Attachment "D"

A copy of the relevant parts of the Decision

2 DEFINITIONS

QUEENSTOWN LAKES DISTRICT COUNCIL

D Definitions

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 Ldn 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.

3 STRATEGIC DIRECTION

QUEENSTOWN LAKES DISTRICT COUNCIL

3.1 Purpose

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 centres[1] 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 centres [2], 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)

4 URBAN DEVELOPMENT

QUEENSTOWN LAKES DISTRICT COUNCIL

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 defendable 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:

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 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 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:

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;

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.

4 URBAN DEVELOPMENT

QUEENSTOWN LAKES DISTRICT COUNCIL

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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

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Policies

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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:

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 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 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:

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;

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.

21 RURAL
QUEENSTOWN LAKES DISTRICT COUNCIL
QLDC PROPOSED DISTRICT PLAN [PART FOUR] DECISIONS VERSION | 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 Waiorau 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:

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.

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 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.

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	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		

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	Passenger Lift Systems not located within a Ski Area Sub-Zone Discretion is restricted to: a. 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; 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
21.4.25	Ski Area Activities not located within a Ski Area Sub-Zone, with the exception of: 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 is a commercial recreation activity and Rule 21.4.13 applies; c. 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 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).	PR
21.4.28	Activities Sensitive to Aircraft Noise 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.	PR
	Mining Activities	
21.4.29	The following mining and extraction activities that comply with the standards in Table 8 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 1000m^3 in any one year.	P

	Table 1 - Activities - Rural Zone	Activity Status
21.4.30	Mineral exploration that does not involve more than $20m^3$ 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.	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. 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
21.5.5	Airport Noise – Wanaka Airport 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.	NC
21.5.6	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 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. 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. Standards (a) and (b) exclude any alterations or additions to any non-critical listening environment.	NC
21.5.7	Lighting and Glare 21.5.7.1 All fixed exterior lighting must be directed away from adjoining sites and roads; and 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. 21.5.7.3 There must be no upward light spill.	NC

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	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 or adjoining property.	RD Discretion is restricted to: a. odour; b. visual prominence; c. landscape character; d. effects on surrounding properties.
21.6.2	Factory Farming (excluding the boarding of animals) 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.	D
21.6.3	Factory Farming of Pigs 21.6.3.1 The number of housed pigs must not exceed 50 sows or 500 pigs of mixed ages; 21.6.3.2 Housed pigs must not be located closer than 500m from a property boundary; 21.6.3.4 The number of outdoor pigs must not exceed 100 pigs and their progeny up to weaner stage; 21.6.3.5 Outdoor sows must be ringed at all times; and/or 21.6.3.6 The stocking rate of outdoor pigs must not exceed 15 pigs per hectare, excluding progeny up to weaner stage.	NC
21.6.4	Factory farming of poultry 21.6.4.1 The number of birds must not exceed 10,000 birds. 21.6.4.2 Birds must be housed at least 300m from a site boundary.	NC

21.7 Rules - Standards for Buildings

	Table 4 – Standards for Structures and Buildings The following standards apply to structures and buildings, other than Farm Buildings.	Non-Compliance Status
21.7.1	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: 21.7.1.1 Post and rail, post and wire and post and mesh fences, including deer fences; 21.7.1.2 Any structure associated with farming activities as defined in this plan.	RD Discretion is restricted to: 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.
21.7.2	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* must be coloured in the range of browns, greens or greys, including; 21.7.2.1 Pre-painted steel and all roofs must have a light reflectance value not greater than 20%; and 21.7.2.2 All other surface ** finishes except for schist, must have a light reflectance value of not greater than 30%. 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. Except this rule does not apply within the Ski Area Sub-Zones. * Excludes soffits, windows and skylights (but not glass balustrades). ** 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%.	RD Discretion is restricted to: a. external appearance; b. visual prominence from both public places and private locations; c. landscape character; d. visual amenity.

	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	Building size The ground floor area of any building must not exceed $500m^2$. Except this rule does not apply to buildings specifically provided for within the Ski Area Sub-Zones.	RD Discretion is restricted to: 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	Building Height The maximum height shall be 8m.	RD Discretion is restricted to: 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	Fire Fighting water and access 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: 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.	RD Discretion is restricted to: 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: 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.	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.
21.8.2	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%.	RD Discretion is restricted to: a. external appearance; b. visual prominence from both public places and private locations; c. landscape character.; d. visual amenity.

	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 150m². 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	Roadside Stalls 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.	D
21.9.4	Retail Sales 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.	RD Discretion is restricted to: 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	Informal Airports Located on Public Conservation and Crown Pastoral Land Informal airports that comply with the following standards shall be permitted activities: 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. 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. 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. 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.	D

30 ENERGY AND UTILITIES

QUEENSTOWN LAKES DISTRICT COUNCIL

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.

30.2 Objectives and Policies

Energy

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

Policies

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

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

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

a. It maintains or enhances electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;

b. It maintains or enhances the security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation;

c. It assists in meeting international climate change obligations;

d. It reduces reliance on imported fuels for the purpose of generating electricity;

e. It helps with community resilience through development of local energy resources and networks.

Policies

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

a. recognises the need to locate renewable electricity generation activities where the renewable electricity resources are available;

b. recognises logistical and technical practicalities associated with renewable electricity generation activities;

c. provides for research and exploratory-scale investigations into existing and emerging renewable electricity generation technologies and methods.

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

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

Policies

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

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

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

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

a. landscape values and areas of significant indigenous flora or significant habitat for indigenous fauna;

b. recreation and cultural values, including relationships with tangata whenua;

c. amenity values;

d. the extent of public benefit and outcomes of location specific cost-benefit analysis.

