visits. Mr Kemp's assistance was limited to logistics and IT support (e.g., use of GPS to identify property boundaries) and he took no part in discussions on the planning issues raised in submissions as required by the terms of the confidentiality agreement accompanying his appointment. We were also assisted by consultants/parties. However this assistance was limited to OSH matters, driving us around and pointing out features of the site shown/referred to in submission. No discussion of the evidence or merits of the submissions or further submissions took place on these familiarisation visits.
15. From time to time during the hearing, we revisited some sites and/or neighbourhoods.
- 1.5. Procedural Issues:**
16. Over 255 submitters and further submitters were listed for hearing in this Hearing Stream, covering over 930 submission points. To assist programming the hearing of submissions, we issued a Minute on 7 February 2017 providing an indication that the hearings would commence in July 2017 and requesting indications from submitters:
- a. whether they intended to appear or not;
 - b. if appearing the number of persons presenting to the Panel and their expertise; and
 - c. an indication of the time likely to be required to present their case, in the knowledge that evidence would be pre-lodged and read in advance by the Panel.
17. Utilising the information provided by the submitters, the Chair issued a Minute on 11 April 2017 attaching an indicative hearing schedule and making directions for the release of Section 42A Reports (25 May 2017), the date for lodgement of submitter evidence (9 June 2017), the date for the Council to lodge development capacity outputs and associated evidence (16 June

⁸⁷ Submission 361
⁸⁸ Submission 16
⁸⁹ Submission 312
⁹⁰ Submission 480

2017), the date for the lodgement of rebuttal evidence (7 July 2017), and advising of the arrangements being made for site visits.

18. Following release of the indicative hearing timetable various requests were made by submitters for amended times, or to be included. The various amendments to accommodate these requests were set out in the Chair's Tenth Procedural Minute dated 22 May 2017, along with a revised hearing schedule.
19. In addition to these Minutes dealing with the general process, the following were also issued:
 - a. In a Minute dated 8 February 2017 the Chair advised Aurora Energy Ltd that whether it should present evidence in Stream 13 or not was the submitter's decision.
 - b. In a Minute dated 28 February 2017, we directed that Submission 338 and that part of Submission 501 which sought to rezone land around Lake Johnson and Hansen Road be heard in Stream 13.
 - c. In a Minute dated 6 March 2017 we declined an application by Bridesdale Farm Developments Ltd, Shotover Country Ltd, Michaela Meehan, Private Property Ltd and Ayrburn Farm Estate Ltd to have their submissions heard in Stream 13 as they were within the Wakatipu Basin and would more logically be heard in the hearing of submissions related to that area.
 - d. In a Minute dated 30 March 2017 we requested the Council consider a timetable which would enable sufficient time for submitters to lodge rebuttal evidence in respect of the Council's DCM evidence.
 - e. In a Minute dated 5 May 2017 we extended the time Skyline Enterprises Ltd had to lodge certain evidence if an Environment Court hearing the relevant witnesses were involved in, extended into an additional week.
 - f. In a Minute dated 5 May 2017 we sought clarification from the Council as to the boundary between the Queenstown Mapping Stream and the Wakatipu Basin, and the Council's position on a request for certain submission points to be transferred to the Wakatipu Basin Stream.
 - g. In a Minute dated 12 May 2017 we clarified the hearing process we expected to follow in respect of certain further submissions lodged by RPL and QPL.
 - h. In a Minute dated 12 May 2017 we enquired of two submitters whose submissions related to land in Tucker Beach Road (J Waterson; and K Hindle & D Wright) whether they wished to be heard in Stream 13 or the Wakatipu Basin Hearing Stream.
 - i. In a Minute dated 15 May 2017 we provided the Council and RPL with an opportunity to comment on a memorandum filed by QAC seeking directions limiting the scope of evidence and argument that RPL could present in the Stream 13 hearing in relation to the extent of the Airport Mixed Use Zone as it applied to Queenstown Airport. The result of this Minute was a Joint Memorandum from Counsel for QAC, RPL and the Council dated 19 May 2017 requesting that the Panel make its decision on the extension of the Airport Mixed Use Zone on the basis of the information received in the Chapter 17 hearing in December 2016. We confirmed that we would follow this course in a Minute dated 19 May 2017.
 - j. In a Minute dated 17 May 2017 we transferred the relevant submission points for Submissions 500, 467, 473 and 310 to the Wakatipu Basin Hearing Stream, and confirmed that Submission 476 would remain in Stream 13.
 - k. In a Minute dated 17 May 2017 we declined a request to transfer Submission 338 to the Wakatipu Basin Hearing Stream.
 - l. In a Minute dated 23 May 2017 we granted an extension of time to lodge evidence to the Trustees of Lakeland Park Christian Camp.

- m. In a Minute dated 29 May 2017 we agreed to QAC's request to file a single brief of evidence for each expert, notwithstanding those briefs would relate to 33 individual zoning requests.
- n. In a Minute dated 29 May 2017 the Chair clarified that it was permissible for a submitter to seek the application of an ODP zone to land as part of this process.
- o. In a Minute dated 8 June 2017 the Chair clarified that a submission seeking a change of zoning from Rural to Rural Visitor Zone was "on" the PDP, but that the Rural Visitor Zone was not part of the PDP notwithstanding that the zoning was shown for information purposes on the notified Planning Maps.
- p. In a Minute dated 9 June 2017 we granted an extension to lodge evidence from specified submitters to noon on Monday 12 June 2017.
- q. In a Minute dated 26 June 2017 we removed the hearing time allocation for Submission 354 as that submission had been withdrawn in Hearing Stream 6.
- r. In a Minute dated 26 June 2017 we changed the date we requested legal submissions be filed in advance to 14 July 2017.
- s. In a Minute dated 7 July 2017 we granted a late request by Jacks Point Residents and Owners Association for hearing time in respect of Further Submission 1277.
- t. In a Minute dated 15 July 2017 we granted requests by RPL, QPL and Gibbston Valley Station Limited to file legal submissions at later dates.
- u. In a Minute dated 15 July 2017, we granted a request by Jacks Point Residents and Owners Association (FS1277) and Jacks Point group (FS1275) for a 30 minute hearing slot; and declined a request to amend each further submission in opposition to Submission 361 by extending the reasons for the opposition.
- v. In a Minute dated 21 July 2017, we advised the Council that we had no questions for: Dr Chiles; Mr Clarke; Dr Lloyd; or Mr Watts.
- w. In a Minute dated 6 August 2017 we granted leave for F S Mee Developments Co Limited to file a late request for a hearing time and to file late evidence.
- x. In a Minute dated 15 August 2017 we confirmed a timetable for the receipt of additional information offered by Jardine Family Trust & Remarkables Park Station Ltd.
- y. In a Minute dated 2 September 2017 we amended the timetable for the receipt of additional information from Jardine Family Trust & Remarkables Park Station Ltd.
- z. At the hearing, on 1 September 2017, Ms Macdonald, counsel for Submitter 361, applied to strike out Further Submissions 1275 and 1277 on the grounds they had not been served on the submitter as required by the Act. In a Minute dated 13 September 2017, we requested proof from Further Submitters 1275 and 1277 that the further submissions had been filed on Submitter 361. A memorandum of counsel for Further Submitters 1275 and 1277 received on 20 September 2017 attached a copy of an email sent on Friday 18 December 2015 to, among others, Ms Macdonald attaching the further submissions of Further Submitter 1275. This memorandum, out of an abundance of caution, also sought a waiver to serve FS1277 late as counsel could not find proof of service. In a decision dated 9 October 2017 the Chair granted the waiver of service sought in respect of Further Submission 1277.
- aa. By a memorandum of counsel dated 14 September 2017, F S Mee Developments Co Limited⁹¹ sought leave to either amend Submission 425 or to file a late submission so as to enable consideration by the Panel of a zoning outcome addressed at the hearing which fell outside scope of the submission as lodged. By a decision of the Chair made on 20 September 2017 this application was refused.
- bb. By a Minute dated 27 September 2017 we asked all submitters who sought the inclusion of structure plans or partial rezoning of their site to provide digital copies of the changes

⁹¹ Submission 425

sought so that they could be included in the Council GIS if we were minded to recommend acceptance of the relevant submissions.

- cc. By a Minute dated 29 September 2017 we requested a joint witness statement from Messrs Giddens and Buxton concerning provisions sought by Gibbston Valley Station Limited.
- dd. By a Minute dated 29 September 2017 we granted an extension of time to the Council to file its reply in respect of the submission by Gibbston Valley Station Limited.
- ee. By a Minute dated 16 October 2017 we sought clarification from Council of the zoning status of the Kerry Drive reserve subject to Submission 790, in the light of the forthcoming variation.
- ff. By a Memorandum dated 2 November 2017 the Council advised that the draft maps the Panel had been provided with the Reply evidence had incorrectly shown the Kerry Drive reserve as subject to the proposed Open Space Zone. The Memorandum also identified that a piece of land known as the Commonage was also incorrectly shown as proposed Open Spaces Zone on those draft maps.
- gg. In a Memorandum dated 14 December 2017 the Council provided an updated Table of Recommendations to Group 1B Submissions.
- hh. In a Memorandum dated 9 February 2018, counsel for the Council drew our attention to the recent decision of the High Court in *Royal Forest and Bird Protection Society Inc v Bay of Plenty Regional Council*.⁹²

1.6. Stage 2 Variations

- 20. On 23 November 2017, the Council notified the Stage 2 variations to the District Plan. In relation to the Queenstown Mapping Hearings, this included:
 - a. The rezoning of most Council-owned reserve land to one of eight Open Space zones or sub-zones;
 - b. The rezoning of the land zoned Rural, Rural Lifestyle and Rural Residential (and their respective sub-zones) within the Wakatipu Basin to Wakatipu Basin Rural Amenity Zone, with some portions being in the Wakatipu Basin Lifestyle Precinct sub-zone;
 - c. The application of Visitor Accommodation Sub-Zone onto various Planning Maps.
- 21. By virtue of Clause 16B(1) of the First Schedule to the Act, submissions on any provision the subject of a variation are automatically carried over to the hearing of the variation.
- 22. Counsel for the Council filed a memorandum dated 23 November 2017 advising the Hearing Panel on the effect of notification of the PDP Variation 2 and stage 2, advising among other things that:
 - a. The submission of Skyline Enterprises Limited⁹³ (and the relevant further submissions⁹⁴) in relation to a sub-zone sought to be applied to the land occupied by the Skyline Gondola and associated terminal activities should be treated as transferred⁹⁵;
 - b. That the submission by Middleton Family Trust⁹⁶ as it related to the Trust's land notified as Rural within the Rural Landscape Classification⁹⁷ was to be treated as transferred;

⁹² [2017] NZHC 3080

⁹³ Submission 574

⁹⁴ FS1063 and FS1370

⁹⁵ There is actually a small area of land outside the land rezoned by the Stage 2 Variations which we deal with in Report 17-2

⁹⁶ Submission 338

⁹⁷ Confirmed in Memorandum of counsel dated 18 December 2017

- c. Various other submissions⁹⁸ relating to land in Tucker Beach Road should be treated as transferred;
23. Submissions seeking imposition of Visitor Accommodation zoning over land not currently so zoned would be able to be made as part of the Stage 2 process, so long as the land concerned is the subject of either Stage 1 or Stage 2 of the District Plan Review⁹⁹. We had several submissions before us in this category, and we have factored that information into our consideration of them.
- 1.7. Format of Stream 13 Reports**
24. The number of submissions required to be considered in this hearing stream, and the extent of the cases advanced by a number of submitters means that it is impractical for us to report to Council on all of the matters we heard in one report. We have therefore adopted the following approach to drafting our reports:
- a. This report canvasses the background to the Stream 13 hearing, the parties we heard, the procedural directions made, and the general approach adopted to our considerations of the submissions we heard;
 - b. Separate Reports consider and make recommendations on specific requests for rezoning or map amendments. These are ordered geographically and each report contains several sections, each dealing with individual sites or groups of sites:
 - i. Report 17-2: Central Queenstown;
 - ii. Report 17-3: Fernhill;
 - iii. Report 17-4: Arthurs Point;
 - iv. Report 17-5: Queenstown Hill;
 - v. Report 17-6: Frankton – Lake Johnson - Tucker Beach Road;
 - vi. Report 17-7: Kelvin Peninsula;
 - vii. Report 17-8: Coneburn Valley – Queenstown Park – Jacks Point;
 - viii. Report 17-9: Wye Creek – Kingston;
 - ix. Report 17-10: West side of Lake Wakatipu;
 - x. Report 17-11: Closeburn to Kinloch;
 - xi. Report 17-12: Gibbston Valley
 - c. In each of these reports we have not undertaken a separate Section 32AA analysis. Rather, our analysis in terms of the requirements of that section is set out in the body of the report where we discuss the recommended changes. That includes those instances where we recommend the inclusion of additional provisions in the text of the PDP.
 - d. Where we do make recommendations that additional provisions be included in the text of the PDP, we make those recommendations to the Council after having consulted the Hearing Panel that heard the submissions on the relevant chapter to ensure consistency of provisions, style and appropriate location of the provisions.

2. APPROACH TAKEN WHEN CONSIDERING SUBMISSIONS

2.1. General Approach to Rezoning Applications:

25. The tests to be employed in finalising the terms of the PDP are outlined in Report 1. We refer to and rely on that discussion.
26. The current context (submissions on the planning maps) raises particular issues that require some discussion at a general level. Most of the submissions we had to consider sought a different zoning for land from that shown on the planning maps. Where submissions also

⁹⁸ Submissions 501, 310, 396, 467, 500 and 473.

⁹⁹ Counsel for the Council's Memorandum dated 23 November 2017 at [13]

sought alteration of ONL/ONF/RCL boundaries, or SNAs or the UGB we have dealt with that in the same report as the zoning request, but treating the matters as separate issues.

27. In relation to rezoning applications, counsel for the Council submitted to us that our recommendations “must consider whether the zone assists the Council to carry out its functions in order to achieve the purpose of the Act, and whether the zone is in accordance with Part 2 of the RMA.”¹⁰⁰
28. We understand that there is no presumption that the notified zone is the most appropriate, and Ms Scott confirmed that proposition, but submitted that submitters still needed to provide a level of detail and analysis that corresponded to the scale and significance of the environmental effect anticipated from the implementation of the new zone¹⁰¹.
29. While there is no presumption in favour of the notified PDP, it has been the subject of extensive analysis under section 32, and to the extent that the Council position before us was to support the existing notified zoning, it provided further evidence supporting that initial section 32 analysis.
30. Any change in zoning of land from that shown in the planning maps requires evaluation under Section 32AA.
31. If the only material we had before us was the existing Section 32 analysis and further Council evidence supporting the notified zoning, we have no basis on which to undertake the required Section 32AA evaluation in respect of any alternative zoning and must necessarily recommend rejection of any submissions seeking an alternative zoning¹⁰².
32. The practical application of these principles means that for the large number of submissions seeking rezoning where the submitter did not appear and call evidence as to why their submission should be accepted and the evidence for the Council recommends rejection of the submission, we have necessarily been put in the position where acceptance of that recommendation is the only position open to us. The only potential exception would be if the material provided as part of the original submission was sufficiently extensive that it provided the basis for a Section 32AA evaluation of the alternative rezoning sought. While some submissions did indeed include a substantial volume of material supporting the requested relief, by and large, these were the submissions that were the subject of evidence before us.
33. In each of those instances we have set out in our reports our assessment of whether adequate information was provided.
34. We also note that the evidence for Council does not have any head-start over the evidence for any other party. It is the cogency of the evidence when considered within the framework of legal tests we have to apply that counts. Among other things, that means that where the evidence for Council supports a rezoning proposal, we have to be satisfied that the reasoning prompting a change of position on the part of Council is sound, just as we would need to be satisfied that the evidence for a submitter should be preferred to the analysis set out in the section 32 reports supporting the notified zoning. In some instances where the Council

¹⁰⁰ Opening Legal Submissions for Queenstown Lakes DC, Stream 13 – Queenstown Mapping, 21 July 2017 at paragraph 2.1

¹⁰¹ Ibid at paragraph 3.3

¹⁰² This is a specific example of the principles discussed in Recommendation Report 3 related to the Strategic Chapters of the PDP, at paragraphs 30-33

position has changed to one of full or partial support for the requested rezoning in response to the evidence of the submitter, we have disagreed with both the Council and the submitter, and recommended rejection of the submission or an outcome between that recommended by the Council and that sought by the submitter(s).

2.2. Relevance of higher order provisions to our inquiry:

35. The first general point that we should address relates to the practical application of the section 32 tests to a rezoning proposal. The zones shown on the planning maps are provisions of the PDP. Sitting behind those provisions, there is a suite of objectives and policies that vary according to the zone identified on the planning maps. Sitting at a higher level, Chapters 3-6 of the PDP provide strategic direction and contain higher level objectives and policies.
36. Above the strategic objectives and policies in Chapters 3-6 again, there are the higher-level documents that we need to factor into our decision making, giving effect to some (the Operative RPS and higher still, National Policy Statements) and having regard to others (in particular, the Proposed RPS and the Iwi Management Plans). Above them all, there is the purpose of the Act, which any objectives are measured against, supported by the balance of Part 2 of the Act.
37. The particular question that requires consideration in the context of rezoning applications is, when section 32(1)(b) talks about examining whether the provisions in a proposal are the most appropriate way to achieve the objectives, which objectives are relevant for this purpose?
38. Recommendation Report 1 discusses the extent to which the Hearing Panels considering the provisions of the PDP seeking to implement the strategic direction provided by Chapters 3-6 should go beyond the strategic chapters into an inquiry as to the implications of the higher-level documents and other statutory provisions. It concludes that while the intention of the Hearing Panel making recommendations on Chapters 3-6 is that they faithfully reflect the legal requirements in the Act as regards higher level documents and other guidance, those recommended provisions are necessarily not 'settled' and accordingly, reference is required back to the higher-level provisions. Specifically, in relation to Part 2 of the Act, the Hearing Panel has to consider whether the strategic directions are complete, clear and in accordance with the legal requirements¹⁰³. We do not therefore, need to discuss those matters further.
39. The issue for us is whether, when measuring the appropriateness of particular zonings, the reference point is the objectives of the relevant zone, or the objectives of the strategic chapters, or both.
40. We accept counsel's submission when comparing two or more zones and deciding on which is the most appropriate, that comparison cannot be completed in isolation from the provisions within the zones themselves, but the objectives and policies (methods) in a particular zone should reflect the broader objective and policies located in Chapters 3 to 6¹⁰⁴.

2.3. Site specific plan provisions:

41. Thus far, our reasoning reflects the relatively simple case where a submission seeks to employ an existing zone in the PDP without amendment. That was not, however, the position that

¹⁰³ The decision of the High Court in *Royal Forest and Bird Protection Society Inc v Bay of Plenty Regional Council* noted above would appear to confirm that this approach is correct, at least as regards higher order National and Regional Policy Statements.

¹⁰⁴ Opening Legal Submissions for Queenstown Lakes DC, Stream 13 – Queenstown Mapping, 21 July 2017 at paragraphs 3.1 and 3.2

applied to several submissions we heard which sought a site specific zone, or the inclusion of site specific assessment matters or controls. In addition, there were instances where submissions on notified site specific provisions had been deferred to be heard in this Hearing Stream in conjunction with submissions seeking rezoning.

42. Submissions seeking a new zone of their own specification reinforces the need to look beyond the immediate objectives a zone seeks to implement, to the strategic direction of the PDP (and higher). Looking solely at the zone provisions the submitter had drafted would be an entirely circular exercise since they were obviously designed to facilitate the activities the zone provides for.
43. While no issue can be taken regarding the jurisdiction to insert site-specific Plan provisions if a submission seeks that relief, a proliferation of such site-specific provisions raises issues in terms of Plan administration.
44. One of the features of the ODP is the extent to which it already provides, through the mechanism of a series of 'special' zones, bespoke planning provisions for particular areas of the district. Most, but not all of those special zones have been reserved for subsequent stages of the District Plan review process¹⁰⁵ and so we do not know whether and to what extent that position will be perpetuated. What we do know, however, is that to the extent existing special zones have been rolled over (in Chapters 41-43 of the PDP), those provisions provide a precedent for what the submitters before us were seeking.
45. Accordingly, we do not think an objection in principle to site specific planning provisions could be sustained. Having said that, however, this is a matter of scale and degree. At a certain point, there are so many site-specific planning provisions that a plan loses overall direction and coherence. It also expands in size as general provisions affecting large-areas are replaced or overlaid in respect of relatively small areas – often a single site. Even in an age where increasing use of electronic documents is becoming the norm, this affects the usability of the PDP.
46. In Section 32 terms, these issues affect the efficiency of the provisions in achieving the objectives.
47. Another issue that arose under this heading was those submissions seeking the application of the ODP Rural Visitor Zone to their land. We have noted above the two Minutes issued in May and June 2017 dealing with the question of whether a submission could seek the application of the ODP Rural Visitor Zone to land notified as Rural in the PDP. The first Minute set out the following as the approach to be used in such an assessment:

"4 ... if a submitter seeks to zone the land using a set of provisions that are not one of the Stage 1 zones, that submitter would need to show how those provisions fit within the overall strategic directions chapters of the PDP. If the provisions do not give effect to and implement the strategic directions chapters, it would likely be difficult to conclude that they were the most appropriate way to achieve the objectives in those chapters.

5 Where a submitter has chosen to identify an ODP zoning, such as the Rural Visitor Zone, as the set of provisions as being appropriate, that test of giving effect to and implementing the strategic directions chapters remains relevant. In addition, there are

¹⁰⁵ The Council's website advises that a number of Special zones will be the subject of Stage 4 of the District Plan Review, with notification targeted for the second quarter of 2019.

two matters that submitters need to consider in seeking the implementation of an ODP zone. First, there is no evidence that those ODP zones will become part of the PDP. Second, the Hearing Panel would need to understand the entire objective, policy and rule framework proposed so the Panel can understand what actual and potential effects on the environment the rezoning would have and whether that was consistent with the overall objectives and policies of the PDP. I can foresee difficulties in this regard if a submitter seeks to rely on ODP provisions unaltered, as the entire structure of the PDP is different.

6 *This approach means that is open to submitters to seek to apply a zone that is not in those presently part of Stage 1 of the PDP, but they must provide a solution that fits within the PDP. It also means that it is not open to the Council to say that the submission cannot be considered because an ODP zone is sought, at least not at the s.42A report stage. If a submitter fails to file evidence showing how the provisions sought fit within the PDP and relies solely on ODP zone provisions, then the Council is fully entitled to adduce rebuttal evidence identifying aspects of those provisions that do not give effect to and implement the PDP higher order objectives and policies.”*

48. We did not understand that approach to be questioned by the Council or submitters.
49. Our approach to this question has been to hear submissions and evidence on requests to apply a rezoning in a consistent manner, whether the rezoning sought was one of the zones notified in the PDP, a zone applied in the ODP or a proposed new zone. In each case we have, as discussed above, considered whether the proposed provisions gave effect to and implemented the strategic direction chapters, and the likely effect on the environment of applying the proposed zone. We have also considered whether the proposed provisions were drafted in a manner consistent with the resource management approach of the PDP.
50. Where we have concluded a different zone was appropriate for the land in question, but the options put before us in the evidence did not meet the matters outlined in the previous paragraph, we have recommended the Council reconsider the zoning with a view to initiating a variation to apply an appropriate zone, or apply an appropriate zoning in a later Stage of the District Plan Review.

2.4. Approach Taken to Annotations on Planning Maps

51. During the period leading up to the hearings, we found it necessary to clarify how we would deal with annotations on the Planning Maps which were applied to land not zoned in Stage 1. This arose in response to a memorandum from counsel for the Council¹⁰⁶ and was the subject of two minutes from the Chair¹⁰⁷, and a further memorandum from counsel for the Council¹⁰⁸.
52. This issue has arisen because, when the PDP was notified, the Council chose to show ODP zone notations on land that did not form part of the PDP. In addition, the Council also chose to place annotations such as Landscape Classification lines, UGB lines, Air Noise Boundary and Outer Control Boundary over land that was not included in Stage 1.
53. Relevant to the Stream 13 hearings, for example, Planning Map 31a shows:
- The ODP Quail Rise Special Zone, with a Landscape Classification line running across it;
 - The Frankton Flats Special Zone with the Outer Control Boundary running across it;

¹⁰⁶ Dated 6 June 2017

¹⁰⁷ Dated 12 June 2017 and 21 July 2017

¹⁰⁸ Dated 30 June 2017

- c. The Industrial A Zone with the Outer Control Boundary running across it;
 - d. The Remarkables Park Special Zone with a Landscape Classification line, the Air Noise Boundary and the Outer Control Boundary running across it.
54. We understood the Council’s position to be that where any of those four annotations (Landscape Classification, UGB, Air Noise Boundary, Outer Control Boundary) were shown over land which was shown on the Planning Maps as having an ODP zoning, the relevant line was to be taken as part of the PDP and could have been subject to submission.¹⁰⁹
55. We were concerned that the Public Notice of Stage 1 of the PDP, the notified text in Chapter 1 of the PDP, and the text on the Legend and User Information page of the Planning Maps may have led people to reasonably believe that they did not have the need or ability to lodge submissions on matters affecting their land when it was identified as having an ODP zoning.
56. The consequence of this in relation to the Stream 13 Hearings is that:
- a. We have not heard submissions or evidence from the council or submitters in relation to annotations on the Planning Maps applied to those ODP zones shown on the maps for information purposes;
 - b. We have treated submissions seeking a rezoning of an ODP zone, or submissions supporting an ODP zone, as out of scope as they are not ‘on’ the PDP.

3. NPS ON URBAN DEVELOPMENT CAPACITY 2016

3.1. Giving effect to the NPSUDC 2016

57. The NPSUDC 2016 covers development capacity for both housing and business and its provisions are therefore relevant to the PDP, particularly the purpose and extent of Residential, Commercial and Industrial zones. It requires councils to provide in their plans enough development capacity to ensure that demand can be met. This development capacity must be commercially feasible to develop and supported by infrastructure. Local authorities are also required to prepare a housing and business development capacity assessment and to regularly monitor market indicators, to ensure there is sufficient capacity to meet demand. The Queenstown Lakes District is a high growth urban area. Therefore it is required to meet the requirements of the NPSUDC 2016.¹¹⁰
58. The NPSUDC came into force on 1 December 2016, more than a year after the PDP was notified (26 August 2015) and well into the hearings. To give immediate effect to the NPSUDC 2016 as required, the Council initiated a review of the Dwelling Capacity Model 2015 (the DCM) and business development capacity in March 2017. The first phase of this work was completed in mid-2017. Consequently, the modelling results were introduced progressively through the Council’s Section 42A Reports and evidence, primarily in Hearing Streams 12 Upper Clutha Mapping and 13 Queenstown Mapping (the last hearing in this stage of the plan review). The DCM results were adjusted during the hearing on Stream 13 as recorded in the Council’s evidence and legal submissions in reply.
59. Policy PB1 in the NPSUDC 2016 required the Council to prepare a full housing and business development capacity assessment by 31 December 2017. In March 2017, the Council advised that it was working towards this date and was undertaking a number of workstreams that ‘may

¹⁰⁹ Based on Counsel for the Council’s Memorandum dated 6 June 2017 at paragraph 8

¹¹⁰ Preamble, NPSUDC 2016, pp4-5.

not be concluded in time for rezoning evidence'.¹¹¹ This proved to be the case. Therefore the Council's evidence to the hearing is best described as a 'work in progress'. We were satisfied nonetheless that it was a reliable basis for evaluating rezoning requests because the District is well-supplied with zoned, undeveloped [feasible capacity] Residential and Business land in the short and medium term. We considered there was a low risk associated with relying on the findings of this 'work in progress' because of the requirements for monitoring and reporting within the NPSUDC 2016. Specifically, policy PC3 requires local authorities to initiate a response within twelve months when the evidence base or monitoring obtained in accordance with policies PB1 to PB7 indicates that development capacity is not sufficient in any of the short, medium or long term.¹¹² If circumstances change or the final housing and business development capacity assessment came to a significantly different conclusion, the Council is obliged to respond by providing further development capacity and enabling development.

60. Our duty when hearing submissions was to consider whether, in terms of policy PA1, the PDP provided sufficient housing and business development capacity in the District's urban environment over the short, medium and long term. This same question was considered by the Hearing Panel for Stream 12 Upper Clutha Mapping with respect to the Wanaka Ward.¹¹³ The NPSUDC 2016 provides for a review after 10 years therefore it was particularly important that we evaluated whether there was sufficient residential and business development capacity enabled by the PDP in the short and medium term.

61. The Panel hearing evidence in Stream 12 observed that the NPSUDC 2016 “

“does not prescribe where any particular urban development capacity needs to be located merely that sufficient capacity has to be provided in terms of policy PA1 and that, in terms of policy PA3(a), particular regard has been had to provision for choices meeting the needs of people and communities and future generations.”¹¹⁴

62. That Panel went on to say that the NPSUDC 2016 provides general background to the rezoning applications but does not dictate which rezoning submissions should be accepted.¹¹⁵ We agree with both observations and relied on them when approaching the evaluation of submissions seeking rezoning in Wakatipu.

63. Given the timing of notification, whether the zone provisions in the PDP gave effect to the NPSUDC 2016 was addressed by the Panel prior to completion of the hearings on the text. In a minute dated 4 February 2017, the Panel asked the Council to confirm it was satisfied that the provisions of the PDP 'which have already been heard' gave effect to the NPSUDC 2016. Counsel for the Council responded with a memo dated 3 March 2017 stating that it is the Council's position that a number of the objectives and policies of the NPSUDC 2016 that took immediate effect were given effect to by the provisions of the PDP chapters.¹¹⁶ The Hearing Panel agreed with this position therefore we have retained the number, nature and type of urban zones as notified, albeit the Hearing Panel has recommended changes to the objectives, policies and other provisions.

¹¹¹ Memorandum of Counsel on behalf of QLDC regarding the NPSUDC 2016 dated 3 March 2017, para 22.

¹¹² Short term is defined as 'within 3 three years', medium term is 'within 3 - 10 years' and long term is 10 - 30 years.

¹¹³ Report 16; Relevance of NPSUDC

¹¹⁴ Ibid, paragraph 120

¹¹⁵ Ibid, paragraph 121

¹¹⁶ Memorandum of Counsel on behalf of QLDC regarding the NPSUDC 2016 dated 3 March 2017, para 3.

64. Consequently, we have relied on the text of the relevant Residential and Business chapters as recommended by other Hearings Panels when considering the appropriateness and extent of these zones ‘on the ground.’¹¹⁷
65. Strategically, the Urban Growth Boundary is a method adopted in the PDP as one means of managing urban growth. The notified proposal for identification of UGBs is supported by the Panel for several reasons including its role in giving effect to the NPSUDC 2016. This matter is addressed fully in Recommendation Report 3.¹¹⁸ We relied on this recommendation and the accompanying amended text in Chapter 3 when considering submissions on the location of the UGB.
66. Together, the recommended PDP policies relating to the location of the UGB, the recommended provisions of the zone chapters and strategic capacity enablement provided by the DCM results, assist the Council to give effect to the NPSUDC 2016. In our deliberations, we considered these matters in the context of the subject site or area and in light of the zoning principles (see below) in order to recommend an appropriate zone and/or planning map notation. Because the DCM results provided some confidence that there was sufficient residential and business development capacity enabled by the PDP for the District, the relief sought needed to be supported on some other relevant basis.
- 3.2. The DCM - supply of land for residential, commercial and industrial purposes**
67. Underlying the DCM are growth projections for the QLDC area prepared by Mr Walter Clarke, infrastructure advisor at Rationale Limited.¹¹⁹ The Council adopted Mr Clarke’s recommended ‘modified’ growth scenario as the basis for development capacity modelling.¹²⁰ Mr Clarke’s evidence on population projections was not challenged therefore we accept and rely on it.
68. In summary, the population in the District is projected to increase to approximately 49,300 by 2028 (the life of this plan or the ‘medium term’ as defined in the NPSUDC 2016) and to nearly 66,500 by 2048 (‘long term’ as per NPSUDC 2016). Mr Clarke expected the population to double by 2058 with the rate of growth highest in the next ten to fifteen years.¹²¹ This scenario has implications for the zoning strategy in this PDP and long term urban growth management.
69. Mr Clarke’s ‘modified growth’ model predicted there would be a demand in the District for 24,700 dwellings in 2028 and 31,600 dwellings by 2048.¹²² For the Wakatipu ward, the model predicted a demand for 15,254 dwellings by 2018 and 20,261 dwellings by 2048 compared to a baseline of 12,128 dwellings in 2018.
70. Mr Clarke’s population growth predictions and, consequently, his predicted demand for dwellings were utilised in the DCM. We accept there is always uncertainty in modelling, particularly when looking a long way into the future. We also accept that the approach to assessing and monitoring housing and business development capacity enablement required by the NPSUDC 2016 will result in further calibration of the inputs to the DCM as new data comes to hand. Accordingly, we were satisfied that it was reasonable to rely on the outputs

¹¹⁷ Refer to Recommendation Reports 9A and 11.

¹¹⁸ See Section 6.3.

¹¹⁹ W Clarke, EIC, 19 June 2017. Section 6.1 Table 4 sets out the population projections and section 6.2 summarises key findings. For the full analysis, see Appendix 2, QLDC Growth Projections to 2058.

¹²⁰ W. Clarke, EIC, 9 June 2017, paragraph 5.8 and Figure 3

¹²¹ Ibid, section 6.2(c)

¹²² Ibid, Table 1

from Mr Clarke's modelling as inputs to the DCM. The notified PDP enabled sufficient residential capacity to meet demand beyond 2048 which meant there was a low risk that uncertainty with respect to the population predictions would not result in a significant risk of failing to meet the requirements of the NPSUDC 2016 in the short to medium term.

3.3. Dwelling capacity

71. Dwelling capacity modelling was undertaken by Mr Philip Osborne, an economic consultant with Property Economics Ltd. Mr Osborne's EIC (24 May 2017) and Reply Evidence (6 October 2017) described how the DCM was constructed and then adjusted to satisfy policy PC1 of the NPSUDC 2016. This policy requires local authorities to provide an additional margin of feasible development capacity over and above projected demand of at least 20% in the long term and 15% in the short and medium term. Mr Osborne's initial approach was to discount the estimates of feasible development capacity in recognition of higher than average levels of land speculation and banking (the 'development chance'). This approach did not satisfy the method specified in policy PC1 which requires a general approach of providing an additional margin to projected demand of 20% to 10 years (short to medium term) and 15% in the long term (30 years). The differing rates recognise the ability for the market to 'average out' over the longer term. The consequence of this added margin to projected demand is then, that feasible capacity must also meet that higher demand projection. The table in his Reply Evidence set out the revised results calculated in accordance with policy PC1.¹²³ For Queenstown, there would be a surplus of 18,232 dwellings enabled in the short term and 15 783 dwellings in the medium term.
72. Having adjusted the DCM to satisfy policy PC1, Mr Osborne maintained his evidence that there is sufficient development capacity enabled in the PDP to meet the likely demand for housing in the short to medium term. Indeed, the feasible capacity in the PDP exceeds projected demand for dwellings across each of the timeframes in policy PA1 i.e., in the short, medium and long terms. In other words, there is more than enough land zoned Residential in the PDP to meet the likely demand for housing long term. Given this generous supply of feasible capacity and the Special Housing Areas programme, we consider there is no pressing need to extend the area of Residentially-zoned land in Queenstown.
73. Mr Osborne's evidence was not challenged by anyone similarly qualified. However, Mr Nick Geddes, a resource management practitioner, addressed the DCM in supplementary evidence presented on behalf of three submitters.¹²⁴ He raised concerns about the capacity estimates (data utilised in existing zones, the approach to special zones and the role of special housing areas) and compliance with the policies of the NPSUDC 2016. Ms K Banks, a planner for the Council, responded by explaining the differences between the capacity estimates prepared as a desk-top exercise for the DCM 2015 and the updated 2017 model which is more robust.¹²⁵ Based on this explanation and our own questioning of the witnesses, we were satisfied that the capacity estimates presented in Mr Osborne's reply evidence were reliable. Further, there is more than enough existing Residential zoning in the PDP to meet short and medium term demand and thus to satisfy the requirements of the NPSUDC 2016.
74. Another concern addressed by Mr Geddes was the role of land banking and speculation in Queenstown, which poses a risk to affordability because land that is enabled for development is not coming to market in timely fashion. In his opinion, this was partly due to the cost of

¹²³ P. Osborne, Reply Evidence, 6 October 2017, paragraphs 2.3 – 2.6 re methodology and table within paragraph 2.7

¹²⁴ N. Geddes, EIC, Submissions 338, 328 and 715, 4 July 2017.

¹²⁵ K. Banks, Summary of evidence for Group 1B, 21 July 2017, paras 24 – 38.

development. For example, intensification within the UGB is costly due to the topography and higher standards in the plan rules.¹²⁶ With respect to large areas of undeveloped Residentially-zoned land within the UGB, he said that returns on development needed to be in the order of 33% before land would be subdivided whereas Mr Osborne assumed a 22% return. Landowners would simply withhold their land until the returns are acceptable. Be that as it may, land banking is an acknowledged issue in Queenstown. However the problem of relying on a few large landholdings for the vast majority of the land supply cannot be solved by this PDP alone.

75. In reply to questions from the Panel about the role of land banking and how the PDP might assist the Council to deal with that issue, Mr Osborne recommended increasing the area of medium density residential zoning as a means of lowering the unit cost of a dwelling. This, in turn, would improve the chance of development occurring, i.e. of land being released. In addition, as neighbourhoods within the existing urban area age, the ratio of improvements to land value reduces which also facilitates intensification. Mr Sean McLeod confirmed this advice in answer to questions when he presented evidence in support of increasing the area of MDRZ in Goldfield Heights, on Queenstown Hill and in Fernhill and Sunshine Bay.¹²⁷ We accept this evidence which is grounded in market experience. In our opinion, it is desirable to promote intensification by providing more medium and high density zoning for several reasons including affordability and lifestyle choice. However it is prudent to expect that it will take some time before higher density zoning within the UGB results in meaningful numbers of new dwellings coming to market.

76. In summary, we accept Mr Osborne's evidence on dwelling capacity and conclude that there is more than enough feasible development capacity enabled by the PDP in Queenstown to satisfy the requirements of the NPSUDC 2016.¹²⁸ Further, we conclude that there are no constraints or directions imposed on our recommendations by the DCM results because of the generous surplus of enabled residential capacity compared to demand in the short, medium and long term. We acknowledge the limited ability of the PDP to address the issue of land banking. However, where appropriate, we have taken opportunities to increase the extent of MDR zoning in existing urban areas where this is consistent with the Strategic Direction for the District and zoning principles e.g., Fernhill and Frankton North.

3.4. Business capacity – Commercial (retail, service and office activities)

77. The NPSUDC 2016 applies to the supply of business land as well as residential development capacity. Evidence on commercial (retail, service and office) capacity was given by Mr Tim Heath, property consultant, retail analyst and urban demographer with Property Economics Ltd. His analysis reviewed the current supply of business zoned land, estimated the vacant commercial zoned land 'available' to meet future demand and compared this supply to projected demand (by using the Property Economics Retail Expenditure Model) over the period 2017-2048.¹²⁹ Office land requirements were assessed by Mr Osborne for the purpose of this analysis.

78. As a result of questions from the Panel, minor changes were made to the table showing the Retail and Commercial Zoned Area and consequentially the table showing feasible capacity

¹²⁶ N. Geddes, EIC for Middleton Family Trust Submission 338, paragraphs 6.13 - 6.16.

¹²⁷ S. McLeod, EIC for Submissions 389 & 391, 9 June 2017

¹²⁸ The Panel hearing the Upper Clutha Mapping submissions came to a similar conclusion in regard to the Wanaka Ward. See Report 16, paragraph 139

¹²⁹ T. Heath, EIC, Commercial Land Requirements, 24 May 2017; Reply Evidence, 6 October 2017.

i.e., of Commercial Land Requirements. The updated tables were included in Mr Heath's Reply Evidence.¹³⁰

79. Mr Heath concluded that:

"In the context of the total retail and commercial zoned land area within the District, this update has no consequential effect on my findings in my evidence in chief, which was that the supply of retail and commercial zoned land within the Wakatipu Ward is sufficient for the next 20 years (to 2038), and it is not until the 20-30 year planning horizon (between 2038-2048) that the Wakatipu Ward may experience a shortfall and require additional land capacity for retail and commercial service activities. The land demand estimates included in Table 4 (in both my evidence in chief and above), include the NPS 'margin' as required in PC1 of the NPS. This is confirmed in paragraph 7.4 of my evidence in chief."¹³¹

80. Mr Heath's evidence was not challenged during the hearing, therefore we accept and rely on it. We find there is sufficient estimated feasible capacity to meet projected commercial land requirements in the short and medium term in the Wakatipu and Wanaka wards (i.e., the district to 2038). Mr Heath's analysis identified that additional commercial land may be required in the Wakatipu Ward in the long term (to 2048). This is not a matter that requires an immediate response however it does point to the importance of monitoring commercial trends. As noted earlier, the NPSUDC 2016 places a higher onus on Council to monitor the uptake of housing and business land and to respond within 12 months if monitoring identifies any shortfall.¹³² With this safeguard, changes in demand for commercial land can be addressed in a timely manner. We are satisfied that the current business zonings in the PDP meet the requirements of the NPSUDC 2016 with respect to business land capacity enablement in the short and medium terms.

81. We took this finding into account when considering a number of requests for rezoning from Residential to Business,¹³³ changes from one type of Business zone to another and when evaluating the appropriate zoning for Frankton North. It means there is no justification for increasing the area of Business zoning in this PDP solely to enable greater commercial capacity. Such submissions need to be supported on some other relevant basis.

82. The Council asked Mr Heath to comment on proposals to rezone Frankton North as LSCZ or BMUZ, both options being within scope. Frankton North has an area of 6.85ha and is opposite Frankton Flats, an emerging business centre. Mr Heath said that:¹³⁴

....it is difficult to see how all this land in Frankton North could be commercially viable and sustainable as a LSCZ without having adverse effects on other centres within the network and the integrity of the LSCZ, which is intended to provide for small scale convenience activities.

83. BMUZ was an alternative option which Mr Heath said could potentially result in a range of large format retail and large scale office activities establishing given its high profile location.

¹³⁰ T. Heath, Reply Evidence, 6 October 2017, Table 4

¹³¹ Ibid, paragraph 2.5

¹³² Opening submissions for the Council, 21 July 2017, para 5.14.

¹³³ For example, Submissions 141, 828 and 840 relating to the McBride Street/Terrace Junction area; Submission 425 Kelvin Heights; and Submission 102 Gorge Road

¹³⁴ T. Heath, Reply Evidence, 6 October, para 3.4

In his opinion, this zone had the “potential to undermine investment in the centres network and in the development of vacant land”.¹³⁵

84. Pragmatically, Mr Heath preferred BMUZ but with site specific rules that manage the development potential of retail and office activity. We understood the economic basis for this pragmatic solution. However, we were not prepared to recommend rezoning a significant part of Frankton North at BMUZ because we agreed with Mr Heath. BMU zoning had the potential to undermine the centres network (Strategic Objective 3.2.1.2) and zoning strategy which provides for BMU zoning in close proximity to Queenstown town centres. Frankton North is distant from Queenstown which means that BMU zoning would not support the role of that centre. Furthermore, it would likely undermine the role of Frankton Flats as an industrial and commercial service centre. We saw no need therefore to increase the area of Business zoning at Frankton North for capacity reasons and Mr Heath’s evidence convinced us there was a commercial risk to the centres strategy from rezoning to BMUZ.
85. Nevertheless, we have recommended rezoning from Rural to BMUZ a 90m deep strip of land in Frankton North with frontage to SH6 lying west of Hansen Road, widening to encompass the land as far as Hansen Road (amounting to less 4 ha of developable land).¹³⁶ This recommendation was based factors other than capacity including the unsuitability of the Rural Zone, the land’s location within the UGB and the lack of viable land uses due to constraints imposed by the OCB. In our view, a relatively small area of BMUZ zoning in this location would not lead to significant economic effects on the centres network provided the activities are limited to avoid ASAN, retailing and large format development.¹³⁷ Due to the proposed roading upgrades, we expect it will be some years before this land will come to market.
86. The appropriateness of LSCZ for McBride Street was also considered by Mr Heath.¹³⁸ In his opinion, assuming 1 Hansen Road remains LSCZ and an additional 6.85 ha was rezoned BMUZ at Frankton North, rezoning this land as LSCZ would oversaturate the market. We agree with his conclusion that LSCZ is not appropriate for McBride Street. However, we reached our view in reliance on the results of the feasible development capacity study which shows that no additional Business land is required in the PDP in the short to medium term and also because there would be adverse effects on the residential amenity values. The submitters did not make a case that other relevant factors supported their requested rezoning.¹³⁹
87. We asked Mr Heath whether it would be appropriate to enable office activities on the McBride Street properties while retaining Residential zoning. In his opinion, this would undermine the zoned provision for office activities. We inferred from the discussion that it was his opinion that the Business zones, together with the enablement of home offices in Residential zones, provided sufficient opportunities for small scale offices to establish throughout the urban area.
88. Whether rezoning to Business or up-zoning can be justified for reasons other than capacity enablement is addressed with respect to specific submissions in later sections of this report.