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

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

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

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

Policies

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

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

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

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

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

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

Utilities

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

Policies

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

30.2.5.2 Ensure the efficient management of solid waste by:

a. encouraging methods of waste minimisation and reduction such as re-use and recycling;

b. providing landfill sites with the capacity to cater for the present and future disposal of solid waste;

c. assessing trends in solid waste;

d. identifying solid waste sites for future needs;

e. consideration of technologies or methods to improve operational efficiency and sustainability (including the potential use of landfill gas as an energy source);

f. providing for the appropriate re-use of decommissioned landfill sites.

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

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

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

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

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

Policies

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

30.2.6.2 When considering the effects of proposed utility developments consideration must be given to alternatives, and also to how adverse effects will be managed through the route, site and method selection process, while taking into account the locational, technical and operational requirements of the utility and the benefits associated with the utility.

30.2.6.3 Ensure that the adverse effects of utilities on the environment are managed while taking into account the positive social, economic, cultural and environmental benefits that utilities provide, including:

a. enabling enhancement of the quality of life and standard of living for people and communities;

b. providing for public health and safety;

c. enabling the functioning of businesses;

d. enabling economic growth;

e. enabling growth and development;

f. protecting and enhancing the environment;

g. enabling the transportation of freight, goods, people;

h. enabling interaction and communication.

30.2.6.4 Encourage the co-location of facilities where operationally and technically feasible.

30.2.6.5 Manage land use, development and/or subdivision in locations which could compromise the safe and efficient operation of utilities.

30.2.7 Objective - The adverse effects of utilities on the surrounding environments are avoided or minimised.

Policies

30.2.7.1 Manage the adverse effects of utilities on the environment by:

a. avoiding their location on sensitive sites, including heritage and special character areas, Outstanding Natural Landscapes and Outstanding Natural Features, and skylines and ridgelines and where avoidance is not practicable, avoid significant adverse effects and minimise other adverse effects on those sites, areas, landscapes or features;

b. encouraging co-location or multiple use of network utilities where this is efficient and practicable in order to avoid, remedy or mitigate adverse effects on the environment;

c. ensuring that redundant utilities are removed;

d. using landscaping and or colours and finishes to reduce visual effects;

e. integrating utilities with the surrounding environment; whether that is a rural environment or existing built form.

30.2.7.2 Require the undergrounding of services in new areas of development where technically feasible.

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

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

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

Policies

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

a. only allowing buildings, structures and earthworks in the National Grid Yard where they will not compromise the operation, maintenance, upgrade and development of the National Grid;

b. avoiding Sensitive Activities within the National Grid Yard;

c. managing potential electrical hazards, and the adverse effects of buildings, structures and Sensitive Activities on the operation, maintenance, upgrade and development of the Frankton Substation;

d. managing subdivision within the National Grid corridor so as to facilitate good amenity and urban design outcomes.

30.3 Other Provisions and Rules

30.3.1 District Wide

Attention is drawn to the following District Wide Chapters.

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

30.3.2 Information on National Environmental Standards and Regulations

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

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

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

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

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

i. cabinets in and outside of road reserve;

ii. antennas on existing and new poles in the road reserve;

iii. replacement, upgrading and co-location of existing poles and antennas outside the road reserve;

iv. new poles and antennas in rural areas;

v. antennas on buildings;

vi. small-cell units on existing structures;

vii. telecommunications lines (underground, on the ground and overhead) and facilities in natural hazard areas; and

viii. associated earthworks.

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

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

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

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

Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP 34:2001") is mandatory under the Electricity Act 1992. All activities regulated by the NZECP 34, including any activities that are otherwise permitted by the District Plan must comply with this legislation.

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

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

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

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

30.3.3 Interpreting and Applying the Rules

30.3.3.1 A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules.

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	Small and Community-Scale Distributed Wind Electricity Generation within the Rural Zone, Gibbston Character Zone and Rural Lifestyle Zone that complies with Rule 30.4.2.3 Control is reserved to the following: a. noise; b. visual effects; c. colour; d. vibration.	C
30.4.1.3	Renewable Electricity Generation Activities, limited to masts, drilling and water monitoring for the purpose of research and exploratory-scale investigations that are temporary. Discretion is restricted to: a. the duration of works and the research purpose; b. the location of investigation activities and facilities, including proximity to, and effects on, sensitive uses and environments; c. the height and scale of facilities and potential visual effects; d. environmental effects.	RD
30.4.1.4	Small and Community-Scale Distributed Electricity Generation and Solar Water Heating including any structures and associated buildings, which is either: a. Wind Electricity Generation other than that provided for in Rule 30.4.1.2. OR b. Located in any of the following sensitive environments: 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	Small and Community-Scale Distributed Electricity Generation and Solar Water Heating must: 30.4.2.1.1 Not overhang the edge of any building. 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 a maximum of 1.0 m above the maximum height limit specified for the zone, for a maximum area of $5m^2$ if solar panels on a flat roof. 30.4.2.1.8 Not exceed $150m^2$ 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.	D
30.4.2.2	Mini and Micro Hydro Electricity Generation must: 30.4.2.2.1 Comply with Road and Internal Boundary Building Setbacks in the zone in which they are located. 30.4.2.2.2 Not exceed 2.5 metres in height. 30.4.2.2.3 Be finished in recessive colours consistent with the building it is servicing on site. Note: Reference should also be made to the Otago Regional Council Regional Plan: Water.	D