¹³⁵ Ibid, para 3.5

¹³⁶ Report 17-06; see discussion on Submission 455 and others in Part A and for proposed zoning, see Appendix 2 Zoning Map

¹³⁷ Ibid, Appendix 1 Amended provisions for Chapters 8, 16 and 27

¹³⁸ Ibid, paras 4.1-4.3

¹³⁹ Report 17-06, Part N

3.5. Business capacity - industrial

89. Evidence on the District's business market was given by Mr Osborne. Mr Osborne described the economic drivers, outlined the current business environment and compared projected demand and supply of business land. His EIC concluded that:¹⁴⁰

*In terms of industrial land, neither Wakatipu nor Wanaka have sufficient land to meet 2048 demand requirements. However, the current zoned land is sufficient to meet the market needs until 2030.*¹⁴¹

90. This conclusion was later refined to acknowledge the effect of applying buffers on demand as required by policy PC1 of the NPSUDC 2016.¹⁴² Mr Osborne's revised opinion was that industrial land capacity is likely to be absorbed by the beginning of 2030 which represented a subtle difference in timing.
91. The only other evidence on industrial capacity was presented in relation to the Coneburn Industrial Estate by Mr Michael Copeland, an economist.¹⁴³ Mr Copeland cited the 2013 McDermott Miller report which analysed supply and demand for commercially zoned land in the Wakatipu-Arrowtown area for the period 2013-2031.¹⁴⁴ This study found that a shortage of industrial land may arise by 2026 under three of the higher population and building consent scenarios.¹⁴⁵
92. Both analyses concluded that land zoned industrial was likely to be in short supply within 9-12 years in Wakatipu and the witnesses were in agreement in this regard. The differences between the witnesses focused on whether it was timely to respond to this likely shortfall by zoning land at Coneburn in the PDP, and the type of land uses in the submitters' proposed Coneburn Industrial Zone. With respect to timing, Mr Buxton, the Council's planning witness, considered that the provision, location and release of industrial land should be strategically planned for given the approximate 2030 timeframe.¹⁴⁶ We agree with Mr Buxton because there is a long lead time in bringing industrial land to market.
93. Mr Osborne's evidence on industrial capacity to 2048 was not materially challenged and accordingly we find that the current industrial land supply is sufficient to meet market needs until approximately 2030 in Wakatipu.¹⁴⁷ Based on his evidence, we are reasonably confident that the demand for industrial land will continue to increase and that the supply of existing zoned land will be taken up in the medium term (by early 2030). However, the rate of uptake is influenced by many factors, not just land supply. For this reason, we think it is prudent to increase the supply of industrial land in Wakatipu in this PDP to ensure there is adequate supply in the short and medium term and to maintain a level of competition in the market.
94. Mr Osborne's concerns about retail and office land uses were resolved by agreement. The submitter proposed that most forms of residential, retail and offices activities be excluded

¹⁴⁰ P. Osborne, EIC, 24 May 2017, para 5.16

¹⁴¹ Ibid, Table 13 in Appendix 1 Queenstown Lake District Business Land Demand and Supply Balance (HA 2048)

¹⁴² P. Osborne, Summary Statement, 21 July 2017, para 26(a)

¹⁴³ M. Copeland, EIC, 9 June 2017; Summary of Evidence for Submission 361, 12 September 2017

¹⁴⁴ McDermott Miller Strategies Limited in association with Allan Planning and Research, Review of District Plan Business Zones Capacity and Development of Zoning Hierarchy, 2013.

¹⁴⁵ M. Copeland, EIC, 9 June 2017, para 4.1.5

¹⁴⁶ Cited in Report 17-8, Part E

¹⁴⁷ P. Osborne, EIC, 24 May 2017, paragraph 5.26

from the proposed Coneburn Industrial Zone to ensure that it is developed to serve the needs of industrial activities, particularly those that are more expansive, yard-based businesses.¹⁴⁸ We heard evidence that these activities were being driven out of Frankton Flats, for example, due to competition from commercial services. The District therefore needs an area where such activities can be established efficiently. Accordingly, we have recommended rezoning land in the Coneburn Valley for industrial purposes and the inclusion of a new Chapter 44 Coneburn Industrial Zone.¹⁴⁹ Routine monitoring as required by the NPSUDC 2016 will identify whether the rate of uptake exceeds that anticipated enabling a timely planning response.

95. We note that the Council is undertaking a comprehensive analysis of industrial land needs for the purposes of future stages of the Plan review (Industrial zones were not notified in Stage 1). The results of this analysis will be fed into later hearings. Meanwhile, we rely on the information presented at this hearing as being the best available in coming to a view on various requests for rezoning.

3.6. Summary

96. We conclude that there is sufficient feasible development capacity enabled to accommodate the demand for housing and commercial (retail, service and office) activities in the PDP in the short and medium term. However, there is a risk that the supply of industrial land in Wakatipu will not be sufficient to meet demand in the life of this PDP. Therefore we recommend that additional land be zoned Industrial at Coneburn.¹⁵⁰ Overall, we are satisfied that the provisions and zonings we are recommending give effect to the NPSUDC 2016.

4. OTHER GENERAL MATTERS

4.1. Urban Growth Boundary

97. An Urban Growth Boundary is a method of describing the scope of acceptable urban expansion beyond land which is already utilised for this purpose.¹⁵¹ As notified, Chapter 3 of the PDP (Strategic Direction) set a goal of strategic and integrated management of urban growth (3.2.2 Goal) and provided for the fixing of UGBs around identified urban areas as a means of implementation (Policy 3.2.2.1.1). Chapter 4 Urban Development included Objective 4.2.2 establishing UGBs as a tool to manage the growth of major urban centres within distinct and defensible urban edges.
98. The Stream 1B Hearing Panel recommends retaining the overall direction of the PDP with respect to urban growth and its containment within UGBs. Recommendation Report 3 sets out in full the reasons for recommending retention of UGBs as a method in the context of the overall strategic direction of urban growth management.¹⁵²
99. Recommended changes to Chapter 3 Strategic Direction included the addition of a list of issues that need to be addressed to enable the retention of the special qualities of the District (3.1 Purpose).¹⁵³ Issue 2 is:

Growth pressure impacting on the functioning and sustainability of urban areas, and risks detracting from rural landscapes, particularly its outstanding landscapes

¹⁴⁸ Report 17-8, Part E, citing outcome of expert conferencing by planners

¹⁴⁹ Report 17-8, Part E

¹⁵⁰ Report 17-8, Part E

¹⁵¹ Report 3, Section 3.5

¹⁵² Ibid, Section 3.5 Urban Growth Management; Section 5.5 Urban Growth; Section 9.2 UGBs.

¹⁵³ Ibid, para 107.

100. This issue is addressed by the recommended objectives and policies of Chapter 3 Strategic Direction and Chapter 4 Urban Development. Chapter 3 provides for urban growth to be managed in a strategic and integrated manner (Objective 3.2.2.1) and for UGBs to be applied around the urban areas in the Wakatipu Basin (including Jack's Point), Wanaka and Lake Hawea (Policy 3.3.13). Chapter 4 reiterates the role of UGBs 'as a tool to manage the growth of larger urban areas within distinct and defensible urban edges' (Objective 4.2.1). The policies address the location of UGBs (Policy 4.2.1.1), their use to contain urban development within the defined UGBs (Policy 4.2.1.3), ensuring sufficient area for future needs and to achieve specific outcomes (Policy 4.2.1.4) and avoiding adverse effects on landscape values (Policy 4.2.1.5). UGBs will be reviewed and amended from time to time, by way of plan changes (Policy 4.2.1.6). A further policy seeks containment of urban development of existing rural settlements that have no defined UGB within land zoned for that purpose (Policy 4.2.1.7).
101. Accordingly, we considered these objectives and policies when evaluating requests to rezone land from rural to urban in Queenstown. Where we have recommended including land within an urban area, we have also recommended the line of the UGB e.g., Coneburn Industrial and Arthurs Point.
102. When requested, we also considered the ONL/ONF line because of the relationship between the location of the UGB and ONL/ONF lines in the strategic framework of the PDP. The UGB sits on the boundary between urban development and the rural area therefore the ONL and UGB lines coincide in places. Where the ONL has been identified and evaluated prior as the first step in the process, this approach is supported. There were instances however where the ONL lines had not been reviewed prior to notification of the review (e.g., Kelvin Heights) or it was difficult to maintain a defensible urban boundary because of the historical pattern of development e.g., Queenstown Hill. In these situations, our recommendations were tinged with pragmatism.
- 4.2. Landscape classification – ONL, ONF and RCL mapping**
103. Issues relating to the PDP's approach to identification and management of ONLs, ONFs and RCL are addressed in the Panel's reports on Strategic Directions, Upper Clutha Mapping and Chapter 21.¹⁵⁴ Many of these same issues arose with respect to submissions on the Queenstown maps. In our deliberations, we came to similar conclusions as earlier panels with respect to the strategic direction of the PDP and its approach to ONLs, ONFs and RCL. We therefore adopt their reasoning and recommendations in this regard. We do not canvass these matters any further.
104. In considering requests to amend the ONL line, UGB and/or to rezone land in Queenstown, we have based our recommendations on an evaluation of the evidence received and the PDP's strategic direction on landscape matters. We have given weight to recommended Policy 6.3.1¹⁵⁵ when forming a view on the location of landscape classification boundaries. Both the notified and recommended versions of this policy provide that land within ONLs, ONFs and RCLs should be zoned Rural. This alignment between the Rural Zone and landscape classification is a key element of the PDP's planning framework and is reinforced by the strategic approach to growth management by means of UGBs.
105. However, while Chapter 6 provides for land within an ONL to be zoned Rural, in fact the PDP has included land within an ONL in other zones e.g., Jacks Point Zone. There are also other

¹⁵⁴ Reports 3, 16-1 and 4A respectively

¹⁵⁵ Notified Policy 6.3.1.2

methods available for managing effects on an ONL e.g., building line restrictions within an urban zone. We ourselves have recommended building line restrictions at Camp Hill and Arthurs Point to avoid split zoning¹⁵⁶, which we consider is necessary to ensure the desired PDP outcomes are achieved. Consequently, we consider there is a need to review the Strategic objectives and policies (particularly those in Chapter 6) to better align with the reality of the PDP and to enable a wider array of methods to be applied to ONLs and ONFs in future. This need is acknowledged by, and tentatively addressed in, the Stage 2 Variations where changes to Rules 6.4.1.2 and 6.4.1.3 are proposed providing for the landscape assessment matters to apply in other zones (as well as the Rural Zone). The primary purpose of these amendments is related to the proposed introduction of Open Space and Recreation Zones, many of which are located within an ONL. In our opinion, a more broadly based strategic review than this is warranted given the geographical diversity and extent of the District's ONLs, the pace of urban growth and the community's aspirations for development.

106. We also consider there is a need to revisit the identification of ONLs, at least in some areas. Identification of ONLs and ONFs is a discrete task and the planning consequences flow from landscape classification, not in the reverse direction. However, in some cases the zoning pattern in the ODP was carried forward in the PDP without reviewing the ONL e.g., Kelvin Heights. As a result, we were not prepared to recommend rezoning land from Rural to urban at Kelvin Heights because there was little logic to the location of the ONL line.¹⁵⁷ A review of the ONL in this area is required before evaluating the costs and benefits of ONL protection in terms of other desired economic, community and environmental outcomes. In other circumstances, urban zoning has been slowly encroaching into the existing ONL, consent by consent, indicating that review is necessary e.g., Queenstown Hill. Finally, where expert evidence established a robust ONL line, we took this evidence into account when deciding whether to recommend rezoning and/or amendments to the UGB e.g., the western section of the Mee property at Kelvin Heights.¹⁵⁸
107. We consider that the method of landscape evaluation should also be reviewed because, to date, it has not included any consideration of the values placed on landscape by the Queenstown community. Ascertaining those values is relevant to the classification of landscapes and the planning responses to be promulgated.

4.3. Arthurs Point

108. It came to our attention during the hearing that the LDR and RV-AP zones at Arthur's Point were embedded within the ONL. However, on the notified planning maps there is no ONL line around the perimeter of the Arthurs Point settlement, notwithstanding that the LDR and RV-AP zones were carried forward from the ODP. In response to questions from the Panel, Dr Read confirmed that the absence of an ONL line was not a 'mapping error'. An ONL line was not drawn around the LDRZ at Arthurs Point simply because it wasn't needed. The PDP framework does not provide for the assessment of landscape matters within urban zones, therefore the presence or absence of an ONL line is immaterial when processing resource consents.¹⁵⁹
109. Ms K Banks addressed the ONL issue in her Reply evidence.¹⁶⁰ In her opinion, it is appropriate to draw the ONL line around the edge of the LDRZ and RVZ at Arthurs Point because, if the

¹⁵⁶ See our separate discussion on this issue below.

¹⁵⁷ Report 17-7, Part C re Submission 48

¹⁵⁸ Report 17-7, Part D

¹⁵⁹ Reply evidence, Ms K Banks, dated 6 October 2017, para 2.2 records Dr Read's oral evidence.

¹⁶⁰ Reply evidence, Ms K Banks, dated 6 October 2017, paras 2.1 – 2.5

LDRZ remained within the ONL, 'the existing developed and low natural character of the urban areas would allow development that ... would compromise the provisions of Chapter 6'.¹⁶¹ We agree.

110. Whether there is scope to apply an ONL line around Arthurs Point was addressed by Ms K Banks¹⁶² and in the Council's legal submissions.¹⁶³ In her Section 42A Report, Ms Banks directed the Panel to the submission point of Universal Developments Ltd¹⁶⁴ which requested that the planning maps be amended so that the ONL lines are only shown on land that is zoned Rural.¹⁶⁵ Universal Developments Ltd has an interest in land within Frankton North, however the point is generic. In our view, it is not open to us to accept this submission point because it specifically asks for the ONL to include land that is zoned Rural whereas there are several cases where we have included other zonings within the ONL e.g., residential or Rural Residential zoning with a building line restriction applicable to identified areas has been recommended as a method of managing landscape effects at Camp Hill and Arthurs Point.
111. The Panel asked whether Clause 16(2) could be used to fix the planning maps. Counsel for the Council submitted that there would be no regulatory effect from applying an ONL around the LDR and RV-AP zones because the landscape assessment matters in Chapter 21 (Rural Zones) do not apply to consent processing in these zones. In other words, applying an ONL in these circumstances is neutral in terms of plan administration and therefore is of 'minor effect'. We agree although in saying this, we acknowledge the implications of the amendments to the rules in Chapter 6 as proposed in the Stage 2 Variations. We have given little weight to these proposed amendments at this juncture.
112. We consider that an ONL line is required at Arthurs Point to ensure efficient and effective planning. A defined ONL line would provide greater certainty when making decisions on rezoning requests and resource consents.
113. In considering specific submissions in Arthurs Point where the location of the ONL was an issue, we have relied on the evidence received in recommending the exact location of the ONL line.¹⁶⁶ Otherwise, we have recommended aligning the ONL with the notified UGB and/or the UGB as amended in response to submission (see Planning Map 39a as recommended).
114. Therefore we recommend to the Council that:
 - a. an ONL boundary be defined around Arthurs Point to exclude the LDR and RV-AP zones from the wider ONL; and that
 - b. This ONL boundary be aligned with the UGB as shown on Planning Map 39a.

4.4. Natural hazards

115. Submissions requiring consideration of natural hazards fell into two groups; requests to change a rural zone to an urban one and requests for changes within the existing urban zones.
116. In considering the most appropriate zone or which is the 'better' zone for a site or area, the risks of natural hazards were a relevant factor. Whether there was sufficient geotechnical

¹⁶¹ Reply evidence, Ms K Banks, dated 6 October 2017, para 2.4

¹⁶² Reply evidence, Ms K Banks, dated 6 October 2017, para 2.5

¹⁶³ Legal submissions in reply, Ms Scott for the Council, dated 6 October 2017, paras 9.7 – 9.15

¹⁶⁴ #177

¹⁶⁵ Section 42A report/statement of evidence Strategic and common themes, Ms K Banks, dated 25 May 2017, para 29.11

¹⁶⁶ Report 17-4; Part C re Submission 494 and Part E re Submission 495

evidence identifying the hazards on a site, the nature of the risks and means of avoiding or managing those risks were matters considered by the Council and the Panel with respect to mapping submissions.

117. From the outset, we recognised that the PDP's planning framework for natural hazards required a case-by-case risk-based assessment. Rather than taking a 'no risk' approach, the PDP allows for some level of risk where land is being rezoned or developed. Consequently, our aim was to ensure there was sufficient evidence to understand the nature of the natural hazard risks, and whether these could be avoided, remedied or mitigated before recommending any rezoning. The level of information required for consideration of rezoning requests is not as detailed as that required for consenting purposes because the Council has additional powers for dealing with natural hazards at the site-specific level.
118. In the PDP, the strategic chapters of the PDP guide the zoning pattern and Chapter 28 Natural Hazards and Chapter 27 Subdivision & Development contain provisions dealing with natural hazards.
119. Broadly, the PDP seeks to ensure a balanced approach between enabling higher density development within the District's scarce urban land resources and addressing the risks posed by natural hazards to life and property. The Strategic Direction Chapter, as recommended, includes Policy 3.2.2 which requires urban development to occur in a logical manner so as to (among other things) 'minimise the natural hazard risk, taking into account the predicted effects of climate change'. Accordingly, our consideration of requests to rezone land with identified natural hazards took into account the nature and extent of the natural hazard risk.
120. Chapter 28 Natural Hazards provides a policy framework to address natural hazards throughout the District. The District is recognised as being subject to multiple hazards and as such, a key issue is ensuring that when development is proposed on land potentially subject to natural hazards, the risk is managed or mitigated to tolerable levels. In instances where the risk is intolerable, natural hazards will be required to be avoided. Council has responsibility to address the developed parts of the District that are subject to natural hazard risk through a combination of mitigation measures and education, to lessen the impacts of natural hazards.
121. The Council maintains a natural hazards database and development proposals affected by, or potentially affected by, natural hazards as identified in the database will require an accompanying assessment of natural hazard risks commensurate with the level of risk posed by the natural hazards.
122. Natural hazards were addressed in the work programme leading up to the PDP's notification. In 2012, a report was prepared by Opus¹⁶⁷ concerning the framework for natural hazards in the district plan review. This report made several recommendations in terms of further study required to better assess natural hazards¹⁶⁸. However, the Council did not undertake detailed hazard studies of the Queenstown urban area as a preliminary to this review. Consequently, the indicative broad scale GIS information together with the hazards register (which is updated as new information comes to hand) were relied on when determining the zoning pattern¹⁶⁹.

¹⁶⁷ Queenstown Lakes District Council Review of District Plan Natural Hazards, Opus International Consultants Ltd, 2012.

¹⁶⁸ Ibid, section 4.2

¹⁶⁹ <http://maps.qldc.govt.nz/qldcviewer/>

123. This same information is used in plan administration to screen applications for private plan changes and resource consents, particularly subdivision. When this information identifies a real or potential risk of natural hazards, the Council requires a site specific geotechnical report. The adequacy of the geotechnical evidence and its implications for decision making are determined case by case. A higher level of certainty is needed to better understand and manage the risk of natural hazards at the site-specific level compared to zoning.
124. Chapter 27 Subdivision & Development states that ‘all subdivision is able to be assessed against a natural hazard through the provisions of section 106 of the RMA. In addition, in some locations natural hazards have been identified and specific provisions apply.’ Natural hazards are matters of discretion to be assessed when consents are lodged e.g., Rule 27.5.7.
125. When assessing a subdivision, the Council also relies on section 106 RMA which provides that a consent authority may refuse to grant subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that there is a significant risk from natural hazards.
126. In addition, sections 71 – 74 of the Building Act 2004 apply to construction of buildings. Section 71 provides that a building consent authority (the Council in this case) must refuse to grant consent for construction of a building, or major alterations to a building, if the land is likely to be subject to one or more natural hazards, or the building work is likely to accelerate, worsen, or result in a natural hazard on that land or any other property. The Council has a range of powers with which to address natural hazard risks when development occurs.
127. The management of significant risks from natural hazards is a matter of national importance in the Act (section 6(h) inserted by section 6 of the RLAA 2017) to be recognised and provided for when decision making and in preparing a plan or plan review. An assessment under section 6(h) does not apply to our recommendations. However, it will apply to the Council’s decisions on applications for consent and to the preparation and consideration of future plan changes and reviews. Recourse to section 6(h) will fortify the weighting given to minimising natural hazard risks when decision-making on consents.
128. In summary, given the geology of the Wakatipu Basin and its location near the Alpine fault, the historical pattern of development in the Queenstown urban area and reliance on broad scale geotechnical information when zoning land, it is expected that consent to subdivide or develop land will be refused in some cases or conditions imposed when a site-specific analysis identifies a degree of risk from natural hazards. This method of managing risk is consistent with the strategic approach in the PDP and recognises the appropriate level of information for each type of RMA decision making ie zoning vs site specific development.

5. ZONING PRINCIPLES

5.1. Considerations in the Analysis of the Most Appropriate Zoning

129. Ms Kim Banks set out the zoning principles and other factors that were considered in the analysis of rezoning submissions, in addition to the statutory tests for deciding on what are the *most appropriate provisions* or zones in a district plan. Key strategies of the Strategic Directions chapter were also considered. This analysis was based on the capacity of land within the notified Queenstown UGB and the reply version of the PDP Stage 1 chapters.¹⁷⁰

¹⁷⁰ Section 42A Report, Strategic Overview and Common Themes, 25 May 2017, paras 15.3 – 15.5

130. In addition to 13 principles, the other two factors are consideration of the proposal in the context of a site or geographic area and relevant local contextual elements such as street layout, topography, accessibility and ability to absorb development.
131. We have examined the principles and other factors one by one and recommend changes designed to remove repetition, improve clarity and sharpen their focus to create an integrated set of guiding principles. Giving effect to the Strategic Direction of the PDP and the ORPS are over-arching principles and therefore should be first and second in the order. The following table sets out the Council's proposed principles and our comments/assessment.

Table 1-1: Zoning principles and other factors applied to the consideration of the most appropriate zoning

Council's zoning principles and evaluation matters Refer to section 42A report, Ms Kim Banks, Strategic Overview and Common Themes, paras 15.3 – 15.5	Panel's comments/assessment
(a) whether the change is consistent with the objectives and policies of the proposed zone. This applies to both the type of zone in addition to the location of the zone boundary;	This principle is unclear especially in light of (b) which requires a comparison between the notified zone and the requested zone. It appears to be saying that the land should be suitable for the zone being proposed. This principle should go further down the list after the principles dealing with the Strategic Direction and giving effect to the ORPS. We recommend revised wording as follows: whether the objectives and policies of the proposed zone can be implemented on the land.
(a) whether the zone proposed / sought is more appropriate than the notified zone;	This is not a principle rather it is the outcome of considering the zoning request by reference to the statutory requirements, principles and other factors. It is therefore deleted.
(b) whether the change is consistent with and does not compromise PDP Strategic chapters and in particular the Strategic Direction, Urban Development and Landscape Chapters;	We agree with the thrust of this principle however we prefer wording such as 'implement the purpose of' or similar. This should be the first principle because zoning is a method of implementing the Strategic Direction of the PDP.
(c) the overall impact of the rezoning gives effect to the ORPS;	Agreed. The PDP must give effect to the ORPS under s 75(3) RMA and is the second principle because it has a directive impact on zoning strategy.

(d) economic costs and benefits are considered;	Agreed because this is required by s32 RMA. It is important to consider both costs <u>and</u> benefits.
(e) zone changes should take into account the issues debated in recent plan changes;	<p>The issues debated in recent plan changes are not a relevant matter for the Panel when making its recommendations and therefore we have deleted this principle. Where material relating to recent plan changes was presented at the hearing, we dealt with it as an evidential matter.</p> <p>We consider that the purpose and content of proposed changes is however a relevant matter in preparing a proposed plan.</p>
(f) changes to zone boundaries are consistent with the maps in the PDP that indicate additional overlays or constraints (e.g., Airport Obstacle Limitation Surfaces, SNAs, Building Restriction Areas, ONL/ONF);	We don't entirely agree with this principle as it may lead to split zoning which we do not favour. However, in general, alignment between zone boundaries and planning notations is desirable, especially the identification of ONLs. In some cases, it may be preferable to adjust the zone boundaries to recognise where non-alignment leads to a better outcome.
(g) changes should take into account the location and environmental features of the site (e.g., the existing and consented environment, existing buildings, significant features and infrastructure);	Agreed
(h) zone changes recognise the availability or lack of major infrastructure (e.g., water, wastewater, roads);	<p>We agree with the general thrust of this principle however we consider it is important to ensure there is alignment between enabling development capacity and its servicing. We recommend the following wording:</p> <p>Zone changes are not inconsistent with long term planning for the provision of infrastructure and its capacity.</p>
(i) zone changes take into account effects on water, wastewater and roading network capacity, and are not just limited to site specific effects of extending infrastructure;	In light of the changes made to (i) above, this principle needs to focus on the environmental effects of

	onsite servicing. We recommend the following wording: Zone changes take into account the effects on the environment of providing infrastructure onsite.
(j) there is adequate separation between incompatible land uses;	Agreed
(k) rezoning in lieu of resource consent approvals, where a portion of a site has capacity to absorb development does not necessarily mean another zone is more appropriate; and	Agreed. This is trying to say that we shouldn't rezone land when a r/c is the right way to go.
(l) zoning is not determined by existing resource consents and existing use rights, but these will be taken into account.	Agreed. This principle should be limited to existing use rights because (h) deals with the consented environment.
Other factors	
Context of a site or geographic area	Agreed
Relevant local context factors including: (a) the layout of streets and location of public open space and community facilities; (b) land with physical challenges such as steep topography, poor ground conditions, instability or natural hazards; (c) accessibility to centres and the multiple benefits of providing for intensification in locations with easy access to centres; and (d) the vulnerability of the wider area the subject land is part of to absorb development.	Agreed. We recommend clarifying the wording of (d) as follows: The ability of the environment to absorb development. This is a key consideration in achieving the Strategic Direction for Landscapes set out in recommended Chapter 6.

132. The recommended zoning principles and other factors are:
- a. whether the change implements the purpose of the PDP Strategic chapters and in particular the Strategic Direction, Urban Development and Landscape Chapters;
 - b. the overall impact of the rezoning gives effect to the ORPS;
 - c. whether the objectives and policies of the proposed zone can be implemented on the land;
 - d. economic costs and benefits are considered;
 - e. changes to zone boundaries are consistent with the maps in the PDP that indicate additional overlays or constraints (e.g., Airport Obstacle Limitation Surfaces, SNAs, Building Restriction Areas, ONL/ONF);
 - f. changes should take into account the location and environmental features of the site (e.g., the existing and consented environment, existing buildings, significant features and infrastructure);
 - g. zone changes are not inconsistent with long term planning for the provision of infrastructure and its capacity;
 - h. zone changes take into account effects on the environment of providing infrastructure onsite;
 - i. there is adequate separation between incompatible land uses;

- j. rezoning in lieu of resource consent approvals, where a portion of a site has capacity to absorb development does not necessarily mean another zone is more appropriate; and
- k. zoning is not determined by existing use rights, but these will be taken into account.

Other factors:

Context of a site or geographic area.

Relevant local context factors include:

- a. the layout of streets and location of public open space and community facilities;
- b. land with physical challenges such as steep topography, poor ground conditions, instability or natural hazards;
- c. accessibility to centres and the multiple benefits of providing for intensification in locations with easy access to centres; and
- d. the ability of the environment to absorb development.

5.2. Split zoning

133. Split zoning can have undesirable consequences due to the PDP's definition of a 'site' which provides (among other matters) as follows:

b) If any site is crossed by a zone boundary under this Plan, the site is deemed to be divided into two or more sites by that zone boundary.

134. Adopting different zones for different parts of a site will inevitably lead to subdivision on an arbitrary basis due to the inclusion of this 'deeming rule' within the definition. This provision could result in sites being created without consideration of servicing and legal access and, more importantly, their suitability for use in accordance with the purpose of the zone. For example, a split zone could result in a small site being allowed in the Rural Zone that is not suitable for rural uses. In this situation, residential development is the most likely feasible use. However, enabling housing would not promote the outcomes sought by adopting Rural Zoning in the first place.

135. This concern was raised during the Stream 4 hearing on Chapter 27 Subdivision and in the Stream 10 hearing on Chapter 2 Definitions. The Stream 10 Hearing Panel has recommended a variation deleting the '... existing provisions that a site crossed by a zone or district boundary is divided into separate sites as a result'.¹⁷¹ Meanwhile, this 'deeming rule' remains in the definition.

136. In this hearing stream, split zoning was a matter considered in Frankton North, Arthurs Point and Kerry Drive. We have avoided split zoning wherever possible due to the problematic consequences arising from the wording of the definition of 'site'.

5.3. Queenstown Airport Corporation Limited Further Submissions¹⁷²

137. QAC lodged further submissions in opposition to 16 submissions¹⁷³, in each case giving the following reason for the opposition:

QAC is concerned rezoning requests that will result in the intensification of ADSAN establishing within close proximity to Queenstown Airport [sic].

¹⁷¹ Report 14 on Stream 10, para 384

¹⁷² Further Submission 1340

¹⁷³ Submissions 16, 48, 125, 150, 318, 328, 336, 338, 347, 389, 391, 425, 429, 434, 527 and 661

The proposed rezoning is a significant departure from the nature, scale and intensity of ASAN development currently anticipated at this site and may potentially result in adverse effects on QAC over the longer term.

The proposed rezoning request should not be accepted.

138. Ms Wolt presented very complete submissions to us explaining the purpose of these further submissions. As we understood QAC's position, it was that passenger growth at the airport meant that the noise produced by planes taking-off and landing at the airport would reach the limits imposed by Designation 2, as delineated by the ANB and the OCB shown on the Planning Maps, earlier than anticipated.¹⁷⁴ We understood QAC was seeking to limit the development of land outside the OCB so as to limit the population that could be affected by future noise effects of the airport. Mr Kyle expressed this as *"the best form of protection to avoid reverse sensitivity effects."*¹⁷⁵
139. The Council's position was that it was not appropriate or necessary for the PDP to go beyond the limitations imposed by PC35, particularly where QAC was not pursuing an amendment to its OCB.¹⁷⁶
140. We agree with the Council on this point. The ANB and OCB provide, by being imposed as conditions on Designation 2, a limitation on the amount of noise that aircraft operations at Queenstown Airport can create. Through the public process of amending the designation (generally referred to as PC35) the local community accepted a certain level of noise and associated limitations on development within the ANB and OCB, in part as a reflection of the reduction in amenity values resulting from the increased noise.
141. If QAC wish to increase aircraft operations such that it can no longer comply with the noise limitations imposed by the ANB and OCB, then it would need to commence a new public process to amend the conditions on Designation 2. We have no knowledge of what, if any, amendments to the ANB or OCB will be made in the future. There can be no certainty that the community will accept increased noise from the airport, in the same way that there can be no certainty that Ms Tregidga's *"significant increase in passenger numbers in the future"*¹⁷⁷ will eventuate.
142. We do not consider it to be sound resource management practice to limit development potential in the face of such uncertainty, particularly in a location such as Queenstown which has topographical constraints that limit the land available for urban development.

6. SUMMARY OF RECOMMENDATIONS

143. Our recommended changes to the PDP are set out in detail in Reports 17-2 – 17-12 that accompany this report. For convenience, we have attached a summary of those recommendations, together with any recommendations as to consequential matters at the end of each accompanying report.

¹⁷⁴ Legal Submissions for Queenstown Airport Corporation Limited dated 26 July 2017, at paragraph 104ff

¹⁷⁵ J Kyle, EIC, 9 June 2017, paragraph 6.7

¹⁷⁶ Opening Legal Submissions for the Council dated 21 July 2017, at paragraph 12.5

¹⁷⁷ R. Tregidga, EIC, 9 June 2017, paragraph 47

144. Most of the recommended changes manifest themselves as changes to the planning maps for the Wakatipu Ward. Copies of those maps amended by our recommendations are attached in Appendix 1.
145. We recommend all the planning maps considered in our hearing stream, subject to the amendments described above, be adopted.

For the Hearing Panel

A handwritten signature in blue ink, appearing to read "Nugent", is centered on the page. The signature is written in a cursive style with a large initial 'N'.

Denis Nugent, Chair
Date: 4 April 2018

Appendix 1: Amended Planning Maps

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Report 17-5

Report and Recommendations of Independent Commissioners
Regarding Mapping of Queenstown Hill

Commissioners

Denis Nugent (Chair)

Jan Crawford

David Mountfort

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PART A: REMARKABLE HEIGHTS LIMITED

Submitter **Remarkable Heights Limited (Submission 347)**

Further Submissions

FS1340 – Queenstown Airport Corporation - oppose

1. PRELIMINARY MATTERS

1.1. Subject of Submission

1. This submission related to a 17 hectare block of land at the top of Middleton Road (Lot 102 DP 411971¹).

1.2. Outline of Relief Sought

2. The submission sought that all of Lot 102 be rezoned as LDRZ and that the UGB be aligned with the property boundaries. In other words, the submitter requested that the area within the subject site that is currently zoned Rural be rezoned to LDRZ. The submission did not seek alignment of the ONL line with the UGB and property boundary however such realignment would be a logical result of accepting this submission.

1.3. Description of the Site and Environs

3. The subject site is part of the steep, glaciated southern face of Queenstown Hill. It is currently being developed for 158 residential lots in accordance with a subdivision consent². Some of the consented development is within the Rural Zone. The site is shown in Figure 5-1 below.

¹ While the submission listed this as the legal description, we note that the consents granted cite the legal description as Lots 102 and 104 DP 411971

² RM081212, varied by RM150520, RM160924, RM161211 and RM170002

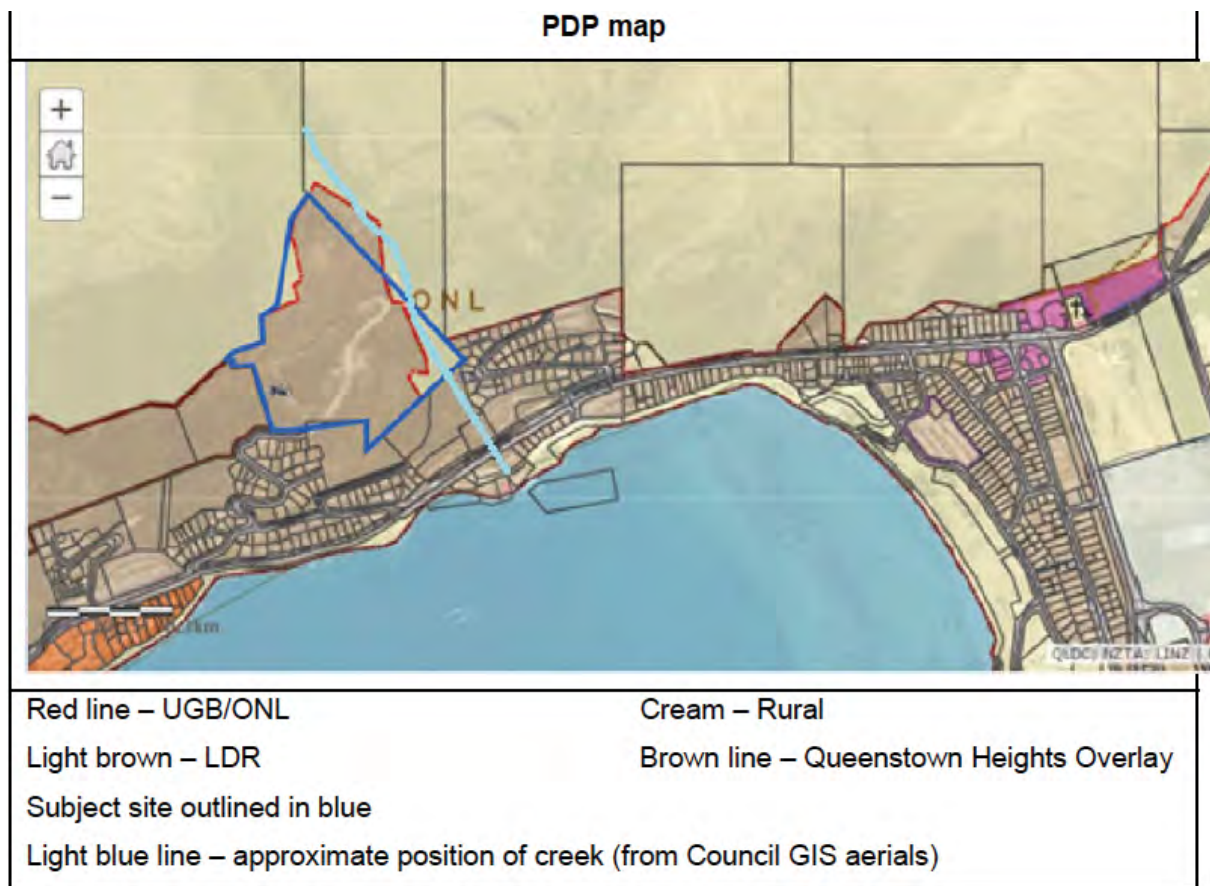


Figure 5-1 – Zoning map of Lot 102 DP411791 which is located at the top of Middleton Road, Queenstown Hill, outlined in blue

1.4. The Case for Rezoning

4. In light of the favourable recommendation in the Section 42A Report, the submitters' representative, Mr Nick Geddes, attended the hearing to answer questions about the zoning but did not give evidence. He provided plans of the approved subdivision showing the roading and lot layout.³

5. For the Council, Dr Read observed that the zone boundaries did not appear to relate to the underlying topography or any other landscape feature. She said that the LDRZ boundary in the eastern area appears to have been located so as to provide some protection to the creek, its margins and the gully in which it is located. Further upslope, however, the zone boundary follows the creek, rather diminishing any positive effect, and downslope the creek and its margins are within LDR zoning. Dr Read noted that subdivision in proximity to the unnamed creek to the east would trigger a requirement for the identification of marginal strips which would protect the character and quality of the stream and its corridor. For these reasons, Dr Read considered that both Rural-zoned areas within Lot 102 could be rezoned to LDRZ from a landscape perspective. Accordingly, the UGB and ONL could be moved to incorporate these two areas.⁴

6. Ms Rosalind Devlin, the Council's planning witness, recommended that the submission be accepted. In her opinion, the requested rezoning would achieve the relevant objectives and

³ Exhibit 13.12 - plan of approved subdivision consent (RM081212)

⁴ Dr M. Read, EIC, 24 May 2017, paragraphs 7.6 – 7.9

policies for the LDRZ (Chapter 7) and would be logical and appropriate. Realigning the UGB/ONL boundaries would better reflect the underlying topography by incorporating land within the same contour to the west (500masl) and by connecting land to the east with Marina Heights at the same elevation (at and below 400masl).⁵ There were no traffic or infrastructure issues arising from the rezoning.

7. QAC lodged a further submission opposing the rezoning of currently vacant land and/or enabling intensification of existing or residentially zoned land because this will bring more people to the aircraft noise effect now and into the future. Mr Kyle's evidence was that the best form of protection available to avoid potential reverse sensitivity effects is to avoid development 'coming to the effect' in the first place.⁶ However the submission site is not located within the OCB and QAC has not initiated a plan change seeking to extend the OCB.

1.5. Discussion of Planning Framework

8. Part of the land is zoned Rural and is within an Outstanding Natural Landscape. Strategic Objectives and policies in Chapters 3 and 6 of the PDP require the identification of ONL's and avoidance of adverse effects on them that would be more than minor and or not temporary. Subdivision and development are discouraged in ONL's unless the landscape can absorb the change and where the buildings and structures and associated roading and boundary changes will be reasonably difficult to see from beyond the boundary of the site.⁷
9. The Zone Purpose for the Rural Zone states that the purpose of the zone is to enable farming activities and provide for appropriate other activities that rely on rural resources while protecting, maintaining and enhancing landscape values, ecosystem services, nature conservation values, the soil and water resource and rural amenity. The Zone Purpose also recognises that a substantial proportion of the Outstanding Natural Landscapes of the district comprises private land managed in traditional pastoral farming systems. Rural land values tend to be driven by the high landscape and amenity values in the district. The long-term sustainability of pastoral farming will depend upon farmers being able to achieve economic returns from utilising the natural and physical resources of their properties. For this reason, it is important to acknowledge the potential for a range of alternative uses of farm rural properties that utilise the qualities that make them so valuable.⁸
10. Objectives and policies of Chapter 21 provide for a range of land uses, including farming, to be enabled while protecting landscape and other natural and amenity values, recognising the need for economic diversification and providing for sustainable commercial recreation activities.⁹ Rules in the plan provide for residential and larger scale commercial recreation as discretionary activities.
11. The LDRZ is the largest residential zone in the District. In Chapter 7, as recommended, it is renamed the Lower Density Suburban Residential zone to more accurately capture the range of traditional and modern suburban densities and housing types enabled. Objective 7.2.1 provides for '*a mix of compatible suburban densities and a high amenity low density residential environment for residents...*'. Policy 7.2.1.2 encourages development that '*maintains suburban residential amenity values including predominantly detached building forms, and predominantly one or two storey building heights.*' Policy 7.2.1.3 seeks to maintain amenity

⁵ R. Devlin, Section 42A Report, 24 May 2017, paragraphs 4.11 – 4.15

⁶ J. Kyle, EIC, 9 June 2017, paragraphs 6.4 – 6.8

⁷ Objective 3.2.4.3, Policies 3.3.29 and 3.3.30, and Policy 6.3.11

⁸ Chapter 21, Clause 21.1

⁹ See Objectives 21.2.1, 22.1.8, 21.1.9, 21.1.10 and their related policies.

values between sites, in particular privacy and access to sunlight. A clear theme is the maintenance of suburban character and high amenity values. Commercial activities are generally discouraged.

12. The submission site is not located within the OCB of Queenstown Airport.

2. ISSUES

13. The most appropriate zone for the subject site

14. Landscape

3. DISCUSSION OF ISSUES AND CONCLUSIONS

15. We agree with Dr Read that there is no logical landscape basis for the current alignment of the ONL line and consequently for the Rural/LDR zone boundary. On Queenstown Hill, we consider that the notified position of the ONL line has been influenced by past decisions and indeed, may not have been well-defined in the first instance. It is arbitrary, perhaps necessarily so given land ownership, the physical geography and historic pattern of settlement.
16. A modest number of additional residential lots would be enabled by rezoning about 2 hectares from Rural to LDRZ which assists with increasing capacity. We find that the additional traffic generated at the Frankton Road intersection with Middleton Road is acceptable and the land can be serviced therefore there are few, if any, adverse effects arising from changing the zoning of these two small areas from Rural to LDRZ. The consented subdivision enables housing that is typical of suburban locations with high amenity values therefore LDR zoning is appropriate.
17. Rural zoning is not appropriate for these two small areas within Lot 102 because they are not suitable for farming. If left as Rural zoning, they would inevitably be developed for housing in accordance with a consent, as evidenced by RM170002, therefore it is inefficient to leave them within the Rural Zone.
18. With respect to QAC's further submission, we consider it is not sound resource management practice to limit development potential in the face of uncertainty about the future of the airport particularly in a location like Queenstown which has topographical constraints that limit the land available for urban development. For a full discussion of this matter, see Report 17-1.¹⁰
19. In the circumstances, we have taken a pragmatic approach to this submission and have concluded that aligning the title, LDRZ, UGB and ONL boundaries is logical and appropriate.¹¹
20. As a consequential amendment, we recommend that the area of land to the north of Lot 102 on the adjacent property is rezoned from LDR to Rural as part of this rationalisation. This rezoning slightly increases the area of land within the adjoining property that is both zoned Rural and within the ONL, a conjunction giving effect to the Plan's strategic direction.

¹⁰ Refer Report 17-1, Section 5.3

¹¹ Refer Report 17-1, Section 4.1

4. RECOMMENDATION

21. For the reasons set out above, we recommend that:
 - a. Submission 347 be accepted; and
 - b. Two areas of land within Lot 102 DP411971 be rezoned from Rural to LDRZ; and
 - c. The UGB align with the legal boundary of Lot 102 DP411971; and
 - d. The land zoned LDRZ in the notified PDP that is not within Lot 102 be rezoned Rural as a consequential amendment; and
 - e. The ONL align with the title, LDRZ and UGB boundaries as shown on Maps 33 and 31a.

PART B: MIDDLETON FAMILY TRUST

Submitter Middleton Family Trust (Submission 336)

Further Submissions

FS1340.76 – Queenstown Airport Corporation - oppose

5. PRELIMINARY MATTERS

5.1. Subject of Submissions

22. This submission related to an area of 38.6 hectares in Middleton Road, Queenstown Hill.

5.2. Outline of Relief Sought

23. The submitter sought removal of the Queenstown Heights Overlay Area¹² from the planning maps, rules in the Subdivision chapter (27.2.1) and LDRZ provisions (7.5.6). The notified LDRZ applicable to land within the QHOA was not challenged.

5.3. Description of the Site and Environs

24. The submitter owns Lot 2 DP 409336 which has an area of 33.71 ha and is located on the south-facing slopes of Queenstown Hill as shown in Figure 5-2 below. This property and the remainder of the land within the Queenstown Heights Overlay Area is covered in a mix of pasture, wilding conifers and scrub. The large, active “Queenstown Hill landslide” is located within the QHOA.

¹² We note that the notified PDP variously referred to this as Queenstown Heights Overlay Area and Queenstown Heights Sub Zone. We will use Queenstown Heights Overlay Area or QHOA.

SUBMISSION #336 (MIDDLETON)

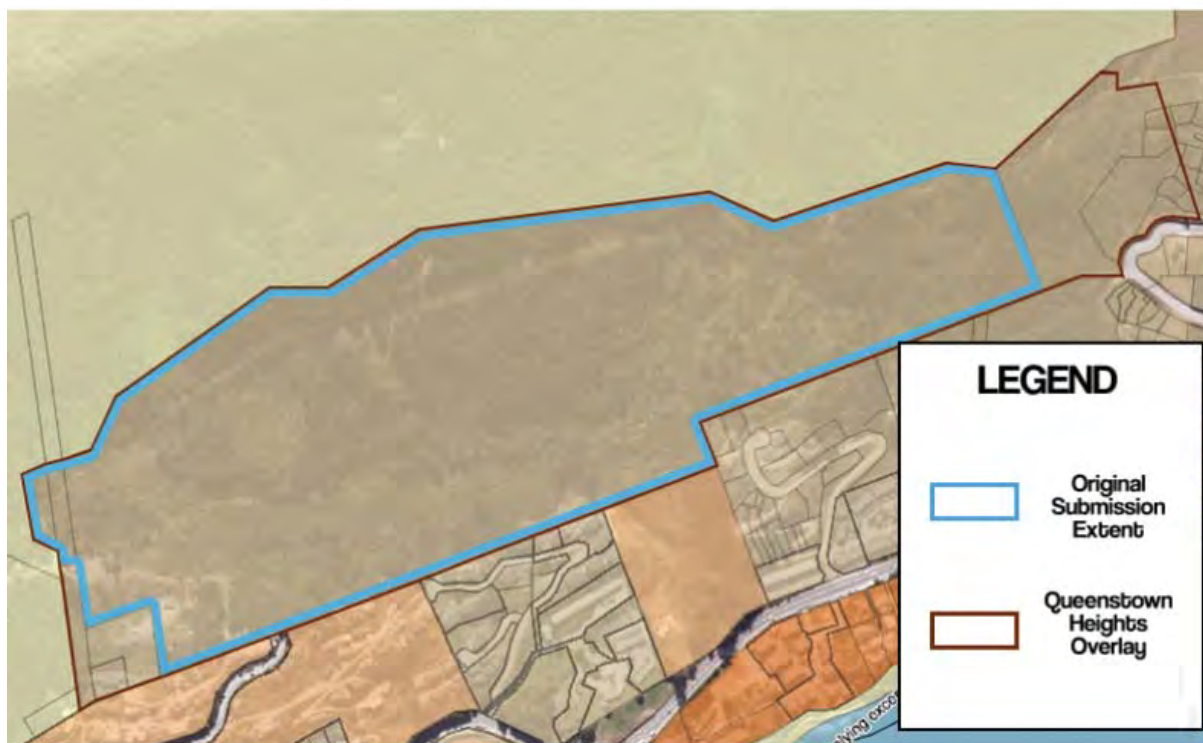


Figure 5-2 - Aerial photograph of the Middleton Family Trust property is outlined in blue and the Queenstown Heights Overlay Area is outlined in brown

5.4. The Case for Rezoning

25. The basis of the submission is that the objectives and policies for the LDRZ, Strategic Directions and Urban Development chapters of the PDP appear opposed to the 1500m² minimum lot size in the QHOA. Further, the submission stated that the contents of the Section 32 report are contrary to the 1500m² lot size in the QHOA. The minimum lot size should be the same as the minimum lot size for the LDRZ (1 unit per 450m²) and the QHOA should be removed.
26. Evidence for the submitter was presented on planning matters by Mr Nick Geddes and engineering geology by Mr Paul Faulkner. Mr Faulkner confirmed that the Queenstown Hill landslide is not present within the adjacent Remarkables Heights subdivision and that the findings of geotechnical reports associated with the relevant consents for that development are not representative of the entire landslide hazard. He said that these reports specifically address the area immediately to the east of the landslide area, not the landslide itself. In his opinion, prior to any development within the landslide area, or immediate margins, a detailed geotechnical investigation will be required to determine whether (or not) there is ground suitable for residential development.¹³
27. This evidence responds to the statement of Ms Devlin that the Queenstown Hill landslide is a large, historic and well documented landslide identifiable on the ground and from aerial photography. In coming to this understanding, Ms Devlin relied in part on geotechnical reports prepared for the Remarkables Heights subdivision included with the submitter's evidence on

¹³ P. Faulkner, EIC, 9 June 2017, paragraph 3.3

Chapter 7 LDRZ. She said that no new evidence on natural hazards had been provided by the submitter since the Stream 6 hearing.¹⁴

28. Mr Geddes commented on the Section 32 evaluation prepared for Chapter 7 LDRZ and concluded that the thrust of this report is justification of an increase in density of housing across residential zones and liberalisation of development controls to promote housing development within the boundaries of existing residential zones. In his opinion, the proposed reduction in density within the QHOA is not signalled in the Section 32 Report and is not supported by any geotechnical or hazard reporting.¹⁵
29. He came to a similar conclusion after analysing the Section 42A Report for Chapter 7 LDRZ¹⁶ and the attached Section 32AA report. In his view, the Council had not justified the proposed change in density.
30. Mr Geddes contested the statement in the Section 42A Report for Stream 6 that no mention had been made in the submission of the land's steep topography nor the site hazards applicable to land within the overlay. His evidence was that the land is not steep by comparison to the lower flanks of Queenstown Hill especially land below Frankton Road. Queenstown Hill is almost entirely occupied by a mixture of high and low density development. He believed the submitter's land to be steep in part but said that was not unique or prohibitive to development.¹⁷
31. With respect to natural hazards, Mr Geddes said that the geotechnical reporting which imposed the landslide boundary on Council hazard maps had not informed any QLDC reporting. Rather, the Council had relied on geotechnical reporting carried out in association with subdivision of the adjacent Remarkables Heights development. Mr Geddes did not believe that these reports were intended to offer advice on the geological conditions across the remainder of the landslide area nor inform a change in density across the QHOA as promoted by the PDP.¹⁸
32. Finally, Mr Geddes addressed the Section 42A Report for Stream 13 Mapping. The recommendation was to reject the submission because the submission lacked evidence on natural hazard and transport and the land is unsuited to conventional LDRZ development.
33. With regard to the impact of additional traffic generated by removing the QHOA, he questioned whether the Goldfields Heights intersection with Frankton Road can accommodate additional vehicle movements associated with the intensification of the LDRZ in this catchment as sought by the PDP.
34. On the subject of natural hazards, Mr Geddes considered it unlikely that development would be accommodated across the entire site due to the natural hazard and that it would more likely be confined to pockets of land which are determined as suitable to build upon through detailed geotechnical investigation at the time of subdivision. In his opinion, a planning response would remove the density and minimum lot size but limit the number of units on the site to the maximum allowed by the ODP i.e., 412 units based on 1 per 450m².¹⁹

¹⁴ R. Devlin, Section 42A Report, 24 May 2017, paragraphs 5.14 & 5.15

¹⁵ N. Geddes, EIC, paragraphs 4.4 & 4.5

¹⁶ A. Leith, Section 42A Report for Stream 6, 14 September 2016, paragraphs 9.42 – 9.45

¹⁷ N. Geddes, EIC, 9 June 2017, paragraphs 5-4 – 5.6

¹⁸ Ibid, paragraphs 5.-7 – 5.11

¹⁹ Ibid, paragraphs 7.4 – 7.5 (4 paras in all)

35. For the Council, Ms Devlin relied in part on the transport evidence of Ms Wendy Banks in coming to her conclusion that the land is unsuited for conventional LDRZ development.
36. Ms Wendy Banks analysed the impact of additional traffic generated on the intersection of Middleton Road and Frankton Road. In her opinion, this intersection would have to be upgraded to accommodate the additional right turning traffic onto Frankton Road.²⁰
37. Ms Devlin relied on Ms Amanda Leith, who prepared the Section 42A Report for Chapter 7 LDRZ, when she stated that the 1500m² minimum lot area was applied because of the steep topography and natural hazards on the site. For any development within the overlay, significant geotechnical investigations would be required to ensure that the land can be made safe and appropriate for residential development. In her view, a resource consent was a better way to address the site-specific natural hazard and geotechnical matters.²¹
38. For QAC, Mr Kyle said:
- “...rezoning proposals which enable the intensification of ASAN near the Airport will ultimately bring more people to the effect of aircraft noise both now and into the future. This has the potential to give rise to an increased risk of reverse sensitivity which could result in the future curtailment of activities at Queenstown Airport.4 Moreover, such proposals would likely lead to residential development in locations where levels of amenity are compromised, and will increasingly become so as aircraft operations at the airport increase over time.”²²*
39. In his opinion, the best form of protection available to avoid potential reverse sensitivity effects is to avoid development coming to the effect in the first place.

5.5. Discussion of Planning Framework

40. LDRZ is the largest residential zone in the District. In Chapter 7, as recommended, it is renamed the Lower Density Suburban Residential zone to more accurately capture the range of traditional and modern suburban densities and housing types enabled. Objective 7.2.1 provides for ‘a mix of compatible suburban densities and a high amenity low density residential environment for residents...’. Policy 7.2.1.2 encourages development that ‘maintains suburban residential amenity values including predominantly detached building forms, and predominantly one or two storey building heights.’ Policy 7.2.1.3 seeks to maintain amenity values between sites, in particular privacy and access to sunlight. A clear theme is the maintenance of suburban character and high amenity values. Commercial activities are generally discouraged.
41. There is an active schist debris landslide identified on the Council’s GIS- based hazards register and a nil to low risk of liquefaction is also noted.
42. The Strategic Direction includes Policy 3.2.2 as recommended which requires urban development to occur in a logical manner to (among other things) ‘minimise the natural hazard risk, taking into account the predicted effects of climate change’.
43. This policy is implemented through the provisions of Chapter 28 Natural Hazards and Chapter 27 Subdivision & Development. In addition, section 106 of the Act and sections 71 – 74 of the

²⁰ W. Banks, EIC, 25 May 2017, paragraphs 8.6 – 8.11

²¹ R. Devlin, Section 42A Report, 24 May 2017, paras 5.12 & 5.1.5

²² J. Kyle, Rebuttal Evidence, 7 July 2017, paragraph 2.2

Building Act 2004 are important means of implementation. Overall, the Council's approach is based on case by case assessment.

44. Chapter 28 Natural Hazards provides a policy framework to address natural hazards throughout the District. The District is recognised as being subject to multiple hazards and as such, a key issue is ensuring that when development is proposed on land potentially subject to natural hazards, the risk is managed or mitigated to tolerable levels. In instances where the risk is intolerable, natural hazards will be required to be avoided. Council has responsibility to address the developed parts of the District that are subject to natural hazard risk through a combination of mitigation measures and education, to lessen the impacts of natural hazards.
45. The Council maintains a natural hazards database and development proposals affected by, or potentially affected by, natural hazards as identified in the database will require an accompanying assessment of natural hazard risks commensurate with the level of risk posed by the natural hazards (Rule 28.3.2.3).
46. Chapter 27 Subdivision & Development states that 'all subdivision is able to be assessed against a natural hazard through the provisions of section 106 of the RMA. In addition, in some locations natural hazards have been identified and specific provisions apply' (Rule 27.4.3.1).
47. The submission site is not located within the OCB.

6. ISSUES

- a. Whether the Queenstown Heights Overlay Area and related rules on density and minimum site size should be removed
- b. Transport
- c. Natural hazards

7. DISCUSSION OF ISSUES AND CONCLUSIONS

48. The ODP zoned this land as LDRZ and applied a Queenstown Heights Low Density Sub-zone (the QHOA) restricting the minimum lot size for subdivision to 1500m². Notwithstanding, the minimum density permitted by the LDRZ was 1 unit per 450m². The 1500m² minimum lot size for subdivision is the same in both the ODP and notified PDP but the PDP proposes to reduce the density in the LDRZ where land is subject to the QHOA to 1 unit per 1500m².
49. Accordingly, the starting point for our consideration is that the land has been in the LDRZ for many years and, until the PDP, was theoretically capable of being developed to a maximum density of 1 unit per 450m² as a permitted activity. Depending on the assumptions made about the area of land allocated to roading, services and recreation reserves, the estimated yield is in the order of 400 lots based on 1 lot per 450m². We are satisfied that about 400 lots would be indicative of what may be enabled if half of the land area within the QHOA was found to be suitable for housing and developed to its full potential.
50. The Council's transport evidence was based on the number of movements generated by an additional 408 lots. We observe that this level of effects was enabled by the density provisions of the LDRZ under the ODP and therefore must have been factored into the original decision on zoning and application of the sub-zone. If the area within the QHOA had been developed

under the ODP, the Council would have been required to deal with the traffic generated by about 400 lots in the normal course of business.

51. Ms Wendy Banks assumed that vehicle traffic generated by the development within the QHOA would use the intersection of Middleton Road and Frankton Road whereas Mr Geddes focused on the intersection of Goldfields Heights and Frankton Road. We consider that until the development is subject to detailed design, access and the distribution of traffic is unknown. We simply note that the land within the QHOA can be accessed from both Middleton and Goldfield Heights Road (at minimum) therefore the traffic generated may not be concentrated at one intersection. We agree with Mr Geddes that this matter can be dealt with at the time of subdivision or development. In our view, the ODP LDR zoning, including the density control, was adopted in anticipation of this level of traffic effects and therefore transport issues are not a valid basis for rejecting this submission.
52. With respect to natural hazards, it was common ground that the Queenstown Hill landslide is located within the QHOA. We agree with the uncontested evidence of Mr Faulkner that a detailed investigation will be required to determine whether (or not) there is ground suitable for residential development. Further, we agree with both Mr Faulkner and Mr Geddes that it is unwise to rely on reports prepared for the adjacent development at Remarkables Heights when forming an opinion on the suitability of the subject land for development. A specific and detailed geotechnical investigation of this site is required prior to development.
53. In practice, the geotechnical investigation required to establish the suitability of the land for development will be the same, regardless of what is proposed. We consider that the results of this investigation will dictate the intensity and type of development that is feasible notwithstanding the Plan provisions. Whatever is proposed, it is not axiomatic that the minimum density or minimum lot size could be realised across the whole QHOA. In fact, this would likely be a bad result which is why we agree with Mr Geddes that a flexible approach to density and subdivision controls is the better approach in the circumstances.
54. We do not support the 'Queenstown Hill Overlay Area' and its associated minimum density and minimum lot sizes because these provisions are unnecessary given the policy framework for managing natural hazards adopted in this Plan. Chapter 27 Subdivision & Development and Chapter 28 Natural Hazards require a case by case assessment of natural hazards risks.
55. In addition, where subdivision is proposed, section 106 of the Act provides sufficient safeguards for the management of natural hazards and where permitted activity status applies, sections 71 – 74 of the Building Act 2004 give the Council power to refuse consent where natural hazards affect land or the construction of a building. A recent amendment to section 6 of the Act includes "*the management of significant risks from natural hazards*" as a matter of national importance. Section 6 requires decision-makers to recognise and provide for matters of national importance when considering applications for land use and subdivision. Thus, the RMA and Building Act work together to ensure that land subject to natural hazards is only developed after due consideration of the hazard, the risk posed and methods of avoiding or mitigating that risk are in place.
56. A further consideration is the effectiveness of the proposed minimum density rule and minimum lot size of 1500m² per unit in managing natural hazards risk. The Council did not provide any evidence in support of these rules and, as pointed out by Mr Geddes, the Section 32 Report did not signal the proposed change in density nor did it provide any evidence on natural hazards underpinning this change. We were left with the impression that the addition

of a minimum density standard of 1 unit per 1500m² for the area included in the QHOA within the LDRZ was done in haste and arbitrarily. We observe that the notified zoning has no higher status than any zoning sought by a submitter and if the Council wants to impose more restrictive provisions, the onus is on it to prove the need for them.

57. With respect to natural hazards risks, we received no evidence establishing that this land should be treated any differently from the rest of the land within existing residential zones in the District in this regard. The Council did not provide a natural hazards assessment justifying the QHOA nor did it substantiate the proposed minimum density and minimum lot size of 1 unit per 1500m². Mr Geddes' opinion that a cap based on the density permitted under the ODP would provide more flexibility has some appeal however this method (or the quantum of the cap itself) was not substantiated in evidence either.
58. As we said above, the capacity of this land for residential development or some other use such as a retirement village hotel will be determined by the results of the geotechnical investigations undertaken prior to development. We are satisfied that the recommended LDRZ and subdivision provisions are sufficiently flexible to enable a reasonable development of this land. Further, we consider that the statutory framework governing natural hazards and the policy approach of Chapter 28 are adequate for managing natural hazards risks on this land and elsewhere in the urban area.
59. Finally, with respect to QAC's further submission, we note that the site is not within the OCB and QAC has not initiated a plan change to extend the OCB. We consider it is not sound resource management practice to limit development potential in the face of uncertainty about the future of the airport particularly in a location like Queenstown which has topographical constraints that limit the land available for urban development. For a full discussion of QAC's further submissions on sites not located within the ANB or OCB, see Report 17-1.²³

8. RECOMMENDATION

60. For the reasons set out above, we recommend that:
 - a. Submission 336 be accepted;
 - b. FS1340.76 be rejected; and
 - c. The Queenstown Hill Overlay Area be removed from Planning Map 31 and 31a; and
 - d. References to the QHOA in Chapters 7 and 27 be removed.

²³ Refer Report 17-1, Section 5.3

PART C: MT CRYSTAL LIMITED

Submitter **Mt Crystal Limited (Submission 150)**

Further Submission

FS1340.64 – Queenstown Airport Corporation – oppose

9. PRELIMINARY MATTERS

9.1. Subject of Submissions

61. This submission related to a 2.7360 hectare property located at 634 Frankton Road within the LDRZ (Lot 1 DP9121) (see Figure 5-3 below).

9.2. Outline of Relief Sought

62. The submission requested rezoning of the site to either a mix of MDRZ (1.24 ha) and HDRZ (1.49 ha) or, in the alternative, MDRZ with a 12m height limit and provision for visitor accommodation as provided for in the HDRZ.

9.3. Description of the Site and Environs

63. The site is moderately steep to steeply-sloping and contains two streams which join in the south-eastern corner. The gully of the main stream is deeply incised. Riparian vegetation comprises trees and scrub. The eastern half of the site is covered in broom whereas the western side of the main gully is in pasture. There is a house located in the south-western corner with vehicle access from Frankton Road.

64. To the north, the property shares a boundary with the vacant Middleton land (Submission 336) which is located within the notified Queenstown Hill Overlay Area. The Holiday Inn is on the adjacent site to the west. Generally, there is a mix of housing and visitor accommodation on the slopes overlooking the marina and lake to the east and west of this property. Land on the southern side (or lakeside) of Frankton Road is also residential in character and zoned MDRZ.

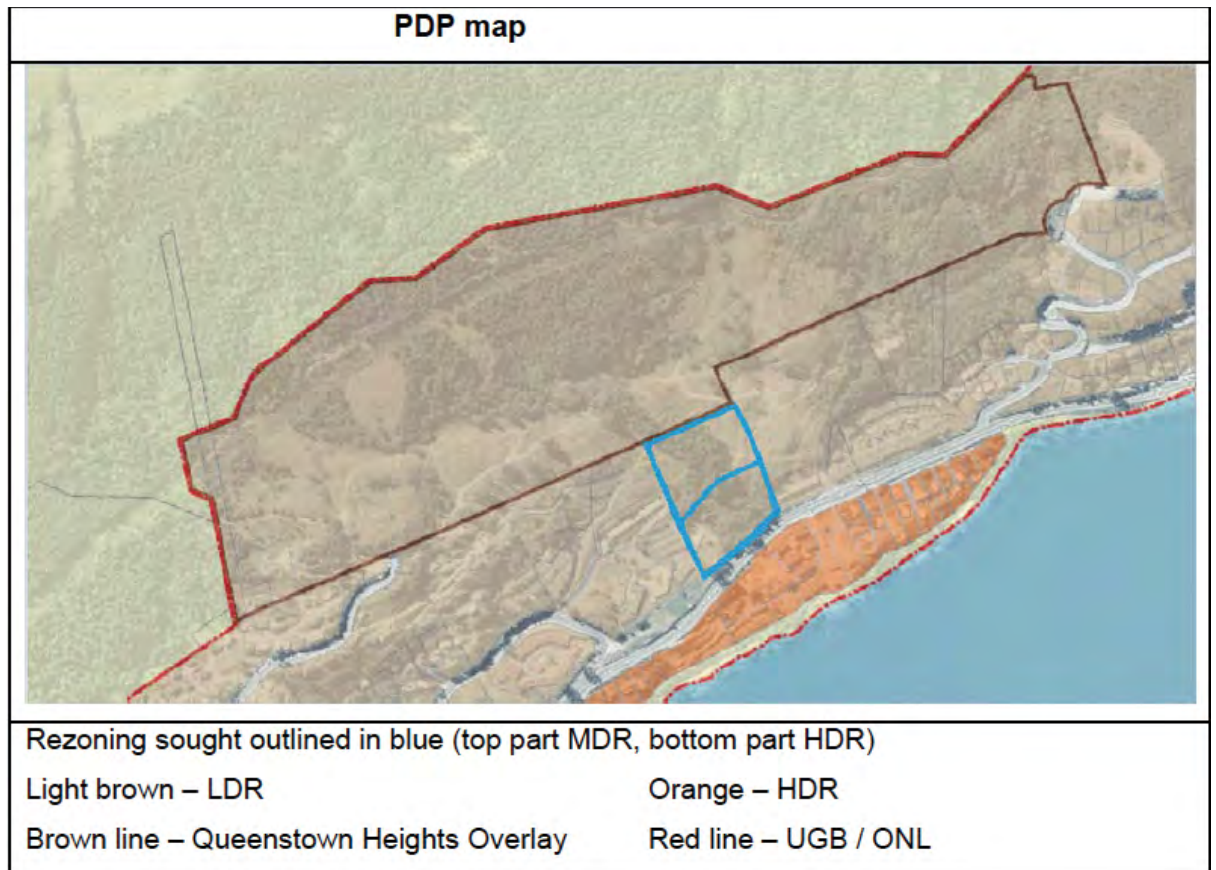


Figure 5-3 –The land subject to the submission outlined in blue.

9.4. The Case for Rezoning

65. The submitter’s planning expert, Mr Sean Dent, presented evidence at the hearing confirming his support for the Council’s revised recommendation that the whole site be zoned MDRZ.²⁴ While he originally provided evidence that supported rezoning the whole property to HDRZ, Mr Dent’s Executive Summary stated his reasons for concluding that the MDRZ would be an efficient and effective planning solution.²⁵ Mr Dent was the only expert to attend the hearing for the submitter however the submitter had provided a geotechnical report²⁶ and a statement of evidence prepared by a civil engineer on infrastructure services.²⁷
66. We record that Mr Dent’s original evidence in support of HDR zoning for the whole site went beyond the scope of the submission.²⁸ The submission sought HDRZ for the lower area only. MDR zoning for the whole site however is within scope therefore there was no need for the Panel to formally deal with matters of scope.
67. Mr Dent relied in part on the opinions of various technical experts in coming to his conclusion that the MDRZ was appropriate for this land. With respect to transport, he relied on Ms Wendy Banks for the Council, who did not oppose the MDRZ because she considered the intensification at this level of density to be insignificant.²⁹

²⁴ R. Devlin, Supplementary Rebuttal Evidence, 11 July 2017, paragraphs 4.1 – 4.11

²⁵ S. Dent, Executive Summary, 22 August 2017, paragraph 1.10

²⁶ S. Dent, EIC, 9 June 2017, Appendix B - Report by Geosolve, August 2016

²⁷ J. McCartney, EIC, 8 June 2017

²⁸ S. Dent, EIC, 9 June 2017

²⁹ W. Banks, EIC, 25 May 2017, paragraph 8.15

68. The geotechnical experts for the Council (Mr Watts)³⁰ and the submitter (Ms Georgia Scott) agreed that the site was suitable for development at an MDRZ density subject to more detailed geotechnical assessment.³¹
69. Mr John McCartney, a civil engineer, provided written evidence on infrastructure and, in particular, the feasibility of servicing the site with wastewater and water supply services. He met Council staff, including Mr Glasner, to discuss the various issues including provision of adequate water for firefighting should HDRZ be adopted. Mr Glasner opposed HDRZ due to concerns about providing sufficient water for firefighting but did not oppose MDR zoning over the site as there would be no change in firefighting requirements compared with the notified LDRZ.³² Mr Dent relied on their expert opinion that there were no insurmountable issues with respect to infrastructure servicing of the subject site if developed at a MDRZ density.³³
70. There was considerable agreement between Mr Dent and Ms Devlin for the Council on planning matters. They agreed that the adjoining properties have been developed to greater densities than conventional LDR through comprehensive developments or as visitor accommodation complexes, such that the surrounding area is not traditionally suburban in appearance and character.³⁴
71. Mr Dent considered it was not an effective or efficient planning approach to try and maintain a LDRZ characteristic that presently does not exist and which cannot be regained in this area.³⁵ Ms Devlin considered upzoning would facilitate more efficient use of the land for residential purposes (taking into account the stream and geotechnical constraints that will restrict the developable area) and development at MDR scale would not result in significant amenity concerns in regard to adjoining properties.
72. Mr Dent assessed the likely yield under MDR zoning as 34 lots, after first deducting the area of land that is unsuitable for development due to natural hazards.
73. Ms Devlin considered that the provisions of Chapter 28 Natural Hazards would ensure that any development on the parts of the site subject to natural hazards only occurs where the risks to the community and the built environment are avoided or appropriately managed or mitigated (notified Objective 28.3.2).
74. Finally, it was Mr Dent's opinion that applying the MDRZ to the subject site as opposed to HDRZ still accords with the Strategic Direction of the PDP to facilitate higher density living near public transport routes, efficient and sustainable use of infrastructure servicing and providing for mixed densities of housing in existing and new urban communities. The MDRZ will also maintain a high quality built environment by requiring assessment of the urban design of multi-unit developments.³⁶
75. QAC lodged a further submission opposing the rezoning of currently vacant land and/or enabling intensification of existing or residentially zoned land because this will bring more people to the aircraft noise effect now and into the future. Mr Kyle's evidence was that the

³⁰ C. Watts, Rebuttal Evidence, 11 July 2017, paragraphs 4.1 - 4.4

³¹ S. Dent, Executive Summary, 22 August 2017, paragraph 1.7

³² R. Devlin, Rebuttal Evidence, 7 July 2017, paragraph 4.8

³³ Ibid, paragraph 1.5

³⁴ Ibid, paragraph 4.4;

³⁵ S. Dent, EIC, 9 June 2017, paragraph 64, see also paragraphs 55 – 64 for a full discussion of this matter

³⁶ S. Dent, Executive Summary, 22 August 2017, paragraph 1.10

best form of protection available to avoid potential reverse sensitivity effects is to avoid development coming to the effect in the first place.³⁷ However the submission site is not located within the OCB and QAC has not initiated a plan change seeking to extend the OCB.

9.5. Discussion of Planning Framework

76. The LDRZ is the largest residential zone in the District. In Chapter 7 as recommended it is renamed the Lower Density Suburban Residential zone to more accurately capture the range of traditional and modern suburban densities and housing types enabled. Objective 7.2.1 provides for *'a mix of compatible suburban densities and a high amenity low density residential environment for residents...'*. Policy 7.2.1.2 encourages development that *'maintains suburban residential amenity values including predominantly detached building forms, and predominantly one or two storey building heights.'* Policy 7.2.1.3 seeks to maintain amenity values between sites, in particular privacy and access to sunlight. A clear theme is the maintenance of suburban character and high amenity values. Commercial activities are generally discouraged.
77. The purpose of the MDRZ is to enable a greater supply of diverse housing options for the District at a higher density than the LDRZ. Development controls are designed to ensure that the reasonable maintenance of amenity values is maintained. MDR zones should be easily accessible to local shopping centres, town centres or schools by public transport, cycling or walking.
78. The HDRZ provides for efficient use of land within close proximity to town centres that is easily accessible by public transport, cycle and walkways. In Queenstown, it enables taller buildings than in other residential zones, subject to high design quality. Development controls provide minimum of protections for existing amenity value and are otherwise prioritised towards enabling the community's wellbeing by promoting growth and development. There is a focus on intensification and small scale commercial activities are enabled to support larger residential developments, or to provide low impact local services.
79. Chapter 28 Natural Hazards and Chapter 27 Subdivision provide for a case by case assessment of natural hazards risks when subdivision and/or development is proposed.
80. The submission site is not located within the OCB for Queenstown Airport.

10. ISSUES

- a. The most appropriate zone for this land

11. DISCUSSION OF ISSUES AND CONCLUSIONS

81. We agree with Ms Wendy Banks and Ms Devlin that HDR zoning is not appropriate for this land because it is contrary to Objective 9.2.1 which requires that high density housing development occurs in urban areas close to town centres, to provide greater housing density and respond to expected population growth. This property is about 3.5km from Queenstown therefore it is not located 'in close proximity' to the town centre. In our view, the role of Queenstown town centre as an economic, civic and cultural hub for the Wakatipu area would be undermined if high density housing was permitted in other locations further afield, including this site. This outcome would be contrary to Strategic Objective 3.2.1.2.

³⁷ J. Kyle, Rebuttal Evidence, 7 July 2017, paragraphs 2.2 - 2.3

82. Ms Devlin considered that the development enabled by an HDR zone would appear out of character or disparate in this location.³⁸ We agree.
83. We also agree with Mr Dent that the development enabled by the LDRZ would be out of character with the neighbouring development which is more intensive by comparison. It follows that we agree with both planners that MDR zoning is the most appropriate for this site for the reasons given in their evidence and summarised above.
84. We note that the submitter, in accepting MDR zoning for the whole site, did not pursue its request for MDR zoning with a maximum height limit of 12 metres and with the provision for visitor accommodation which applies in the HDR. Ms Devlin addressed this request and concluded that it would be inappropriate to apply a 12m building height to this site along with MDR zoning. In her opinion, the proposed 12m height would enable buildings that would appear as very dominant in this setting relative to the surrounding LDR neighbourhood. The likely pattern of development would be out of character and result in adverse effects in regard to neighbouring residential amenities. Ms Devlin did not support a bespoke height limit rule just for this area.³⁹ We agree.
85. With respect to QAC's further submission, we consider it is not sound resource management practice to limit development potential in the face of uncertainty about the future of the airport particularly in a location like Queenstown which has topographical constraints that limit the land available for urban development. For a full discussion of QAC's further submissions on sites not located within the ANB or OCB, see Report 17-1.⁴⁰
86. We are satisfied that the evidence demonstrated the suitability of this land for MDR zoning. It is easily accessible to local shopping zones, town centres or schools by public transport, cycling or walking. The land is supported by adequate existing or planned infrastructure and its development will enable a greater diversity of housing types, generally around two storeys in height. Subject to detailed assessment of natural hazards and implementation of risk management measures, the site is capable of being safely developed for housing and other activities enabled within the MDR.

12. RECOMMENDATION

87. For the reasons set out above, we recommend that:
- a. Submission 150 be accepted in part; and
 - b. FS1340.64 be rejected; and
 - c. MDR zoning be applied to the whole of the property located at 634 Frankton Road (Lot 1 DP9121) as shown on Planning Map 32.

³⁸ R. Devlin, Rebuttal Evidence, 7 July 2017, paragraph 4.5

³⁹ Ms Rosalind Devlin, Section 42A Report, 24 May 2017, paragraph 6.17

⁴⁰ Refer Report 17-1, Section 5.3

PART D: BODY CORPORATE 22362 AND SEAN & JANE MCLEOD

Submission Body Corporate 22362 (Submission 389) and Sean & Jane McLeod (Submission 391) Further Submissions

FS1331 – Mt Crystal Limited – supported both submitters

FS 1340 – Queenstown Airport Corporation – opposed both submitters

13. PRELIMINARY MATTERS

13.1. Subject of Submissions

88. These submissions related to Goldfields Heights and more generally, the area from Frankton Marina to Queenstown Hill, and Fernhill and Sunshine Bays.

13.2. Outline of Relief Sought

89. Submission 389 sought the rezoning of the Body Corporate land (multiple sites as shown on DP22362) and the surrounding area known as 'Goldfields' to MDRZ. Figure 5-4 below shows the Body Corporate land and the notified zoning.

90. Submission 391 sought the rezoning requested by Submission 389. The submission also requested that the medium density zone be extended to include most of Fernhill and Sunshine Bay on the lower slopes within 4-500m of Fernhill Road and that it be also extended all the way along Frankton Road from the existing high density areas to include Panorama Tce, Larchwood Heights, St Andrews Park, Goldfields, Battery Hill, Marina Heights and everything in between.

13.3. Description of the Site and Environs

91. Body Corporate 22362 is a subdivision carried out in the early 1990's by David Broomfield and first approved under the Town and Country Planning Act 1977, with a later variation approved under the RMA. The site was subdivided using the Unit Titles Act 1972. The development consists of 131 units either single dwelling or duplexes. There are large areas of common property either being accesses, open reserve or tennis court. Overall the density of the area is about 630m² per unit including the common property, but some of the sites are 250m² with over 100 being under 500m² and approximately 50 being in the 300-350m² range. The average area per unit is 436m².⁴¹

92. Goldfields is an area with many unit developments including The Ridge Resort adjacent to BC22362 at 67 Goldfields Heights. The area is well-located relative to the town centre and Frankton and many homes have views of the lake and mountains.

93. The wider area identified in the submission extends from the higher density development on Queenstown Hill on or near Kent Street all the way to Marina Drive at Frankton. There is a mix of dwellings, unit developments and visitor accommodation in this area and many properties enjoy lake and mountain views.

94. Fernhill and Sunshine Bay to the south-east of Queenstown town centre are also included in the request for MDR zoning. These hillside suburbs are areas with a mix of housing types and fine views that have developed since the 1960's.

⁴¹ Submission 389

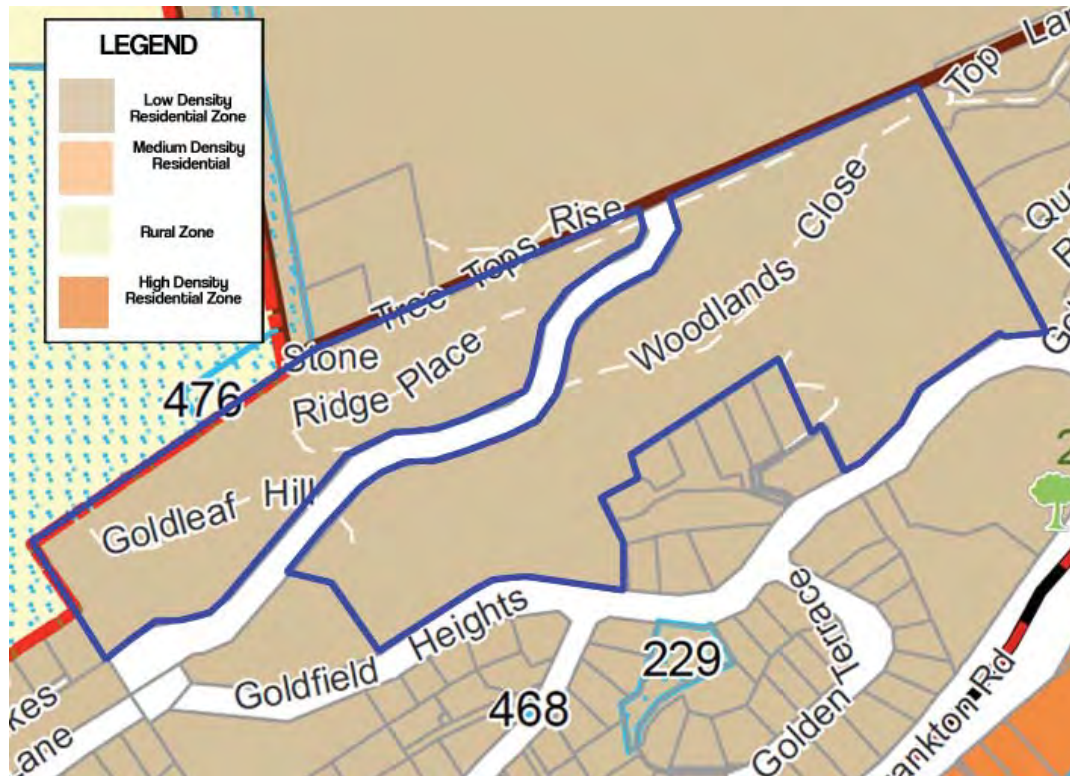


Figure 5-4 – The Body Corporate 22362 site (blue outline)

13.4. The Case for Rezoning

95. Mr Sean McLeod presented submissions on behalf of BC22362 in his private capacity as Chair of the Body Corporate⁴² and for Sean & Jane McLeod.⁴³ As a surveyor, he brought particular expertise and experience to his analysis of plan provisions, infrastructure and transport issues which we appreciated for its common sense.

13.5. BC 22362

96. Turning first to the matter of BC 22362, Mr McLeod explained that the request for MDR zoning was not so much to increase the density of development, more that the size of a number of the units was outside of the proposed LDRZ rules and the development as a whole was already of a medium density nature.⁴⁴

97. In his opinion, the Goldfields area also met the objectives and policies of the medium density rules better than other areas put forward by the Council particularly areas at Frankton and the Ladies Mile SHA.⁴⁵

98. Transport and infrastructure issues were matters of contention. The Council's planner, Ms Devlin, did not support MDRZ for the BC22362 site in reliance on the evidence of Mr Glasner, civil engineer, and Ms Wendy Banks, transportation engineer. Initially, both witnesses opposed the change in zoning because of capacity constraints.

⁴² Submission 389

⁴³ Submission 391

⁴⁴ S. McLeod, Summary Statement, 16 August 2017, paragraph 3

⁴⁵ Ibid, para 5

99. The Council estimated that MDR zoning would enable an additional 120 – 130 lots on the site occupied by BC22362 but Mr McLeod disagreed. He thought it more likely that the difficulty of obtaining consent under the body corporate rules would prevent any new lots being created at all.
100. Although unlikely because BC22362 would not relax its rules, Mr McLeod pointed out that under the current district plan (LDRZ), the permitted and discretionary activities enabled a level of development that exceeded the Council’s estimated 120 – 130 additional lots which gave rise to its infrastructure and transportation concerns. In his opinion, the Council may have to consider including in the LTP upgrading of infrastructure and the Goldfields Heights/Frankton Road intersection regardless of the final zoning of the area.⁴⁶
101. We note his remarks about the popularity of an alternative route into town via St Andrews Park, Highview Terrace and Hensman Road which is reducing the number of vehicles turning right at the Goldfields Heights/Frankton Road intersection. We also acknowledge his observation that at times Frankton Road is at standstill and a roundabout or traffic lights could not disrupt it further.⁴⁷
102. After the hearing, Mr McLeod provided further information on capacity. If the land was bare, a realistic estimate of what could have been achieved by a comprehensive development consent under the operative LDRZ is 350 dwellings, whereas the actual number of dwellings is 131. Given the existing development and utilising only that land which is serviced, accessible, not already in use for access and not too steep, an additional 30 dwellings would be possible under MDR. This result would rely on multiple owners agreeing to have additional dwellings near them and no demolition of existing dwellings.⁴⁸
103. In her Reply Statement, Ms Devlin agreed with Mr McLeod and concluded that a more realistic estimate of yield would be much lower than her initial estimate, from zero to 30 units. She also agreed with Mr McLeod that the site was already mostly developed in a similar manner to MDR, with smaller lot sizes than can be expected under LDR, and attached units and townhouses. As such, she considered that rezoning the site to MDRZ would both reflect the underlying pattern of development and would avoid future technical non-compliances whereby an extension or garage, for example, might breach LDR rules.⁴⁹ Nevertheless Ms Devlin continued to recommend that the rezoning request be rejected due to Mr Glasner’s ongoing concerns about insufficient information on infrastructure matters.⁵⁰
104. Ms Wendy Banks assessed the potential 30 lot yield and concluded that the additional traffic movements at the Goldfield Heights/Frankton Road intersection would not be detrimental to the road network.⁵¹
105. Mr Glasner continued to oppose the rezoning of BC22362 and the wider area in his Reply Evidence due to the lack of evidence about density which meant that he could not rerun his infrastructure calculations and also because network modelling was required to assess the impact of rezoning up to 50 ha.

⁴⁶ Mr Sean McLeod, EIC, undated, para 13

⁴⁷ Ibid, para 8

⁴⁸ Email from Mr Sean McLeod to Ms Rosalind Devlin dated 27 September 2017

⁴⁹ R. Devlin, Reply Evidence, 6 October 2017, paragraph 2.3

⁵⁰ Ibid, paragraph 2.8

⁵¹ Ibid, paragraph 2.7

106. Mr McLeod said that Mr Glasner’s infrastructure recommendations (for the estimated additional 120 – 130 lots) did not appear to agree with others close by the proposed MDR rezoning within Goldfields eg., Submission 150 (Mt Crystal Limited).⁵²
107. In response, Mr Glasner said:
- “Queenstown Hill may appear to have disparities in my response when looking at the submission in this way. However, the water servicing in this area is complex because of elevation changes, different pressure zones and areas pressurised from different reservoirs. Different areas have also been planned for water and wastewater upgrades in the LTP which affected my evidence on various submissions. Goldfield Heights is also an existing development area with services currently nearing capacity, that is more difficult and costly to upgrade than a Greenfields site.”⁵³*
108. At the hearing, Mr McLeod explained that most of the infrastructure within BC22362 is owned and maintained by the Body Corporate.⁵⁴ He addressed Mr Glasner’s concern that the existing network does not have existing capacity. Mr McLeod said that, due to their grade, the two wastewater lines crossing Frankton Road are likely to be the constraint points as confirmed in Mr Glasner’s evidence for Submission 150 (Mt Crystal Limited). He offered two possible solutions to this constraint in the wastewater network. Mr McLeod also suggested that water could possibly be linked from the top of Goldfields Heights to the new Middleton Road reservoir as the land in Submission 336 (Middleton Family Trust) was developed.
109. QAC lodged a further submission opposing the rezoning of currently vacant land and/or enabling intensification of existing or residentially zoned land because this will bring more people to the aircraft noise effect now and into the future. Mr Kyle’s evidence was that the best form of protection available to avoid potential reverse sensitivity effects is to avoid development ‘coming to the effect’ in the first place.⁵⁵ However the submission site is not located within the OCB and QAC has not initiated a plan change seeking to extend the OCB.
110. In summary, Mr McLeod sought reconsideration of the zoning of BC22362.
- 13.6. Rezoning Frankton Marina to Queenstown Hill, including Goldfields Heights, and Fernhill/Sunshine Bay**
111. Mr McLeod also presented submissions addressing the strategic zoning issues raised in Submission 391 i.e., the request that a large area of land from Frankton Marina to Queenstown Hill and in Fernhill/Sunshine Bay be rezoned to MDRZ.
112. Mr & Mrs McLeod supported widespread rezoning to MDRZ because they believe that Queenstown cannot keep carving up its rural land ‘ad nauseum’ as has been done in the past decade. Land already zoned residential should be used more efficiently and the only way to do this is by greater intensification and by building smaller which the MDRZ allows.⁵⁶
113. He described the actual and potential development intensity of land in the subject area giving examples such as Panners Way. He considered that the operative medium density sub-zone

⁵² S. McLeod, EIC for Submission 389, undated, paragraph 8

⁵³ U. Glasner, Rebuttal Evidence, 7 July 2017, paragraph 5.17

⁵⁴ S. McLeod, EIC for Submission 389, undated, paragraph 10; Summary Statement, 16 August 2017, paragraphs 8 - 13

⁵⁵ J. Kyle, EIC, 9 June 2017, paragraphs 6.4 – 6.8

⁵⁶ S. McLeod, Summary Statement for Submission 391, 16 August 2017, paragraphs 2 - 3

had already increased the density from the (notified) LDRZ requirement. In his opinion, there would be less of a difference between the numbers of dwellings in the LDR and MDR than Ms Devlin used.⁵⁷

114. In addition, he said that due to the nature of the land on Queenstown Hill and Fernhill, geotechnical, parking and access requirements along with newly built million-dollar housing means that there is unlikely to be 250m² maximum density over the whole area in the short to medium term.⁵⁸

115. In addition, Mr McLeod commented on the rate of development should rezoning be accepted in the context of what he saw as the key constraint, namely provision of infrastructure services. He considered there would not be an immediate demand for additional infrastructure services and that upgrades could be planned as part of the 10-year plan process and funded through development contributions.⁵⁹

116. He concluded by saying that:

“the area proposed for MDR rezoning fits entirely within Objective 8.2.1 and its policies in that medium density development will be realised close to town centres, local shopping zones, activity centres, public transport routes and non-vehicular trails in a manner that is responsive to housing demand pressure.”⁶⁰

117. Mr Glasner continued to oppose the rezoning because he still required further information around density to rerun his infrastructure calculations. In addition, network modelling for water supply and wastewater is required to assess the impact of the proposed increase of the development site up to approximately 50ha.⁶¹

118. Ms Devlin agreed with Mr McLeod that most of the sites that are the subject of the submission meet many of the objectives for the MDRZ (particularly in regard to location). She saw a number of benefits associated with upzoning within the UGB however upzoning must be accompanied by development infrastructure. In addition, she relied on Ms Kim Bank’s opinion that additional upzonings of land to higher intensities are not required for the PDP timeframe.⁶²

119. Ultimately, Ms Devlin relied on Mr Glasner’s ongoing concerns about lack of information on infrastructure matters to recommend that the rezoning request should be rejected.

120. QAC’s further submission opposed intensification on the same basis as it did for Submission 389 (see paragraph 113 above).

13.7. Discussion of Planning Framework

121. In the PDP, Chapter 3 Strategic Direction seeks to manage urban growth in a strategic and integrated manner. Urban development should promote a compact, integrated urban form, ensure a mix of housing opportunities and be integrated with existing and planned infrastructure (recommended Objective 3.2.2.1). This objective is given effect by

⁵⁷ Ibid, paragraphs 7 - 9

⁵⁸ S. McLeod, EIC for Submission 391, undated, paragraph 11

⁵⁹ Ibid, paragraph 13

⁶⁰ Ibid, paragraph 21

⁶¹ U. Glasner, Reply Evidence, 6 October 2017, paragraphs 3.2 – 3.4

⁶² R. Devlin, Rebuttal Evidence, 7 July 2017, paragraph 5.4

recommended Objectives 4.2.2A and 4.2.2B Urban Development which provide for the allocation of land within the UGB into zones which are reflective of the appropriate land use having regard to transport, a mix of housing densities and forms and the function and role of town centres, among other matters.