30.4.2	Renewable Energy Standards	Activity Status
30.4.2.3	Wind Electricity Generation must: 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 do 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).	D
30.4.2.4	Biomass Electricity Generation 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). 30.4.2.4.2 Any outdoor storage of Biomass Electricity Generation fuel material shall be screened from adjoining sites and public places. 30.4.2.4.3 Biomass Electricity Generation plant and equipment shall be located inside a Building. Note: Reference should also be made to the Otago Regional Council Regional Plan: Air	D
30.4.2.5	Buildings for renewable energy activities 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: 30.4.2.5.1 Not exceed $10m^2$ in area and 2.5m in height. 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. 30.4.2.5.3 Be finished in recessive colours, consistent with the building it is servicing on site.	D

30.4.3	Non-Renewable Energy Activities	Activity Status
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 sites that do not have connection to the local distributed electricity network. OR b. generators that supply the local distributed electricity network for a period not exceeding 3 months in any calendar year. Note: Diesel Generators must comply with the provisions of Chapter 36 (Noise).	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	Buildings associated with a Utility Any building or cabinet or structure of 10m^2 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. This rule does not apply to: a. masts for navigation or meteorology b. poles, antennas, and associated cabinets (cabinets up to 10m^2 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	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 telecommunication and radio communication; c. line and support structures. Control is reserved to: a. location; b. external appearance and visual effects; c. associated earthworks; d. parking and access; e. landscaping.	C
30.5.1.4	Buildings (associated with a Utility) Any addition, alteration or construction of buildings in: a. any Significant Natural Areas; b. the Arrowtown Residential Historic Management Zone. 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 telecommunication and radio communication; c. 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	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.	D

30.5.2	General Utilities - Standards	Non-compliance Status
30.5.2.1	Setback from internal boundaries and road boundaries 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. This rule does not apply to: 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	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 telecommunication and radio communication; c. lines and support structures.	D
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 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
30.5.4.1	Buildings and Structures permitted within the National Grid Yard 30.5.4.1.1 A non-conductive fence located 5m or more from any National Grid Support Structure and no more than 2.5m in height. 30.5.4.1.2 Network utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid, excluding a building or structure for the reticulation and storage of water for irrigation purposes. 30.5.4.1.3 Any new non-habitable building less than 2.5m high and 10m^2 in floor area and is more than 12m from a National Grid Support Structure. 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.	NC
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 the NZECP 34:2001. 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.	NC

30.5.5	Electricity Distribution Activities	Non-compliance Status
30.5.5.1	Minor Upgrading	P
30.5.5.2	Lines and Supporting Structures The placement and upgrading of lines, poles and supporting structures within formed legal road.	P
30.5.5.3	Underground Electricity Cables The placement of underground electricity distribution cables provided the ground surface is reinstated to the state it was prior to works commencing.	P
30.5.5.4	Lines and Supporting Structures Except as otherwise stated in Rules 30.5.5.2 above, and 30.5.5.5 below new lines and associated above ground support structures including masts, poles or ancillary equipment, but excluding lattice towers, to convey electricity (at a voltage of equal to or less than 100kV at a capacity equal to or less than 100MV). Control is reserved to: a. location; b. route; c. height; d. appearance, scale and visual effects.	C
30.5.5.5	Lines and Supporting Structures 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.	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	New Aerial Lines and Supporting Structures within formed road reserve; or 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
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	New Aerial Lines and Supporting Structures (outside formed road reserve) Not located in any of the sensitive environments identified by Rule 30.5.6.5 Control is reserved to: a. location; b. route; c. appearance, scale and visual effects.	C
30.5.6.5	New Aerial Lines and Supporting Structures Any line or support structure within any Outstanding Natural Feature or Outstanding Natural Landscape or Significant Natural Areas.	D
30.5.6.6	Poles With a maximum height no greater than: a. 18m in the High Density Residential (Queenstown – Flat Sites), Queenstown Town Centre, Wanaka Town Centre (Wanaka Height Precinct) or Airport Zones; b. 25m in the Rural Zone; c. 15m in the Business Mixed Use Zone (Queenstown); d. 13m in the Local Shopping Centre, Business Mixed Use (Wanaka) or Jacks Point zones; e. 11m in any other zone; and f. 8m in any identified Outstanding Natural Landscape. 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

30.5.6	Telecommunications, radio communication, navigation or meteorological communication activities	Activity Status
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.	D
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 $1.5m^2$ 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
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 area is between $1.5m^2$ and $4m^2$ and for whip antennas, more than 4m in length. Control is reserved to all of the following: a. location; b. appearance, colour and visual effects	C
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.	D
30.5.6.11	Small Cell Units Provided that the small cell unit is not located within a Heritage Precinct.	P

30.5.6	Telecommunications, radio communication, navigation or meteorological communication activities	Activity Status
30.5.6.12	Microcells A microcell and associated antennas, with a volume of between 0.11m^3 and 2.5m^3 provided that the microcell is not located within a Heritage Precinct. Control is reserved to: a. appearance; b. colour; and c. visual effects.	C
30.5.6.13	Small Cell Units and Microcells 30.5.6.13.1 A microcell and associated antennas, with a volume more than 2.5m^3. OR 30.5.6.13.2 A small cell unit located within a Heritage Precinct.	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.

33 INDIGENOUS VEGETATION AND BIODIVERSITY

QUEENSTOWN LAKES DISTRICT COUNCIL

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 Earthworks	26 Historic Heritage	27 Subdivision
28 Natural Hazards	29 Transport	30 Energy and Utilities
31 Signs	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: 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

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 500m² on sites that have a total area of 10ha or less; and 33.5.1.2 5,000m² 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 50m² on sites that have a total area of 10ha or less; and 33.5.2.2 500m² 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 50m² 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 20º.	D
33.5.4	The clearance of indigenous vegetation must not exceed 50m² 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 50m² 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	D
	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.	