122. The LDRZ is the largest residential zone in the District. In Chapter 7 as recommended it is renamed the Lower Density Suburban Residential zone to more accurately capture the range of traditional and modern suburban densities and housing types enabled. Objective 7.2.1 provides for *'a mix of compatible suburban densities and a high amenity low density residential environment for residents...'*. Policy 7.2.1.2 encourages development that *'maintains suburban residential amenity values including predominantly detached building forms, and predominantly one or two storey building heights.'* Policy 7.2.1.3 seeks to maintain amenity values between sites, in particular privacy and access to sunlight. A clear theme is the maintenance of suburban character and high amenity values. Commercial activities are generally discouraged.
123. The purpose of the MDRZ is to enable a greater supply of diverse housing options for the District at a higher density than the LDRZ. Development controls are designed to ensure that the reasonable maintenance of amenity values is maintained. MDR zones should be easily accessible to local shopping centres, town centres or schools by public transport, cycling or walking.
124. The area subject to this submission is not located within the OCB.

14. ISSUES

- a. The most appropriate zone for the Body Corporate site
- b. The most appropriate zone for the wider area from Frankton Marina to Queenstown Hill, including Goldfields Heights, and Fernhill and Sunshine Bay

15. DISCUSSION OF ISSUES AND CONCLUSIONS

125. The Council's witnesses and Mr McLeod agreed on most matters but due to the Council's infrastructure concerns, they did not agree that MDR was an appropriate zoning for BC22362 or the wider area at this time.
126. With respect to BC22362, they agreed that the most likely estimated yield under MDR would be zero to 30 additional units. Knowing the way in which body corporates operate, we are inclined to agree with Mr McLeod that the likely outcome would be closer to zero in practice.
127. Ms Devlin and Mr McLeod also agreed that MDR zoning would recognise the existing intensity of development within BC22362 and be more enabling of additions and alterations such as construction of new garages by comparison to the LDRZ provisions. We concur.
128. They further agreed that the BC22362 site and the wider area met many of the objectives for the MDRZ, particularly location. For instance, this land is close to the town centre, local shopping, activity centres and public transport. In principle, we too agree that BC22362 and the wider area are suitable for MDR zoning and that changing the zoning from LDR to MDR would satisfy Objective 8.2.1.

129. Having agreed that BC22362 and the wider area are suitable for MDR zoning, the next question is whether it is necessary to up-zone the BC22362 site and the wider area at this time? Mr McLeod urged the Council to plan ahead by rezoning now because of the length of time it would take for redevelopment to occur, perhaps up to thirty years. Ms Devlin disagreed. She relied on Ms Kim Bank's evidence that additional up-zonings of land to higher intensities are not required for the PDP timeframe.
130. Early in the Stream 13 hearings, we heard evidence from Mr Phil Osborne on the results of the dwelling capacity modelling required by the NPSUDC and from Ms Kim Banks on its planning implications. As discussed in the overview,⁶³ the PDP provides an adequate supply of zoned land for residential purposes for many years ahead however bringing this land to market in a timely manner is an issue due to land banking. Among other responses designed to deal with land banking, Mr Osborne recommended increasing the area zoned MDR because, over time, this would encourage the redevelopment of residential sites within the UGB. Mr McLeod's examples including his discussion of Panorama Terrace and the 50 to 60 year development cycle supported Mr Osborne's opinion.⁶⁴ The submitters have thus identified an area suitable for upzoning in terms of the capacity enablement recommended by Mr Osborne.
131. Turning now to the provision of infrastructure which is a key factor in terms of timing, the PDP requires urban growth to be managed in a strategic and integrated manner (Strategic Objective 3.2.2). It seeks a compact and integrated form within the UGB that is coordinated with the efficient provision of infrastructure (recommended Objective 4.2.2A). Accordingly, whether BC22362 or the wider area should be rezoned at this time is dependent on the planned provision of infrastructure.
132. Mr McLeod addressed this matter and because he is a surveyor, we accept that he is qualified to make general observations on the provision of infrastructure in relation to land development. He told us that a majority of the infrastructure within BC22362 is owned by the body corporate. Mr McLeod identified the two wastewater lines crossing Frankton Road as the likely constraint on intensification of Goldfields based on Mr Glasner's evidence regarding Submission150 (Mt Crystal Limited). He suggested possible solutions for both water and wastewater services that would enable intensification of BC22362 and Goldfields Heights.⁶⁵
133. Mr McLeod's statement also raised important questions about the adequacy of the existing roads and water and wastewater network to service the development enabled under the PDP in the wider area. Mr Glasner shared this concern and did not support upzoning at this time. As noted above, the infrastructure network on Queenstown Hill is complex and, in his opinion, there was a need to undertake network modelling in order to assess the impacts of upzoning an area of 50 ha.
134. We consider that rezoning BC22362 to MDRZ is appropriate for four reasons. First, there is a low probability of new dwellings being built within the Body Corporate site due to the limitations imposed by governance. More likely there will be occasional additions and alterations carried out over the next decade and these will place limited demands on existing infrastructure. Second, network upgrades provided for in the LTP will alleviate problems in the Goldfields area in time. Third, an MDRZ reflects the existing pattern of development.

⁶³ Report 17-1, Section 3

⁶⁴ S. McLeod, Summary Statement for Submission 391, 16 August 2017, paragraph 11

⁶⁵ S. McLeod, Summary Statement for Submission 389, 16 August 2017, paragraphs 8 - 13

Finally, there are benefits from MDR zoning because this enables residents to improve their homes without needing resource consent for minor additions and alterations.

135. In our view, rezoning the wider area to MDRZ would be contrary to the strategic direction of the PDP at this time because the efficient provision of infrastructure is not assured. Whilst we agree that MDRZ is the most appropriate zoning for much of the area between Frankton Marina and Queenstown Hill, and for Fernhill and Sunshine Bay, Mr Glasner's evidence on the need to plan for the necessary infrastructure upgrades was compelling. We consider that coordinating intensification with infrastructure provision for this area requires further analysis and deliberate long-term planning by the Council prior to rezoning.
136. In our view, there is no urgency to rezone the wider area because there is an adequate supply of residential land already zoned within the District. However, we consider that achieving a compact, integrated urban form will necessitate up-zoning in the area identified by the submitters sooner rather than later due to the length of the development cycle (decades rather than years). The benefits of increased land supply in terms of housing affordability will similarly take decades to be realised.
137. Finally, with respect to QAC's further submission, we consider it is not sound resource management practice to limit development potential in the face of uncertainty about the future of the airport particularly in a location like Queenstown which has topographical constraints that limit the land available for urban development. For a full discussion of QAC's further submissions on sites not located within the ANB or OCB, see Report 17-1.⁶⁶

16. RECOMMENDATION

138. For the reasons set out above, we recommend that;
 - a. Submissions 389 and 391 be accepted in part; and
 - b. FS 1331 be accepted in part; and
 - c. FS1340 be rejected; and
 - d. Medium Density Residential zoning be applied to the BC22362 site as shown on Planning Map 32 but not to the wider area from Frankton Marina to Queenstown Hill, including Goldfields Heights, and Fernhill and Sunshine Bay.

⁶⁶ Refer Report 17-1, Section 5.3

PART E: FRANKTON MARINA/SUGAR LANE AREA

Submitters **DON LAWRENCE for DS EE PROPERTIES LTD (Submission 16); KENNETH MUIR (Submission 125); AND Z ENERGY LTD (Submission 312)**

Further Submissions

- FS1214.2 – Z Energy Ltd – support (16)
- FS1340.51 – Queenstown Airport Corporation – oppose (16)
- FS1214.3 - Z Energy Ltd – support (125.1)
- FS1340.56 - Queenstown Airport Corporation – oppose (125)
- FS1214.4 – Z Energy Ltd – support (125.2)
- FS1340.57 - Queenstown Airport Corporation – oppose (125)

17. PRELIMINARY MATTERS

17.1. Subject of Submissions

139. These submissions related to the Frankton Marina/Sugar Lane area and the Z Energy fuel station at 846 Frankton Road.

17.2. Outline of Relief Sought

140. The submission of Don Lawrence/DS EE Properties Ltd (16) sought that Sugar Lane be rezoned from LDR to a commercial zoning.

141. Kenneth Muir sought to change the Sugar Lane area from LDR to BMUZ.

142. For the avoidance of doubt, we note that neither of the above submissions indicated whether the Mantra Apartments were intended to be included in the request for rezoning.

143. Z Energy sought to change the zoning of 846 Frankton Road to enable business or higher intensity residential purposes: LSCZ, MDR or HDR, or consistent with any rezoning of the existing commercial properties along Sugar Lane and opposite the site.

17.3. Description of the Site and Environs

144. Sugar Lane is an area of mixed uses notwithstanding its LDR zoning. Activities include boating related businesses, offices, an historic cottage, Scout Hall, Pier restaurant, parking and residential uses including the Mantra Apartments (on the eastern side). There is an existing consent at Frankton Marina (RM 140061) which gives approval to 195 marina berths and associated commercial buildings, parking and open space. Z Energy is located on the opposite side of SH6A (Frankton road) on the corner of Marina Drive. The annual average daily traffic (AADT) on SH6A was recorded to be 25,818 for the December 2016 count obtained from NZTA.⁶⁷ The area is shown in Figure 5-5.

⁶⁷ W Banks, EIC, 25 May 2017, paragraph 5.115



Figure 5-5 - Aerial photograph of Frankton Marina/Sugar Lane area and Z Energy fuel station showing existing uses

17.4. The Case for Rezoning

145. Submitters 16 and 125 did not attend the hearing and did not provide any evidence in support of rezoning the area from LDR to a commercial or higher density residential zone. For Z Energy, Burton Consultants Ltd provided a letter containing a statement representing Z Energy's views.⁶⁸ All made the point that existing commercial development in Sugar Lane was inconsistent with LDR zoning. In his submission, Mr Muir said that BMUZ would be the ideal zoning to allow the Sugar Lane area to become a vibrant development in support of a new marina.
146. Z Energy's submission pointed out that their existing service station was in close proximity to commercial activities at Sugar Lane and was physically separated from residential properties to the north and east by existing roads and to residential zoning to the south by Frankton Road. The submission stated that the rezoning sought (LSC, MDR, HDR) would be more consistent with the intent of the PDP. In the letter provided by Burton consultants Ltd, Z Energy continued to maintain that LDRZ would be an inappropriate zone for the site and Sugar Lane area.
147. QAC opposed Submission 16 and Submission 125 out of concern that any rezoning would result in intensification of ASAN establishing in close proximity to Queenstown Airport. Mr Kyle's evidence was that the best form of protection available to avoid potential reverse sensitivity effects is to avoid development 'coming to the effect' in the first place.⁶⁹
148. For the Council, Ms Kim Banks considered the suitability of MDR zoning in the Frankton area generally and in the Frankton Marina/Sugar Lane area more particularly (as part of her

⁶⁸ Burton Consultants Ltd on behalf of Z Energy, letter dated 9 June 2017 and tabled at the hearing

⁶⁹ J. Kyle, EIC, 9 June 2017, paragraphs 6.4 – 6.8

evaluation of the submission by NZIA⁷⁰). In her opinion, the notified LDRZ did not accurately reflect the mix of activities present in Sugar Lane. While the location itself may be suitable for MDRZ, the existing activities were inconsistent with its purpose and over time, MDR zoning would have the potential to constrain these businesses. In her opinion, there was no alternative zoning that would adequately reflect this current mix.⁷¹ Ms Kim Banks did not support rezoning the site to MDRZ or HDRZ which would facilitate intensification and additional trip generation on the site.

149. For the Z Energy site, Ms Kim Banks evaluated the options of MDRZ and HDRZ, concluding that a spot zoning surrounded by LDRZ was undesirable and, in the case of HDRZ, could lead to development of a scale that was out of character with the neighbourhood. While she acknowledged that the site did not exhibit LDRZ characteristics, neither MDRZ nor HDRZ were more appropriate.⁷²
150. Also for the Council, Ms Evans acknowledged that the zoning of this area was challenging and that LDRZ was not reflective of the existing land uses.⁷³ In her opinion, some form of marine based commercial zone or structure plan or outline development plan that considered the future of Sugar Lane as a whole would be beneficial. Any such proposal should include the Z Energy site.⁷⁴ Ms Evans considered that alternative zones such as LSCZ would facilitate intensification and additional trip generation which would be detrimental to the operation of the Sugar Lane/SH6A/Marina Drive intersection. LSCZ or BMUZ would also create tension with a number of policies in the Strategic Direction that seek to avoid undermining existing centres.
151. In forming their opinions, Ms Kim Banks and Ms Evans relied on the evidence of Ms Wendy Banks, a transportation engineer. Ms W Banks considered that turning movements into and out of the side roads was currently challenging due to the high traffic volumes on SH6A. She opposed the rezoning sought for commercial activities, unless it could be demonstrated that the right turn movements out of Sugar Lane could be managed safely either through a reduction in the zoning area sought or by upgrading the intersection to signals or a roundabout. Z Energy noted that anticipated intersection upgrades due to the marina development were not reflected in the Section 42A Reports. This consent had not been implemented at the time of writing this report therefore it is not known whether or when these intersection upgrades will be done.

17.5. Discussion of Planning Framework

152. Sugar Lane, the Z Energy site and wider area are zoned LDR in the PDP. In Chapter 7 as recommended it is renamed the Lower Density Residential zone to more accurately capture the range of traditional and modern suburban densities and housing types enabled. Objective 7.2.1 provides for *'a mix of compatible suburban densities and a high amenity low density residential environment for residents...'*. Policy 7.2.1.2 encourages development that *'maintains suburban residential amenity values including predominantly detached building forms, and predominantly one or two storey building heights.'* Policy 7.2.1.3 seeks to maintain amenity values between sites, in particular privacy and access to sunlight. A clear theme is the maintenance of suburban character and high amenity values. Commercial activities are generally discouraged.

⁷⁰ Submission 238

⁷¹ K Banks, Section 42A Report, 25 May 2017, paragraphs 18.12 – 18.16

⁷² K Banks, Section 42A Report, 25 May 2017, paragraphs 12.6 – 12.20

⁷³ R Evans, Section 42A Report, 24 May 2017, paragraphs 6.14 & 6.26

⁷⁴ Ibid, paras 6.18 & 6.31

153. In addition to LDRZ, the PDP provides for MDR and HDR zones. The purpose of the MDRZ is to enable a greater supply of diverse housing options for the District at a higher density than the LDRZ. Development controls are designed to ensure that the reasonable maintenance of amenity values is maintained. MDR zones should be easily accessible to local shopping centres, town centres or schools by public transport, cycling or walking.
154. The HDRZ provides for efficient use of land within close proximity to town centres that is easily accessible by public transport, cycle and walkways. In Queenstown, it enables taller buildings than in other residential zones, subject to high design quality. Development controls provide minimum of protections for existing amenity values, and are otherwise prioritised towards enabling the community's wellbeing by promoting growth and development. There is a focus on intensification and small scale commercial activities are enabled to support larger residential developments, or to provide low impact local services.
155. The LSCZ, as recommended in Chapter 15, enables small scale commercial and business activities in discrete pockets of land that are accessible to residential areas and people in transit. The function of these local shopping centres is to meet the day to day needs of the community for convenient access to goods and services. These small scale centres should not undermine the role and function of town centres.
156. BMU zoning provides for complementary commercial, business, retail and residential uses that supplement the activities and services provided by town centres. Higher density living opportunities close to employment and recreational activities are also enabled. Significantly greater building heights are enabled in the Business Mixed Use Zone in Queenstown, provided that high quality urban design outcomes are achieved.
157. Designation 165 covers part of this area (Frankton Marina Local Purpose Reserve). In the PDP, this riparian reserve has been zoned Informal Recreation under the Stage 2 Variations.
158. The OCB for Queenstown Airport traverses a handful of lakefront properties at the western end of Sugar Lane. However the witnesses for both the Council and QAC proceeded on the basis that the submission sites were not within the OCB. This is not material given our recommendation to retain LDRZ.

18. ISSUES

- a. Traffic
- b. The most appropriate zone for the Frankton Marina/Sugar Lane area

19. DISCUSSION OF ISSUES AND CONCLUSIONS

159. We accept the Council's traffic engineering evidence was uncontested. Accordingly, we find that the Sugar Lane/SH6A/Marina Drive intersection experiences long delays and queues, there are safety issues with drivers risking shorter gaps in the State Highway traffic and that an increase in trips could exacerbate the current problems unless improvements are made. On traffic grounds only, the case was made to retain LDR zoning because it enables activities with relatively low rates of trip generation. We consider however that intersection upgrades would improve traffic management therefore we do not see traffic issues as determinative of zoning.

160. Traffic issues aside, both of the Council's planning witnesses considered that the notified LDRZ did not reflect existing and consented activities in and around Frankton Marina. We examined the current zones available within the PDP and concluded that none was suitable as a means of enabling the existing mix of activities at Sugar Lane to continue operating without recourse to frequent applications for resource consents.
161. Mr Muir sought BMU zoning however this would be contrary to the overall zoning strategy which provides for BMUZ near existing town centres (Queenstown and Wanaka). We accept that the mix of activities enabled by the BMUZ is a feature in its favour, however the zone enables an intensity of development that is not appropriate in this location. In our view, if the Council's goal is to enable the growth and development of mixed uses in the Sugar Lane area, a new zone is required.
162. Mr Muir identified an opportunity to allow Sugar Lane to become a vibrant development in support of a new marina. Ms Evans appeared to agree with him insofar as she considered some form of marine based commercial zone, or a structure plan or outline development that considers the further development of the Sugar Lane area as a whole would be beneficial. Z Energy supported Ms Evans in this regard and urged the Council to pursue rezoning in the near future. We agree that Sugar Lane could be redeveloped for a wide range of activities to support a new marina (assuming it proceeds) and we consider that a planning study is an essential first step should this be the Council's goal. We find that none of the available PDP zones is suitable for this purpose.
163. We are compelled by circumstances and the lack of suitable alternative zonings to recommend that LDR zoning be retained for the reasons set out above. As it happens, retention of LDR zoning also satisfies the further submissions lodged by QAC.

20. RECOMMENDATION

164. For the reasons set out above, we recommend that:
- a. Submissions 16, 125 and 312 be rejected; and
 - b. FS1340.51, FS1340.56 and FS1340.57 be accepted; and
 - c. FS1214.2 and FS1214.3 be rejected; and
 - d. Lower Density Suburban Residential zoning be retained for the submission sites; and
 - e. The Council consider undertaking a planning study of the Frankton Marina/Sugar Lane area, including the Z Energy site, to identify its optimal future development with a view to introducing a variation to apply a form of zoning (or other method) that achieves the community's desired outcomes.

PART F: BRUCE GRANT

Submitter Bruce Grant (Submissions 318 & 434)

Further Submissions

FS1340.72 - Queenstown Airport Corporation – opposes #318

FS1340.110 - Queenstown Airport Corporation – opposes #434

21. PRELIMINARY MATTERS

21.1. Subject of Submissions

165. These identical submissions related to a property located on the corner of Marina Drive and Frankton Road, Queenstown Hill.

21.2. Outline of Relief Sought

166. The submitter sought that the site be rezoned from Rural to LDRZ and amendment of the UGB to include the property within the urban area. For clarity, we note that the scope of the submission supported the inclusion of the land within the ONL.⁷⁵ This was an error because the site is excluded from the ONL, a fact that was acknowledged elsewhere in the submission and in expert evidence.⁷⁶

21.3. Description of the Site and Environs

167. This is a steeply-sloping south-facing site on a slight knob comprising three existing lots and a right of way with an area of approximately 5,516m.² Lot 7 contains a house and the other two lots are vacant. The land was once part of the main Grant family farm which takes in most of the south-east slopes of Queenstown Hill and land further east to Frankton. The land immediately to the north and east of these lots (Lot 4 DP459375) contains an active schist debris landslide hazard and a significant slip occurred on this land following the floods of 1999 causing damage to the road and properties below Frankton Road.⁷⁷

168. Marina Drive is an established residential area overlooking the Frankton Marina and many homes enjoy views of the lake and mountains.

⁷⁵ Submissions 318 & 434, paragraphs 3.1.1(b); see also K Banks, Section 42A Report Group 1B, 25 May 2017, paragraph 3.1 where this submission is recorded as ‘being in support of the ONL’.

⁷⁶ Ibid, para 3.1.1 (a) (iii) Reasons for the Submission and L Millton, EIC, paragraph 2.5

⁷⁷ K Banks, Section 42A Report Group 1B, 25 May 2017, paragraph 23.9

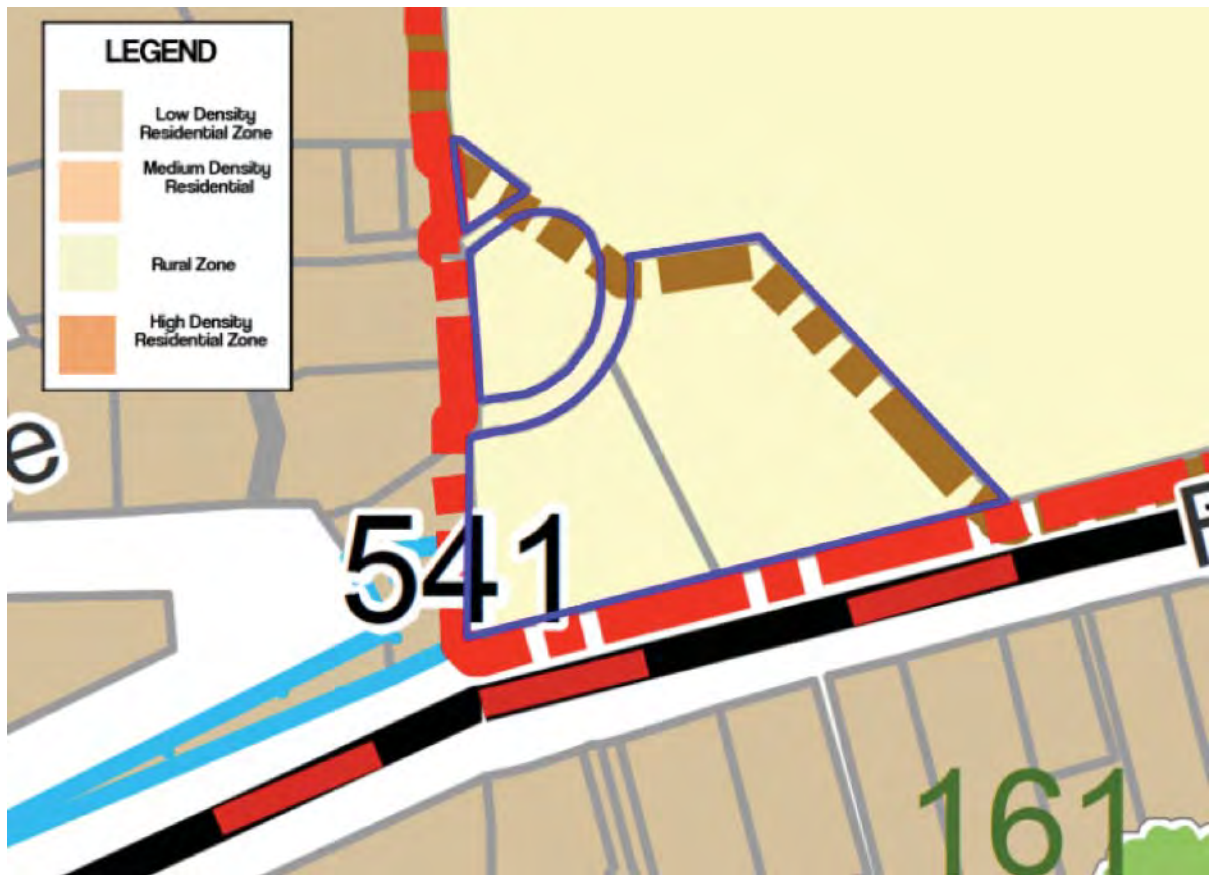


Figure 5-6 – Property subject to the submission outlined in blue

21.4. The Case for Rezoning

169. The submitter stated that the subject land has been developed (under subdivision consent RM9900009) to a level which was no longer consistent with characteristics of the Rural Zone and the area of each lot was not an economic size to be farmed. The land was serviced in accordance with residential requirements and LDR zoning would be a logical, effective and sustainable use of this land. The land was close to amenities and seen as an extension to the adjacent LDRZ. Access and geotechnical issues were acknowledged however the submitter considered these matters had been addressed.
170. Planning evidence for the submitter was presented by Ms Lucy Millton. Ms Millton responded to the concerns raised in the Section 42A Report and Rebuttal Evidence of Ms Kim Banks for the Council, specifically development yield, access and natural hazards.
171. With respect to development yield, Ms Millton disputed Ms Bank's assessment that LDR zoning would enable 8 additional dwellings on the submission site. In her opinion, Lot 7 (which already has a house) is developed to its full potential therefore it should be excluded from the calculation. Lots 6 & 10 are subject to a consent notice which prohibits building over a large area of these lots along the eastern and southern boundaries. She considered that the building restriction area and right of way should also be excluded. On this basis, the remaining area of land available for development could enable 4 additional dwellings.⁷⁸

⁷⁸ L Millton, EIC, paragraph 4.1; Summary Statement, 9 August 2017, paragraph 3.1

172. Access to a future development would be via Marina Drive utilising Lot 24 DP23191 which was purchased for this purpose. This site lies to the west of Lot 6. No access to Frankton Road was proposed nor would NZTA agree to this in any event.⁷⁹
173. Ms Millton provided two geotechnical reports prepared in 1997 and 1998 that concluded the land was suitable for future residential development subject to the recommendations set out in each report. Consent was granted to a subdivision in 2009 and these recommendations were placed on each of the titles by way of consent notice. Ms Millton addressed Ms Banks' concern that placing a consent notice on land is not a sound approach to resource management because a consent notice can be altered and does not provide a tool for management or mitigation of risk, or reduction of public exposure to risk. She described the process whereby the conditions of the consent notice would come down to any new title created and referred to section 221 of the Act which applies when a consent notice is varied or cancelled.⁸⁰
174. At the hearing, Ms Millton tabled a brief report setting out the results of a site walkover carried out by Paul Faulkner, an engineering geologist.⁸¹ This report was provided because Ms Kim Banks considered that the geological reports were done some time ago and conditions may have changed.⁸² Mr Faulkner visually compared the current site topography with the available contour data and commented on the likelihood of changes to the underlying geology since 1997. He said that:
- "... it seems reasonable to conclude that the underlying geological stratigraphy is very likely to reflect the ground conditions identified in previous geological reporting."*
175. Finally, Ms Millton addressed the concern that rezoning of the land to LDRZ sets a development expectation for the site with respect to natural hazards whereas Rural zoning would not set any expectations over the density of development. In her opinion, under LDRZ, the restrictions applying to the site would be carried through therefore 4 additional dwellings would not set any unrealistic expectations.⁸³
176. For the Council, Dr Read evaluated the ONL and concluded that:
- "The subject site contributes little if anything to the character or amenity of the wider rural landscape in this vicinity. It is my opinion that development within the site would not impinge on the adjacent ONL to any significant extent."*⁸⁴
177. The main concern expressed by Ms Banks was that she did not consider the level of geotechnical information provided prior to the hearing gave adequate certainty that:
- a. the density of development enabled by the LDRZ would not significantly increase natural hazard risk (Policy 28.3.1.2 and 28.3.2.1 of the PDP as notified);
 - b. natural hazard risk could be avoided or managed for the level of permitted development enabled under a LDRZ without resource consent (1 unit per 450m², Rule 7.4.9 of the PDP as notified); and

⁷⁹ Ibid, paragraphs 4.2 & 4.8 of EIC, and paragraph 3.2 in Summary

⁸⁰ Ibid, paragraph 4.6 of EIC

⁸¹ Exhibit 13.6, letter from Mr Paul Faulkner, Geosolve, dated 9 August 2017

⁸² K Banks, Rebuttal Evidence, 11 July 2017, paragraph 3.7

⁸³ L Millton, Summary Statement, 9 August 2017, paragraph 3.5

⁸⁴ Dr M Read, EIC, paragraph 7.3

- c. mitigation could be successfully provided on site (27.5.6 of the PDP as notified).⁸⁵
178. Ms Banks acknowledged that the land was well-located to support residential activity at increased densities.⁸⁶
179. QAC lodged a further submission opposing the rezoning of currently vacant land and/or enabling intensification of existing or residentially zoned land because this will bring more people to the aircraft noise effect now and into the future. Mr Kyle's evidence was that the best form of protection available to avoid potential reverse sensitivity effects is to avoid development 'coming to the effect' in the first place.⁸⁷ However the submission site is not located within the OCB and QAC has not initiated a plan change seeking to extend the OCB.
- 21.5. Discussion of Planning Framework**
180. The land is zoned Rural and is not included within the ONL or UGB.
181. The Zone Purpose for the Rural Zone states that the purpose of the zone is to enable farming activities and provide for appropriate other activities that rely on rural resources while protecting, maintaining and enhancing landscape values, ecosystem services, nature conservation values, the soil and water resource and rural amenity. Typically, land within an ONL is zoned Rural but this is not the case here.
182. Objectives and policies of Chapter 21 for the Rural Zone provide for a range of land uses including farming to be enabled while protecting landscape, and other natural and amenity values, recognise economic diversification sustainable commercial recreation activities.⁸⁸ Rules in the plan provide for residential and larger scale commercial recreation as discretionary activities.
183. The LDRZ is the largest residential zone in the District. In Chapter 7 as recommended it is renamed the Lower Density Suburban Residential zone to more accurately capture the range of traditional and modern suburban densities and housing types enabled. Objective 7.2.1 provides for 'a mix of compatible suburban densities and a high amenity low density residential environment for residents...'. Policy 7.2.1.2 encourages development that 'maintains suburban residential amenity values including predominantly detached building forms, and predominantly one or two storey building heights.' Policy 7.2.1.3 seeks to maintain amenity values between sites, in particular privacy and access to sunlight. A clear theme is the maintenance of suburban character and high amenity values. Commercial activities are generally discouraged. Winton Partners sought either LDRZ, MDRZ, HDRZ or BMUZ.
184. The Strategic Direction includes Policy 3.2.2 as recommended which requires urban development to occur in a logical manner so as to (among other things) 'minimise the natural hazard risk, taking into account the predicted effects of climate change'.
185. This policy is implemented through Chapter 28 Natural Hazards and Chapter 27 Subdivision & Development. In addition, section 106 of the Act and sections 71 – 74 of the Building Act 2004 are important means of implementation. Overall, the Council's approach is based on case by

⁸⁵ K Banks, Supplementary Rebuttal Evidence, 11 July 2017, paragraph 3.8

⁸⁶ K Banks, Section 42A Report Group 1B, paragraph 23.12

⁸⁷ J. Kyle, EIC, 9 June 2017, paragraphs 6.4 – 6.8

⁸⁸ See Objectives 21.2.1, 22.1.8, 21.1.9, 21.1.10 and their related policies.

case assessment of the natural hazards present, their risk and methods of avoiding, remedying or mitigating any risks.

186. Chapter 28 Natural Hazards provides a policy framework to address natural hazards throughout the District. The District is recognised as being subject to multiple hazards and as such, a key issue is ensuring that when development is proposed on land potentially subject to natural hazards, the risk is managed or mitigated to tolerable levels. In instances where the risk is intolerable, natural hazards will be required to be avoided. Council has responsibility to address the developed parts of the District that are subject to natural hazard risk through a combination of mitigation measures and education, to lessen the impacts of natural hazards.
187. The Council maintains a natural hazards database and development proposals affected by, or potentially affected by, natural hazards as identified in the database will require an accompanying assessment of natural hazard risks commensurate with the level of risk posed by the natural hazards (see Policy 28.23.2.3).
188. Chapter 27 Subdivision & Development states that ‘all subdivision is able to be assessed against a natural hazard through the provisions of section 106 of the RMA. In addition, in some locations natural hazards have been identified and specific provisions apply’ (Rule 27.4.3.1).
189. Sections 71 – 74 of the Building Act 2004 apply to construction of buildings where natural hazards are identified or development is likely to accelerate, worsen, or result in a natural hazard on that land or any other property.⁸⁹
190. The submission site is not located within the OCB for Queenstown Airport.

22. ISSUES

- a. The most appropriate zone for this land
- b. Natural hazards

23. DISCUSSION OF ISSUES AND CONCLUSIONS

191. The key difference between the planning witnesses came down to their assessment of the adequacy of the natural hazards information provided and their appetite for risk. Did the submitter’s information offer sufficient certainty that the level of development enabled by the LDRZ would not significantly increase natural hazard risk?
192. Ms Millton considered that an additional 4 lots enabled by LDR zoning would not set unrealistic expectations given the existing consent notice imposed a building restriction and mitigation conditions. We infer that Ms Millton therefore considered that the risk of natural hazards would not be significantly increased by rezoning this land from Rural to LDRZ. Ms Banks based her opinion on the potential for 8 additional lots and considered this level of development would significantly increase the natural hazard risk. She identified the need to avoid or manage the natural hazard risk for permitted activities and the need for greater certainty that mitigation can be successfully provided on site.

⁸⁹ See also Report 17-1, Section 4.4

193. The PDP's approach to natural hazards requires urban development to (among other things) *'minimise the natural hazard risk, taking into account the predicted effects of climate change.'* When development is proposed on land potentially subject to natural hazards, the risk is managed or mitigated to tolerable levels. In instances where the risk is intolerable, natural hazards will be required to be avoided. In practice, whether the risk is tolerable or intolerable requires a case by case assessment based on geotechnical evidence. The Council has powers under section 106 of the Act in regard to subdivision and sections 71-74 of the Building Act to refuse consent or require mitigation where the risk of natural hazards is unacceptable. These powers apply irrespective of the zoning.
194. We consider there is little practical difference between Rural and LDR zoning when it comes to the yield from subdivision and/or development of these properties for the reasons discussed below.
195. There is a known natural hazard to the north and east of the subject land (an active schist debris landslide) and subdivision consent has been granted subject to mitigation conditions now codified in a consent notice. Consequently, we accept that residential activity is the only efficient use of this land due to the size of the lots and their location within an existing urban area. The question then becomes 'how many additional lots (if any) are likely to be feasible?'
196. In our view, the additional number of lots capable of being developed would be determined by the feasibility of mitigating natural hazards risk and the willingness of the owners to pay for mitigation. LDR zoning may in theory lead to development expectations but in this case, the owners have first-hand experience of developing land subject to natural hazards risk and this must temper expectations.
197. Furthermore, residential activity is allowable within the Rural zone and there are no specific density constraints. An application for discretionary activity consent can be made to further subdivide the land for residential purposes and may well succeed because this land is not within the ONL and is logically part of the urban area. The number of lots requested would be determined primarily by the geotechnical assessment and effectiveness of mitigation in the circumstances.
198. On the other hand, the density of development allowed as a permitted activity in the LDRZ cannot be realised unless geotechnical evidence demonstrates that building work would not accelerate, worsen or result in a natural hazard. An application for subdivision consent in this zone would be subject to the same scrutiny in terms of natural hazards as an application made under the Rural zone provisions.
199. We do not accept Ms Kim Bank's argument that consent notices can be changed therefore a residential zoning would increase the risk of natural hazards. Whilst landowners can apply for a consent notice to be removed, the Council would likely refuse to approve such an application if there were a real natural hazard on the property.
200. Accordingly, we consider that the additional lots enabled would be determined by the Council's evaluation of the geotechnical evidence provided and the potential for mitigation, not the zoning.
201. Setting aside geotechnical matters, it is also necessary to consider the strategic approach to zoning in the PDP in order to determine the most appropriate zone for this land. Both planning witnesses considered that the land was urban in character and well-located in relation to

shopping and the usual amenities. We agree. The LDRZ enables a wide range of housing types that are one to two storeys in height and its purpose is the maintenance of suburban character and high amenity values. In our opinion, this land is suited to this purpose and style of development. LDR zoning is consistent with the zoning of the nearby residential area.

202. By contrast, traditional rural activities are unlikely to be viable on these relatively small sites. Instead, an application for discretionary activity consent to establish housing would likely follow given the existing urban character of Marina Drive. For this reason, we do not consider that the outcomes intended for the Rural Zone are likely to be achieved if that zoning is retained.
203. There being no issues with access being provided from Marina Drive, we conclude that LDRZ is the most appropriate zoning for this land. It follows that the UGB should be realigned to include the land to be rezoned as LDR within the growth boundary i.e., to align with the notified ONL line.
204. Finally, with respect to QAC's further submission, we consider it is not sound resource management practice to limit development potential in the face of uncertainty about the future of airport particularly in a location like Queenstown which has topographical constraints that limit the land available for urban development.⁹⁰

24. RECOMMENDATION

205. For the reasons set out above, we recommend that:
 - a. Submissions 318 and 434 be accepted, and
 - b. FS1340.72 and FS1340.110 be rejected; and
 - c. The submission site be rezoned from Rural to Lower Density Suburban Residential Zone and the Urban Growth Boundary be amended to align with the notified landscape classification line as shown on Planning Map 33.

⁹⁰ Refer Report 17-1, Section 5.3

PART G: MIDDLETON FAMILY TRUST

Submitter Middleton Family Trust (Submission 393)

Further Submissions

FS1077.14 Board of Airline Representatives of New Zealand (BARNZ): Opposes

FS1340.93 Queenstown Airport Corporation: Opposes

FS1097.260 Queenstown Park Limited: Support

FS1270.104 Hansen Family Partnership: Opposes

25. PRELIMINARY MATTERS

25.1. Subject of Submission

206. These submissions related to an area of approximately 114ha at the top of Queenstown Hill.

25.2. Outline of Relief Sought

207. The submission requested that the land be rezoned from Rural to Airport Mixed Use⁹¹.

25.3. Description of the Site and Environs

208. The site is at the top of Queenstown Hill. Gorge Road is to the west and the Frankton Arm of Lake Wakatipu and the strip of residential land alongside Frankton Rd is to the east. The site is shown in Figure 5-7 below.

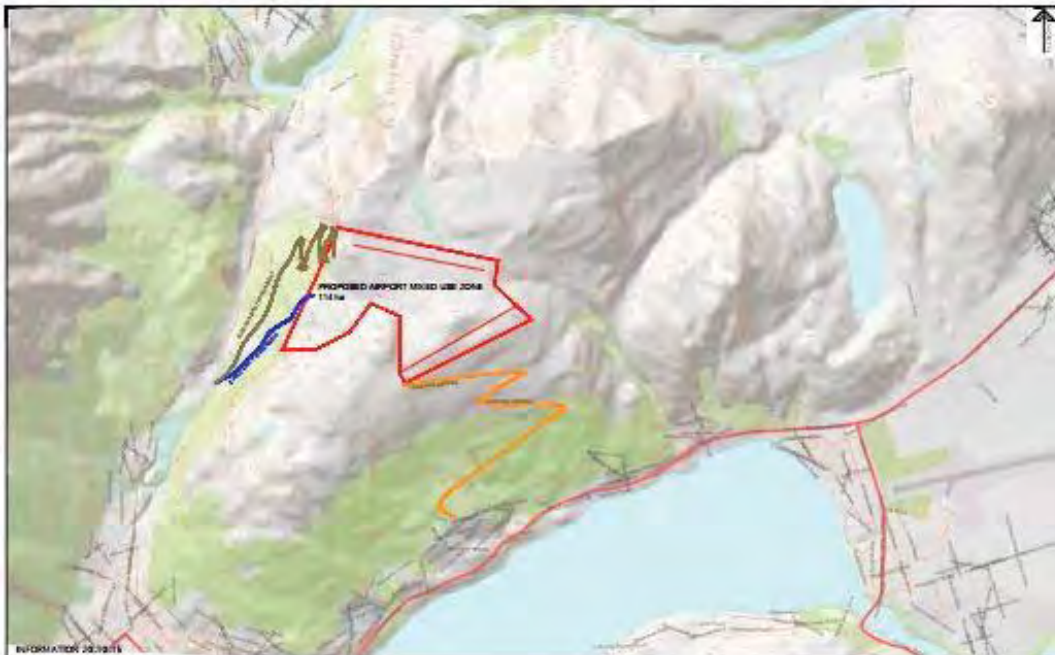


Figure 5-7 – Submission site in red. Proposed access roads shown in yellow and brown, possible cable car route in blue. Sourced from Submission 393 Attachment B

25.4. The Case for Rezoning

209. The submitter considered that while the location and size of the Queenstown Airport was sufficient to ensure continuation of core air transportation, the submitter was not satisfied that projected expansion for commercial and private light aircraft and helicopter operations could occur within the proposed boundaries of the Airport Mixed Use Zone. It stated that

⁹¹ This has been renamed Airport Zone by the Stream 8 Hearing Panel and we use that term.

there was no land in the Wakatipu Basin of sufficient size to support such operations which was sufficiently removed to ensure none/minimal reverse sensitivity issues between residential occupation and aircraft operation.

210. The submitter stated that the "Air Park' would be in a unique location to avoid adverse effects upon surrounding properties and would alleviate pressure on Queenstown Airport, while allowing continued expansion in facilities and infrastructure for helicopter, flightseeing and general aviation operations. It stated that site was located 850m horizontally and 380m vertically from its nearest neighbour on Gorge Road, and there was a considerable landmass between residential zones to the east of Queenstown Township and those above Frankton Road; and site could be accessed by two existing metalled roads, one from Tucker Beach Road and one from Frankton Road. There was also potential for a cable car from Gorge Road providing for a park and ride.
 211. No evidence was provided and the submitter did not appear at the hearing.
 212. The Board of Airline Representatives of New Zealand⁹² opposed the proposal because of concerns about reverse sensitivity effects at Queenstown Airport.
 213. Queenstown Airport Corporation⁹³ opposed the proposal in the absence of an aeronautical study confirming site suitability. It stated rezoning may result in significant adverse effects on QAC and on the wider environment that have not been appropriately assessed in terms of s32 RMA.
 214. Hansen Family Partnership⁹⁴ opposed on the basis of adverse effects upon Hansen Family Partnership land.
 215. The council's reporting experts all noted insufficient information had been provided to assess potential issues and adverse effects in their fields, including landscape, ecology, noise, infrastructure, noise, infrastructure and natural hazards. The submitter did not attend the hearing and we received no further information other than that contained in the submission.
- 25.5. Discussion of Planning Framework**
216. The site is in the Rural Zone and within the ONL. Objectives and policies in Chapters 3 and 6 require the identification and protection of ONL's.⁹⁵

26. ISSUES

- a. Landscape
- b. Ecology
- c. Noise
- d. Infrastructure

⁹² FS1077

⁹³ FS1340

⁹⁴ FS1270

⁹⁵ Objective 3.2.5, Policy 3.2.5.1, 3.3.29, 3.3.30 and 6.3.1.1

- e. Natural hazards
- f. Effects on operations at Queenstown Airport

27. DISCUSSION OF ISSUES AND CONCLUSIONS

217. Mr Buxton⁹⁶ stated that the submitter had provided insufficient information to begin to assess the requested rezoning, including landscape, hazards, noise, services, traffic, ecology, amenity and economic effects. We agree and add to his list any potential effects on operations at Queenstown Airport. The information is not merely insufficient, but practically non-existent.
218. This is not a new proposal. The site has been considered previously and discarded in earlier planning studies investigating options for airport development in Queenstown⁹⁷. Those investigations were looking for sites for the entire airport. This submitter is only seeking to provide for “non-core” light commercial aircraft and helicopters, operating in conjunction with the existing airport. However the interplay between this site and the existing airport would need to be assessed, as would all the environmental effects.
219. Ms Rachel Tregidga for QAC put it succinctly when she said:⁹⁸

The detail provided in the submission is inadequate to ascertain with any certainty what is proposed and how it might relate to or interplay with operations at Queenstown Airport, and at the time of writing this evidence, no further information has been made available by the submitter.

It is noted that any establishment of an aerodrome would require CAA acceptance of a comprehensive risk based aeronautical study. In addition, key criteria for evaluating a site should include airfield requirements (runway length, orientation, and obstacle limitation surfaces); core utilities and infrastructure services; supporting community for workforce and accommodation requirements; surface access requirements; environmental and heritage considerations, and the site’s ability to accommodate supporting landside facilities.

220. Obviously this submission is premature. It is not the same proposal previously studied by the airport authorities, but even so all the matters mentioned by Ms Tregidga would need to be investigated before the site could be considered for inclusion in the district plan.

28. RECOMMENDATION

221. For the reasons set out above, we recommend that:
- a. Submission 393.1 and FS1097.260 be rejected; and
 - b. FS1077.14, FS1240.93 and FS1270.104 be accepted; and
 - c. Rural zoning be retained on the submission site.

⁹⁶ R Buxton, Section 42A Report, 24 May 2017, paragraph 28.9

⁹⁷ R Tregidga, EIC, 9 June 2017, paragraphs 56-62.

⁹⁸ R Tregidga, EIC, 9 June 2017, paragraphs 61 - 62

PART H: SUMMARY OF RECOMMENDATIONS

222. For the reasons set out above, we recommend that:
- a. Submission 347 be accepted (Part A);
 - b. Submission 336 be accepted and Further Submission 1340 be rejected (Part B);
 - c. Submission 150 be accepted in part and Further Submission 1340 be rejected (part C);
 - d. Submissions 389 and 391 and Further Submission 1331 be accepted in part, and Further Submission 1340 be rejected (Part D);
 - e. Submissions 16, 125 and 312 and Further Submission 1214 be rejected, and Further Submission 1340 be accepted (Part E);
 - f. Submissions 318 and 434 be accepted and Further Submission 1340 be rejected (Part F);
 - g. Submission 393 and Further Submission 1097 be rejected, and Further Submissions 1077, 1240 and 1270 be accepted (Part G).
223. As a consequence of those recommendations, we recommend that:
- a. Lot 102 DP 411971 be entirely zoned Lower Density Suburban Residential and the adjoining land to the north which was notified with Low Density Residential be zoned Rural, and the Landscape Classification line and the Urban Growth Boundary be aligned with the zone/site boundaries;
 - b. The Queenstown Hill Overlay Area be removed from the planning maps;
 - c. 634 Frankton Road be zoned Medium Density Residential;
 - d. The Goldfields Body Corporate land be zoned Medium Density Residential; and
 - e. The site on the corner of Marina Drive and Frankton Road be zoned Lower Density Suburban Residential and the Urban Growth Boundary be aligned with the zone boundary.
224. We further recommend that:
- a. References to Queenstown Hill Overlay Area be removed from Chapters 7 and 27 (refer Part B); and
 - b. The Council consider undertaking a planning study of the Frankton Marina/Sugar Lane area to identify its optimal further development and consider initiating a variation to apply planning controls that achieves the community's desired outcomes (refer Part E).