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 (Podocarpus cunninghamii) on rubbly slopes at the head of the catchment and kowhai (Sophora sp.) in the upper kanuka forest.
B3C	8	SNA C	Mt Burke Station	Woodland dominated by halls totara (Podocarpus cunninghamii) and mountain toatoa (Phyllocladus alpinus).
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 Olearia lineata 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 Pittosporum tenuifolium, but also including tutu, Coprosma propinqua, Griselinia littoralis, manuka, Hebe salicifolia, matagouri, mistletoe sp., Carmichaelia sp., and Cordyline australis.
D1A	13	SNA A	Loche Linnhe Station	Grey shrubland consisting of Olearia odorata, Olearia fimbriata, Discaria toumatou, Coprosma propinqua, Coprosma rugosa, Melicytus alpinus, Muehlenbeckia complexa, and Rubus schmidelioides.
D1B	13	SNA B Sites 1 to 3	Loche Linnhe Station	Forest and shrubland consisting of Griselinia littoralis, Aristotelia serrata, Olearia arborescens, Metrosideros umbellata, Carpodetus serratus, Fuschia excorticata, Sophora microphylla, Pittosporum tenuifolium, Pseudopanax crassifolium and Coriaria arborea.

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 (Nothofagus solandri. cliffortoides) with occasional mature red beech (Nothofagus fusca), located above the highway.
D1D	15	SNA D	Loche Linnhe Station	Grey shrubland and pasture grassland. Species recorded include tree daisys (Olearia odorata, Olearia fimbriata), matagouri, Coprosma propinqua, briar and Melicytus alpinus.
D1E	15	SNA E	Loche Linnhe Station	Beech forest dominated by mountain beech (Nothofagus solandri. cliffortoides), with occasional mature red beech (Nothofagus fusca).
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, Olearia species and Coprosma 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, Coprosma propinqua and tree daisys (Olearia 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, Cardrona Valley	Shrubland including Dracophyllum longifolium, Dracophyllum uniflorum, Olearia avicennifolia, Olearia arborscens, 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, Olearia odorata, Olearia bullata, Aristotelia fruiticosa, Coprosma propinqua, Coprosma tayloriae, Carmichaelia petriei, sweet briar, elderberry, Melicytus alpinus, Rubus schmidelioides and Meuhlenbeckia australis.
F2C	10	SNA C Sites 1 to 2	Branch Creek, Cardrona Valley	Shrubland consisting of matagouri, Olearia odorata, Olearia bullata, Aristotelia fruiticosa, Coprosma propinqua, Carmichaelia petriei, sweet briar, elderberry, Melicytus alpinus, Rubus schmidelioides and Meuhlenbeckia australis.
F2D	10	SNA D	Branch Creek, Cardrona Valley	Shrubland consisting of matagouri, Olearia odorata, Olearia bullata, Aristotelia fruiticosa, Coprosma propinqua, Coprosma tayloriae, Carmichaelia petriei, sweet briar, elderberry, Melicytus alpinus, Rubus schmidelioides and Meuhlenbeckia australis.
F21A	10	SNA A	Hillend Station, Wanaka	Coprosma-matagouri-Olearia 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, Coprosma propinqua, kanuka – manuka, Olearia odorata, 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 Olearia odorata, Coprosma propinqua and matagouri.
F26A	10	SNA A	Avalon Station, Cardrona Valley	Grey shrubland including Coprosma propinqua, matagouri, Olearia odorata and briar.
F26B	10	SNA B	Avalon Station, Cardrona Valley	Grey shrubland including Olearia spp., Coprosma propinqua, matagouri and Corokia cotoneaster.
F26C	10	SNA C Sites 1 to 3	Avalon Station, Cardrona Valley	Grey shrubland including Olearia lineata, Coprosma propinqua, matagouri, Hebe salicifolia and Carmichaelia kirkii.
F31A	13, 15a	SNA A Kawarau Faces	Waitiri Station, Kawarau Gorge.	Shrubland heavily dominated by matagouri and sweet briar but also includes Coprosma propinqua and to a lesser degree Olearia odorata.
F32A	13, 30	SNA A Sites 1 to 3 Owen Creek	Remarkables Range.	Grey shrubland dominated by Olearia species, Coprosma propinqua, Discaria toumatou, Carmichaelia petriei, Melicytus alpinus, Rubus schmidelioides and Meuhlenbeckia species.
F32B	13, 30	SNA B Rastus Burn	Remarkables Range.	Grey shrubland dominated by Olearia species, Coprosma propinqua, Discaria toumatou, Carmichaelia petriei, Melicytus alpinus, Rubus schmidelioides, and Meuhlenbeckia species.
F40A	13, 15a	SNA A	Gibbston Valley	Grey shrubland largely dominated by matagouri and Coprosma propinqua, but also includes populations of Olearia spp. and Muehlenbeckia 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 Olearia odorata, Olearia lineata, Discaria toumatou, Coprosma propinqua, Melicytus alpinus, Muehlenbeckia complexa, Rubus schmidelioides, Carmichaelia petriei, Clematis quadribracteolata and Hebe salicifolia.
F40C	13, 15a	SNA C	Gibbston Valley	Grey shrubland.
F40D	13, 15a	SNA D	Gibbston Valley	Grey shrubland dominated by matagouri and kowhai, but also includes Coprosma propinqua, Melycitus alpinus, Coprosma crassifolia and Muehlenbeckia complexa.
G28A	10, 26	SNA A Site 6	Coronet Peak (Bush Creek)	Olearia odorata–matagouri 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 mingimingi–matagouri–Olearia spp. shrubland.
G33B	10	SNA B	Ben Lomond Station, Upper Shotover River	Mixed mingimingi–matagouri–Olearia spp. shrubland.
G33C	9	SNA C	Ben Lomond Station, Upper Shotover River	Extensive manuka scrub & shrubland community and mountain beech forest.
G34A	7	SNA A	Alpha Burn Station, West Wanaka	Kanuka, mingimingi-matagouri-kohuhu-broadleaf-manuka/ bracken shrubland.
G34B	7	SNA B	Alpha Burn Station, West Wanaka	Kohuhu-broadleaf shrubland merging with mingimingi-matagouri/ bracken shrubland.
G34C	7	SNA C	Alpha Burn Station, West Wanaka	Mixed broadleaf–kohuhu–mingimingi–matagouri–bracken shrubland.
G34D	7	SNA D	Alpha Burn Station, West Wanaka	Mixed beech forest, manuka 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 silvereye. 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 Coprosmas 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, silvereye 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, Grisilinea, fuchsia, wineberry, Coprosma sp., hard fern. Good numbers of bush birds present, including yellow breasted tit, rifleman, bellbird, grey warbler and silvereye.
126A	32	Gorge Road Wetland	S132 555 720	Significant site of insects and plants (Carox socta).