For the Hearing Panel



Denis Nugent, Chair

Date: 4 April 2018

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Report 17-6

Report and Recommendations of Independent Commissioners
Regarding Mapping of Frankton, Lake Johnson, Tucker Beach Road

Commissioners

Denis Nugent (Chair)

Jan Crawford

David Mountfort

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Appendix 1: Recommended Amendments to Chapters 8, 15, 16 and 27

Appendix 2: Recommended Zoning – Frankton North

PART A: FRANKTON NORTH OVERVIEW

1. PRELIMINARY MATTERS

1.1. Subject of Submissions

1. Parts B and C relate to an area of which we have called Frankton North, on the north side of State Highway 6 opposite the main Frankton Flats. The land extends along SH6 from Hansen Rd to Quail Rise, at the base of and rising slightly up Ferry Hill.

1.2. Outline of Relief Sought

2. The various submissions requested a variety of alternative relief, including:
 - a. rural, or any mix of Low, Medium or High Density Residential, Industrial, Business Mixed Use or Local Shopping Centre Zones; and
 - b. to amend the location of the Ferry Hill ONL line
 - c. Consequential amendments to various objectives, policies and rules.

1.3. Description of the Site and Environs

3. The land is mostly used for small-scale rural activities, with some houses and an engineering workshop, scattered trees and some shelter belts. It contains flat lands along SH6, terraces and the lower slope of Ferry Hill. Two substations, belonging to Transpower and Aurora Energy, are located part way along the strip.
4. To the south across SH6 is the Queenstown Events Centre, the Five Mile development and Glenda Drive industrial area. To the north the land rises steeply to Ferry Hill.
5. The area is shown on Figure 6-1 below.

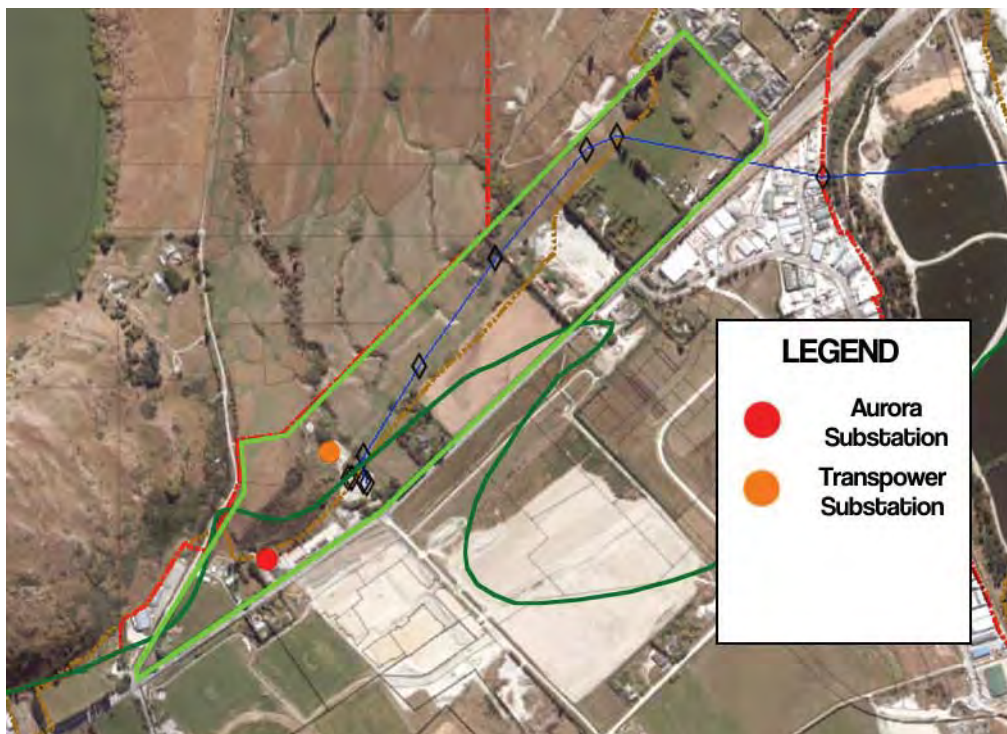


Figure 6-1 – The combined submissions sites are shown in light green outline, the notified ONL is the brown dashed line, the OCB is the dark green line and the Urban Growth Boundary is the red dashed line

6. This is a very complex strip of land to plan for, due to the various constraints which affect it. Different constraints affect all of it in different ways, including
 - a. the ONL which affects all of the properties,
 - b. airport noise at the western end of the block,
 - c. access to Hansen Rd for the western blocks,
 - d. traffic difficulties with congestion and safety issues at the Hansen Rd intersection,
 - e. pedestrian/cycle access to the commercial and community facilities on the southern side of the SH6, and
 - f. the presence of the 2 substations which divide the block and restrict any sort of unified access solution.

7. The case for the submitters was presented in several parts.
 - a. Submission 455 from W and M Grant was in respect of a wedge shaped block at the western end of the block shown in Figure 6-1, and the balance of the block.
 - b. The balance of the area was the subject of submissions from landowners in the block who presented a joint case at the hearings. As these two parts are separated by the two electricity substations and no access between them is likely to be feasible, we discuss them separately.
 - c. The Otago Foundation¹ submitted in respect of one of the sites in which it has an interest and was heard separately. We include discussion of this submission with the landowners group above.
 - d. QAC and NZTA lodged further submissions opposing the submissions of several of the landowners in the block. These submitters were heard separately but will be discussed together with the landowners group.
 - e. Mr S Spence² submitted that the land should all be zoned rural or a form of zoning compatible with the Quail Rise Zone which is adjacent to the north west. He did not attend the hearing but we will discuss this submission together with the landowners' submissions.
 - f. Sean & Jane McLeod³ submitted that the entire area should be zoned Low Density Residential. Mr McLeod was heard separately but we will discuss this submission together with the landowners' submissions
 - g. A number of other submitters and further submitters have submitted on the PDP provisions affecting this land other than mapping and will also be discussed separately.

1.4. **Notified and Recommended Zoning and Other Provisions**

8. To understand the context of the submissions and evidence of the submitters, it is helpful to explain the notified provisions and the changes recommended by the Council officers.

9. As noted above, as notified this land was crossed by the Landscape Classification line, with ONL on the northern, sloping, land, and much of the flatter southern land was within the OCB of Queenstown Airport. Also, as noted above, the entire area was within the UGB.

10. As notified, all the land between the Transpower substation outside of the OCB and Ferry Hill was zoned MDR. The remaining land, being that within the OCB, the Transpower substation and the land to the west of it, were zoned Rural, with the land between the Landscape Classification line and SH6 being shown as RLC.

¹ Submission 408
² Submission 8
³ Submission 391

11. The application of the MDRZ to this land also involved the inclusion of specific provisions in Chapter 8 applying to this land. This included a specific Objective and accompanying policies applying to this land⁴. In addition, notified Rule 8.4.11 included, as a matter of discretion: *For land fronting State Highway 6 between Hansen Road and the Shotover River, provision of a Traffic Impact Assessment, Landscaping Plan and Maintenance Program [sic], and extent of compliance with Rule 8.5.3.*
12. Notified Rule 8.5.3 set out standards applying specifically to the MDR land between Hansen Road and Ferry Hill Drive. In summary, these:
 - a. restricted access to this land to be from the Hawthorne Drive/SH6 intersection;
 - b. required provision of a Traffic Impact Assessment and specified the contents thereof; and
 - c. required a Landscaping Plan and Maintenance Program [sic] for a landscaping buffer from SH6.
13. Designations 1 and 338 applied to the Transpower and Aurora substations respectively.
14. In the Section 42A Report on MDRZ prepared for Hearing Stream 6, Ms Leith recommended amendments to the policies, partly in response to submissions and partly to make them action-oriented. She also recommended changes to the matter of discretion in Rule 8.4.11 in response to submissions, and in Rule 8.5.3, recommended deleting the requirement for a Traffic Impact Assessment and amended the landscaping requirement along SH6 to a 4m planted strip. Finally, Ms Leith recommended an additional Rule 8.5.5.2 setting a minimum density for the MDRZ at this location.
15. By a Minute dated 21 September 2016, the Chair transferred all the submissions on the specific objective, policies and rules applying to this land in Chapter 8 to this hearing stream.
16. In her Section 42A Report 5, Ms K Banks recommended the residential land be confined to the area south of the Landscape Classification line and east of the Hawthorne Drive roundabout, and that land be zoned HDR. Ms Banks adopted the recommendations of Ms Leith but transferred them into Chapter 9 with the exception of the minimum density requirement. Ms Banks additionally recommended the imposition of a setback of 50m from SH6 and 6m from Ferry Hill Drive.
17. Ms Banks recommended the remainder of the land be zoned Rural, with no changes to the UGB, OCB or Landscape Classification lines.

⁴ Objective 8.2.11 and Policies 8.2.11.1 to 8.2.11.7

⁵ Figure 5, page 17

PART B: FRANKTON NORTH – WEST END - W & M GRANT

Submitter: W & M Grant (Submission 455)

Further Submissions

- FS 1340 Queenstown Airport Corporation - oppose
- FS 1092.16 New Zealand Transport Agency - oppose
- FS1270.3 Hansen Family Partnership - support

2. PRELIMINARY MATTERS

2.1. Subject of Submission

18. This land lies at the eastern end of North Frankton and is a triangular site of 2.26 ha between Hansen Road and State Highway 6.. It is shown in Figure 6-2 below.



Figure 6-2 – Submission site

2.2. The case for rezoning

19. The submitters sought that the subject land be rezoned from Rural to either a Medium Density Zone with a Visitor Accommodation Overlay, or a zone to allow for commercial activities.
20. The case for the submitter was presented by Ms Lucy Millton, who is a planning consultant, and Mr Jason Bartlett who is a traffic engineer.
21. Mr Bartlett said that because of the density of traffic on SH6, any access to a development on the property would need to be via Hansen Rd. He acknowledged that right turns out of Hansen Rd are already difficult, and that there would be increased traffic generated through the intersection by any development. He acknowledged that development would generate pedestrian traffic across SH6 to facilities opposite and improved crossing facilities would be required. However he expected that NZTA would be upgrading the Hansen Rd intersection, probably as a left in left out only arrangement, and expected that safe pedestrian access would be able to be incorporated. Drivers going to Queenstown would need to turn left and turn back towards Queenstown at the nearby Grants Road roundabout. He said that the submitters would be prepared to cooperate with NZTA on this.
22. Ms Millton said that the site was:
- a. realistically incapable of productive rural use, being too small, and that some rural activities which might be carried out on the site, such as outdoor pig farming and strip grazing of stock would be incompatible with, and possibly offensive to, nearby activities;

- b. incapable of being developed for any form of residential activity under the Rural Zone as residential activity is prohibited within the OCB in that zone;
 - c. may need some upgrading of wastewater and water supply infrastructure to be able to proceed, but this would be achievable, if necessary at the submitters expense; and
 - d. the intersection and pedestrian safety issues would be resolved when the intersection is upgraded and the landowners would co-operate with the roading authorities to achieve this.
23. The request for a Visitor Accommodation Overlay was not discussed at all by any party, and therefore we will not take this any further because we have no evidence to base a decision on.
24. For the Council, Ms Kim Banks, in her Section 42A Report and Rebuttal evidence opposed the proposed rezoning on the grounds of inadequate infrastructure, the airport noise issue and the transport issues. However, she changed her view after the hearing and accepted that the land could be zoned BMUZ⁶.
25. For the Council, Dr Marion Read, a landscape architect said part of the site was within the ONL and opposed any rezoning of that part of the site.
26. Also for the Council, Mr Tim Heath, an economist, produced a supplementary statement of evidence as part of the right of reply report. In this he reiterated his concern that additional commercial zoning of this and other land nearby land (discussed below), a total of 6.85ha, could have an adverse effect on the viability of the Frankton town centres such as Five Mile. However he also recognised that there were constraints, such as the OCB and the general undesirability of industrial in this location. He said that if there was to be any commercial zoning then the gross floor area (GFA) or retail) should be limited but did not say by how much.
27. We note that QAC opposed this submission, on the grounds that it would potentially increase the number of residents subject to aircraft noise.
28. As with the rest of Frankton North, NZTA, in its submission, opposed any form of business development along this stretch of SH6 because of the excessive traffic generation, but was not opposed to medium density residential development provided that access was obtained from Hansen Road and development was preceded by the reconfiguration/upgrade of the intersection of Hansen Road and State Highway 6.

3. DISCUSSION OF PLANNING FRAMEWORK

3.1. Airport Noise

29. Strategic Chapters 3 and 4 contain a number of objectives and policies that are designed to allow the airport to operate successfully without constraints due to the need to protect the sensitive activities from airport from airport noise.
30. Objective 3.3.5 is to
Recognise that Queenstown Airport makes an important contribution to the prosperity and resilience of the District.
31. In support of this is a group of policies in Chapter 4 which provide

⁶ K Banks, Reply Evidence at pages 27-28

- 4.2.2.15 *Ensure appropriate noise boundaries are established and maintained to enable operations at Queenstown Airport to continue and to expand over time.*
 - 4.2.2.16 *Manage the adverse effects of noise from aircraft on any Activity Sensitive to Aircraft Noise within the airport noise boundaries while at the same time providing for the efficient operation of Queenstown Airport.*
 - 4.2.2.17 *Protect the airport from reverse sensitivity effects of any Activity Sensitive to Aircraft Noise via a range of zoning methods.*
 - 4.2.2.18 *Ensure that Critical Listening Environments of all new buildings and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary or Outer Control Boundary are designed and built to achieve appropriate Indoor Design Sound Levels.*
32. The land is zoned Rural in the PDP. It lies entirely within the Urban Growth Boundary (the UGB). A very small portion of the site in the north east corner is within the ONL as notified. Almost the entire site is within the Queenstown Airport OCB. This provision is intended to discourage Activities Sensitive to Aircraft Noise (ASAN) from being established or manage the adverse effects of airport noise.
33. Establishment of ASAN is prohibited in the Rural Zone. Potential residential zones for the site include the LDR, MDR or HDRZ. In these zones, the establishment of ASAN is not prohibited, but it is discretionary in the LDRZ and there are requirements to ensure satisfactory indoor noise environments in all these zones. We note that at the time of notification, there was no MDR or HDR zoning within the OCB.
34. The Local Shopping Centre (LSCZ) and Business Mixed Use Zones (BMUZ), which are the zones which would achieve that aspect of the relief seeking commercial activities, require acoustic insulation for critical listening environments (including residential activities and visitor accommodation) to limit the potential for reverse sensitivity effects on Queenstown Airport for buildings within the Queenstown Airport OCB

3.2. Urban Growth

35. The site is within the Urban Growth Boundary as shown on the planning maps. Relevant Objectives and Policies in Strategic Chapter 4 include;

Objective 4.2.1

Urban Growth Boundaries used as a tool to manage the growth of larger urban areas within distinct and defensible urban edges.

Objective 4.2.2A

A compact and integrated urban form within the Urban Growth Boundaries that is coordinated with the efficient provision and operation of infrastructure and services.

Policies

4.2.1.1 Policy

Define Urban Growth Boundaries to identify the areas that are available for the growth of the main urban settlements.

4.2.1.4 Policy

Ensure Urban Growth Boundaries encompass a sufficient area consistent with:

- a. *the anticipated demand for urban development within the Wakatipu and Upper Clutha Basins over the planning period assuming a mix of housing densities and form;*
- b. *ensuring the ongoing availability of a competitive land supply for urban purposes;*
- c. *the constraints on development of the land such as its topography, its ecological, heritage, cultural or landscape significance; or the risk of natural hazards limiting the ability of the land to accommodate growth;*
- d. *the need to make provision for the location and efficient operation of infrastructure, commercial and industrial uses, and a range of community activities and facilities;*
- e. *a compact and efficient urban form;*
- f. *avoiding sporadic urban development in rural areas;*
- g. *minimising the loss of the productive potential and soil resource of rural land.*

4.2.2.3 Policy

Enable an increased density of well-designed residential development in close proximity to town centres, public transport routes, community and education facilities, while ensuring development is consistent with any structure plan for the area and responds to the character of its site, the street, open space and surrounding area.

4.2.2.4 Policy

Encourage urban development that enhances connections to public recreation facilities, reserves, open space and active transport networks.

4.2.2.12 Policy

Ensure that any transition to rural areas is contained within the relevant Urban Growth Boundary.

3.3. Transport

36. Although Chapter 29 Transport has been notified, it is too early in the submission process for us to give any weight to the objectives and policies in that chapter. However Objective 4.2.2A above is relevant as transport and roading is one aspect of infrastructure that needs to be provided and operated efficiently.

37. A very small portion of the site was within the ONL as notified. Strategic objectives and policies in Chapters 3 and 6 require the identification of ONL's and ONF's and their protection from more than minor or temporary adverse effects.⁷ The location of the ONL boundary was challenged in submissions.

3.4. Economic Impacts

38. Relevant objectives and policies from Chapter 3 include

3.2.1 *The development of a prosperous, resilient and equitable economy in the District.*

.....

3.2.1.3 *The Frankton urban area functions as a commercial and industrial service centre, and provides community facilities, for the people of the Wakatipu Basin.*

.....

⁷ See Objective 3.2.5 Policies 3. 2.5.1, 3.3.30 and 6.3.11

- 3.2.1.5 *Local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka town centres, Frankton and Three Parks, are sustained.*
- 3.2.1.9 *Infrastructure in the District that is operated, maintained, developed and upgraded efficiently and effectively to meet community needs and to maintain the quality of the environment.*

4. ISSUES

- a. Transport issues
- b. Infrastructure
- c. Airport noise
- d. Reasonable land use.

5. DISCUSSION OF ISSUES AND CONCLUSIONS

5.1. Transport and infrastructure

39. We accept that the transport issues, i.e. congestion, and safe operation of the Hansen Rd/SH6 intersection and pedestrian/cyclist crossing points would be capable of being resolved if the prospective road and intersection upgrades proceed, as appears likely. When we heard the NZTA submissions, we were told that the Hansen Rd intersection project is likely to proceed.⁸ It would be important that development did not proceed until these improvements were completed. Provisions can be devised to ensure this occurs.
40. Similarly, development would need to be restricted under the zone rules until any other required infrastructure upgrades were completed.

5.2. Airport Noise

41. We accept that in most circumstances, the location of the site within the OCB would result in development of activities sensitive to airport noise being discouraged. Most large airports in New Zealand operate under a planning regime in which an OCB, representing the 55dBA contour is shown on the planning maps⁹ and new residential activity within this contour is discouraged or controlled in various ways. This system derives from The New Zealand Standard for Airport Noise Management and Land Use Planning NZS6805:1992.
42. As described above the PDP adopts this regime for Queenstown Airport in a modified form. QAC in its further submission generally supported this approach and opposed any residential development on this site.
43. In contrast the NZTA submission opposed business development on this site because of the excessive traffic generation which would result leading to congestion and safety issues on SH6. NZTA was not opposed to higher density residential development as discussed by Mr Anthony MacColl in his evidence to the hearing.¹⁰

⁸ A MacColl, EIC at paragraph 51.

⁹ Except in Christchurch where the OCB is set at 50dBA resulting in an even more restrictive regime.

¹⁰ op cit at paragraph 52

44. With regard to landscape, we understand that the small portion of the site within the ONL is a steep gully which would be most unlikely to be developed under any zoning. The submitter did not request that the ONL be altered here, but other submitters have done so including on this property.¹¹ We note that, as discussed later in this report, we recommend moving the Landscape Classification line such that no part of this site would be within the ONL.

5.3. Reasonable Land use

45. If we accept the points of view of QAC and NZTA then the only zoning option for the site would be Rural. With regard to Rural, we accept the evidence of Ms Millton that Rural zoning would be an isolated pocket and leave the owner with few options other than retaining the existing home. If the owners did attempt some of the more intensive rural activities, this could detract from surrounding amenities. We consider this to be bordering on an unreasonable burden for the land owners to accept. It is possible that this may make the land incapable of reasonable use under section 85 of the RMA.

46. We think it is highly relevant that the site is included within the UGB. The provisions quoted above make it clear that this conveys an expectation that the land will be eventually developed for urban purposes, not rural. We do not regard this as a site providing a transition to rural as set out in Policy 4.2.2.12, as other sites to either side are also to be developed for urban purposes

47. With regard to commercial activities, we note that the LSCZ is intended to provide for local services to residential communities. We note there is a quite large and well-developed LSCZ nearby already, and the present site would be too large for any additional facilities of that sort that might be required and would be more likely to be proposed for more extensive commercial or other activity. The other option would be BMUZ. We discuss this more extensively later in this report. In brief however, we do not consider there would be significant adverse distributional effects on the viability of the developing centres on the Frankton Flats if a small additional BMUZ is established north of SH6 at Frankton. Nor do we consider there would be significant adverse traffic generation effects of concern to NZTA from this small site once the Hansen Rd intersection has been upgraded and safe crossing points over the highway established.

48. Some submitters have called for industrial zoning of sites at Frankton North. We heard no evidence about this from anyone, except Ms Kim Banks in her Section 42A Report, who said that industrial zoning at this site would be unsuitable because it forms part of the entrance to Queenstown.¹² We are inclined to doubt that it will remain at the entrance to Queenstown for much longer, but nevertheless we do consider that industrial zoning would be likely to adversely affect the amenities of the surrounding area unless it is a form of zoning that is tailored to result in an attractive appearance and an absence of external effects. We were given no evidence of such a solution and can take it no further.

49. For all these reasons, we have concluded that the most appropriate form of urban development for this site would be BMUZ.

50. We consider that amendments to the zoning provisions should be made to ensure that that development does not take place prior to the reconfiguration of the Hansen Rd/SH6 intersection together with safe crossing facilities across SH6 for cyclists and pedestrians. We

¹¹ Hansen Family Partnership – Submission 751. See discussion later in this report.

¹² K Banks, Section 42A Report at paragraph 4.33.

also consider that the provision of ASAN, which would otherwise be provided for in this zone, should be prohibited on this site.

51. This has been a very difficult site to find an appropriate urban zoning for, and nothing in the PDP suite of zones has proved completely suitable. We do not see the long term future of this site as rural for the reasons we have given. We consider the relatively minor effect on SH6 that would result, and the possible small and short term oversupply of commercial land are acceptable in all the circumstances. We consider this zoning to be the best fit of all the available options and therefore the most appropriate way to give effect to the objectives and policies relating to protection of Queenstown Airport and residents.

6. RECOMMENDATION

52. For the reasons set out above, we recommend that:
 - a. Submission 455 and FS1340 and FS 1270.3 be accepted;
 - b. FS 1092.16 be rejected in part;
 - c. The land be zoned Business Mixed Use, subject to the amendments to that zone set out in Appendix 1;
 - d. Chapter 16 be amended as set out in Appendix 1 of this report.

PART C: FRANKTON NORTH – CENTRAL AND EAST

Submitters: S Spence (Submission 8), Ian & Dorothy Williamson (Submission 140), Universal Developments Limited (Submission 177), S & J McLeod (Submission 391), P & M Arnott (Submission 399), Otago Foundation Trust Board (Submission 408), Jandel Trust (Submission 717), Hansen Family Partnership (Submission 751), FII Holdings Limited (Submission 847)

Further Submissions

FS1270 Hansen Family Partnership – support 399, 408, 717, 847, oppose 8
FS1029 Universal Developments – oppose 8, 717
FS1061 Otago Foundation Trust Board – support 399, 851, oppose 8, 717
FS1062 Ross Copeland – oppose 717
FS1195 Jandel Trust – support 751, 847, oppose 8, 391
FS1271.12 Hartell Properties Ltd and Others
FS1167 P & M Arnott -support 717, 751, oppose 8, 408
FS1340 Queenstown Airport Corporation – oppose 399, 408, 717, 751
FS1092.9 New Zealand Transport Agency – oppose 408, 717, 751
FS1077 Board of Airline Representatives – oppose 399, 717, 751, 847
FS1189 FII Holdings Ltd – support 717, oppose 8, 391

7. PRELIMINARY MATTERS

7.1. Subject of Submissions

53. These submissions related to an area of approximately 28 ha north of the SH6 at Frankton, as shown on Figure 6-1 above, which is reproduced below as Figure 6-3 for convenience. Note that some of the submissions include the Grant land (submission 455) at the south western tip of the strip which has been discussed separately above.

7.2. Outline of Relief Sought

54. The submissions requested a wide range of alternative zonings ranging from rural, through to all forms of residential, business and industrial.

55. Other submissions sought amendments relating to various PDP provisions affecting the lands requested to be rezoned.

7.3. Description of the Site and Environs

56. The land is mostly used for small-scale rural activities, with some houses and an engineering workshop, scattered trees and some shelter belts. It contains flat lands along SH6, terraces and the lower slope of Ferry Hill. Two substations, belonging to Transpower and Aurora Energy, are located part way along the strip.

57. To the south across SH6 is the Queenstown Events Centre, the Five Mile development and Glenda Drive industrial area. To the north the land rises steeply to Ferry Hill.

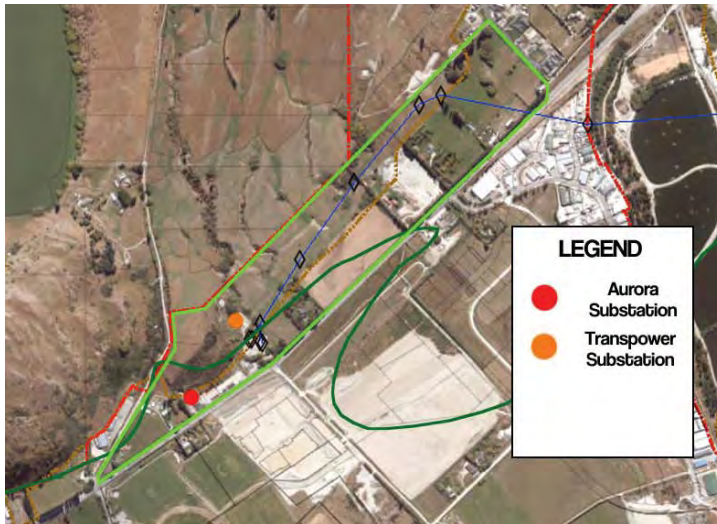


Figure 6-3 – the submission site

7.4. The Case for Rezoning

58. Figure 6-4 below shows the location of the properties of various submitters. Note that the Otago Foundation has an interest in the Hansen Family Trust land where it proposes to build a church complex. The Grant property discussed above is also shown.



Figure 6-4 – Landowner submitters properties

59. The case for the landowners was presented by Mr Warwick Goldsmith, legal counsel, with evidence from Mr James Bentley, landscape architect, Mr Andy Carr, traffic engineer and transport planner, and Mr Chris Ferguson, planner.

60. Briefly, the extensive range of alternative zonings requested by the submitters was narrowed down at the hearing to a request for BMUZ across all the properties, along with a request for relocation of the ONL to the uphill boundaries of the properties.

61. In opening Mr Goldsmith submitted that that the planning complexities of the site culminate in a particular planning environment which is of relatively low amenity (at least in part), is suited to a range of potential mixed use options, and which should be maximised in the most efficient way in light of its proximity to developed land, particularly given the Site's ability to

contribute to the District's foreseeable shortage of feasible commercial capacity and to the demand for centrally located residential land.

7.5. Landscape

62. Mr Bentley challenged the location of the ONL across the site, stating that it was based purely on the boundary between the flat land/terraces at the base of Ferry Hill, and the slopes of Ferry Hill itself which he regarded as too simplistic an approach, because of the cultural overlays present on the site. These include electricity substations, the National Grid power pylons, houses, tracks, shelter belts, a water race, a reservoir, grazed land a recently approved 4 lot rural residential subdivision all within the ONL. He said that all of this is influenced by the close proximity of SH6 and the adjacent mixed use developments on Frankton Flats south of SH6, which have an influence on the naturalness of the area which is a key consideration in the classification of the landscape. He recommended that the ONL boundary be set at a water race which traverses across the face of Ferry Hill a little above the flat area. He said that although the lands immediately adjacent to the water race were not significantly different from each other, land use activities are more strongly present below the water race and human influence is more prevalent.

63. In his legal submissions Mr Goldsmith drew our attention to a decision of the Environment Court, *JS Waterston v Queenstown Lakes District Council*¹³ which discusses principles applicable to the setting of ONL boundaries in a case at Ferry Hill. The Court said that there

"...there are four circumstances that suggest that the topographical should give way to a recognition of the realities of the situation."

64. In summary, the Court's four circumstances are:

- a. The presence of existing buildings in the landscape,
- b. Whether the naturalness of the land has been affected has been reduced by exotic grasses and trees,
- c. The presence of existing or consented rural residential subdivision adjacent to the site,
- d. The need for a practical boundary.

65. Mr Goldsmith said all four factors were present in this case.

66. For the Council Dr Read preferred the existing ONL line because it was, in her view, the best and most obvious change in landform, and there was no physical delineator higher up the hill. She did not accept that the water race represented a true change in the landscape character.

7.6. Transport

67. Mr Andy Carr presented transport evidence for the submitters. Accepting that direct access from properties in the block to SH6 would be unsafe and not permitted by NZTA under Limited Access Road legislation, he said that traffic access to the site would have to be largely from a new fourth leg on the Hawthorne Drive/SH6 roundabout, which was designed to allow for this. He said that there is already considerable peak hour traffic at this roundabout, and analysed what level of additional traffic would be possible while still achieving a satisfactory level of service. He calculated peak hour traffic generation from both higher density housing, and business mixed use. The standard he set out to achieve is what is known "Level of Service E" which represents a delay of 50 seconds for an approaching vehicle for any leg of the roundabout. He proposed that in order to achieve the BMUZ zoning which the landowners prefer, it would be necessary to limit traffic generation on the site, which he proposed to do

¹³ C169/2000 at page 6

by setting a limit that would allow for each hectare of land to generate 55 vehicle movements (two-way) in the peak hours (that is, 1,430 vehicle movements divided by the 26.1ha of land owned by the group). Development beyond this level would be a restricted discretionary activity to enable developments to be assessed in the light of prevailing conditions at the time.

68. Mr Carr mentioned almost in passing the possibility of a connection being made to the Tucker Beach Rd intersection further to the north east. NZTA is considering a major upgrade to this intersection. However Mr Carr did not rely on that, because trips from the submission sites would mostly be to or from Queenstown or Frankton, and Tucker Beach Rd would be a longer route.
69. For the Council, its transport expert, Ms Wendy Banks said in her Reply evidence that level of Service C would be more appropriate, which would result in an overall limit of 1200 two way vehicles in the peak hour. In her opinion, based on potential full development, the part of the site recommended for BMUZ could exceed the 1200 movements per peak hour without allowing for any contribution for the HDRZ (as recommended by Ms K Banks) portion of the site. She was not comfortable with the movements per hectare regime proposed by Mr Carr, as she thought it would be difficult to calculate and enforce, although accepting that it would allow for a fair distribution of development across the various sites, rather than allowing the earlier developments to claim a disproportionate share of the development. In conclusion, she was comfortable with a mixture of BMUZ and HDRZ on the site, but subject to floor area limits calculated across the whole site.
70. For NZTA, Mr MacColl and Mr Sizemore reiterated the Agency's opposition to any form of business zoning on the north side of SH6 at Frankton, but that it was comfortable with higher density residential forms of zoning provided these had access to an internal roading system and not directly to SH6, and provided also that safe pedestrian facilities are provided across SH6.. They did not comment on the detailed modelling or the trip generation limits discussed by Mr Carr and Ms K Banks.

7.7. Economic Impacts

71. For the Council, Mr Tim Heath, an economist, produced a supplementary statement of evidence as part of the right of reply report. In this he reiterated his concern that additional commercial zoning of this and the Grant land to the west (discussed separately above), a total of 6.85ha of BMUZ could have an adverse effect on the viability of the Franktown town centres such as Five Mile. However he also recognised that there are constraints, such as the OCB and the general undesirability of industrial in this location. He said that if there was to be any commercial zoning then the gross floor area (GFA) or retail) should be limited, but did not say by how much.

7.8. Planning

72. For the submitters, Mr Ferguson discussed various options for the zoning of the sites. With regard to the Rural Zone, he said that this should not be a repository for sites that are otherwise too difficult but in itself needs to be justified as being the best fit with the objectives and policies of the PDP. He said that the BMUZ zoning would be the most appropriate in achieving the range of objectives dealing with the role of Frankton, urban growth, protection of the airport, and landscape values. He accepted that it would be appropriate to apply some specific rules to the BMU zoning to recognise the relevant constraints and ensure appropriate management of effects. New rules were proposed to restrict activities within the OCB, ensuring appropriate acoustic insulation for sensitive activities close to the State Highway and managing vehicle access to protect the function of the State Highway.

73. He also proposed a 20 metre wide setback from SH6 for maintenance of the visual amenity of this approach to Queenstown except at the eastern end of the site where the road descends to the Shotover River and cuts into the terrace landform. He said that this did not need to be the same as the 50m setback on the southern side of SH6 because that was designed to relate to building heights there and to preserve views to the Remarkable Mountains. He considered 20 m to be sufficient for visual amenities and would also provide opportunities for possible future road widening and installation of roadside services.
74. He acknowledged that a concern for BMUZ would be whether this would create an oversupply of commercial land and have the potential to detract from the viability of other town centres, particularly at Frankton. He discussed the economic evidence for the Council by Mr Phil Osborne, who said that there were currently 46.8 ha of vacant zoned commercial land in the Wakatipu Ward and that this would not be sufficient in the long term, resulting in a predicted shortfall of 16 ha by 2048. Mr Ferguson considered that although Mr Osborne had identified potential economic risks from an oversupply of land over the short to medium term, these were only potential risks not established outcomes.
75. After the hearing, in her Reply evidence, Ms K Banks changed her position and recommended that the western end of the block (as well as the Grant land) be zoned BMUZ, with the balance outside the ONL, as recommended by Dr Read, as HDRZ, along with amended provisions addressing the various issues particular to the sites. The BMUZ portion would correspond to those parts of the properties affected in part by the OCB. She did this recognising the unsuitability of any rural zoning, avoiding issues in the OCB and keeping the business portion small enough to avoid significant economic effects on the town centres.
76. For the Otago Foundation Trust Board, Ms Alyson Hutton, a planner gave evidence in support of the Foundation's submission supporting the Council's originally proposed MDR zoning, and opposing the then recommendation in Ms K Banks' original Section 42A Report which recommended reverting the zoning west of the Hawthorne Drive roundabout to Rural. In particular, she considered the suggested Rural Zone could not be justified on its own merits and was simply a default zoning in the absence of anything else. She pointed out that the residential component of the church complex the Foundation proposed to build would be outside the part of the site within the OCB.
77. Mr Sean Mcleod gave brief evidence in support of the submission by S and J Mcleod¹⁴. They are not landowners in the block, but are residents of Queenstown with a keen interest in the hierarchy of zoning in Queenstown. Mr Mcleod said it was inappropriate to have higher density zoning on the outskirts of Queenstown; rather the highest densities should be at the centre. He did not believe the site suitable for either medium or high density. He preferred increasing the density of existing urban areas rather than continuing to spread into rural areas.
78. Stephen Spence¹⁵ did not provide evidence in support of his submission. His submission sought to remove the proposed MDRZ and retain rural zoning on the land. He stated that any development should be sympathetic to the style of development in the Quail Rise Zone. Mr Spence considered this area to be an important landscape in regard to the entranceway to Queenstown and was concerned that any development at MDR level would impinge on the amenity values of Quail Rise residents and increase the traffic in Quail Rise. Other submitters

¹⁴ Submission 391

¹⁵ Submission 8

seeking to reduce the density in this location included Ian and Dorothy Williamson¹⁶, who sought rezoning to LDRZ, although presented no evidence in support of that part of their submission.

8. DISCUSSION OF PLANNING FRAMEWORK

8.1. Airport

79. Strategic Chapters 3 and 4 contain a number of objectives and policies that are designed to allow the airport to operate successfully without constraints due to the need to protect the sensitive activities from airport from airport noise

80. Policy 3.3.5 is to

3.3.5 Policy

Recognise that Queenstown Airport makes an important contribution to the prosperity and resilience of the District.

81. In support of this is a group of policies in Chapter 4 which provide

4.2.2.15 Ensure appropriate noise boundaries are established and maintained to enable operations at Queenstown Airport to continue and to expand over time.

4.2.2.16 Manage the adverse effects of noise from aircraft on any Activity Sensitive to Aircraft Noise within the airport noise boundaries while at the same time providing for the efficient operation of Queenstown Airport.

4.2.2.17 Protect the airport from reverse sensitivity effects of any Activity Sensitive to Aircraft Noise via a range of zoning methods.

4.2.2.18 Ensure that Critical Listening Environments of all new buildings and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary or Outer Control Boundary are designed and built to achieve appropriate Indoor Design Sound Levels.

82. A strip of land adjacent to SH6 is within the Queenstown Airport OCB and was zoned Rural when notified. The OCB provisions are intended to discourage Activities Sensitive to Aircraft Noise (ASAN) from being established or manage the adverse effects of airport noise.

83. Establishment of ASAN is prohibited in the Rural Zone. Potential residential zones for the site include the LDR, MDR or HDRZ. In these zones, the establishment of ASAN is not prohibited, but it is discretionary in the LDRZ and there are requirements to ensure satisfactory indoor noise environments in all these zones. We note that at the time of notification, there was no MDR or HDR zoning within the OCB.

84. The Local Shopping Centre (LSCZ) and Business Mixed Use Zones (BMUZ), which are the zones which would achieve that aspect of the relief seeking commercial activities, require acoustic insulation for critical listening environments (including residential activities and visitor accommodation) to limit the potential for reverse sensitivity effects on Queenstown Airport for buildings within the Queenstown Airport Outer Control Boundary.

¹⁶ Submission 140

8.2. Landscape

85. Strategic objectives and policies in Chapters 3 and 6 require the identification of ONL's and ONF's and their protection from more than minor or temporary adverse effects.¹⁷
86. As notified the Landscape classification line bisected most of the sites, with the lower flatter lands nearest SH6 outside it and the slopes up to the property boundaries within the ONL, even though they were zoned MDR. We note that there are no rules in Chapter 8 which would impose any additional controls on MDR land within an ONL.

8.3. Urban Growth

87. The site is within the Urban Growth Boundary as shown on the planning maps. Relevant Objectives and Policies in Strategic Chapter 4 include;

Objective 4.2.1

Urban Growth Boundaries used as a tool to manage the growth of larger urban areas within distinct and defensible urban edges.

Objective 4.2.2A

A compact and integrated urban form within the Urban Growth Boundaries that is coordinated with the efficient provision and operation of infrastructure and services.

Policies

4.2.1.1 Policy

Define Urban Growth Boundaries to identify the areas that are available for the growth of the main urban settlements.

4.2.1.4 Policy

Ensure Urban Growth Boundaries encompass a sufficient area consistent with:

- a. the anticipated demand for urban development within the Wakatipu and Upper Clutha Basins over the planning period assuming a mix of housing densities and form;*
- b. ensuring the ongoing availability of a competitive land supply for urban purposes;*
- c. the constraints on development of the land such as its topography, its ecological, heritage, cultural or landscape significance; or the risk of natural hazards limiting the ability of the land to accommodate growth;*
- d. the need to make provision for the location and efficient operation of infrastructure, commercial and industrial uses, and a range of community activities and facilities;*
- e. a compact and efficient urban form;*
- f. avoiding sporadic urban development in rural areas;*
- g. minimising the loss of the productive potential and soil resource of rural land.*

4.2.2.3 Policy

Enable an increased density of well-designed residential development in close proximity to town centres, public transport routes, community and education facilities, while ensuring development is consistent with any structure plan for the area and responds to the character of its site, the street, open space and surrounding area.

¹⁷ See objective 3.2.5. and Policies 3.2.5.13.3.29, 3.3.30 and 6.3.11

4.2.2.4 Policy

Encourage urban development that enhances connections to public recreation facilities, reserves, open space and active transport networks.

4.2.2.12 Policy

Ensure that any transition to rural areas is contained within the relevant Urban Growth Boundary.

8.4. Transport

88. Although Chapter 29 Transport has been notified, it is too early in the submission process for us to give any weight to the objectives and policies in that chapter. However, Objective 4.2.2A above is relevant as transport and roading is one aspect of infrastructure that needs to be provided and operated efficiently.

89. A very small portion of the site is within the ONL. Strategic objectives and policies in Chapters 3 and 6 require the identification of ONL's and ONF's and their protection from more than minor or temporary adverse effects.¹⁸

8.5. Economic Impacts

90. Relevant objectives and policies from Chapter 3 include

3.2.1 The development of a prosperous, resilient and equitable economy in the District.

.....

3.2.1.3 The Frankton urban area functions as a commercial and industrial service centre, and provides community facilities, for the people of the Wakatipu Basin.

.....

3.2.1.5 Local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka town centres, Frankton and Three Parks, are sustained.

3.2.1.9 Infrastructure in the District that is operated, maintained, developed and upgraded efficiently and effectively to meet community needs and to maintain the quality of the environment.

9. ISSUES

- a. Landscape
- b. Airport
- c. Road noise
- d. Transport
- e. Economic effects
- f. Setbacks

¹⁸ See Objective 3.2.5.1 and Policies 3.3.29, 3.3.30 and 6.3.11

10. DISCUSSION OF ISSUES AND CONCLUSIONS

10.1. Landscape

91. We have received very different opinions from Dr Read and Mr Bentley regarding the location of the ONL. Dr Read has taken the topographical approach and therefore supported the location that was notified, generally at the base of the slope. Mr Bentley took an approach which recognised physical and cultural modifications of the landscape and recommends placing it along the water race which traverses the hillside above the properties. He acknowledged that this was only an approximation of the transition from the more modified lands below the water race and the more natural lands above it.
92. We consider that there is some merit in the cultural modification approach. However we do not think the water race is a particularly suitable boundary.
93. When Ferry Hill is viewed from the highway corridor or nearby, most of it is not visible. The upper slopes are cut off by intervening topography and the skyline is quite low. The water race actually crosses this skyline. We do not think an ONL boundary should cross the skyline when seen from such a well-used location. It needs to be well below the skyline in this location. Ferry Hill is able to be viewed as a whole from further away, for example from the lower parts of Shotover County, but from that distance, the modifications to the landscape appear near the of bottom of the hill and are relatively minor in their visual impact.
94. We are unable to pinpoint an exact location where the higher and more natural landscape merges into the lower, culturally-modified landscape. We accept Mr Goldsmith's interpretation based on the *Waterston* decision discussed earlier and consider that in this location a "practical boundary" would be appropriate. The suggestion of using the water race could have been a practical boundary, but only works from distant viewpoints. The only other readily identifiable feature in this vicinity is the uphill boundary of the submission properties. We have therefore decided to adopt that as the ONL boundary in this location. We note that this will be at a very similar elevation to the houses on Trench Hill Rd at Quail Rise, adjacent to the submission sites. We note also that, other than the land that was zoned Rural when the PDP was notified (that is the Transpower site and the land west of it), moving the Landscape Classification line to the property boundaries will have no practical effect on protecting the ONL as the notified MDR zoning provided no protection in any event. We further note that this altered position corresponds to the notified UGB (which no submission sought to be altered).

10.2. Airport

95. As shown on Figure 6-3, some of the land in this group is within the OCB. QAC submitted strongly against residential use of this land. This could be resolved by zoning the land for a commercial activity, which could be BMUZ without the residential component. NZTA's evidence was firmly against BMUZ because of high traffic generation and consequent effect on SH6, and it preferred MDR because of its lower traffic generation. The Council's evidence on this was ambivalent in the end, with the economist Mr Heath concerned about the potential impact on the vitality of the Frankton centres unless the floor area was limited in some way, but recognising the inherent difficulties in finding a suitable zone for the OCB affected lands. In her Reply evidence, Ms Kim Banks recommended zoning the OCB-affected properties BMUZ from SH6 to the ONL line, rather than to the property boundaries as requested by the submitters. This would partly meet Mr Heath's concerns, as it would be a smaller area than proposed by the submitters and would therefore result in a lesser amount of floor area.

96. We have decided to accept Ms Banks' solution, in a slightly modified form. As we are also recommending altering the ONL location we do not propose to use that notified line as a boundary. We consider that there could be a BMUZ zone on the Arnott and Hansen Family Trust properties, which are the ones affected by the OCB, for a depth of 90 metres back from SH6, which we estimate would be sufficient for a double row of BMUZ activities with an internal access road between. We note that a number of the sites in the existing BMUZ zone at Gorge Road are approximately this depth.

10.3. Transport

97. Development of any sites will need to be prevented until a new road is constructed to a "fourth leg" off the Hawthorne Drive Roundabout. In addition, subdivision of sites should ensure that adequate access is provided throughout the area to this connection point.

10.4. Economic Effects

98. We understand the concern of Mr Heath, given that both he and Mr Osborne, who also gave economic evidence for the Council, said that there is at present adequate zoned commercial land in Queenstown for the short to medium term, although in the longer term, after 2038 there could be a shortage developing. However, this is a relatively small area¹⁹ of land that we are proposing for rezoning, and due to the proposed roading upgrades it will be a number of years before it can come to the market. Economic modelling is not an exact science. We are satisfied that this will achieve the objectives and policies of the PDP cited above relating to the development of the economy and functioning of town centres.

10.5. Balance of the sites

99. The balance of the sites, which are outside the OCB should remain MDRZ in our opinion, rather than HDRZ recommended by Ms K Banks. This is for two reasons. Firstly, MDRZ would provide a better transition to the Rural land which would commence at the property boundaries slightly above the bottom of Ferry Hill. Secondly we do not think that the site would not really provide good alternative access to nearby commercial and employment centres by pedestrians, cyclists and public transport, as the zone purpose for HDRZ suggests, even after the installation of safe crossing points. Further, the nearest centre, which is Five Mile, does not provide a full range of commercial, community and social facilities in any case.

10.6. Setbacks

100. In the end both Ms Banks and Mr Ferguson recommended a 20m setback along most of the frontage of these sites, in the form of a Building Restricted Area. This was said to be for visual amenity, and also to allow for future road widening and underground services. We note that NZTA already has a widening project under consideration and has not moved to designate land for this purpose, although it remains able to do so. We are not convinced of any landscape or amenity need for such a wide setback and did not receive any expert evidence on that.
101. Ms Banks proposed a 6m setback from Ferry Hill Drive, but we understood that was to create a buffer between the relatively low density of the ODP Quail Rise Special Zone and the higher density allowed by the HDRZ. Such a setback was not included in the notified rules for the MDRZ and, even if we considered it necessary, which we do not, we doubt that there is scope to apply such a setback in the MDRZ.

10.7. Road Noise

102. NZTA is concerned that residents would be adversely affected by road noise from SH6 which is a very busy road in this vicinity. Ms Banks proposed that it be dealt with by rules requiring

¹⁹ We estimate it as a little less than 3 ha in this part of Frankton North.

mechanical ventilation and an Indoor Sound Design Level so that residents would have a satisfactory indoor noise environment. We accept that this is an appropriate response to the issue. We note that recommended Rule 8.5.2 requires sound insulation for activities sensitive to road noise within 80m of any State Highway. We are satisfied that rule will provide adequate noise attenuation for residential activities.

10.8. Recommended Amendments to Chapters 8, 16 and 27

103. Submissions on particular provisions in Chapter 8²⁰ relating to this land were deferred to be dealt with by this Hearing Stream. Ms Banks recommended an amended version of Rule 8.5.3 be inserted into Chapter 9 consistent with her initial recommendation that much of the land be zoned High Density Residential.
104. In addition, a number of submission points from NZTA (719), Otago Foundation Trust Board (408 and FS1061), Peter and Margaret Arnott (399) and FII Holdings Ltd (847) relating to the PDP provisions other than zoning affecting these sites were referred to us from the Stream 8 Hearings Panel.
105. As we have discussed above, with the zoning approach we recommend, we also recommend amendments to Chapters 8, 16 and 27 to deal with the specific issues raised with the zoning of this land. We set out the recommended changes in full in Appendix 1. In summary they are:
- a. Chapter 8:
 - i. insert a new policy dealing with the effects of stormwater discharges on SH6 (Policy 8.2.8.2);
 - ii. insert two new policies dealing with external and internal roading, pedestrian and cycling connections (Policies 8.2.8.8 and 8.2.8.9);
 - iii. insert a revised matter of discretion for the erection of 4 or more residential units in this area (Rule 8.4.10);
 - iv. revise Rule 8.5.3 to remove the requirement for a traffic impact assessment and to amend the landscaping requirements;
 - b. Chapter 16:
 - i. Insert a new objective and policy specific to this land consistent with Objective 8.2.8 and its policies (Objective 16.2.3 and Policies 16.2.3.1 to 16.2.3.9);
 - ii. Include amendments to rules to make Warehousing, Storage and Lock-up Facilities and Trade Suppliers prohibited activities in this part of the BMUZ (Rules 16.4.7 and 16.4.18);
 - iii. Insert a rule making Activities Sensitive to Aircraft Noise a prohibited activity within the Queenstown Airport Outer Control Boundary (Rule 16.4.17);
 - iv. insert a new standard consistent with Rule 8.5.3 to apply to the BMUZ in this area (Rule 16.5.11);
 - c. Chapter 27:
 - i. Insertion of a new Objective and policies related to ensuring roading access through both the MDRZ and BMUZ in this area (Objective 27.3.11 and Policies 27.3.11.1 to 27.3.11.3);
 - ii. Insertion of standards specific to subdivision in this area in MDRZ and BMUZ (Rules 27.7.8.1 and 27.7.8.2).
106. We are satisfied that the combination of objectives recommended are the most appropriate way to achieve the purpose of the Act in this context, while taking into account the higher

²⁰ Notified Rule 8.5.3

order documents, the Strategic Directions Chapters and the alternatives available to us. The recommended policies are, in our view, the most appropriate way to achieve the policies.

107. For all the reasons set out above, we are satisfied that the rules we recommend are the most effective and efficient means of implementing the policies so as to achieve the objectives of Chapters 8, 16 and 27, and those in the Strategic Directions chapters. Where we have not recommended rules suggested to us, or included in the notified PDP, that is because, for the reasons set out above, we do not consider them to be effective or efficient.

11. RECOMMENDATION ON ZONING

108. For the reasons set out above, we recommend that:
- a. Submission 8 be rejected;
 - b. Submissions 140, 177, 391, 399, 408, 717, 751 and 847 and Further Submissions 1270, 1029, 1061, 1062, 1195, 1271, 1167, 1340, 1092, 1077 and 1189 be accepted in part;
 - c. The land between Hansen Road and Ferry Hill Drive be rezoned as Business Mixed Use and Medium Density Residential, the location of the Outstanding Natural Landscape boundary be amended, and the Building Restricted Area on the north side of State Highway 6 at Frankton be deleted, as shown on the map in Appendix 2 to this report; and
 - d. Chapters 8, 16 and 27 be amended as set out in Appendix 1 to this report.

PART D: WOODLOT PROPERTIES (UGB & ONL)

Submitter Woodlot Properties (Submission 501.4)

Further Submitter:

Bob & Justine Cranfield (FS1102.4), Oasis in the Basin Association (FS1289.4), FII Holdings Ltd (FS1189.11), The Jandel Trust (FS1195.10) oppose;
Hansen Family Partnership (FS1270.84) support

12. PRELIMINARY MATTERS

12.1. Subject of Submission

109. This submission relates to the south-eastern side of Ferry Hill, west of Trench Hill Road.

12.2. Outline of Relief Sought

110. The submitter sought that the ONL be shifted higher up Ferry Hill to allow for sustainable development in the Quail Rise Zone.

111. The submitter sought that the Urban Growth Boundary (UGB) line be shifted south to align with the ONL line in order to restrict further development of this area and protect the landscape value of Ferry Hill.

12.3. Description of the Site and Environs

112. The land affected is on the slopes of Ferry Hill above the present developed residential area in Quail Rise, and also on a strip of land zoned Medium Density Residential in the PDP to the west above State Highway 6, as illustrated on Figure 6-5 below. The submission land is steep, undeveloped and open. It is prominently visible from the Frankton Flats and Shotover Country and other areas to the south and east. To the south and west, down slope, is a strip of land near the base of the hill parallel to SH6 and also subject to rezoning submissions. We have referred to that area of land elsewhere in this report as Frankton Flats North.



Figure 6-5: location of the submission site

113. The land in the Quail Rise zone is not within Stage 1 of the PDP. As discussed in our Introductory Report if the land the subject of an ONL or UGB notation was never part of the PDP and was only shown on the planning maps for information, it follows that it could not be the subject of PDP notations.
114. Following this approach, we consider that the location of the UGB and ONL on the Quail Rise zone are not within the scope of our hearing and we cannot consider them. The location of these lines will need to be revisited when the Council reviews the Quail Rise zone in a subsequent stage of the PDP.
115. However the pocket of land within the submission to the south of the Quail Rise zone, between the ONL line and the zone boundary is within Stage 1. We have discussed the ONL line over this land in our report on Frankton North

13. RECOMMENDATION

116. For the reasons set out above, we recommend that:
- a. Submission 501.4 and FS1102.4, FS1289.4, FS1189.11, FS1195.10 and FS1270.84 be accepted in part; and
 - b. The ONL line be moved so that it aligns with the UGB on the north side of the Medium Density Residential Zone and ends at the point at which the zone boundaries of the Rural, Medium Density Residential and Quail Rise Zones intersect.

PART E: SCHIST HOLDINGS LIMITED AND BNZL PROPERTIES LIMITED

Submitter Schist Holdings Limited and BNZL Properties Limited (Submissions 488.1 and 488.3)

Further Submissions

FS11340- Queenstown Airport Corporation – oppose

14. PRELIMINARY MATTERS

14.1. Subject of Submissions

117. This submission related to the southern end of Glenda Drive, Frankton Flats.

14.2. Outline of Relief Sought

118. The submission sought that:

- a. the subject properties and the southern end of Glenda Drive (if not most of Glenda Drive) be rezoned from Industrial A to BMUZ; and to
- b. Amend Rule 16.5.7.1 by adding a new standard “16.5.7.2 Queenstown (Glenda Drive) a. Up to 8m – Permitted b. Up to 10m – Restricted Discretionary”.

14.3. Description of the Site and Environs

119. The submission concerned two adjoining properties located on the eastern side of Glenda Drive at its intersection with Hawthorne Drive as shown on Figure 6-6. To the east lies the Shotover River and the Council’s sewage treatment plant, which occupies the lower river terrace. These sites and the Glenda Drive area are used predominantly for industrial and commercial activities.

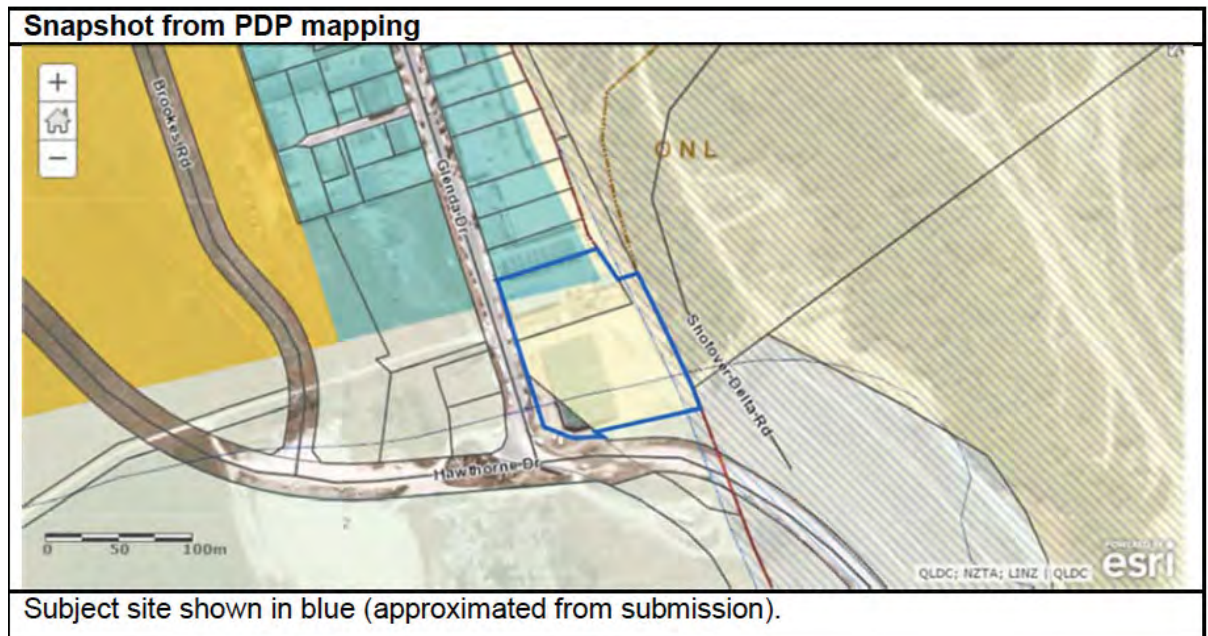


Figure 6-6 – Map showing the notified zoning of the BNZL site (on the corner) as Rural and Schist Properties Ltd as partly Rural and partly Industrial A, sites outlined in blue

14.4. The Case for Rezoning

120. The submission stated that the southern end of Glenda Drive (if not most of Glenda Drive) was more appropriately zoned BMUZ because this zoning would more accurately reflect what was happening on the ground in relation to these and other properties. No reason was given for seeking a reduction in the maximum permitted height in the BMUZ from 12m to 8m in Glenda Drive. The submitters did not appear at the hearing and did not provide evidence in support of their submission.
121. For the Council, Ms Evans noted that the submitter opposed the industrial zoning only and therefore may not have been aware that part of the land is within the Rural zone.²¹ Specifically, part of the Schist Holdings site was notified Rural in Stage 1 and the rest of that site is ODP Industrial A. The BNZL site is all notified Rural. The submission opposed the industrial zoning (not notified in Stage 1) and sought BMUZ over the whole of both sites.²² Consequently, as discussed in Report 17-1, submissions on land that was not notified in Stage 1 (i.e., ODP Industrial A) are not 'on' Stage 1 of the PDP and therefore must be rejected. There is no scope to rezone the land from Rural to BMUZ due to the defects in the submission.
122. Nevertheless, Ms Evans considered the merits of zoning both sites as BMUZ. She considered that the BMUZ would result in a level of intensification and provision for residential development that would be inconsistent with the majority of the Glenda Drive industrial area. In her opinion, applying the BMUZ to a small section of land that was part of a wider industrial area and that contains industrial uses would be an inconsistent zoning approach.²³ Also, the rezoning proposal did not consider ASAN that are facilitated by the BMUZ and how they would be managed.
123. Dr Read opposed the rezoning to BMUZ from a landscape perspective because it would facilitate a scale of buildings that would be out of step with the area and detract from the amenity of the townscape. In her opinion, a strip of land between the submitters' sites and the river terrace should remain in the Rural zone to mitigate effects of development on visual amenity enjoyed from public and private locations on the eastern side of the river.²⁴
124. Ms Evans also considered that the sites did not exhibit rural character and indicated that it may be appropriate to consider extending the industrial zone to the end of Glenda Drive. This could occur when the industrial zones were reviewed subsequently.
125. For QAC, Mr John Kyle opposed rezoning requests that would provide the opportunity for a greater number of ASAN to establish within the ANB and OCB because that would potentially give rise to adverse reverse sensitivity effects on QAC and would expose a greater number of people to the adverse effects of aircraft noise.²⁵
126. In summary, the Council's evidence supported retention of the notified Industrial A and Rural zoning but also identified the need to review the extent of the Industrial A zoning in a later stage of the Plan review.

²¹ R Evans, Section 42A Report, 24 May 2017, paragraph 7.3

²² S Scott, Legal Submissions for the Council, 21 July 2017, paragraph 13.11

²³ R Evans, Section 42A Report, 24 May 2017, paragraph 7.10

²⁴ Dr M Read, EIC, 24 May 2017, paragraphs 6.12 – 6.16

²⁵ J Kyle, EIC, 9 June 2017, paragraphs 5.8 - 5.10 and 5.19

14.5. Discussion of Planning Framework

127. The zoning of the two properties and surrounding area are discussed above. We do not need to examine the planning framework any further however for completeness, changes proposed in Stage 2 of the review are noted.
128. As notified, public open space was zoned Rural in the PDP. In the vicinity of the submitters' properties, Rural zoning applied to the sewage treatment plant and also an area of open space on the lower river terrace. The Stage 2 Variations propose new Open Space and Recreation zones for public open space. While the Stage 2 Variations maps show that Rural zoning is retained for the designated sewage treatment plant, a strip of land to the rear of Schist Properties' site (and other industrial sites on the eastern side of Glenda Drive) is now proposed to be zoned Informal Recreation. This proposed change does not affect our recommendation.
129. The submission sites are located within the OCB for Queenstown Airport.

15. ISSUES

- a. The most appropriate zone for the submitters' properties and Glenda Drive.
- b. Scope

16. DISCUSSION OF ISSUES AND CONCLUSIONS

130. In this location, industrial and business activities are complementary to, and supportive of, Frankton and Queenstown Airport while also being well-positioned to serve the district via an excellent transport network. Frankton's role in providing for small businesses in an accessible location was made clear in Mr Heath's evidence on commercial land requirements. Policy 3.2.1.3 as recommended provides that *'the Frankton urban area functions as a commercial and industrial service centre, and provides community facilities, for the people of the Wakatipu Basin.'* In our view, industrial zoning in Glenda Drive is consistent with this outcome given the strategic planning role of Frankton Flats and Remarkables Park.
131. BMU zoning provides for complementary commercial, business, retail and residential uses that supplement the activities and services provided by town centres. Higher density living opportunities close to employment and recreational activities are also enabled. Significantly greater building heights are enabled in the Business Mixed Use Zone in Queenstown, provided that high quality urban design outcomes are achieved. While BMUZ is not an available option due to lack of scope and defects in the submission, we record that BMUZ is not appropriate in this location because Glenda Drive lacks proximity to an existing town centre. BMUZ would also enable more intensive development that would displace industrial activities while increasing the likelihood of ASAN being established. Given that the area is demonstrably urban, we are not sure that height is a significant issue, but again, that should be part of a comprehensive review of the zoning applicable to Glenda Drive.
132. The notified Rural zoning of both properties is also inappropriate because it does not recognise their existing use and development. These sites are not capable of being developed in accordance with the purpose and provisions of the Rural Zone nor would this be an efficient use of this land. In our view, Rural zoning is anomalous in the circumstances.
133. With respect to QAC's further submission opposing rezoning that would enable ASANs or intensification, retention of Rural zoning satisfies this concern in the interim.

134. For the reasons set out above, we find an industrial zoning in Glenda Drive (setting aside these two sites) would implement the Strategic Direction of the PDP and would therefore be the most appropriate zone for this area. However, no scope is provided in the submission to rezone the rural land to industrial, and we have no evidence setting out appropriate provisions.
135. Accordingly, we conclude that the Council should consider applying an industrial zone to these sites either by variation or as part of the review of industrial zones in a later stage.

17. RECOMMENDATION

136. For the reasons set out above, we recommend that:
- a. Submissions 488.1 and 488.3 be rejected; and
 - b. FS1340 be accepted; and
 - c. Rural zoning be retained; and
 - d. The Council consider applying an industrial zone to the submission sites by way of variation or when it reviews the industrial zones in a later stage.

PART F: FLETCHER DISTRIBUTION LTD AND MICO NEW ZEALAND LIMITED; REAVERS NZ LIMITED

Submitter Fletcher Distribution Ltd and Mico New Zealand Limited (Submission 344), Reavers NZ Limited (Submission 720)

Further Submissions

FS1077.60 - Board of Airline Representatives of New Zealand (BARNZ) – oppose 720

18. PRELIMINARY MATTERS

Subject of Submissions

137. These submissions related to the Frankton Placemakers site and the adjoining strip of stopped road as shown on Figures 6-7 and 6-8.

Outline of Relief Sought

138. The submitters sought that areas of land occupied by industrial uses and zoned Rural be rezoned industrial. Reavers also sought industrial zoning for a strip of stopped road located between their properties and SH6.

Description of the Site and Environs

139. Glenda Drive is an industrial area which has developed rapidly in recent years in conjunction with Frankton Flats. The site is located on a busy intersection with SH6 and is used as a carpark serving Frankton Placemakers. The Placemakers building itself is on land zoned Industrial A and therefore was not part of Stage 1 of the PDP.

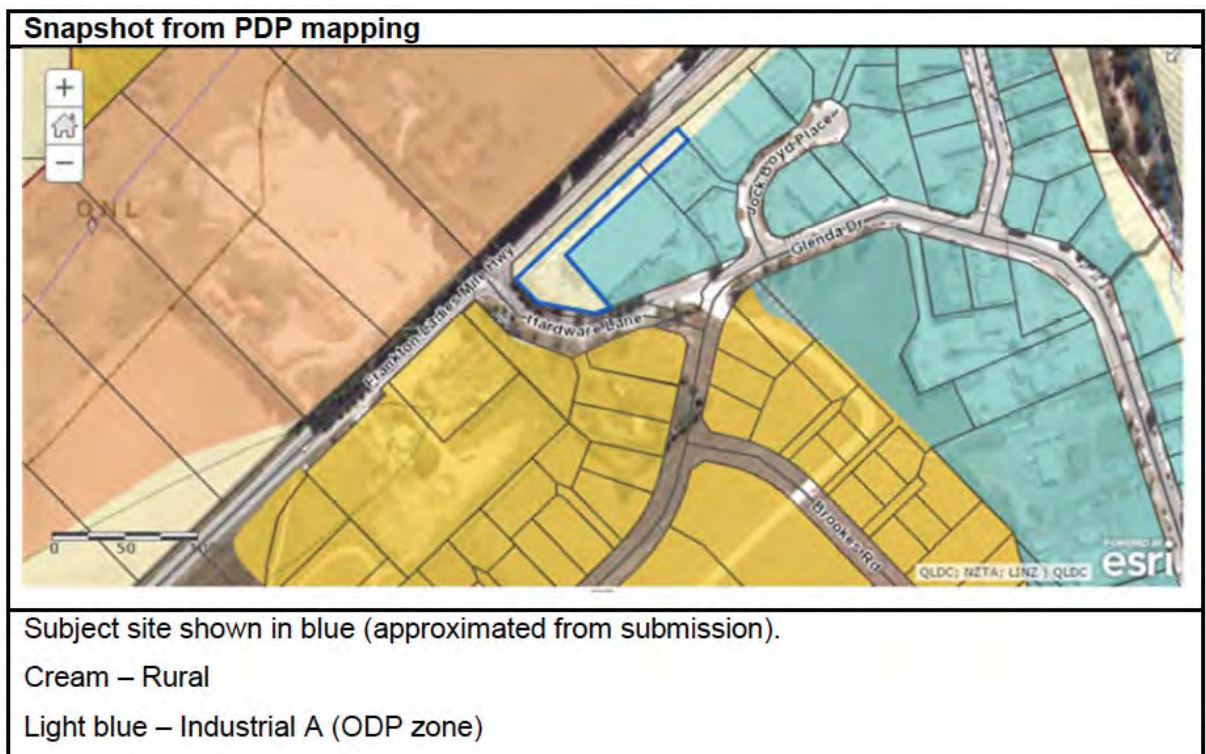


Figure 6-7 – Zoning of the land subject to Submission 344.12 outlined in blue

Snapshot from PDP mapping



Subject site shown in blue (approximated from submission).

Cream – Rural

Light blue – Industrial A (ODP zone)

Figure 6-8 Zoning of the land subject to Submission 720 outlined in blue

18.1. The Case for Rezoning

140. The basis of the submissions was that the subject sites were occupied by Placemakers (e.g., carpark) and other businesses therefore the area zoned Rural was not capable of being used for that purpose. Split zoning was an anomaly in the circumstances and should be tidied up to reflect long established uses. The adjoining area of stopped road should also be zoned Industrial. The submitters did not attend the hearing and did not provide evidence. Both submitters identified that scope is an issue because Industrial A zoning is not part of Stage 1 of the PDP.
141. BARNZ sought retention of the Rural Zone to the extent that any of the land falls within the Queenstown Airport OCB. Planning Map 31a shows that this land is not within the OCB therefore we do not need to consider this matter any further.
142. The Council's witnesses did not oppose the rezoning in principle. Dr Read outlined the background to Rural zoning in this area i.e., it predates Frankton Flats Special Zone. In her opinion, the visual effects of rezoning the subject land to Industrial A would be acceptable.²⁶
143. Ms Evans considered that the current land use, location within an industrial area and general lack of rural attributes would not achieve consistency with the purpose of the Rural Zone. In her opinion, Industrial A zoning would be more appropriate or the areas identified in the submissions, however the industrial provisions had not been reviewed in Stage 1 of the PPD.²⁷
144. The Stage 2 Variations propose to rezone a strip of closed road lying between these sites and SH6 as Informal Recreation.

²⁶ Dr M Read, EIC, 24 May 2017, paragraphs 6.4 – 6.8

²⁷ R Evans, Section 42A Report, 24 May 2017, paragraphs 7.17 & 7.18

18.2. Discussion of Planning Framework

145. The Zone Purpose for the Rural Zone is to enable farming activities and provide for appropriate other activities that rely on rural resources while protecting, maintaining and enhancing landscape values, ecosystem services, nature conservation values, the soil and water resource and rural amenity.
146. While it was open to the submitters to seek Industrial A zoning for this land²⁸, any such submission would need to be supported by evidence that the desired zoning fitted into the structure of the PDP and gave effect to the objectives and policies of the Strategic Direction and Urban Development chapters.

19. ISSUES

- a. The most appropriate zone for the submitters' properties and the adjoining stopped road.
- b. Inclusion of ODP zone into PDP.

20. DISCUSSION OF ISSUES AND CONCLUSIONS

147. We agree with the submitters and the Council that it is necessary to change the zoning of the submission sites (except for the strip of stopped road subject to the Stage 2 Variations) to an industrial zone because the Rural zone does not reflect the existing uses of the land nor set an appropriate planning framework for the future.
148. Industrial A zoning would be consistent with the existing zoning in Glenda Drive, however we had no evidence on whether the Industrial A Zone sought was compatible with the structure of the PDP, nor evidence of the actual text and provisions to be included. The ODP was drafted with an effects-based management regime, while the PDP uses a different activity-list approach. For these reasons, we do not consider it possible to simply transfer the Industrial A zone into the PDP without an appropriate analysis of the provisions to ensure compatibility, as noted in the Minute referred to above.
149. The Stage 2 Variations address the zoning of the strip of stopped road lying adjacent to SH6 however rezoning the stopped part of Glenda Drive must await a later stage of the Plan review.

21. RECOMMENDATION

150. For the reasons set out above, we recommend that:
- a. Submissions 344 and 720 be rejected; and
 - b. FS1077 be accepted; and
 - c. Rural zoning be retained; and
 - d. The Council consider applying an industrial zone to the submission sites by way of variation or when it reviews the industrial zones in a later stage.

²⁸ Minute Concerning Submissions Seeking Rezoning to an ODP Zone, dated 29 May 2017, paragraphs 3-6

PART G: AVIEMORE CORPORATION LTD

Submitter Aviemore Corporation Ltd (Submission 418)

Further Submissions

FS1117.54 – Remarkables Park Ltd – support

FS1164.4 – Shotover Park Limited – support

FS1340.102 – Queenstown Airport Corporation - support

22. PRELIMINARY MATTERS

22.1. Subject of Submissions

151. These submissions related to three lots on the western side of Glenda Drive at its southern end on the corner of Hawthorne Drive, Frankton, as shown on Figure 6-9.

22.2. Outline of Relief Sought

152. The submission requested rezoning from Rural to Industrial A.

153. In fact, the properties were notified as being within the Airport Mixed Use Zone (subsequently renamed as the Airport Zone) on Planning Map 31a.²⁹

22.3. Description of the Site and Environs

154. These properties are adjacent to the Glenda Drive industrial area and in close proximity to Frankton Flats Special Zone and Queenstown Airport.

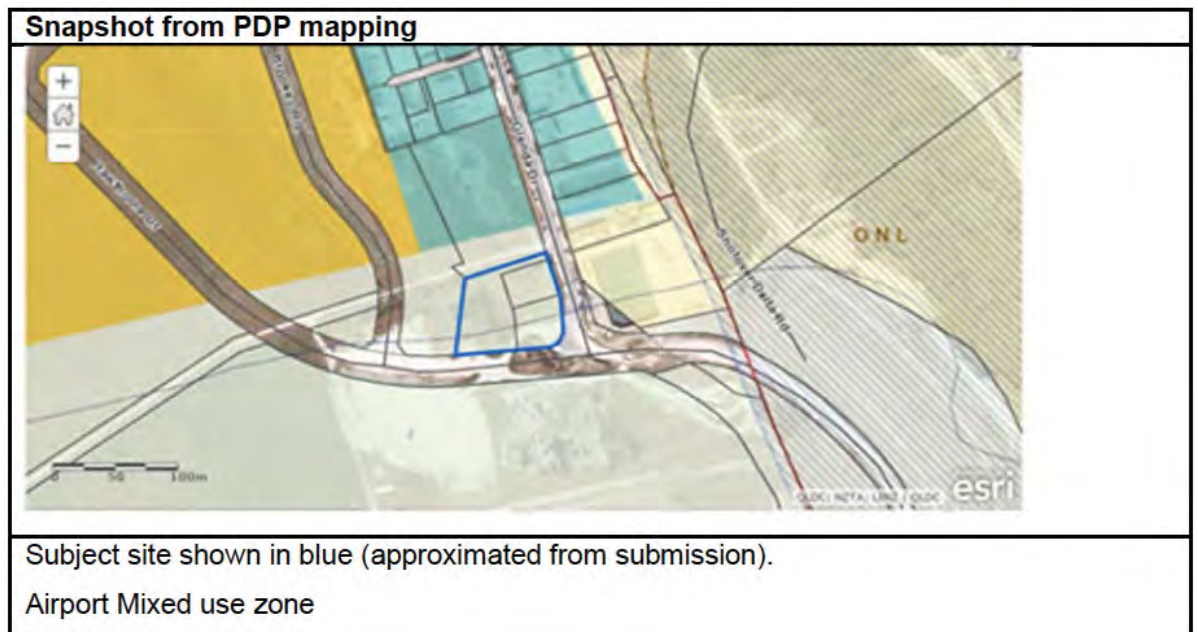


Figure 6-9 – Zoning of land subject to the submission outlined in blue

22.4. The Case for Rezoning

155. The basis of the submission was that the properties are an isolated pocket of Rural zoning that has little to no Rural character left due to industrial development in Glenda Drive. We note this is not relevant given the AMUZ is applicable. The submitter did not attend the hearing and did not provide evidence.

²⁹ R Evans, Section 42A Report Group 1A, 24 May 2017, paragraph 7.29

156. The Council's evidence established that the correct zoning was Airport Mixed Use. Ms Evans considered that an industrial zoning was the most appropriate for these lots given their location at the end of Glenda Drive industrial area and the lack of rural character attributed to the site and surrounds. In her opinion, implementation of an Industrial A zoning needed to be by way of variation during a future stage of the review.³⁰

22.5. Discussion of Planning Framework

157. This land was notified in the Airport Mixed Use Zone (recommended to be renamed as Airport Zone). A small area is within the ANB and the remainder is within the OCB for Queenstown Airport. This land is not included in Designation #2 relating to the Airport.³¹

158. The extent of the Airport Zone was considered by the Stream 8 Hearing Panel and a subsequent Joint Memorandum of Counsel³² requested that the Panel make its recommendation based on the evidence received in December 2016 (by the Stream 8 Panel).

159. On the basis of the evidence heard on this matter in December 2016, the Stream 8 Hearing Panel has recommended to this Panel that the Airport Zone in Queenstown only apply to the land zoned Airport Mixed Use in the ODP and a small extension over a carpark on the western side of the airport. That Panel has considered the zoning of this land north of the airport and concluded that no alternative zone consistent with the adjacent development was available, and in the circumstances, reversion to the Rural Zone until the Council undertook a review of the industrial zones was the only logical solution. That Panel noted that if the Council were to withdraw this land from the PDP, it would remain zoned Rural General in the ODP. This recommended outcome therefore is that there be no substantive change from the operative zoning.

160. While it was open to the submitters to seek Industrial A zoning for this land³³, any such submission would need to be supported by evidence that the desired zoning fitted into the structure of the PDP and gave effect to the objectives and policies of the Strategic Directions chapters.

23. ISSUES

- a. The most appropriate zone for the submitter's properties
- b. Inclusion of ODP zone into PDP.

24. DISCUSSION OF ISSUES AND CONCLUSIONS

161. We heard no evidence that would lead us to come to a different conclusion to that reached by the Stream 8 Hearing Panel. While an industrial zoning would probably be the most appropriate zoning for this land given its location between the airport and industrial land, we had no evidence on whether the Industrial A Zone sought was compatible with the structure of the PDP, nor evidence of the actual text and provisions to be included. The ODP was drafted

³⁰ *ibid*, para 7.30

³¹ R Holden, Section 42A Report, 23 September 2016, paragraph 6.14

³² Memorandum of Counsel for Remarkables Park Limited, Queenstown Airport Corporation and the Queenstown Lakes District Council, dated 19 May 2017

³³ Minute Concerning Submissions Seeking Rezoning to an ODP Zone, dated 29 May 2017, paragraphs 3-6

with an effects-based management regime, while the PDP uses a different activity-list approach. For these reasons, we do not consider it possible to simply transfer the Industrial A zone into the PDP without an appropriate analysis of the provisions to ensure compatibility, as noted in the Minute referred to above.

25. RECOMMENDATION

162. For those reasons we recommend that:

- a. Submission 418.1 and FS1117, FS1164 and FS1340 be rejected; and
- b. That Rural zoning be used as an interim zoning until the Council notifies industrial zone provisions which may be appropriate for this land. We also note that if the Council were to withdraw the PDP from this land (which is an option available to it), the land would remain zoned Rural General in the ODP.

PART H: IAN & DOROTHY WILLIAMSON

Submitter Ian and Dorothy Williamson (Submission 140)

Further Submissions

None

26. PRELIMINARY MATTERS

26.1. Subject of Submissions

163. These submitters live at 971 Frankton Road and were concerned about the Frankton area.

26.2. Outline of Relief Sought

164. The submission sought that the LDRZ be retained for an undefined area of Frankton. We have assumed that the residential area between McBride Street and the Frankton Marina is the area of concern given the grounds of the submission.

26.3. Description of the Site and Environs

165. Frankton in the vicinity of the submitters' property is a residential area located in close proximity to Terrace Junction shopping centre (see Figure 6-10).



Figure 6-10 - Aerial photograph showing the submitter's property at 971 Frankton Road outlined in turquoise

26.4. The Case for Rezoning

166. The submitters were concerned about the traffic effects of intensification. The submission described the difficulties of exiting the properties on this side of SH6A due to the high traffic

volumes and 70 km/hr speed limit. The driveways were also steep with stopping room for none or one car only which made them suitable for single dwellings not multiple dwellings.

167. The Council's witnesses supported the notified LDRZ. Ms Kim Banks said that this is the location which was proposed as MDRZ during the consultation phase of the PDP, and was subsequently not pursued by Council.³⁴

27. ISSUES

- a. The most appropriate zone for this part of Frankton

28. DISCUSSION OF ISSUES AND CONCLUSIONS

168. We agree with the submitters and the Council's witnesses that LDRZ as notified is the most appropriate zone for the area of Frankton located between McBride Street and Frankton Marina. In particular, we agree with the submitters that low density residential development is more suitable given the topography of this land and the difficulties of providing safe access and egress to and from properties on this busy road.

29. RECOMMENDATION

169. For those reasons we recommend that:
- a. Submission 140 be accepted; and
 - b. LDR zoning be retained on the southern side of SH6A between McBride Street and Frankton Marina as notified.

³⁴ K Banks, Section 42A Report, 25 May 2017 paragraph 16.2

PART I: J D FAMILTON AND SONS TRUST AND HR & DA FAMILTON

Submitter JD Familton and Sons Trust (Submission 586) and HR & DR Familton (Submission 775)
Further Submissions
None

30. PRELIMINARY MATTERS

30.1. Subject of Submissions

170. These submissions related to 17 Stewart Street, Frankton.

30.2. Outline of Relief Sought

171. The submitters sought to retain medium density zoning over 17 Stewart St, Frankton (see Figure 6-11).



Figure 6-11 - Aerial photograph of the land subject to the submission outlined in turquoise

31. ISSUES

- a. The most appropriate zone for this land

32. DISCUSSION OF ISSUES AND CONCLUSIONS

172. First, we confirm that this property was zoned LDR in the PDP as notified. The submitters' request to retain MDRZ was in error. The submitters did not appear at the hearing or provide evidence.

173. Ms Kim Banks for the Council said that

"...the area of Stewart Street was during the consultation phase of the PDP, considered for rezoning to MDRZ. However this was subsequently not pursued and therefore the

notified zoning of 17 Stewart Street is LDRZ, and not MDRZ as the submitter has assumed.”³⁵

174. We observe that several submissions were based on misunderstandings of one kind or another arising from the consultation phase of PDP preparation.
175. Having said that, we consider LDRZ is the most appropriate zone for this site primarily because this area is within the OCB for Queenstown Airport and limiting development within the OCB accords with the Plan’s strategic direction.

33. RECOMMENDATION

176. For the reasons set out above, we recommend that:
 - a. Submissions 586 and 775 be rejected; and
 - b. LDR zoning be retained over 17 Stewart Street, Frankton.

³⁵ S42A report, Ms Kim Banks, 25 May 2017, para 17.1

PART J: NZIA SOUTHERN AND ARCHITECTURE + WOMEN SOUTHERN

Submitter NZIA Southern and Architecture + Women Southern (Submission 238)

Other Relevant Submissions

KEITH HUBBER FAMILY TRUST NO. 2 (Submission 35) (relates to 102 McBride Street);
MALCOLM, ANNA MCKELLAR, STEVENSON (Submission 36) (relates to 64 McBride Street)

KE & HM HAMLIN, LIDDELL (Submission 43) (relates to 79 McBride Street)

JOANNE PHELAN AND BRENT HERDSON (Submission 85) (relates to 62 McBride Street)

HAYDEN TAPPER (Submission 24) (relates to 68 McBride Street)

SCOTT FREEMAN & BRAVO TRUSTEE COMPANY LIMITED (Submission 555)

Further Submissions in relation to Submission 238

FS1107.47 - Man Street Properties Ltd - oppose

FS1226.47 - Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited – oppose

FS1234.47 - Shotover Memorial Properties Limited & Horne Water Holdings Limited - oppose

FS1239.47 - Skyline Enterprises Limited & O'Connells Pavillion Limited - oppose

FS1241.47 - Skyline Enterprises Limited & Accommodation and Booking Agents - oppose

FS1242.70 - Antony & Ruth Stokes – oppose

FS1248.47 - Trojan Holdings Limited & Beach Street Holdings Limited – oppose

FS1249.47 - Tweed Development Limited - oppose

FS1340.68 - Queenstown Airport Corporation - oppose

34. PRELIMINARY MATTERS

34.1. Subject of Submissions

177. These submissions related to an area of residential and commercial land at Frankton.

34.2. Outline of Relief Sought

178. Submission 238 sought that a substantial area of land be rezoned from LDRZ as notified to MDRZ. By contrast, the remaining submitters supported LDR zoning for their properties which lie within the area identified by Submission 238.

34.3. Description of the Site and Environs

179. The submissions related to more or less all the land bounded by SH6A from Frankton Marina to Terrace Junction shopping centre and SH6 from Terrace Junction to Robertson Street and Lake Wakatipu within the notified LDRZ as shown on Figure 6-12.

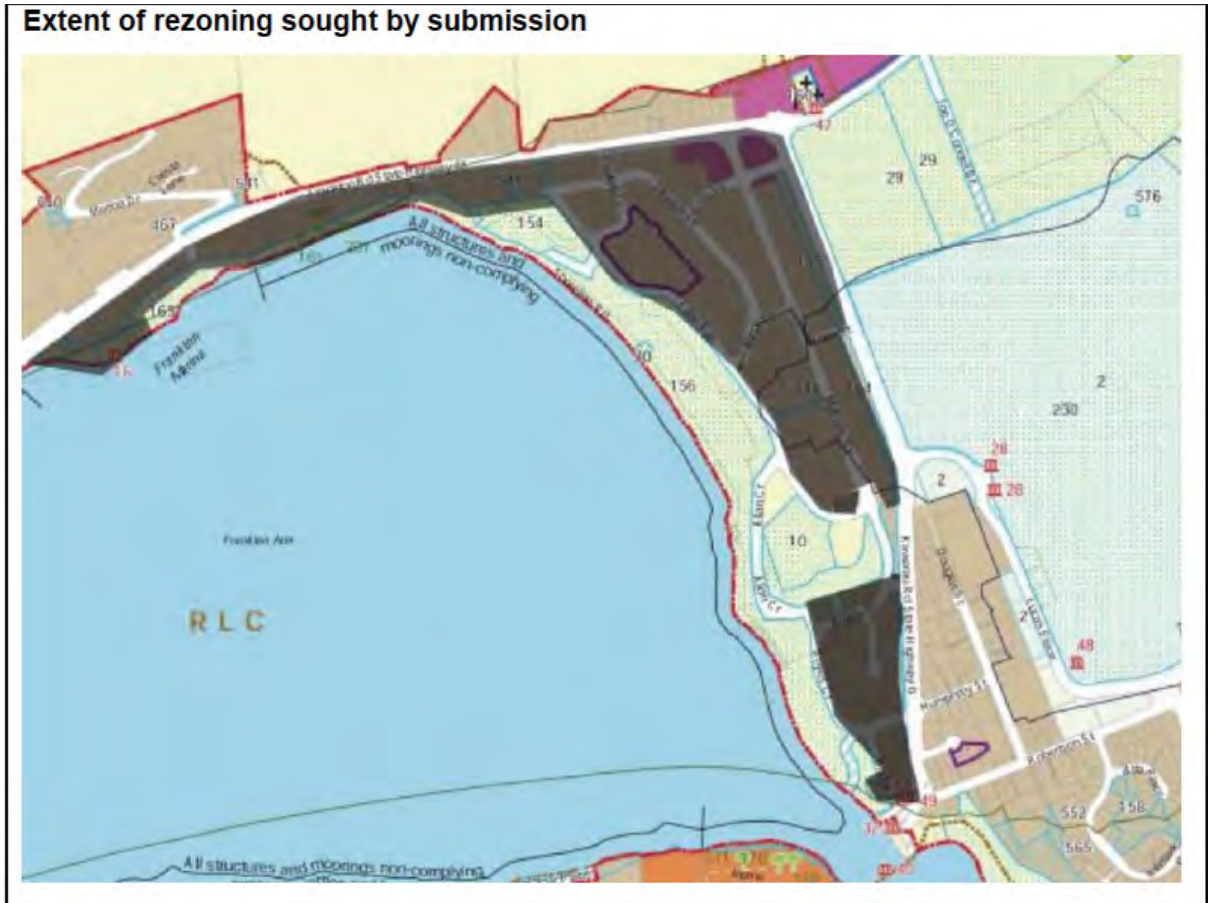


Figure 6-12 – Map of the land subject to the submission shaded in black

34.4. The Case for Rezoning

180. Submission 238 supported the purpose of the MDRZ which was to enable a greater supply of diverse housing options for the District (subject to additions). It also stated that the land between SH6 and Lake Wakatipu at Frankton met the criteria of the MDRZ. We note for completeness that the submission included the LSCZ at Terrace Junction within the area proposed for rezoning and that we have assumed this to be in error. The submitter did not attend the hearing and did not provide evidence.

181. For the Council, Ms Kim Banks addressed the proposed rezoning comprehensively in terms of the provision of infrastructure services, traffic effects, location within the OCB of Queenstown Airport (if applicable), existing non-residential uses in Sugar Lane (near the Frankton Marina) and the intensity of development enabled by the two zones. In her opinion, the LDRZ was the most appropriate zone overall and she noted in particular that there would be little practical benefit in applying the MDRZ at Frankton Marina versus the current LDRZ.³⁶ The Council's evidence was not challenged therefore we accept and rely on it.

34.5. Discussion of Planning Framework

182. The LDRZ is the largest residential zone in the District. In Chapter 7, as recommended, it is renamed the Lower Density Suburban Residential zone to more accurately capture the range of traditional and modern suburban densities and housing types enabled. Objective 7.2.1 provides for *'a mix of compatible suburban densities and a high amenity low density residential environment for residents...'*. Policy 7.2.1.2 encourages development that *'maintains suburban*

³⁶ K Banks, Section 42A Report Group 1B, 25 May 2017, paragraphs 18.2 – 18.20

residential amenity values including predominantly detached building forms, and predominantly one or two storey building heights. Policy 7.2.1.3 seeks to maintain amenity values between sites, in particular privacy and access to sunlight. A clear theme is the maintenance of suburban character and high amenity values. Commercial activities are generally discouraged.

183. The purpose of the MDRZ is to enable a greater supply of diverse housing options for the District at a higher density than the LDRZ. Development controls are designed to ensure that the reasonable maintenance of amenity values is maintained. MDR zones should be easily accessible to local shopping centres, town centres or schools by public transport, cycling or walking.

184. This land is located within the OCB for Queenstown Airport.

35. ISSUES

- a. The most appropriate zone for this land

36. DISCUSSION OF ISSUES AND CONCLUSIONS

185. We agree with the Council's planner, Ms Banks, that LDR is the most appropriate zone for this land for the reasons set out in the Section 42A Report. In our view, there were three key matters supporting retention of the LDRZ in this area which we discuss in the following paragraphs.

186. With respect to traffic effects, we accept the opinion of Ms Wendy Banks that intensification of all the streets in Frankton to MDRZ would place significant pressure on the existing transport network. For the Frankton Marina, there are safety concerns associated with right turns to the state highway which were described in some detail during the hearing on the zoning of Sugar Lane.³⁷

187. Much of the area proposed for rezoning is located within the OCB for Queenstown Airport affected by airport noise with the potential for reverse sensitivity effects on the airport. In our opinion, including this land within the MDRZ would be contrary to the Strategic Direction and Urban Development objectives and policies relating to infrastructure and urban development.³⁸

188. Finally, we have recommended elsewhere that the Council consider undertaking a planning study of the Frankton Marina/Sugar Lane area, including the Z Energy site, to identify its optimal future development with a view to introducing a variation to a form of zoning (or other method) that achieves the community's desired outcomes.³⁹ Accordingly, we consider that the LDRZ as notified should remain until this study is complete because changing the zoning to MDRZ at this stage would be pre-emptive.

³⁷ Recommendation Report 17-6

³⁸ Strategic Objectives 3.2.1.3, 3.2.1.9 and 3.2 and Policy 3.3.5; Urban Development Objective 4.2.2A and Policy 4.2.2.1

³⁹ Submissions 16, 25 and 312

37. RECOMMENDATION

189. For the reasons set out above, we recommend that:
- a. Submission 238 be rejected; and
 - b. FS1107.47, FS1226.47, FS1234.47, FS1239.47, FS1241.47, FS1242.70, FS1248.47, FS1249.47 and FS1340.68 be accepted; and
 - c. Submissions 35, 36, 43, 85, 24 and 55 be accepted; and
 - d. LDR and LSC zoning be retained in Frankton as notified.