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).

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 Zealand[1]:
- Phil Hunt

Bunnings Limited[2]:
- Daniel Minhinnick (Counsel)
- Elizabeth Davidson
- Tim Heath
- Kay Panther Knight

Cardrona Station Limited[3], Ayrburn Farm Estate Limited[4] and Arcadian Triangle Limited[5]:
- Warwick Goldsmith (Counsel)

Real Journeys Limited[6] and Te Anau Developments Limited[7]:
- Fiona Black

Otago Regional Council[8]:

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 Limited[9] and Queenstown Park Limited[10]:

- Tim Williams

Pounamu Holdings 2014 Limited[11]:

- Scott Freeman

- Niki Gladding[12]

- Leigh Overton[13]

UCES[14]:

- Julian Haworth

9. We also received written material from the following parties who did not appear:
    a. Chorus New Zealand Limited[15], Spark New Zealand Trading Limited[16] and Vodafone New Zealand Limited[17] (a representation penned by Matthew McCallum-Clark).
    b. QAC[18] (a statement of evidence of Kirsty O'Sullivan).
    c. Ministry of Education[19] (a statement of evidence of Julie McMinn).
    d. Southern District Health Board[20] (a statement of evidence of Julie McMinn).
    e. Aurora Energy Limited[21] (a memorandum of Bridget Irving (Counsel)).
    f. Transpower New Zealand[22] (a representation penned by Jess Bould).
    g. New Zealand Police[23] (a letter from Michael O'Flaherty (counsel)).
    h. New Zealand Transport Agency[24] (a letter from Tony MacColl).
    i. Z Energy Limited, BP Oil Company Limited and Mobil Oil Company Limited[25] (statement by Mark Laurenson).

10. In addition, we received additional written material from parties who did appear:
    a. Mr Young provided written submissions on behalf of Queenstown Park Limited and Remarkables Park Limited, but did not appear at the hearing.
    b. Ms Black provided further comments to the Hearing Panel on definitions on behalf of Real Journeys Limited and Te Anau Developments Limited.

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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 recommendations[26]. 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.

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[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 PDP[27] 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 submissions[28] 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 heading[29] 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 submissions[30] 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 7[31], 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.

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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 submissions[32] 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 Limited[33] 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 PDP[34] (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 Limited[35] 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 Report[36] 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,

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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 framed[37]. 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 243[38] and 811[39] 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 submissions[40] 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

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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 practice[41]. 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 required[42]. 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 Limited[43] 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 zones[44],

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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 Limited[45] 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 regard[46].

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 Limited[47] 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 recommended[48] that the objectives of Chapter 3 be reformulated in a way that does not now refer directly to the cost of Council infrastructure.

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[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 PDP[49].

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 submission[50] 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 retained[51].

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.

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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 enacted[52] and made recommendations on the point[53].

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.

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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 Panel[54] 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 submission[55] 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 submission[56] 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.

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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 submitters[57] 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 legislation[58] that definitions apply "*unless the context otherwise requires*". Ms Leith adopted that suggestion in her reply.

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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 chapter[59]. 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 position[60]. 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 Report[61] 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.

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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 Limited[62] 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 noted[63], 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 legislation[64]. 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 by addressed by a non-substantive amendment, as discussed below.

127. The next general point is that in her Section 42A Report, Ms Leith identified[65] 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 comment[66]. 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 submissions[67] 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}:

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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 submission[68] 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. A note that reference should be made to the relevant New Zealand Standards when considering acoustic terms.
    b. A definition of some terms, not including 'noise'; and
    c. 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 submission[69] 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

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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 text[70] 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 report[72] 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 clarity[73]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 Report[74], 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*" lots[75]. 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 Panel[76].

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:

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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 taxing, 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 deleted[77]. 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 amendments[78] and we heard no evidence that would cause us to take a different view. In particular, although the Oil Companies[79] 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].

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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 QAC[81]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 retained[82]) 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 changes[83] 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.

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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 Companies[84] 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 were[85] 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 Ltd[86] 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.

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[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 by[87] 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 Group[88]. 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 Companies[89], 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 evidence[90], 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 oversowing[91]. 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 McMinn[92] and we agree with it (as did the Stream 6 Hearing Panel). The second suggested change responded to the submission of New Zealand Police[93] by amending the previous reference to *"Police Stations"* to refer to *"Police Purposes"*. We can readily understand the rationale for that amendment[94] 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.

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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 Board[95] 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 QAC[96] 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 Brych[97], sought that the definition refer to the livestock rather than their keeping. The second, that of Arcadian Triangle Limited[98], 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.

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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 Dictionary[99] 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 Dictionaries[100] 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 Companies[101]. 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 Evidence[102], Ms Leith noted the tabled representation of Ms Bould reiterating the evidence on behalf of Transpower New Zealand Limited[103] 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 30[104].

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 conclusion[105] 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 capacity[106], and the other from Ms Brych[107].

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.

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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 recommendations[108] 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 Energy[109], 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 definition[110].

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

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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 Panel[111] 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 definition[112] 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.

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[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 clear[113].

244. As far as we can establish, there is no submission seeking this change. Rather the contrary, the submissions of Federated Farmers of New Zealand[114] and Transpower New Zealand[115] 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 2[116]. The Stream 6 Hearing Panel accepts the desirability of distinguishing between flat and sloping sites[117]. 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 recommendation[118] and we had no reason to take a different view.

6.40. Formed Road:

249. Federated Farmers[119] sought that this definition be amended to distinguish between publicly and privately owned roads in the District.

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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 Sadlier[120] sought that the definition be retained as proposed. We note in passing that that submission was itself the subject of a further submission[121] 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 report[122], 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 Limited[123]. 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

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[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 concurred[124] 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 Companies[125] 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.

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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 26[126].

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 submission[127] 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 Brych[128] 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.

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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.

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[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 Panel[130]. 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 Limited[131] 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 activities[132].

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 Energy[133] 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 Limited[134], 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).

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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' definition[135]. 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.

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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 Limited[136], 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 Limited[137] 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 it[138]. 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."*

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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 Limited[139] and Queenstown Park Limited[140] supported the suggested definition before us. We also received written legal submissions from Mr Goldsmith representing Mount Cardrona Station Limited[141] 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

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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 Cutler[142] 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 Limited[143] 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 evidence[144], 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 assistant 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 recommendation[145] . 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 confusion[146]. 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 Report[147], 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;

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[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 Limited[148] and Grant Bissett[149], supporting the notified definition.
    b. Christine Brych[150], seeking clarification as to whether the definition refers to the building or its use.
    c. QAC[151], seeking a limitation that a residential flat is limited to one per residential unit or one per site, whichever is less.
    d. Arcadian Triangle Limited[152], 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 issues[153]. 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 $70m^2$ maximum size reflected an urban context[154]. 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 control[155]. Accordingly, we recommend that that aspect of the Arcadian Triangle submission may be accepted only in part.

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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 recommendation[156].

358. In her Section 42A Report, Ms Leith discussed a submission by H Leece and A Kobienia[157] 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 response[158] 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 recommendation[159]. 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 Limited[160]. 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.

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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 activities[161].

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 Leith[162] 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 Companies[163] and Transpower New Zealand Limited[164]. In her Section 42A Report[165], 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.

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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 Limited[166] 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 recommendation[167] 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 terms[168]. 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

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[166] Submission 356

[167] A Leith, Section 42A Report at 18.6

[168] Refer Millbrook Recommendation Report1 September 2017 at 97

Companies[169] 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 Agency[170] 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 Report[171] recorded that the Council's corporate submission[172] 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 point[173] 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.

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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 definition[174] 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 companies[175] 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:

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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 recommendation[176] 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 companies[177] 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 submitter [178] 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 recommendation[179].

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 deletion[180] 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 provision[181]. 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

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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 recommendation[182] 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 changes[183]. 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 attention[184] 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 Columb[185], Cardrona Alpine Resort Limited[186], Amrta Land Limited[187] and Nga Tahu Tourism Limited[188], 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 Limited[189] 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

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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 recommends[190] 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 changes[191].

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[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 MacTodd[192] 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 Limited[194] 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 issues[195] 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. MacTodd[196] 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.

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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 Ltd[197] 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 Group[198] 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 definition[199]. 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 basis[200]. 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.

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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 Zone[201].

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 Landscapes[202] 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;

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201 Submission 433

202 GHL, 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.

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 PDP[1], and in Part Five[2], 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 PDP[3].

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

UCES[4]
- Julian Haworth

New Zealand Transport Agency[5]
- Tony MacColl

John Walker[6]

Simon Jackson and Lorna Gillespie[7]
- Simon Jackson

Orchard Road Holdings Limited[8] **and Willowridge Developments Limited**[9]
- Allan Dippie

Just One Life Limited[10] **and Longview Environmental Trust**[11]
- Johannes (John) May
- Scott Edgar

Allenby Farms Limited[12]**, Crosshill Farms Limited**[13] **and Mount Cardrona Station Limited**[14]
- 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 Limited[15]**, Bridesdale Farm Developments Limited**[16] **and Shotover Park Limited**[17]
- Warwick Goldsmith and Rosie Hill (Counsel)
- Jeff Brown

Trojan Helmet Limited[18]
- Rebecca Wolt (Counsel)

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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 Limited[19]
- Jeff Brown

QAC[20]
- Rebecca Wolt (Counsel)
- Mark Edghill
- John Kyle
- Kirsty O'Sullivan

GH & S Hensman, B Robertson, Scope Resources Limited, N Van Wichen and Trojan Holdings Limited[21]
- Alyson Hutton

Bobs Cove Development Limited[22]**, Glentui Heights Limited**[23]**, Scott Crawford**[24]
- Ben Farrell

Queenstown Lakes Community Housing Trust[25]
- David Cole

Millbrook Country Club Limited[26]
- Ian Gordon (Counsel)
- Dan Wells (also for Bridesdale Farm Developments Limited[27] and Winton Partners Fund Management No 2 Limited[28])