PART K: RUSSELL MARSH

Submitter Russell Marsh (Submission 128)

Further Submissions

FS1077.8 - Board of Airline Representatives of New Zealand - oppose
FS1340.60 - Queenstown Airport Corporation - oppose

38. PRELIMINARY MATTERS

38.1. Subject of Submissions

190. These submissions related to the Frankton residential area.

38.2. Outline of Relief Sought

191. The submitter sought the following relief:

- a. Amend the plan to reinstate the original Frankton – Proposed Medium Density Zoning – per the MACTODD report; or
- b. Amend the plan to include Stewart Street, Lake Avenue, Birse Street, McBride Street into MDR zoning as opposed to LDR; or
- c. Amend the plan to include Frankton district streets into MDR that are currently outside the Air Noise Boundary (ANB) – per the Queenstown Airport website

38.3. Description of the Site and Environs

192. The streets identified in (b) above are located between SH6 and Lake Wakatipu at Frankton as shown in Figure 6-13.



Figure 6-13 – Approximate extent of Lake Avenue/Stewart St/McBride St/Birse Street area subject to the submission

38.4. Discussion of Planning Framework

193. The LDRZ is the largest residential zone in the District. In Chapter 7, as recommended, it is renamed the Lower Density Suburban Residential zone to more accurately capture the range of traditional and modern suburban densities and housing types enabled. Objective 7.2.1

provides for 'a mix of compatible suburban densities and a high amenity low density residential environment for residents...'. Policy 7.2.1.2 encourages development that 'maintains suburban residential amenity values including predominantly detached building forms, and predominantly one or two storey building heights.' Policy 7.2.1.3 seeks to maintain amenity values between sites, in particular privacy and access to sunlight. A clear theme is the maintenance of suburban character and high amenity values. Commercial activities are generally discouraged.

194. The purpose of the MDRZ is to enable a greater supply of diverse housing options for the District at a higher density than the LDRZ. Development controls are designed to ensure that the reasonable maintenance of amenity values is maintained. MDR zones should be easily accessible to local shopping centres, town centres or schools by public transport, cycling or walking.

195. The streets identified in the submission are located within the ANB or OCB for Queenstown Airport.

38.5. The Case for Rezoning

196. The submitter stated that the Frankton area appeared to fit the strategy of building residential accommodation that helps protect the QLD environment and is in an area well-supported by public transport and amenities. With the apparent population growth forecast for the QLD and the limited residential sites available, the Frankton area should be considered as an option for MDR rather than LDR. The submitter did not attend the hearing and no evidence was provided.

197. The QAC opposed the proposed rezoning of this land and submitted that it is counter to the land use management regime established under PC35. BARNZ said that Queenstown Airport is a piece of regionally significant infrastructure which requires strong protection in the District Plan from reverse sensitivity effects which would result from inappropriately located development.

198. For the Council, Ms Banks opposed the relief sought in a) and b) above for the same reasons that she opposed the relief sought in Submission 238. Two issues were particularly relevant. First, much of the land is located within the OCB and rezoning to MDR would be contrary to the Strategic Direction of the PDP. Second, she relied on the evidence of Ms Wendy Banks that intensification in Frankton would place significant pressure on the existing transport network including increases to onstreet parking to what are already severely constrained networks.⁴⁰

199. Ms Kim Banks specifically considered the proposal to rezone a reduced scale of MDR zoning in and around Stewart Street. She held to her view that LDRZ was the most appropriate zone for the reasons given above, even for this limited area. Ms Banks noted that the LDRZ under the PDP provides greater opportunities for intensification and redevelopment of land within the LDR compared to the ODP. In her opinion, the current LDRZ provides sufficient opportunity for limited intensification of this defined area in Frankton.⁴¹

39. ISSUES

a. The most appropriate zone for the Frankton residential area

⁴⁰ K Banks, Section 42A Report group 1B, 25 May 2017, paragraphs 20.5 – 20.7

⁴¹ Ibid, para 20.8

40. DISCUSSION OF ISSUES AND CONCLUSIONS

200. We acknowledge the submitter's point that this area suits MDR zoning because it meets the criteria of the Plan. It is easily accessible to local shopping centres, town centres or schools by public transport, cycling or walking.
201. However much of the area proposed for rezoning is located within the OCB for Queenstown Airport. We agree with BARNZ that Queenstown Airport is a significant piece of regional infrastructure requiring protection from reverse sensitivity effects. Further, airport noise reduces residential amenity values particularly the ability to use outdoor areas therefore low density zoning is to be preferred. In our opinion, including a large area of Frankton within the MDRZ would be contrary to the Strategic Direction and Urban Development objectives and policies relating to infrastructure and urban development.⁴²
202. Given the strategic importance of the airport and the adverse traffic effects of intensification in this location, we consider that LDR is the most appropriate zone for this area for the reasons set out in the Section 42A Report.

41. RECOMMENDATION

203. For the reasons set out above, we recommend that:
- a. Submission 128 be rejected; and
 - b. FS1077.8 and FS1340.60 be accepted; and
 - c. LDR zoning be retained as notified in the Frankton area.

⁴² Strategic Objectives 3.2.1.3, 3.2.1.9 and 3.2 and Policy 3.3.5; Urban Development Objective 4.2.2A and Policy 4.2.2.1

PART L: BARBARA WILLIAMS

Submitter Barbara Williams (Submission 141)

Further Submissions

FS1340.62 - Queenstown Airport Corporation – supported in part/opposed in part
The further submitter supported in part the rezoning of this site to a commercial type zoning provided it did not result in the intensification of ASAN in this area.

42. PRELIMINARY MATTERS

42.1. Subject of Submissions

204. This submission related to the zoning of land in McBride Street, Frankton.

42.2. Outline of Relief Sought

205. The submission sought that:

- a. Planning Map 33 be supported as it related to the submitter's property at 59 McBride St/ 1 Ross Street;
- b. As an alternative to the LDR zone, properties located at 58 – 106 McBride Street be rezoned to a form of commercial zoning

42.3. Description of the Site and Environs

206. The submission concerned an area of land zoned LDR located in close proximity to Frankton Junction, the bus station and SH6 as shown in Figure 6-14. Part of the block is located within the ANB and the rest is within the OCB. These are noise contours that define the area within which land use controls apply to avoid or mitigate the effects of aircraft noise from Queenstown Airport (see PC 35). This block includes the submitter's property at 58 McBride St / 1 Ross Street which has an area in excess of 900m².

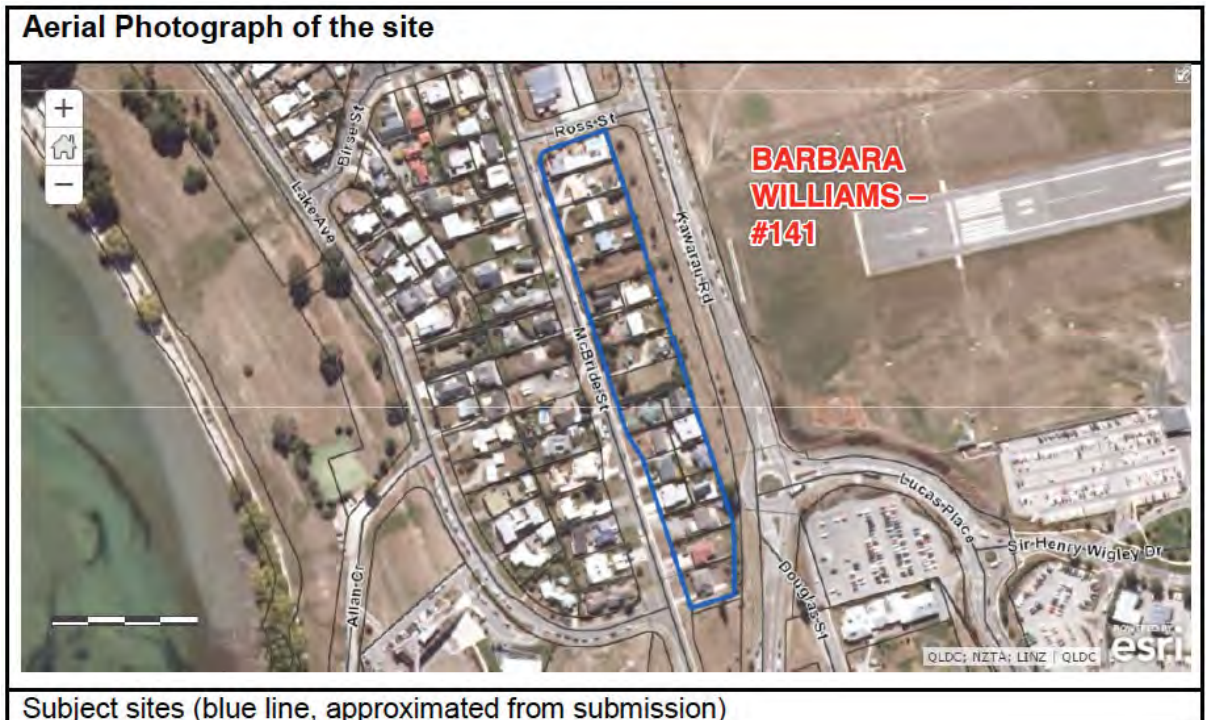


Figure 6-14 – The submitter's property at 59 McBride Street and the general area affected by the submission i.e., 58 – 106 McBride Street, Frankton, outlined in blue

42.4. The Case for Rezoning

207. The submission said that some form of light commercial zoning was justified on the basis that the existing residential amenity of the residents of these properties was adversely affected by noise generated from aircraft using Queenstown Airport. According to the submitter, this would only get worse as the airport expanded its operations. Despite acoustic insulation, residents want to use and enjoy their properties and that includes outside use. Commercial tenants 'would likely be less affected than residential tenants from aircraft noise'.
208. No evidence was presented by the submitter in support of rezoning.

42.5. Discussion of Planning Framework

209. The land is zoned LDR in the PDP and is within the ASAN or OCB.
210. The Zone Purpose for the LDR zone, the largest zone in the District, states that it provides for both traditional and modern suburban densities and housing. Promotion of a high amenity low density residential environment is an objective. A further objective limits development within the ANB/OCB to discourage creation of new sites or infill development and require sound insulation and mechanical ventilation as necessary.
211. The LSC and BMU zones are the most likely options for commercial zoning in this neighbourhood. The LSCZ enables small scale commercial and business activities in discrete pockets of land that are accessible to residential areas and people in transit. The zone seeks to reduce the necessity for people to travel longer distances to town centres to purchase convenience goods and access services. Due to the nature of the Zone's locations in predominantly residential environments, standards limit the potential adverse effects on residential amenity and discourage the establishment of inappropriate activities. Visitor accommodation and residential activities are provided for in the Zone, adding to the vibrancy and viability of the Zone, whilst contributing to the diversity of housing options enabled by the District Plan.
212. The intention of the BMUZ is to provide for complementary commercial, business, retail and residential uses that supplement the activities and services provided by town centres. Higher density living opportunities close to employment and recreational activities are also enabled. Significantly greater building heights are enabled in the Business Mixed Use Zone in Queenstown, provided that high quality urban design outcomes are achieved. There are two areas of BMUZ in the PDP; Anderson Heights, Wanaka, and Gorge Road, Queenstown.
213. This block of land is primarily located within the ANB for Queenstown Airport however a small area is within the OCB.

43. ISSUES

- a. The most appropriate zone in this neighbourhood;
- b. Avoiding intensification of ASAN in this area
- c. Traffic

44. DISCUSSION OF ISSUES AND CONCLUSIONS

214. Before turning to consideration of the most appropriate zoning for this area, we note that the Council's traffic expert, Ms Wendy Banks, opposed rezoning from a traffic perspective. Her uncontested evidence was that taking into consideration the existing traffic and parking issues in and around Frankton Junction, rezoning to allow commercial activities would likely have a negative effect on the road network.⁴³
215. With respect to locating additional ASAN in this area, we accept the uncontested evidence of Ms Ruth Evans for the Council, who stated that *'either LSCZ or BMUZ could result in intensification of ASAN, as both zones provide for residential and visitor accommodation'*.⁴⁴ This outcome would be contrary to recommended Urban Development Objective 4.2.2B and in particular, Policy 4.2.2.2 which sets out the matters to have regard to when allocating zones within the UGB, including *'the need to make provision for the location and efficient operation of regionally significant infrastructure'*. LDR zoning minimises the number of dwellings within the ANB and limits the creation of new sites and infill development thus limiting the total number of dwellings exposed to aircraft noise.
216. We acknowledge that the LDRZ is intended to promote a high amenity low density residential environment and that high amenity values may not be achievable in the Frankton area due to exposure to aircraft noise. Acoustic insulation and mechanical ventilation deals with noise experienced inside buildings however the adverse effects of aircraft noise on outdoor activities cannot be avoided or mitigated within the ANB therefore the best planning strategy is to avoid any increase in the number of dwellings.
217. Mr Heath's evidence on commercial land capacity was also uncontested. He considered that there was sufficient commercially zoned land to meet current and likely future demand within the area presently zoned commercial. Specifically, he did not support *'office activity in this location, as there is plenty of capacity for offices in the LSCZ at 1 Hansen Road and also within the recommended Frankton North BMUZ'*.⁴⁵ In addition, Ms Evans said that rezoning to LSCZ would result in a large area of LSCZ that would not meet the purpose of this zone, which is to enable small scale business activities in pockets of land that are near residential areas and people in transit.⁴⁶ We accept this evidence and accordingly find that commercial rezoning of these properties in McBride Street would not achieve the Strategic Direction and Urban Development objectives and policies of the PDP.

45. RECOMMENDATION

218. For the reasons set out above, we recommend that:
- a. Submission 141.3 be rejected; and
 - b. FS1340.62 be accepted in part; and
 - c. LDR zoning be confirmed for the properties at 58 – 106 McBride Street, Frankton.

⁴³ W. Banks, EIC, 25 May 2017, paragraph

⁴⁴ R. Evans, Section 42A Report, 24 May 2017, paragraph 5.15

⁴⁵ R. Evans, Reply Evidence, paragraph 3.2 citing Mr Heath's advice relating to requests for provision of offices in McBride Street. Note that this Panel does not recommend additional BMUZ at Frankton North.

⁴⁶ R. Evans, Section 42A Report, 24 May 2017, paragraph 5.10

PART M: BRETT GIDDENS AND C & S HANSEN

Submitter **Brett Giddens (Submission 828) and C & S Hansen (Submission 840)**

Further Submissions

FS 1077.2 - Board of Airline Representatives of New Zealand (BARNZ) – opposed Submission 828

FS1340.153 - Queenstown Airport Corporation – re Submission 828

Opposed in part/supported in part. QAC remained neutral with respect to the zoning of this area as LSCZ provided it did not result in the intensification of ASAN in this area.

FS 1340.59, FS 1340.69 - Queenstown Airport Corporation - re Submission 840

Opposed in part/supported in part. QAC remained neutral with respect to the zoning of this area as LSCZ provided it did not result in the intensification of ASAN in this area.

46. PRELIMINARY MATTERS

46.1. Subject of Submissions

219. These submissions related to the land bound by McBride Street, Burse Street, Grey Street and State Highway 6, Frankton.

46.2. Outline of Relief Sought

220. Brett Giddens originally sought rezoning from LDRZ to LSCZ or as a secondary option a more appropriate higher density zone such as HDRZ or MDRZ or another zone or amended zone that would achieve their desired outcomes.

221. C & S Hansen sought rezoning from LDRZ to LSCZ for the same block of land.

222. At the hearing, counsel for C & S Hansen and Brett Giddens advised that the relief had been amended. The extent of the rezoning from LDRZ to LSCZ sought would now be confined to land located at 16, 18, 18B and 20 McBride Street.⁴⁷ Accordingly, we have addressed the submissions in terms of this amended scope.⁴⁸

46.3. Description of the Site and Environs

223. McBride Street intersects with SH6A at Frankton Junction, a local shopping centre located at a busy roundabout. It runs in a southerly direction parallel to SH6/Kawerau Road through an area of suburban housing until it meets the lakefront. Queenstown Airport is in close proximity.

224. The subject sites are bounded to the west or lakeside by McBride Street, to the east by the Frankton Bus Terminal, to the north by the QLDC unformed parking area (located within the LSCZ) and to the south by a residential property, 22 McBride Street.

225. Current land uses are:

- a. 16 McBride Street Dental surgery and commercial activities, consented 2004
- b. 18 McBride Street office activity, consented 2006 and varied 2009

⁴⁷ Legal Submissions for Christopher & Suzanne Hansen (840) and Brett Giddens (828), paragraph 1

⁴⁸ K Banks assessed the submission request for HDRZ or MDRZ in her Section 42A Report Group 1B and recommended these zones be rejected. The submitters did not pursue this aspect of their relief at the hearing therefore we have not addressed this issue here.

- c. 18 McBride Street current use is residential with consent granted for office activity in 2017⁴⁹
- d. 20 McBride Street current use is residential however we understand that an application for office activity was pending at the time of the hearing⁵⁰

226. The area is shown on Figure 6-15 below.



Figure 6-15 - Aerial photograph of the land subject to the submissions outlined in blue

46.4. The Case for Rezoning

227. When considering the most appropriate zoning, C & S Hansen stated that the Council had failed to take into account:

the changing nature of landuse along the eastern side of McBride Street, the location near Queenstown's most active bus terminal and the State Highway, and the existing commercial uses which operate under approved resource consents. Given the change in landuse coupled with the presence of an expanding road network the level of residential amenity has been significantly diminished while the QLDC continue to approve resource consents authorising the commercial creep further compromising the integrity of the low density residential zone.⁵¹

228. Brett Giddens made the same points in support of his position that LDR zoning is inappropriate. His submission also stated that LSCZ would:

reflect some of the current land uses, provide the opportunity for commensurate growth, enable activities to be undertaken that would complement the surrounding residential area while not detracting from the town centres, introduce activities that are not directly sensitive to airport operations, while being an appropriate location for commercial activity such that effects to the wider area would be minimal.⁵²

⁴⁹ Ibid, para 2; N. Geddes, EIC, 4 June 2017, paragraphs 3.5 – 3.7

⁵⁰ Legal Submissions for Christopher & Suzanne Hansen (840) and Brett Giddens (828), paragraph 2

⁵¹ Submission 840, paragraph 3.1

⁵² Submission 828, paragraph 12

229. Mr Giddens and Mr Hansen described similar experiences as residents/landowners. They both observed that the residential amenity of McBride Street had deteriorated in recent years albeit they acknowledged that recent traffic improvements had been beneficial for the area.
230. Evidence for the submitters discussed traffic and planning matters. The submitters' traffic engineer, Mr Jason Bartlett, described congestion in McBride Street as a result of traffic diverting or shortcutting to avoid SH6/Kawerau Road which was severely congested due to the roundabout at the SH6/SH6A junction. There were road humps on McBride Street to restrict access, traffic speeds and efficiency.⁵³
231. Mr Bartlett described several traffic improvements to relieve congestion in the general area including the new Kawerau Falls bridge, changes to the SH6/SH6a roundabout and provision of an alternative route to the airport via Hawthorne Drive. These changes are expected to relieve congestion on the state highway network and further reduce traffic flows in McBride Street.⁵⁴ He also said that proximity to the bus station, cycle paths and footpaths was an advantage for this location.
232. In his opinion, the proposed zone change would increase traffic generation and parking demand as a result of potential activities enabled by the zone change. However, compliance with the ODP's current planning provisions in Chapter 14 would result in acceptable traffic outcomes. He concluded:
- With these improvements I do not regard existing traffic and parking issues within the local road network as being a reason to reject these Submissions on transport grounds.*⁵⁵
233. Mr Nicholas Geddes focused on three key matters namely the supply of commercial land and whether rezoning this discrete pocket of land as LSCZ was material in terms of the NPSUDC's requirement to provide sufficient urban capacity, loss of residential amenity and recognition of existing commercial uses. He supported rezoning the properties as LSCZ and proposed amendments to the standards in Chapter 15 designed to manage the zone interface specifically for the subject sites. These provisions would require a 4.5m setback where a site adjoined a Residential zone, a road boundary setback of 4.5m and a maximum building height of 8m.⁵⁶ No analysis of the potential for ASAN to be established on the properties was provided.
234. Mr Geddes considered the costs and benefits of the BMUZ but did not recommend that option. As his clients limited their relief to seeking LSCZ on the subject sites, we have not given this option further consideration.
235. Mr John Kyle, a planning expert for Queenstown Airport Corporation, maintained that rejecting the rezoning would assist to appropriately protect airport operations from potential reverse sensitivity effects. In his opinion, this is justified because the airport is regionally significant infrastructure. Alternatively, he would support the rezoning request if it included appropriately drafted conditions that prohibit intensification of ASAN in this area at a higher rate or intensity than currently provided for in the ODP.⁵⁷

⁵³ J Bartlett, EIC, 9 June 2017, paragraph 12

⁵⁴ Ibid, paragraph 15

⁵⁵ Ibid, paragraph 31

⁵⁶ N. Geddes, Summary Statement, 14 August 2017, Attachment A

⁵⁷ J. Kyle, Rebuttal Evidence, 7 July 2017, paragraphs 2.5 – 2.7

236. The Council’s planning witnesses supported retention of the LDRZ and opposed any change of zoning, including a change to LSCZ. Ms Evans considered that intensification of ‘commercial’ activities would have a negative impact on residential amenity (building height, traffic), that there was no need to increase the area of LSCZ because there was sufficient commercial land zoned to meet projected demand for the next twenty years, an extension of the LSCZ in this location would detract from the role of Frankton Junction as a local shopping centre and LSC zoning could increase the likelihood of ASAN being established in this area contrary to notified Policy 4.2.6.1 of Chapter 4, Urban Development. This policy sought to protect the airport from the reverse sensitivity effects of ASANs.
237. Ms Kim Banks also opposed rezoning because the level of intensification provided for under the LDRZ was appropriate particularly because the area was within the OCB. This evidence related to the original request to rezone an entire block nevertheless her opinion on the effects of intensification within the OCB was still relevant.⁵⁸
238. Ms Evans also opposed the inclusion of bespoke provisions for offices in this location or in other residential zones for strategic reasons. She relied on Mr Heath’s evidence that there was plenty of capacity for office activity in this location, at 1 Hansen Road and also within the BMUZ at Frankton North recommended by the officers. In Mr Heath’s opinion, the McBride Street block did not have any unique attributes that warranted special provision for offices in the residential zone.⁵⁹
239. Ms Wendy Banks, traffic engineer, considered that LSC zoning was not appropriate because there was not enough evidence such as a transport analysis to support any change, the recent upgrades could alleviate traffic pressures in the area but were unproven and McBride Street was still a residential street.⁶⁰

46.5. Discussion of Planning Framework

240. As notified the land was zoned LDRZ in the PDP. In Chapter 7, as recommended, it is renamed the Lower Density Residential zone to more accurately capture the range of traditional and modern suburban densities and housing types enabled. Objective 7.2.1 provides for ‘*a mix of compatible suburban densities and a high amenity low density residential environment for residents...*’. Policy 7.2.1.2 encourages development that ‘*maintains suburban residential amenity values including predominantly detached building forms, and predominantly one or two storey building heights.*’ Policy 7.2.1.3 seeks to maintain amenity values between sites, in particular privacy and access to sunlight. A clear theme is the maintenance of suburban character and high amenity values.
241. Commercial activities are generally not anticipated other than those that are residential-compatible and small-scale (100m² or less gross floor area is a restricted discretionary activity), however may be accommodated where necessary to address a demonstrated local need provided residential amenity is not compromised.⁶¹ Objective 7.2.7 states that ‘*any commercial development in the zone is small scale and generates minimal amenity value impacts*’. Policy 7.2.7.1 requires that commercial activities directly serve the day to day needs of local residents provided these do not undermine residential amenity values or the viability of any nearby centre. Additional policies address traffic and parking effects, noise effects and compatibility of design, scale and appearance with the surrounding residential context. Home

⁵⁸ K. Banks, Section 42A Report Group 1B, 25 May 2017, paragraphs 19.1 – 19.11

⁵⁹ R. Evans, Reply Evidence, 6 October 2017, citing Mr Heath at paragraph 3.2

⁶⁰ W. Banks, Rebuttal Evidence, 7 July 2017, paragraphs 3.11 – 3.17

⁶¹ Recommended Chapter 7, LDRZ, Zone Purpose, final paragraph

occupations are a permitted activity. Overall, there is a clear direction enabling small-scale commercial activities to serve the local community provided these are compatible with their residential context and maintain high amenity values.

242. The subject sites are located within the Queenstown Airport OCB. Recommended Objective 7.2.2 states that development within the ANB and OCB is limited in recognition of severe amenity (noise) constraints now and also likely in the foreseeable future as a result of increasing intensity of operation and use. Policy 7.2.2.1 discourages the creation of any new sites or infill development within the ANB and between the ANB and OCB on land around Queenstown Airport. There are policies and supporting rules requiring mitigation of noise effects in buildings containing ASANs (Policies 7.2.2.2 & 7.2.2.3; Rule 7.5.4). The zoning strategy provides for LDRZ in the Frankton area because it is the most restrictive zone in terms of density of residential development therefore minimises the likelihood of ASANs being established within the ANB/OCB.
243. The LSCZ as recommended in Chapter 15 enables small scale commercial and business activities in discrete pockets of land that are accessible to residential areas and people in transit. The function of these local shopping centres is to meet the day to day needs of the community for convenient access to goods and services. These small scale centres should not undermine the role and function of town centres. One method for ensuring this outcome is to limit the gross floor area of individual retail and office activities (Policy 15.2.1.4 and Rule 15.5.10). Within the OCB, development is required to provide acoustic insulation (Rule 15.5.4).
244. We consider that LSC zoning at Frankton Junction commercial area is questionable given the purpose of that centre and its extent. Frankton Junction is more than a 'discrete pocket of land' providing for activities that meet local needs unlike the LSCZs at Fernhill and Sunshine Bay. Further, resource consent has been granted for offices on several Residentially-zoned sites adjoining the LSCZ indicating that this centre serves a different function to that anticipated by the zone. The available commercial zones are limited therefore LSCZ is the best of those options.

47. ISSUES

- a. Commercial land requirements and commercial zoning strategy
- b. Avoiding intensification of ASAN within the OCB
- c. Traffic effects
- d. Effects on residential amenity
- e. The most appropriate zone for these properties

48. DISCUSSION OF ISSUES AND CONCLUSIONS

245. Mr Geddes's bulk and location images showed the difference in development capacity between the notified LDRZ and the proposed LSCZ as amended in Appendix 4 of his Summary Evidence. Mr Giddens estimated the additional gross floor area to be 700 – 1200m². We agree with Ms Evans that the diagrams are confusing to read⁶² however they show in a general way

⁶² R. Evans, Rebuttal Evidence, 7 July 2017, paragraph 6.2

that offices and other commercial activities are feasible on the subject sites while mitigating loss of privacy and sunlight to 22 McBride Street.

246. The fundamental issue is not feasibility but whether there is any need at all to increase the supply of commercial land in Queenstown generally and in this area particularly. The commercial land requirements of the District were addressed by Mr Heath and Mr Osborne in the course of this hearing. Based on their uncontested evidence, we have concluded that there is sufficient land zoned for commercial activities in the PDP to meet the estimated demand in Wakatipu until 2038.⁶³ Thus, any party seeking rezoning from Residential to Business purposes has a difficult hurdle to overcome. It is necessary to show that rezoning a particular area of land is justifiable for other reasons.
247. The appropriateness of LSCZ for the McBride Street block was also considered by Mr Heath in his Reply evidence.⁶⁴ Allowing for LSCZ at 1 Hansen Road and for the possibility of BMUZ at Frankton North, he considered that rezoning this block of land would saturate the market. In light of the submitters' revised relief, Mr Geddes responded that rezoning this handful of sites would not be material in terms of land supply. Mr Heath however maintained his opinion that there was no justification for additional LSCZ at Frankton. Ms Evans recognised that rezoning would better provide for existing commercial uses but noted that rezoning would provide additional capacity, albeit small scale.⁶⁵ While rezoning has some appeal given the small land area involved, we consider that ad hoc increases in LSCZ around existing centres does not give due weight to the evidence-based planning approach required by the NPSUDC 2016 and the overall commercial zoning strategy.
248. At the hearing, we asked Mr Heath whether it would be appropriate to enable office activities on the subject sites (not the whole block) while retaining the LDR zoning. In his opinion, this would undermine the zoned provision for office activities. We agree. In our view, the extent of the Business zones together with provision for home occupations in Residential zones provides sufficient capacity and locational opportunities for small offices throughout the urban area. Accordingly, we consider that extending LSC zoning to include 16, 18, 18B and 20 McBride Street is not appropriate.
249. With respect to the risk of intensification of ASANs within the OCB, we agree with My Kyle for QAC that rejecting the rezoning would achieve this purpose for the reasons set out in his evidence.
250. The two traffic engineers more or less agreed in their descriptions of the existing traffic conditions in McBride Street and the surrounding area. They confirmed that traffic calming measures on McBride Street were helpful and that major upgrades recently completed or in the pipeline should reduce congestion in the area. With respect to rezoning to LSCZ, Mr Bartlett did not regard existing traffic and parking issues within the local road network as being a reason to reject the submission whereas Ms Wendy Banks considered McBride Street to still be a residential street and was concerned that the effectiveness of recent improvements was unproven as yet. We agree with Ms Banks that McBride Street is a residential street in an area of LDRZ, the purpose of which is to promote a high amenity low density living environment. It would be ironic if traffic calming measures designed to mitigate the adverse effects of traffic and parking overspill associated with proximity to a shopping centre were used as justification for extending the LSCZ further into the residential area.

⁶³ Report 17-1, Section 3

⁶⁴ T. Heath, Reply Evidence, 6 October 2017, paragraphs 4.1 – 4.3

⁶⁵ R. Evans, Rebuttal Evidence, 7 July 2017, paragraph 6.7

251. Effects on residential amenity were addressed by Mr Geddes insofar as his suggested amendments to Chapter 15 proposed standards for setbacks adjoining Residential zones, front yard setbacks and a maximum height of 8m. However, his evidence did not address the loss of residential character and increased intensity of usage that would result from the establishment of offices or other commercial activities. We agree with Ms Evans that the need to include additional bulk and location standards for these four sites indicated that there are potential adverse effects on residential amenity from the rezoning. We also agree with Ms Evans that the proposed amendments would not mitigate the effect of potential increased intensity of activity on these sites on the wider residential environment.⁶⁶
252. In our view, the most appropriate zone for these properties is LDR because this gives effect to the overall zoning strategy taking into account the lack of any need for additional commercial land supply and their location within the Queenstown Airport OCB. LDRZ also recognises the existing amenity values of this low density suburban environment with pleasant lake views.

49. RECOMMENDATION

253. For the reasons set out above, we recommend that:
- a. Submissions 828 and 840 be rejected; and
 - b. FS1077.2, FS1340.153, FS 1340.59 and FS 1340.69 be accepted; and
 - c. LDR zoning be retained for the submission sites as shown on Planning Map 31a.

⁶⁶ R. Evans, Rebuttal Evidence, 7 July 2017, paragraphs 6.4 and 6.7

PART N: SPENCE FARMS LIMITED AND NEW ZEALAND TRANSPORT AGENCY

Submitter Spence Farms Limited (Submission 698)⁶⁷ and New Zealand Transport Agency (Submission 719)

Further Submissions
None

50. PRELIMINARY MATTERS

50.1. Subject of Submissions

254. This submission related to a property at 1 Hansen Road⁶⁸ and the adjacent Frankton cemetery.

50.2. Outline of Relief Sought

255. The submission sought confirmation of all provisions as notified in Section 15 of the PDP unless otherwise submitted upon and all maps showing the extent of the LSCZ in Frankton. The matters that were 'otherwise submitted upon' were rules pertaining to Building Height, Residential and Visitor Accommodation activities and Acoustic Insulation). Panel Recommendation Report 11 addresses these rules in the context of various submissions on Chapter 15 Local Shopping Centre Zone and recommends their rejection.

256. The site-specific rules applicable to 1 Hansen Road were deferred for consideration by the Panel hearing submissions on Stream 13 Queenstown mapping.⁶⁹ The Panel had been advised that resource consents had been sought for the submission site that could result in a very different land use outcome therefore the notified site-specific LSCZ rules may well be inappropriate due to a change in the factual situation. In addition, the Panel considered that site specific submissions were best heard in parallel with submissions relating to the zoning of the land. For these reasons, the site-specific submission points were transferred to Stream 13.

257. In this report, we address the remaining rules specific to 1 Hansen Road that were transferred from Hearing Stream 8 to Hearing Stream 13:

- a. Policy 15.2.3.5;
- b. Rule 15.4.3.2;
- c. Rule 15.5.1 (in part);
- d. Reply Rule 15.5.4; and
- e. Rule 15.6.2.2 (in part)

258. In addition, the submission requested that the boundary of the Outstanding Natural Landscape as it applied to 1 Hansen Road and the Frankton Cemetery be moved so that it followed the toe of the slope and sat entirely within the proposed Rural Zone. We address this relief below.

⁶⁷ We were advised by Mr Edmonds that the new owner of this site was Staff Accommodation at Frankton Road Limited but have had no formal notification that this company is the successor to this submission under section 2A of the Act.

⁶⁸ Lot 1 DP 26426 and Part Section 5 Block XX1 Shotover Survey District. These lots are separated by an unformed paper road.

⁶⁹ Minute directing that certain submissions be transferred to mapping hearings dated 2 December 2016

259. A general submission point relevant to ‘all provisions’ sought ‘*alternative, amended or such other relief deemed more consistent with or better able to give effect to these submissions or the provisions referred to by these submissions.*’
260. The New Zealand Transport Agency⁷⁰ supported (with amendments in some instances) the provisions for 1 Hansen Road listed in paragraph 285 above except for Rule 15.6.2 re notification. Its key concern was ensuring that additional direct access points to the State Highway were not created and that development is coordinated with NZTA’s plans for reconfiguration of the Hansen Road/SH6 intersection. With respect to Rule 15.6.2, the Agency (as road controlling authority) sought status as an affected party where any application exceeded permitted building coverage.
261. No submissions were received seeking deletion of the specific provisions relating to the development of 1 Hansen Road.

50.3. Description of the Site and Environs

262. The submitter’s property and Frankton Cemetery have frontage to the northern side of SH6 between Terrace Junction shopping centre and Hansen Road. The City Impact Church complex lies to the north-east of the triangular lot that is separated from the main block by an unformed road (Section 5). Land to the east of Hansen Road is in the notified Rural Zone, including the two sites designated for electricity purposes. The Council’s playing fields and sports facility are opposite the submission site, on the southern side of SH6. The area is shown in Figures 6-16 and 6.17.



Figure 6-16 – Aerial photo showing the land subject to this submission outlined in blue

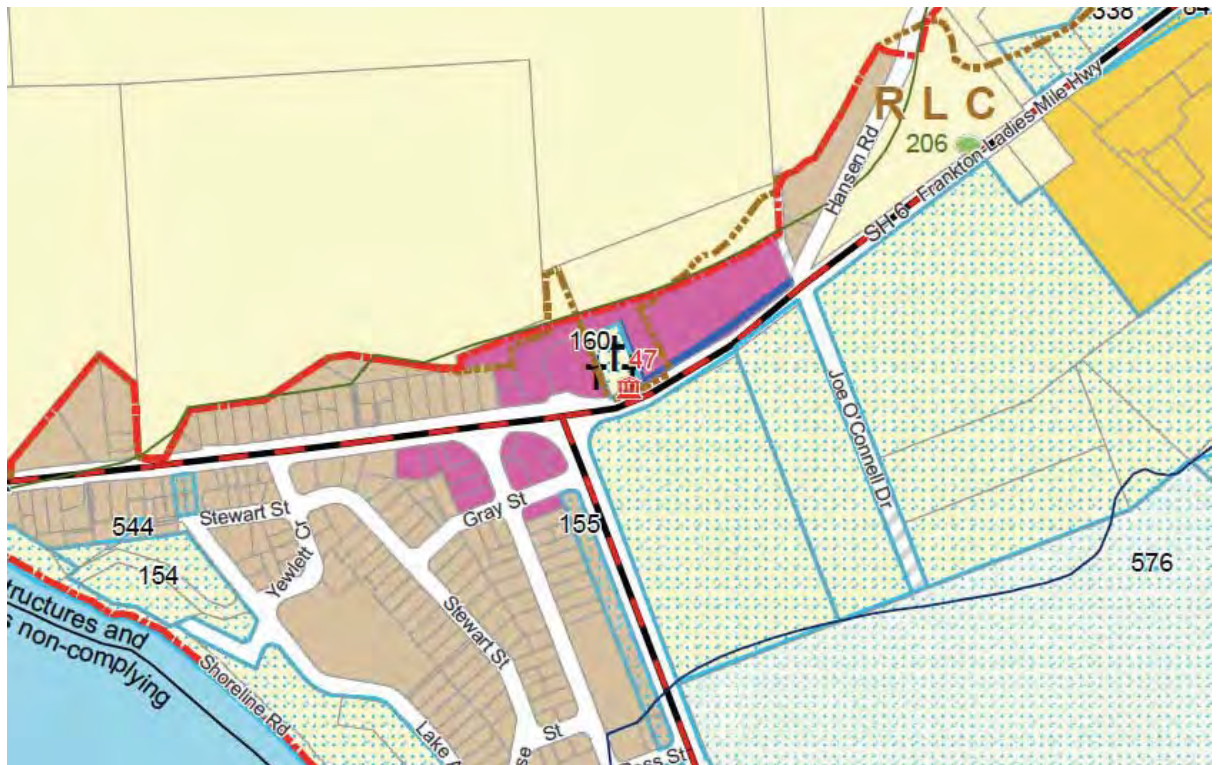


Figure 6-17 – Zoning map showing RZ, LSCZ and LDRZ applicable to 1 Hansen Road and Frankton Cemetery and the location of the notified ONL

50.4. The Case for Moving the ONL boundary

263. The submission stated that the proposed ONL transects 1 Hansen Road in an unusual and illogical manner. The areas identified for urban development under the Operative Plan and the Proposed Plan could not reasonably be considered ONL, nor could the Frankton Cemetery. Support for the provisions applicable to 1 Hansen Road was generally couched.

264. Mr John Edmonds appeared at the hearing to advise the Panel that the property had been purchased by Staff Accommodation at Frankton Road Limited. While he had no instructions from SAFRL and did not give evidence, he discussed zoning and ONL matters with reference to his tabled plans.⁷¹ Mr Edmonds was quite clear that while he was available to assist us, he was not presenting evidence for SAFRL. No landscape, transport or other evidence was presented on behalf of this submitter.

265. We understood from Mr Edmonds that the new owner had obtained resource consent for a 20-lot residential subdivision thus establishing its rights under the ODP, and for a 10-lot subdivision preparatory to making a land use application for residential development.

50.5. The location of the ONL line

266. We deal first with the location of the ONL line. Mr Edmonds described the alignment of the Arrow irrigation water race which traverses the site from east to west, marking a dramatic change from flat to steeply sloping land particularly in the Rural zoned portion of the site. He commented that the ONL 'popped out' into the Rural Zone to the immediate west of the submitter's site without any clear rationale. Mr Edmonds considered the water race to be a logical line for the ONL.⁷²

⁷¹ Exhibit 13.7, 9 August 2017

⁷² J. Edmonds, Hearing recording, 9 August 2017, session 4 commencing after 1 hour 6 minutes

267. For the Council, Dr Read and Ms Evans initially supported the notified alignment of the ONL because it was appropriately located. However, in her Reply evidence, Dr Read acknowledged that the notified ONL boundary in the vicinity of the Spence farm (now SAFRL) was not correctly located because it included the cemetery and followed an incoherent route through the submitter's site.⁷³ Her amended alignment followed the toe of the slope because this was the location of a distinct change in geology, topography and vegetation. Dr Read's revised ONL line was located mainly within the Rural Zone but did include some land in the LSCZ to the north of the cemetery.

50.6. The case for text amendments in Chapter 15

268. With respect to the provisions of Chapter 15, Ms Evans accepted and relied on the evidence of Ms Bowbyes presented in Hearing Stream 8 in relation to Objective 15.2.3, Rule 15.5.1 and Reply Rule 15.5.5 in her Section 42A report.⁷⁴ Her evidence focused on the vires of Rule 15.4.3.2 (development at 1 Hansen Road) and Rule 15.6.2 (notification).

50.7. Rule 15.4.3.2

269. Ms Evans considered there were issues with Rule 15.4.3.2 as drafted because it was framed more like an information requirement. She proposed amendments requiring a comprehensive development plan to be provided with any consent application for a building that address the matters of discretion. Some minor wording changes were also proposed to carry forward what had previously been required by the spatial layout plan.⁷⁵

270. NZTA supported the amended version of Rule 15.4.3.2 in the main but continued to seek an amendment clarifying the relationship with Rule 15.5.5 for the purpose of preventing vehicular access to SH6 from 1 Hansen Road. The Agency originally sought a rule restricting access to SH6 be included in Rule 15.4.3.2. This was rejected by Ms Bowbyes (Stream 8) and Ms Evans on the basis that access is already restricted pursuant to Reply Rule 15.5.5 (development of Hansen Road). For the Agency, Mr Anthony MacColl said that the relationship between these two rules was unclear⁷⁶ therefore he recommended the following addition to Rule 15.4.3.2:

Discretion is restricted to consideration of the following in addition to the matters in Rule 15.4.3.1 above and compliance with the Standards in Rule 15.5:

271. In her rebuttal evidence⁷⁷, Ms Evans said:

I do not agree that reference to the standards is required within the activity rules. The Proposed District Plan (PDP) is made up of activities and standards, that work together to manage development. I note that in the case of Chapter 15, this is clarified by Advice Note 15.3.2.1, which states that "Where an activity does not comply with a Standard listed in the Standards table, the activity status identified in the 'Non-Compliance Status' column shall apply". In this case, an activity that breaches Rule (Standard) 15.5.5 is a discretionary activity. I do not consider that any further clarification, or reference to this standard within Rule 15.4.3.2 is required.

⁷³ Dr M. Read, Reply Evidence, 6 October 2017, paragraph 9.1

⁷⁴ R. Evans, Section 42A Report, 24 May 2017, paragraphs 4.7 and 4.10

⁷⁵ R. Evans, Section 42A Report, 24 May 2017, paragraph 4.12

⁷⁶ A. MacColl, EIC, 9 June 2017, paragraph 42 (see paragraphs 38 – 47 for whole discussion)

⁷⁷ R. Evans, Rebuttal Evidence, 7 July 2017, paragraph 4.2

272. At the hearing, the Agency confirmed that it was satisfied with this position.⁷⁸ We agree with Ms Evans' explanation of the PDP's approach to managing the relationship between standards and activity rules and therefore no change to Rule 15.4.3.2 is required.

50.8. Rule 15.6.2

273. As notified, Rule 15.6.2 provided that building and building coverage matters that are RD activities shall not require the written consent of other persons and shall not be notified or limited notified. NZTA opposed this rule because it considered that it was appropriate for the road controlling authority to assess highway traffic effects when RD activity consent was sought. In the Stream 8 hearing, Ms Bowbyes agreed and proposed an amendment to Rule 15.6.2 excluding applications that exceed permitted building coverage between Hansen Road and Frankton Cemetery from this 'non-notification' clause (see Reply Rule 15.6.2). Ms Evans agreed with this approach in her evidence to hearing Stream 13. In her opinion, the only LSCZ that adjoins a State Highway is 1 Hansen Road, therefore the notification exception does not need to apply more broadly. Ms Evans also noted that the NZTA submission point was only on this particular LSCZ rule (i.e., Rule 15.6.2).⁷⁹

274. Mr MacColl confirmed in his planning evidence for NZTA that the Agency accepted Ms Bowbyes revised version of Rule 15.6.2.2.⁸⁰ The effect of this amendment would be to exclude from non-notification applications that exceeded permitted building coverage between Hansen Road and Frankton Cemetery, with any notification limited to the road controlling authority. However, Mr MacColl did not address the revised version of Rule 15.6.2.1 which related to buildings although the Agency's submission opposed the entire rule.

275. Notwithstanding there was agreement among the planners, we considered that this rule retained a deeming element because it specified the road controlling authority as an affected party. We also considered that the road controlling authority would have an interest in the construction of buildings on this land as provided for in Rule 15.4.3.2. Therefore, in our view, Rule 15.6.2.1 also required amendment. We discuss these matters below.

50.9. Discussion of Planning Framework

276. The land owned by SAFRL was subject to three zonings in the PDP; Rural, LSCZ and LDR (small triangle parcel) whereas the unformed road was not zoned. The part of the frontage of the SAFRL site to Frankton Road to the west of the unformed road is subject to a 6m building line restriction whereas the common boundary with the cemetery is subject to a 4m building restriction. The Queenstown Airport OCB aligns with the boundary between the LSCZ and Rural zones and cuts across the unformed road to align with the northern boundary of the triangle parcel. Frankton Cemetery was zoned Rural, designated as a cemetery reserve (#160) and recognised as an historic heritage feature (#47).

277. The Stage 2 Variations, as notified, proposed zoning the Frankton Cemetery as Community Purpose-Cemetery. The unformed road continues to be identified as 'unformed road' on Planning Map 33.

278. The Strategic Direction identifies the issue of growth pressure impacting on the functioning and sustainability of urban areas, and risks detracting from rural landscapes, particularly its outstanding landscapes. Another issue is that outstanding landscapes have intrinsic qualities and values worthy of protection in their own right, as well as offering significant economic

⁷⁸ Legal submissions, NZTA, 14 July 2017, paragraph 25

⁷⁹ R. Evans, Section 42A Report, 24 May 2017, paragraphs 4.8 – 4.9

⁸⁰ A. MacColl, EIC, 9 June 2017, paragraph 44

value to the District.⁸¹ The objectives and policies address these issues by, among other methods, providing for ONLs to be located with the Rural Zone (with some exceptions) and by using the UGB to delineate the planned extent of urban growth. Accordingly, the UGB, ONL line and Rural Zone boundaries are aligned unless there is good reason to depart from this convention.