New Zealand Fire Service Commission[29]
- Emma Manohar (Counsel)
- Donald McIntosh
- Ainsley McLeod

Transpower New Zealand Limited[30]
- Natasha Garvan (Counsel)
- Andrew Renton
- Aileen Craw

Royal Forest and Bird Protection Society[31]
- Susan Maturin

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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-Sicre[32]

- Keri Lemaire-Sicre

Aurora Energy Limited[33]

- Joanne Dowd

Slopehill Properties Ltd[34]**, D&M Columb**[35]

- Denis Columb
- Locky Columb
- Ben Farrell

Sanderson Group Limited[36]

- Fraser Sanderson
- Donna Sanderson
- Ben Farrell

G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain[37]**, Wakatipu Equities Limited**[38]**, Cook Adam Trustees Limited, C & M Burgess**[39]**, Slopehill Properties Limited**[40]**, FS Mee Developments Limited**[41]

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

Darby Planning LP[42]**, Soho Ski Area Limited**[43]**, Treble Cone Investments Limited**[44]

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

Hansen Family Partnership[45]

- Rosie Hill (Counsel)
- Chris Ferguson

Contact Energy Limited[46]

- Daniel Druce

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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 Hanan[47]

- Dame Elizabeth Hanan
- Jack Hanan

Pounamu Body Corporate Committee[48]

- Josh Leckie (Counsel)

Clark Fortune McDonald & Associates Limited[49]

- Nick Geddes

Skyline Enterprises Limited[50]**, Totally Tourism Limited**[51]**, Barnhill Corporate Trustee Limited & DE, ME Bunn & LA Green**[52]**, AK and RB Robins & Robins Farm Limited**[53]**, Slopehill Joint Venture**[54]

- Vanessa Robb (Counsel)
- Tim Williams

NZIA[55]

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

Phillip Bunn[56]**, Steven Bunn**[57]**, Carol Bunn**[58]**, Debbie MacColl**[59]

- Phillip Bunn
- Steven Bunn
- Debbie MacColl

X-Ray Trust Limited[60]

- Louise Taylor

Federated Farmers of New Zealand[61]

- David Cooper

New Zealand Tungsten Mining Limited[62]

- Rosie Hill (Counsel)

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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 Lynch[64], Friends of Wakatipu Gardens and Reserves[65]

- Rosie Hill (Counsel)

Peninsula Bay Joint Venture[66]

- Monique Thomas (Counsel)
- Louise Taylor

Kawarau Jet Services Holdings Limited[67]

- James Gardiner-Hopkins (Counsel)

Skydive Queenstown Limited[68]

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

Matukituki Trust[69]

- James Gardner-Hopkins (Counsel)
- Louise Taylor

Queenstown Rafting Limited[70]

- Tim Sinclair (counsel)
- Robin Boyd

Hawea Community Association[71]

- Paul Cunningham
- Dennis Hughes

Real Journeys Limited[72] and Te Anau Developments Limited[73]

- Fiona Black
- Erik Barnes
- Ben Farrell

Ngai Tahu Tourism Limited[74]

- 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 Limited[75], Queenstown Park Limited[76] and Shotover Park Limited[77] and Queenstown Wharves GP Limited[78]

- Rebecca Davidson (Counsel)

Straterra[79]

- Bernie Napp

8. In addition, the following parties tabled evidence but did not appear at the hearing:
    - Ministry of Education[80]
    - Powernet Limited[81]
    - Vodafone New Zealand Limited[82], Chorus New Zealand Limited[83], Spark New Zealand Trading Limited[84]
    - New Zealand Defence Force[85]
    - Z Energy Limited, BP Oil New Zealand Limited and Mobil Oil New Zealand Limited[86]
    - Garry Strange[87]
    - Director-General of Conservation[88]

9. Evidence was also pre-circulated by Ulrich Glasner for Council and Tim Walsh for Pounamu Body Corporate Committee[89], and Greg Turner for Hogan's Gully Farming Ltd[90].

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:

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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 Incorporated[91]
b. Peter and Margaret Arnott[92].

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 Brown[93] 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:

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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.

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95 C1A/96

32. More recently again, the requirements of section 32AA have been added[96].

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 law[97], 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 approach[98] 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 superior[99]. Ms Wolt[100] 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-Hopkins[101], initially suggested that we needed to be satisfied that the chosen option was not the worst. In a subsequent appearance[102], then expanded on in his helpful memorandum of 30 March 2016, Mr Gardiner-Hopkins argued that some meaning must to 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 option[103].

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

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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 part[104].

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 submission[105].

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.

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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 Council[106] 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 Council[108] 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 Report[109] 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].

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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 outcomes[111]. 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 enabling[112] and that the premise of the Act is *"inherently and intentionally 'effects-based'"*[113]. Counsel did not cite any authority for these propositions[114] and agreed, when we discussed it with her, that the Act is only enabling if one includes consideration of enabling protection[115].

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 sparingly[116]. 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 meaning[117], adding "*remedy or mitigate"* to produce the combined phrase "*avoid, remedy or mitigate"* provides no

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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* litigation[118] 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 appellant society 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 follows[120]:

"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 decision[121], 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 commented[122]:

"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-emphasise[123] that merely parroting the statutory formula is of little use."

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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. UCES[125] 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 report[126], 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 described[127] 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

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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 District[128].

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 Limited[129] 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.

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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 Limited[130] 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 companies[131] 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 LP[132], which sought that the goals be deleted and incorporated into the relevant objective.

80. Remarkables Park Limited[133] and Queenstown Park Limited[134] 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 Ferguson[136] 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'*.