279. The LSCZ enables small scale commercial and business activities in discrete pockets of land that are accessible to residential areas and people in transit. The zone seeks to reduce the necessity for people to travel longer distances to town centres to purchase convenience goods and access services. Due to the nature of the Zone's locations in predominantly residential environments, Zone standards limit the potential adverse effects on residential amenity and discourage the establishment of inappropriate activities. Visitor accommodation and residential activities are provided for in the Zone, adding to the vibrancy and viability of the Zone, whilst contributing to the diversity of housing options enabled by the District Plan. One method for ensuring this outcome is to limit the gross floor area of individual retail and office activities (Policy 15.2.1.4 and Rule 15.5.10). Within the OCB, development is required to provide acoustic insulation (Rule 15.5.4).
280. The submission site is located within the OCB. The LSCZ provisions address the management of ASANs seeking to locate within the OCB. As no change to the zoning is requested, the status quo prevails.

51. ISSUES

- a. The most appropriate alignment of the ONL boundary.
- b. The most appropriate textual provisions to ensure the desired outcomes are achieved when 1 Hansen Road is developed.

DISCUSSION OF ISSUES AND CONCLUSIONS

281. First, we note that no submitters sought rezoning of either the SAFRL site or Frankton Cemetery nor was there a request to change the location of the UGB. The changes requested related only to the provisions of Chapter 15 and the ONL boundary. No submitters sought the removal of the site-specific of Chapter 15 that apply to 1 Hansen Road.

51.1. The location of the ONL line

282. Dr Read recommends placing the ONL line at the toe of the slope as shown in Appendix 1 of her Reply Evidence. Her evidence was uncontested however we do not have scope to make the changes she is recommending because her revised ONL line would affect a landowner who is not party to this matter.
283. Ms Evans relied on Dr Read's recommended ONL line in forming her opinion that the submission point be accepted in part. Because there was still a portion of the ONL outside the Rural Zone (ie within the LSCZ), she did not recommend that the submission point be accepted in full.⁸²
284. According to Ms Evans, the particular area of LSCZ to the north of the cemetery was included in the LSCZ to facilitate access between 1 Hansen Road and the LSCZ to the west thereby

⁸¹ Chapter 3, Section 3.1 Issues 2 & 4

⁸² R. Evans, Reply Evidence, 6 October 2017, paragraph 2.2

enabling integrated development of the shopping centre.⁸³ It appears to us that using this land for an internal road and/or commercial development is at odds with its protection as an ONL. However, in forming her opinion in reply, Ms Evans did not evaluate these competing outcomes in the context of the PDP's Strategic Direction (Chapter 3), Urban Development objectives and policies (Chapter 4) and Landscape objectives and policies (Chapter 6).

285. Notified policy 6.3.1.2 provided for classification of the Rural zoned landscapes in the District as ONL, ONF or RLC. With few exceptions, ONLs are not identified within urban zonings in the PDP. This strategic direction was not challenged by submissions on Stage 1 and is not subject to the variation proposed in Stage 2 which amends only the Values (Chapter 6.2) and Rules (Chapter 6.2) for landscapes. Accordingly, the PDP's approach of aligning ONLs/ONFs and Rural zoning was confirmed in Panel Recommendation Report 3 on Outstanding Natural Landscapes and Features.⁸⁴
286. We consider that including an area of LSCZ within the ONL is both contrary to the strategic direction of the PDP and pointless because there are no assessment criteria relating to ONLs in that zone. Indeed, this is an example of the problem that arises when identification of the ONL is conflated with planning goals.
287. In this case, our hands are tied because the LSCZ and the location of the UGB were not challenged therefore planning goals will drive the location of the ONL in the western portion of Lot 1. Pragmatically, we conclude that the ONL, UGB and LSC/Rural zone boundary should be aligned from the western side of Lot 1 to the point where the ONL boundary heads north-east into the Rural Zone. In our view, the notified alignment of the ONL in the Rural zoned portion of Lot 1 section is satisfactory because it follows the Arrow water race, a clear line of demarcation.
- 51.2. Chapter 15 text**
288. By the end of the Stage 1 hearings, the Council and NZTA were generally in agreement on the wording of the provisions in Chapter 15 as they related to 1 Hansen Road. The only issue outstanding was the Panel's concern with the scope of Rule 15.6.2 and the vires of Rule 15.4.3.2 and Rule 15.6.2.2 as revised.
289. In the Stream 8 hearings, there was considerable attention given to the vires of a rule deeming that certain parties are exempt from 'non-notification rules' in the PDP (Rule 12.6). In the Council's legal submissions in reply, Ms Scott confirmed that section 77D of the Act does not allow a local authority to make a rule containing an exemption from non-notification for certain parties.⁸⁵ It is, however, open to a local authority to exempt certain activities. For example, Ms Vicki Jones recommended amending Rule 12.6.1.1 Queenstown Centre Zone so that the exemption would be framed in terms of vehicle access and egress on to a state highway rather than a party.
290. We concur with the Council's legal advice. Therefore, we consider that the revised wording of Rule 15.6.2.2 is problematic because it specifies a party not an activity. The root cause of the problem is the way in which the exceptions for 1 Hansen Road are provided for in Chapter 15. In Rule 15.4.3 Buildings as RD activities, there are two separate categories enabling a distinction to be made in Rule 15.6.2 in terms of notification. In comparison, Rule 15.5.1 Building Coverage makes no distinction between the general standard and the exception

⁸³ Ibid, para 2.3

⁸⁴ Recommendation Report 3; Section 8.5

⁸⁵ Reply Submissions for the Council, Business Zones, paragraphs 3.9 – 3.12

applicable to the land in the LSCZ between Hansen Road and Frankton Cemetery. In our view, Rule 15.5.1 should be divided into two sub-clauses in the same way as Rule 15.4.3. This would enable Rules 15.6.2.1 and 15.6.2.2 to provide for non-notification of applications relating to building and building coverage on all properties except 1 Hansen Road. The effect of these changes is that the Council would carry out a case by case assessment of the need to seek written approval and/or require notification of applications for Buildings and Building Coverage as RD activities at 1 Hansen Road.

291. Our recommended wording for Rule 15.5.1 Building Coverage is:

15.5.1.1 Maximum building coverage – 75%

Non-compliance status **RD**

Discretion is restricted to:

- a. The effects on the quality of the overall streetscape; and
- b. The ability to meet outdoor storage requirements.

15.5.1.2 Except that in the Local Shopping Centre Zone located between Hansen Road and Frankton Cemetery, the maximum building coverage shall be 50%

Non-compliance status **RD**

Discretion is restricted to:

- a. The effects on the quality of the overall streetscape; and
- b. The ability to meet outdoor storage requirements; and
- c. The traffic effects of additional building coverage, including the effects on the State Highway, with particular regard to the intersection between Hansen Road and State Highway 6.

292. Our recommended wording for Rule 15.6.2 is:

“15.6.2.2 Building coverage, except for applications to exceed permitted building coverage between Hansen Road and Frankton Cemetery (Rule 15.5.1.2)”

293. Our concern with Rule 15.4.3.2 is that the provisions relating to Spatial Layout Plans may be *ultra vires*. Given the lack of submissions and evidence on the rule we are not prepared to delete it, rather we recommend the Council reconsider both the *vires* of this rule and its relevance to the actual use of the site.

52. RECOMMENDATION

294. For the reasons set out above, we recommend that:

- a. Submission 698 be accepted in part to the extent that:
 - i. The ONL line be amended by aligning it with the UBG and Rural Zone boundary in the western segment of the northern boundary of 1 Hansen Road as shown on Planning Maps 31, 31a and 33; and
 - ii. LSC zoning be confirmed for the property known as 1 Hansen Road; and
 - iii. Rules 15.5.1 and 15.6.2 be amended as set out above; and
- b. Submission 719 be accepted in part to the extent that the wording of Rules 15.5.1 and 15.6.2 be amended as set out above.
- c. The Council consider whether Rule 15.4.3.2 should remain in the PDP, and if it does, whether the requirements contained within it are lawful.

PART O: MIDDLETON FAMILY TRUST

Submitter **Middleton Family Trust (Submission 338)**

Further Submissions

Remarkables Park Limited (FS1117.45) support,
Hansen Family Partnership (FS1270.75) support,
Oasis In The Basin Association (FS1289.24) oppose,
Queenstown Airport Corporation (FS1340.79) oppose,
Queenstown Park Limited (FS1097.150) support.

53. PRELIMINARY MATTERS

53.1. Subject of Submissions

295. These submissions related to an area of approximately 94.5ha between Lake Johnston and Tucker Beach Rd.

53.2. Outline of Relief Sought

296. Middleton Family Trust (338.2) sought the rezoning of 94.5 ha of land. It sought a combination of 76 ha Low Density Residential and 18 ha Rural Residential. Based on approximate yield calculations, the area of LDRZ could enable 1,156 dwellings and the RR 31 dwellings, over and above the notified Rural Zone. A proposed road access was identified within the submission, extending from Ladies Mile over Ferry Hill passing above and to the east of Lake Johnson to the proposed LDR zone.

297. Associated with the rezoning Submission 338.5 also opposed the ONL location on the submitter's land and requested that it be amended to reflect that approved by Environment Court decision C169/2000; and sought that the UGB line be aligned with the boundaries of the proposed LDRZ.

53.3. Description of the Site and Environs

298. The original submission site is on the northern slopes of land between Ferry Hill and the unnamed hill to the west, and generally to the north of Lake Johnson. It crosses a ridgeline and the northern part of the submission site lies on the slopes and terraces facing Tuckers Beach and the Shotover River valley.

299. The original submission site is shown on Figure 6-18 below.

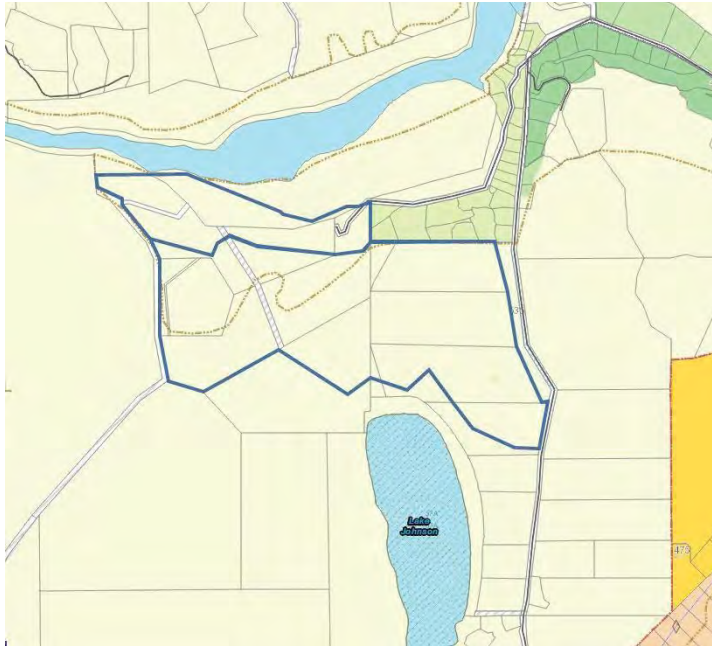


Figure 6-18 – Original Submission site in blue outline. The ONL is shown as a brown dashed line

- 300. The smaller polygon towards the top of the image is the proposed Rural Residential Zone. The larger polygon is the proposed Low Density Residential Zone.
- 301. A proposed road access was identified within the submission, extending from the Eastern Arterial (Hawthorne Drive) roundabout with SH6 and climbing steeply over Ferry Hill before descending and passing above and to the east of Lake Johnson to the proposed LDR zone. The location of this proposed road is shown on Figure 6-19.



Figure 6-19 – Location of proposed road (blue line)

53.4. Effect of Stage 2 of the PDP.

- 302. Since the submission was lodged and heard in the Stream 13 hearings, the Wakatipu Basin variation has been notified as part of Stage 2 of the variation. Some of this submission site is within the variation. As a result, the submission in respect of that part of the site is deemed to be a submission on the variation⁸⁶ and cannot be heard and decided in Stage 1. The southern boundary of the Wakatipu Basin variation is the ONL line which can be seen on Figure 6-18 above. All of the requested Rural Residential zone and part of the requested LDR zone is

⁸⁶ Pursuant to Clause 16B of the First Schedule to the Resource Management Act 1991

now included in the Wakatipu Basin variation and that part of the submission is deferred to the Stage 2 hearings. Only the part of the submission site outside of the Variation (within the ONL as notified) is considered in the balance of this recommendation.

303. The part of the submission site transferred to Stage 2 is shown in Figure 6-20.



Figure 6-20 – Part of Submission 338 transferred to Stage 2.

54. THE CASE FOR REZONING

54.1. Submitter

304. The case for the submitter largely centred on the perceived importance of substantially increasing the supply of residential land available for development in Queenstown. Evidence for the submitter by Mr Nick Geddes was to the effect that there is a large demand for housing sites and that a great deal of zoned residential land is being withheld by owners. Mr Geddes relied heavily on the NPSUDC 2016 which requires the Council to make available an adequate supply of serviced and available land for urban growth.

305. Mr Geddes acknowledged that adverse environmental effects might occur, particularly to the landscape, but that this could be mitigated to an extent by setting aside sensitive areas such as escarpments, and by planting.

306. Mr Geddes also said that though some natural hazards exist on the site these would be capable of being assessed and managed through the subdivision and consenting process.

307. At paragraph 5.42 of his evidence he stated

I accept that it is important to manage activities towards the protection of the areas single biggest asset the environment. However, I consider primary importance must also be placed on the needs of the community and the higher order provisions in the Act which include the provision of the social and economic wellbeing of a community as well as the preservation of landscapes.

308. Essentially this is an overall judgement approach, relying on section 5 of the RMA to bolster the conclusions he had also reached under the NPSUDC 2016. Mr Geddes found support for his approach in objectives in Chapter 3 of the PDP, particularly Objectives 3.2.6.1 and 3.2.6.2

which directly correlate to the obligations, objectives and policies of the NPSUDC 2016 discussed earlier.

309. Other expert evidence for the submitter was given by Mr Jason Bartlett on transport, and Mr Chris Hansen on servicing and infrastructure. Mr Bartlett said that two access roads would potentially be available to the new residential area, one via the new road over Ferry Hill to the Hawthorne Rd roundabout, and the second via Tucker Beach Rd to SH6. He acknowledged that both would increase traffic through those intersections and that further study would be required to establish whether either of these intersections would have the capacity to handle the additional traffic. He recognised that other development proposals at North Frankton would also be relying on the Hawthorne Drive roundabout and there may not be capacity for both those developments and the current proposal. He described intersection improvements already under consideration by NZTA at the Tucker Beach Rd intersection with SH6.
310. Mr Hansen said that it would be feasible to construct urban services for wastewater, stormwater, water supply, electricity and communications on the site and that the Council's wastewater treatment plant would have capacity to service the site after already-planned upgrades which would provide greater capacity and safety there.

54.2. Oasis in the Basin

311. Oasis in the Basin (Oasis) is a small group of people who are recreational users of the Lake Johnson area and have concerns about the effects of any potential development on the natural values of the area. Evidence for the Association was given by Mr Warwick Goldsmith, a resident of the area, Mr Stephen Skelton, a landscape architect and Mr Andy Carr, a traffic engineer.
312. Mr Goldsmith said that Oasis was not opposing any development that would be outside the ONL. As we have noted earlier, this would be in the northern part of the submission site that has been overtaken by the Wakatipu Basin Variation, and that part of the submission is now deferred to the Stage 2 hearings.
313. Mr Goldsmith said that Lake Johnson is a hidden jewel in the middle of the Wakatipu Basin that is well used by the public for walking, photography, fishing and canoeing, and that it has potential for more use as Queenstown grows and with improvements to access, directions, promotion and management. He said that the enjoyment of the area is heavily dependent on the outstanding natural values of the surrounding area including the submission site. The proposed LDR development would be clearly visible from the vicinity of the site and would severely compromise the quiet enjoyment of its values.
314. Mr Skelton discussed the glacial origins of the lake and the surrounding mountains. He said the lake was virtually invisible except from above, and the openness of the surrounding hills added to the sense of quiet isolation at the lake. He said that although the submission site was in a pastoral farm, the open and relatively unmodified nature of this meant that the land and its glacial formation remained very legible. He described how the site provided a pleasant open foreground to views from the Shotover valley and Wakatipu Basin to the north which helped to frame the views through to the much appreciated Remarkable Mountains to the south. From the south the site is part of a pleasant open and rural edge to the Frankton Flats. He considered the ONL was correctly placed east of Hansen Road where the submitter seeks to have it relocated, as it generally follows the topographic transition between the glacier overridden schist landform and the alluvial fans and terraces bordering the Shotover River. He

considered that the proposed road up the side of Ferry Hill would be an unacceptable intrusion into the ONL there.

315. Overall, he considered that development of the scale proposed would have very high adverse effects on the character and quality of the ONL as it would enable built development to cloak and modify the legible landform, would result in a significant loss of the rural character of the landscape and would impinge on the natural, open character of Lake Johnson. The visual amenity as experienced from public and private places north and northeast of the site would be adversely affected to a moderate to high degree as the rural context and open, natural character of the slopes which hold the Basin would be greatly degraded and the type of development proposed would detract from the distant views of the dramatic mountains.
316. Mr Carr discussed the roading implications of the proposal. He said that the proposed road up Ferry Hill would be steep and high, rising at least 100 metres to the highest point and very expensive to construct. It was his opinion that if the development was to proceed then access should be confined to the Tucker Beach Road end of the site, provided that the proposed improvements to its intersection with SH6 take place. He considered that upgrade would enable the intersection to easily absorb the increased traffic. We note, however, that under the Wakatipu Basin Variation, most of the intervening land is proposed to be zoned Wakatipu Basin Rural Amenity, which is proposed to have a very low density of one household per 80 ha. This may make it uneconomic to build a road across that land to reach what remains of this submission site.
317. Mr Jeffrey Brown, a planning consultant, gave evidence for Oasis. He said that the LDR zoning is proposed on land that is reasonably close to Frankton Corner and to the Frankton Flats zones, and that it could provide for a large number of residential sites which would contribute to the housing needs of the District. This would be a positive effect of the proposal. He accepted that the land may be able to be efficiently accessed and serviced, although there was insufficient information to determine if the traffic and infrastructure effects would be adverse or not.
318. The land is within the ONL. He agreed with Mr Skelton and Dr Read for the Council that the LDR zoning in this location, and the access road to it, would have very high or significant adverse effects on the landscape values of the ONL, and on the rural amenity values of Lake Johnson and its environs. He agreed with Mr Goldsmith that the zoning would also urbanise an existing undeveloped area and would foreclose the opportunity for Lake Johnson, its margins and its wider naturalness to be an undeveloped and remote “getaway” close to the urban settlement areas of Queenstown and Frankton. Overall, the very high (or significantly) adverse effects of the LDR zoning on the landscape values of the area outweighed any positive effects of the zoning, in his view.
319. He analysed the higher order strategic objectives and policies in Chapter 3 of the PDP, particularly those relating to urban growth and landscape protection and concluded that that the LDR zone would not fulfil the PDP’s Strategic Direction goals of “strategic and integrated management of urban growth” or “distinctive landscapes are protected from inappropriate development”.
- 54.3. Council**
320. The evidence for the Council was given by Dr Marion Read on landscape, Ms Wendy Banks on transport, Mr Ulrich Glasner on infrastructure, Mr Glen Davis on ecology and Ms Kimberley Banks on planning.

321. Mr Glasner was not able to support the zoning in the absence of detailed modelling to demonstrate the feasibility of providing services.
322. Mr Davis did not oppose the proposal in the absence of any significant indigenous vegetation communities on the site.
323. Ms Wendy Banks opposed the submission based on the size of the area sought for residential zoning. She identified that the anticipated vehicle trips generated by the proposed rezoning would account for 69% of the total existing trips on the Hawthorne Drive roundabout. We note that the reduced size of the site we are now dealing with would reduce that proportion, but it would obviously remain a very relevant issue especially given the likelihood of other developments at North Frankton also having to rely on that roundabout.
324. Dr Read opposed this submission in part. Dr Read opposed the proposed LDRZ, but was however not opposed to the areas of RR zoning. Given that we are considering only part of the proposed LDRZ and not the northern area which contains the balance of the LDRZ and all of the proposed RR, we take that to mean that Dr Read opposed the remaining part of the submission in full.
325. Dr Read identified the location as being within the backdrop to highly valued views within the Wakatipu Basin, including those seen from Littles and Domain Roads. It was her opinion that the LDRZ would have significant adverse effects on the character and quality of the landscape. Additionally, she considered the proposed access road crossing the upper terraces of Ferry Hill and around Lake Johnson to also have significant effects on the ONL as seen from both the Wakatipu Basin and from within Frankton.
326. In her planning report, Ms Kimberley Banks acknowledged that the proposal would on face value have some merit in terms of connectivity and proximity to services, amenities and existing residential areas. However, in her opinion the provision of housing capacity was not the sole consideration in the application of zoning, and in this instance she considered that Goal 3.2.5 of the PDP "*the protection of our distinctive landscapes from inappropriate development*" in combination with Goal 3.2.4 to be of greater comparative significance. She did not accept a pressing need to realise this scale of capacity, where realising this is likely to come only with significant costs to the landscape. She believed that such an intensity of development in this location to be inappropriate and therefore she recommended that we reject the areas of proposed LDRZ.
327. Ms Rosie Hill, legal counsel for Oasis also discussed the latter point extensively in legal submissions. She said that the NPSUDC 2016 has to be read in conjunction with Part 2 of the RMA. The NPSUDC 2016 does not address the values in section 6 of the RMA at all. In this case the relevant subsection is s6(b), the protection of outstanding natural landscapes from inappropriate development. The Council is required to give effect to the NPSUDC 2016 but also to Part 2. In her view, the submitter had not provided sufficient evidence of a compelling need to rezone this land despite the existence of the ONL. She referred to the evidence of Mr Phil Osborne for the Council on dwelling capacity, which was to the effect that there was sufficient zoned and available residential land to satisfy the requirements of the NPSUDC 2016. She submitted we should prefer Mr Osborne's evidence to that of Mr Geddes, because of its greater rigour and Mr Osborne's better qualifications to carry out such research. She pointed out that the Council is completing a detailed assessment of development capacity as required by the NPSUDC 20016 and is due to report on this by December 2018. Consequently she said

that the submitter had not made out a case that in this instance the needs for further residential land in Queenstown should overcome the requirements of Part 2 of the RMA and the relevant landscape identification and protection objectives in Chapter 3 of the PDP.

54.4. Discussion of Planning Framework

328. Recommended Objective 3.2.2 is that *Urban growth is managed in a strategic and integrated manner*. Under this, Objective 3.2.2.1 requires that *Urban development occurs in a logical manner so as to:*

- *promote a compact, well designed and integrated urban form;*
- *build on historical urban settlement patterns;*
- *achieve a built environment that provides desirable, healthy and safe places to live, work and play;*
- *minimise the natural hazard risk, taking into account the predicted effects of climate change;*
- *protect the District's rural landscapes from sporadic and sprawling development; and*
- *ensure a mix of housing opportunities including access to housing that is more affordable for residents to live in;*
- *contain a high quality network of open spaces and community facilities; and.*
- *be integrated with existing, and planned future, infrastructure.*

329. Objective 3.2.5 is: *The retention of the District's distinctive landscapes*. Objective 3.2.5.1 is: *The landscape and visual amenity values and the natural character of Outstanding Natural Landscapes and Outstanding Natural Features are protected from adverse effects of subdivision, use and development that are more than minor and/or not temporary in duration.*

54.5. The Operative and Proposed Otago Regional Policy Statements

330. The Operative Otago Regional Policy Statement must be given effect to⁸⁷. This states

5.4.3 To protect Otago's outstanding natural features and landscapes from inappropriate subdivision, use and development.

331. The related policies identify the characteristics of ONFs and landscapes, but do not identify what is inappropriate. Effectively this restates s6(b) of the RMA, but it remains necessary to determine what is inappropriate, and there is no mandatory guidance here as to what the outcome of the case should be.

332. The Proposed Regional Policy Statement takes a very similar approach. Objective 2.2 and its related policies are;

Objective 2.2

Otago's significant and highly-valued natural resources are identified, and protected or enhanced

Policy 2.2.4

Managing outstanding natural features, landscapes, and seascapes Protect, enhance and restore the values of outstanding natural features, landscapes and seascapes, by:

⁸⁷ Section 75(3)(c) of the RMA

- a. *Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape; and*
- b. *Avoiding, remedying or mitigating other adverse effects on other values; and*
- c. *Assessing the significance of adverse effects on values, as detailed in Schedule 3; and*
- d. ...
- e. ...
- f. *Encouraging enhancement of those areas and values.*

333. Schedule 3 contains a set of criteria for assessing the significance of adverse effects.

334. As the proposed RPS is not yet operative, and is subject to appeal, we do not consider it should be given significant weight. In any case, it contains no specific direction that would determine this case. It will still be necessary to consider whether the proposed development would be appropriate in the ONL. At most, the Schedule 3 criteria might assist in that consideration.

55. ISSUES

- a. Landscape
- b. Transport
- c. Dwelling Capacity

56. DISCUSSION OF ISSUES AND CONCLUSIONS

335. As we have already noted the NPSUDC 2016 requires the Council to monitor the availability of land for development and ensure a sufficient amount of land is zoned, serviced and available. We have discussed the NPSUDC 2016 extensively in our introduction to this report.⁸⁸ We concluded in that report that Queenstown has sufficient land available for development for the present. The Council is still carrying out its investigation and reporting required under the NPSUDC 2016. Even if the outcome of the Council's investigation is a conclusion that more land needs to be found, the Council would still need to consider where the most appropriate sites would be, which might or might not include this one. Therefore we do not think it necessary to take any precipitate action on this submission simply to satisfy the perceived shortfall.

336. With regard to landscape, the submitter did not provide any expert evidence on this. The evidence of both Dr Read for the Council and Mr Skelton for Oasis was clear and convincing. Both concluded that there would be significant adverse effects on the ONL from this proposal. We accept and adopt their conclusions.

337. With regard to roading capacity, even Mr Bartlett for the submitter considered that further investigation would be required into the capacity effect at the Hawthorne Drive roundabout before this proposal could go ahead. Ms Wendy Banks for the Council agreed with that. Mr Carr for Oasis in the Basin was more concerned about the difficult alignment of this road, and considered that alternative access to the site should be restricted to via Tucker Beach Rd. Because of the situation with the Wakatipu Basin variation we cannot rely on that alternative at this stage. Therefore the proposal is premature on the roading issue alone.

338. In these circumstances we do not need to discuss servicing or any other issues.

⁸⁸ Report 17-1, Section 3

57. RECOMMENDATION

339. For the reasons set out above, we recommend that:
- a. Submissions 338.2 and 338.5 be rejected; and
 - b. FS1117.45, FS1270.75 and FS1097.150 be rejected; and
 - c. FS1289.24 and FS1340.79 be accepted

PART P: KEITH HINDLE AND DAYLE WRIGHT

Submitter Keith Hindle and Dayle Wright (Submission 476)

Further Submission

None

58. PRELIMINARY MATTERS

58.1. Subject of Submissions

340. These submissions originally related to an area of approximately 3.03 ha being part of 111 Tucker Beach Rd. The majority of the site has been included in the Wakatipu basin Variation and that part of the current submission is deemed to be a submission on that variation. A small residue of the site containing 0.56ha is outside the Wakatipu Variation and remains to be dealt with in Stage 1.

58.2. Outline of Relief Sought

341. The submitter requested that this land be re-zoned to Rural Residential Zone with a minimum lot size of 3000m²; and that proposed Planning Map 31 – Lower Shotover be amended to identify the specific area identified within Attachment 1: Proposed Rural Residential Zone Location Map.

58.3. Description of the Site and Environs

342. The site is in Tucker Beach Rd to the north of the ODP Quail Rise Zone, as shown on Figure 6-21.

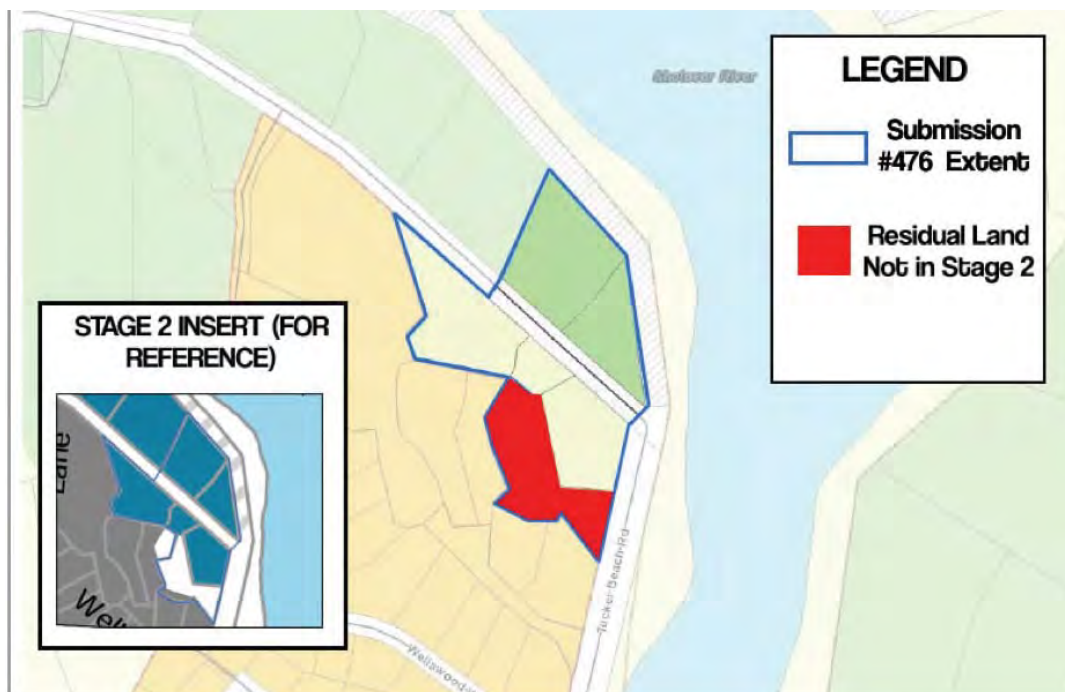


Figure 6-21 – Submission site remaining in Stage 1

58.4. The Case for Rezoning

343. The submission stated that the land would make an appropriate and logical transition between the Quail Rise Zone and the Rural Zone in terms of a gradual reduction in density, that the site

could be developed to a density of one site per 3000m² with no more than minor adverse effects and that there was no need for discretionary activity assessment. No further information or evidence was received from the submitter.

344. For the Council, there was no evidence in opposition in respect of landscape, ecology, traffic or infrastructure.

345. In his planning report, Mr Buxton considered retention of the Rural Zoning would be preferable because it would enable more robust analysis of the landscape implications of any subdivision applications.

58.5. Discussion of Planning Framework

346. The site is in the Rural Character Landscape. Strategic Objectives and Policies in Chapters 3 and 6 seek to maintain or enhance the rural character and visual amenity values by directing new development into areas that can absorb it without material detracting and to identify those areas that cannot absorb change.⁸⁹

347. If the site remains zoned Rural then applications for further subdivision and development would be discretionary and subject to landscape assessment criteria. Under the Rural Residential zoning, subdivision would be restricted discretionary and subject to a range of objectives, policies and rules designed to maintain and enhance landscape character and amenity and manage visual prominence including by controlling colour, scale, location and height⁹⁰. Similar provisions exist in Chapter 27 to manage effects at the time subdivisions are approved.

59. ISSUES

348. Landscape

349. Appropriate zoning for the site

60. DISCUSSION OF ISSUES AND CONCLUSIONS

350. With regard to landscape we note that this area has not been identified as an area that is not able to absorb change, and that Dr Read considered the area would be able to absorb change under Rural Residential Zone provisions without more than minor adverse effects.

351. Since the time of writing the Section 42A Reports, the zoning of land in the immediate vicinity to the north has been proposed to be changed from Rural Lifestyle, with an average density of one lot per 2ha, to Wakatipu Basin Lifestyle Precinct⁹¹ with an average density of one lot per 1 hectare. We cannot assume that this variation will be approved. However we do note that land in that part of the zone is already subdivided to a density greater than provided for by the Variation. The sites range in size from 3794m² to 7491m² according to Mr Buxton's report.⁹² Rural Residential development on the remaining portion of the submission land to a similar density might result in a very small number of additional allotments. Given the landscape evidence supports this we consider it would be appropriate. However, we have no evidence at all to support the requested change in minimum lot size from 4000m² to 3000m², or the

⁸⁹ Objective 3.2.5.2 and Policies 3.3.23, 6.3.18 and 6.3.19

⁹⁰ Objective 22.2.1, policies 22.2.1.1, 22.2.1.5, Rules 22.5.1-22.5.11

⁹¹ Stage 2 Variations

⁹² R Buxton, Section 42A report, paragraph 15.11

requested change in status to controlled activity. Proposals to subdivide to a smaller lot size can be made and considered through the resource consent process.

61. RECOMMENDATION

352. For the reasons set out above, we recommend that Submission 476 be accepted in part by rezoning the land not affected by Stage 2 as Rural Residential.

PART Q: SUMMARY OF RECOMMENDATIONS

354. For the reasons set out above, we recommend that:
- a. Submission 455 and Further Submissions 1270 and 1340 be accepted, and Further Submission 1092 be rejected in part (refer Part B);
 - b. Submission 8 be rejected, and Submissions 140, 177, 391, 399, 408, 717, 751 and 847 and Further Submissions 1270, 1029, 1061, 1062, 1195, 1271, 1340, 1092, 1077 and 1189 be accepted in part (refer Part C);
 - c. Submission 501 and Further Submissions 1102, 1189, 1195, 1270 and 1289 be accepted in part (refer Part D);
 - d. Submission 488 be rejected and Further Submission 1340 be accepted (refer Part E);
 - e. Submissions 344 and 720 be rejected, and Further Submission 1077 be accepted (refer Part F);
 - f. Submission 418 and Further Submissions 1117 and 1340 be rejected (refer Part G);
 - g. Submission 140 be accepted (refer Part H);
 - h. Submissions 586 and 775 be rejected (refer Part I);
 - i. Submission 238 be rejected, and Submissions 24, 35, 36, 43, 55 and 85 and Further Submissions 1107, 1226, 1234, 1241, 1242, 1248, 1249 and 1340 be accepted (refer Part J);
 - j. Submission 128 be rejected and Further Submissions 1077 and 1340 be accepted (refer Part K);
 - k. Submission 141 be rejected and Submission 1340 be accepted in part (refer Part L);
 - l. Submissions 828 and 840 be rejected, and Further Submissions 1077 and 1340 be accepted (refer Part M);
 - m. Submissions 698 and 719 be accepted in part (refer Part N);
 - n. Submission 338 and Further Submissions 1117, 1270 and 1097 be rejected, and Further Submissions 1289 and 1340 be accepted (refer Part O);
 - o. Submission 476 be accepted in part (refer Part P).
355. As a consequence of those recommendations, we recommend that:
- a. the Frankton North area be zoned as shown on the map in Appendix 2, and the Landscape Classification line follow the UGB as shown in Appendix 2; and
 - b. The portion of 111 Tucker Beach Road not subject to Stage 2 be zoned Rural Residential.
356. We recommend that the amendments to Chapters 8, 15, 16 and 27 as shown in Appendix 1 be adopted to give effect to the above recommendations.
357. We further recommend that:
- a. The Council consider whether Rule 15.4.3.2 should remain in the PDP, and if it should, whether the requirements contained in the rule are lawful; and
 - b. The Council reconsider the zoning of properties in and around Glenda Drive zoned Rural in the PDP when it reviews the industrial zones.

For the Hearing Panel



Denis Nugent (Chair)

Dated: 4 April 2018

Appendix 1

Recommended Amendments to Chapters 8, 15, 16 and 27

Provisions to be confirmed or inserted in Chapter 8:

- 8.2.8 Objective** - The development of land fronting State Highway 6 (between Hansen Road and Ferry Hill Drive) provides a high quality residential environment which is sensitive to its location at the entrance to Queenstown, minimises traffic impacts to the State Highway network, and is appropriately serviced.

Policies

- 8.2.8.1 Encourage a low impact stormwater design that utilises on-site treatment and storage/dispersal approaches.
- 8.2.8.2 Avoid the impacts of stormwater discharges on the State Highway network.
- 8.2.8.3 Provide a planting buffer along the State Highway frontage to soften the view of buildings from the State Highway network.
- 8.2.8.4 Provide for a safe and legible transport connections that avoid any new access to the State Highway, and integrates with the road network and public transport routes on the southern side of State Highway 6.

Note: Attention is drawn to the need to consult with the New Zealand Transport Agency (NZTA) prior to determining an internal and external road network design under this policy.

Note: Attention is drawn to the need to obtain a Section 93 notice from the NZ Transport Agency for all subdivisions on State Highways which are declared Limited Access Roads. The NZ Transport Agency should be consulted and a request made for a notice under Section 93 of the Government Roading Powers Act 1989.

- 8.2.8.5 Require that the design of any road or vehicular access within individual properties is of a form and standard that accounts for long term traffic demands for the area between Hansen Road and Ferry Hill Drive, and does not require the need for subsequent retrofitting or upgrade.
- 8.2.8.6 Require the provision of a safe and legible walking and cycle environment links to the other internal and external pedestrian and cycle networks and destinations on the southern side of State Highway 6 along the safest, most direct and convenient routes.
- 8.2.8.7 Require the provision of an internal road network that ensures road frontages are not dominated by vehicular access and parking.
- 8.2.8.8 Ensure coordinated, efficient and well-designed development by requiring, prior to, or as part of subdivision and development, construction of the following to appropriate Council standards:

- a. A 'fourth leg' off the Hawthorne Drive/State Highway 6 roundabout;
- b. All sites created in the area to have legal access to either Hansen Road or the Hawthorne Drive/State Highway 6 roundabout; and
- c. New and safe pedestrian connections between Hansen Rd and the southern side of SH6, and the Hawthorne Drive/State Highway 6 roundabout, Ferry Hill Drive and the southern side of State Highway 6.

8.2.8.9 Encourage the creation of a legal internal road between Hansen Rd and Ferry Hill Drive.

8.5.3	<p>Development on land north of State Highway 6 between Hansen Road and Ferry Hill Drive shall provide the following:</p> <p>8.5.3.1 Transport, parking and access design that:</p> <ul style="list-style-type: none"> a. Ensures connections to the State Highway network are only via Hansen Road, the Hawthorne Drive/State Highway 6 Roundabout, and/or Ferry Hill Drive b. There is no new vehicular access to the State Highway Network. <p>8.5.3.2 Where a site adjoins State Highway 6, landscaping planting buffer fronting State Highway 6 as follows:</p> <p>A density of two plants per square metre located within 4m of the State Highway 6 road boundary selected from the following species:</p> <ul style="list-style-type: none"> i. Ribbonwood (<i>Plagianthus regius</i>) ii. <i>Corokia cotoneaster</i> iii. <i>Pittosporum tenuifolium</i> iv. <i>Grisilinea</i> v. <i>Coprosma propinqua</i> vi. <i>Olearia dartonii</i> <p>Once planted these plants are to be maintained in perpetuity.</p>	NC
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Provisions to be included in Chapter 15:

- 15.5.1.1** Maximum building coverage – 75%
 Non-compliance status **RD**
 Discretion is restricted to:
- a. The effects on the quality of the overall streetscape; and
 - b. The ability to meet outdoor storage requirements.

15.5.1.2 Except that in the Local Shopping Centre Zone located between Hansen Road and Frankton Cemetery, the maximum building coverage shall be 50%

Non-compliance status **RD**

Discretion is restricted to:

- d. The effects on the quality of the overall streetscape; and
- e. The ability to meet outdoor storage requirements; and
- f. The traffic effects of additional building coverage, including the effects on the State Highway, with particular regard to the intersection between Hansen Road and State Highway 6.

Rule 15.6.2 is:

"15.6.2.2 Building coverage, except for applications to exceed permitted building coverage between Hansen Road and Frankton Cemetery.

Provisions to be included in Chapter 16:

16.2.3 Objective - The development of land north of State Highway 6 (between Hansen Road and Ferry Hill Drive) provides a high quality environment which is sensitive to its location at the entrance to Queenstown, minimises traffic impacts to the State Highway network, and is appropriately serviced.

Policies

16.2.3.1 Encourage a low impact stormwater design that utilises on-site treatment and storage / dispersal approaches.

16.2.3.2 Avoid the impacts of stormwater discharges on the State Highway network.

16.2.3.3 Provide a planting buffer along the State Highway frontage to soften the view of buildings from the State Highway network.

16.2.3.4 Provide for safe and legible transport connections that avoid any new access to the State Highway, and integrates with the road network and public transport routes on the southern side of State Highway 6.

Note: Attention is drawn to the need to consult with the New Zealand Transport Agency (NZTA) prior to determining an internal and external road network design under this policy.

Note: Attention is drawn to the need to obtain a Section 93 notice from the NZ Transport Agency for all subdivisions on State Highways which are declared Limited Access Roads. The NZ Transport Agency should be consulted and a request made for a notice under Section 93 of the Government Roadway Powers Act 1989.

16.2.3.5 Require that the design of any road or vehicular access within individual properties is of a form and standard that accounts for long term traffic demands for the area between

Hansen Road and Ferry Hill Drive, and does not require the need for subsequent retrofitting or upgrade.

16.2.3.6 Provide a safe and legible walking and cycle environment that links to the other internal and external pedestrian and cycle networks and destinations on the southern side of State Highway 6 along the safest, most direct and convenient routes.

Note: Attention is drawn to the need to consult with the New Zealand Transport Agency (NZTA) to determine compliance with this policy.

16.2.3.7 Require the provision of an internal road network that ensures road frontages are not dominated by vehicular access and parking.

16.2.3.8 Ensure coordinated, efficient and well-designed development by requiring, prior to, or as part of subdivision and development, construction of the following to appropriate Council standards:

- a. A 'fourth leg' off the Hawthorne Drive/SH6 roundabout;
- b. All sites created in the area to have legal access to either Hansen Road or the Hawthorne Drive/SH6 roundabout; and
- c. New and safe pedestrian connections between the Hawthorne Drive/SH6 roundabout, Ferry Hill Drive and the southern side of SH6.

16.2.3.9 Encourage the creation of a legal internal road between Hansen Rd and Ferry Hill Drive

16.4.7	<p>Warehousing, Storage & Lock-up Facilities (including vehicle storage) and Trade Suppliers except as provided for by Rule 16.4.18</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. The impact of buildings on the streetscape and neighbouring properties in terms of dominance impacts from large, utilitarian buildings; b. The provision, location and screening of access, parking and traffic generation; and c. Landscaping. 	RD
16.4.17	<p>Activities Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary</p>	PR
16.4.18	<p>Warehousing, Storage & Lock-up Facilities (including vehicle storage) and Trade Suppliers in the zone at Frankton North</p>	PR

<p>16.5.11</p>	<p>Development on land north of State Highway 6 between Hansen Road and Ferry Hill Drive shall provide the following:</p> <p>16.5.13.1 Transport, parking and access design that:</p> <ul style="list-style-type: none"> a. Ensures connections to the State Highway network are only via Hansen Road, the Hawthorne Drive/SH6 Roundabout, and/or Ferry Hill Drive b. There is no new vehicular access to the State Highway Network. <p>16.5.13.2 Where a site adjoins State Highway 6, landscaping provides a planting buffer fronting State Highway 6 as follows:</p> <p>A density of two plants per square metre located within 4m of the State Highway 6 road boundary selected from the following species:</p> <ul style="list-style-type: none"> i. Ribbonwood (<i>Plagianthus regius</i>) ii. <i>Corokia cotoneaster</i> iii. <i>Pittosporum tenuifolium</i> iv. <i>Grisilinea</i> v. <i>Coprosma propinqua</i> vi. <i>Olearia dartonii</i> <p>Once planted these plants are to be maintained in perpetuity.</p>	<p>NC</p>
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Provisions to be included in Chapter 27:

Frankton North

27.3.12 Objective - Subdivision of the of the Medium Density Residential and Business Mixed Use Zones on the north side of State Highway 6 between Hansen Road and Quail Rise enables development integrated into the adjacent urban areas while minimising traffic impacts on the State Highway.

Policies

- 27.3.12.1 Limit the roading access to Frankton North to Hansen Road, Ferry Hill Drive or the Hawthorne Drive/SH6 roundabout.
- 27.3.12.2 Ensure subdivision and development enables access to the roading network from all sites in the Frankton North Medium Density Residential and Business Mixed Use Zones and is of a form that accounts for long-term traffic demands without the need for subsequent retrofitting or upgrade.

- 27.3.12.3 Ensure subdivision and development in the Frankton North Medium Density Residential and Business Mixed Use Zones provides, or has access to, a safe and legible walking and cycling environment adjacent to and across the State Highway linking to other pedestrian and cycling networks.

27.7.9	Frankton North	
27.7.9.1	<p>All subdivision activity in the Business Mixed Use Zone and Medium Density Residential Zone located north of State Highway 6 between Hansen Road and Ferry Hill Drive that complies with the following standards in addition to the requirements of Rule 27.5.7:</p> <ul style="list-style-type: none"> a. Access to the wider roading network shall only be via one or more of: <ul style="list-style-type: none"> i. Hansen Road; ii. Ferry Hill Drive; and/or iii. Hawthorne Drive/State Highway 6 roundabout. b. No subdivision shall be designed so as to preclude an adjacent site complying with clause a. <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Safe and effective functioning of the State Highway network; b. Integration with other access points through the zones to link up to Hansen Road, Ferry Hill Drive or the Hawthorne Drive/State Highway 6 roundabout; c. Integration with pedestrian and cycling networks, including those across the State Highway. 	RD
27.7.9.2	Any subdivision activity in the Business Mixed Use Zone and Medium Density Residential Zone located north of State Highway 6 between Hansen Road and Ferry Hill Drive that does not comply with Rule 27.7.9.1.	NC