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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 result[137].

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 address[138]. 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 clear[139], 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 further [140].

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 Two[141] 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

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[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 intent[142].

100. The last paragraph of Section 3.1 is the logical place for such guidance. Mr Chris Ferguson[143] 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 3.1[144] 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,

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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 economy[145] 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 facilities[146] and that the word *"equitable"* be deleted[147].

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.

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[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 objective[148] 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 Cole[149], 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.

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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 way[150].

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 action[152] (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 is a scope issue[153], 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:

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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 Flats[154], the role that the Three Parks commercial development is projected to have in Wanaka[155], and the role of the visitor industry in the District's economy, facilities for which are not confined to the Queenstown and Wanaka town centres[156]. 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 environment[157] and of infrastructure[158]. The policies relevant to these objectives are framed in terms of promoting and encouraging specified desirable outcomes[159], minimising adverse effects of urban development and settlement[160], and maintaining and enhancing quality of life[161]. 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*

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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 evidence[162]) 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 economy[163].

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 there[164]. 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 message[165].

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 areas[166], 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 centres[167] 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 Limited[168] and Willowridge Developments Limited[169] advocating recognition of Three Parks in the same way that the Frankton commercial areas were proposed (by Council staff) to be

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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 policy[170]. 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 centres[171], 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 submissions[173] sought that the objective be more overtly *'enabling'*. One submission[174] 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 submission[175], suggested to us that a *'functional need'* test would ensure inappropriate diversification does not occur. Mr Chris Ferguson supported another submission[176] that suggested a functional need test[177], 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*" approach[178].

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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 submitter[179] 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 submitter[180] suggested that potential adverse effects be avoided, remedied or mitigated. Mr Jeff Brown supported the latter revision in his planning evidence[181], on the basis that he preferred the language of the Act. Yet another submission[182], 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 production[183]. 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 soils[184]. 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 industry[185]. 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?

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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 meaninglessness[186]. Those options are not recommended either.

180. Some submissions[187] 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.

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[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 depends[188]. 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 restored[189]. 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."

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[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 landscapes[190]. 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 character[191].

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 providers[192] 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

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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 Limited[193] that we were obliged to give effect to the NPSET 2008.

200. Other submissions[194] 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 infrastructure[195]

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 listed[196] 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 infrastructure[197]) 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

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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 infrastructure[199]
c. *'Maintenance development and upgrading'* of infrastructure[200], 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".

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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 submission[202] 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 support[203] sought that it be expanded to cover all growth within the district, not just urban growth.

218. One submission[204] sought its deletion, without any further explanation. Another submission[205] 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."

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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 deletion[206];
  b. Recognition of reverse sensitivity effects on significant infrastructure as another aspect of logical urban development[207];
  c. Deletion of reference to logical development and to sporadic and sprawling development, substituting reference to "urban" development[208];
  d. Removal of the implication that the only relevant infrastructure costs are Council costs[209];
  e. Generalising the location of urban development ("*appropriately located*") and emphasising the relevance of efficiency rather than the cost of servicing[210].

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 3.2.2.2[212];

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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 housing[213];
c. Addition of reference in 3.2.6.1 to design quality[214];
d. Collapsing 3.2.6.1 and 3.2.6.2 together[215];
e. Amendment of 3.2.6.2 to refer to housing densities and typologies rather than opportunities[216];
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 facilities[217].

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 regard[218], 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."

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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 objective[219] seeking that Otago's communities "*are prepared for and are able to adapt to the effects of climate change*" and a policy[220] 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 rise[221], 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 operative[222].

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 character[223]. Mr Chris Ferguson[224], 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

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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 submission[225] 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 deletion[226], 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 policy[228] 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 it[229]. 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 enhanced[230]).

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.

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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 biodiversity[231], 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 notified[232], or seek that it be expanded to refer to maintenance of indigenous biodiversity[233].

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 waterways[234];
   a. Substitution of reference to the values of Significant Natural Areas[235];
   b. Amendment to protect, maintain and enhance such areas[236];

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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 protection[237].

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 objective[238].

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 reason[239], 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 framed[240];
   b. Support for the objective in its current form[241];
   c. Amendment to make the objective subject to preservation of the viability of farming in rural zones[242].

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 Act[243] 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

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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 notified[244];
   b. Amendment to refer to avoiding or managing the effects of such vegetation[245];
   c. Amendment to "*reduce wilding tree spread"*[246].

292. Submission 238[247] 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 noted[248].

296. The section 32 report supporting Chapter 3[249] 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:

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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 inserted[251].

302. Some submissions sought deletion of reference to enhancement and inclusion of protection from inappropriate subdivision, use and development[252].

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 riverbeds[253], 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."

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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 quality[254].

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 <u>overall</u> 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 is[256];
    b. Seeking that "*maintain and enhance"* be substituted for "*facilitate"* and emphasising public access *'along'* rivers and lakes[257];
    c. Inserting a link to restrictions on public access created by a subdivision or development[258];
    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

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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 above[260].

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 activity[261] 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 support[262];
   b. Seeking its deletion[263];
   c. Seeking amendment to focus more on the effects of climate change[264].

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.

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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 area[265] 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 infrastructure[266].
   a. Substitution of reference to the values of distinctive landscapes[267].
   b. Substitution of reference to the values of '*outstanding*' landscapes and insertion of reference to the adverse effects of inappropriate development on such values[268].

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.

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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 landscapes[269], 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 growth[270].

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

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[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 3.2.5[272]. As regards Objective 3.2.5.1, many submitters sought reference be inserted to "*inappropriate"* subdivision, use and development[273].

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 protected[274].

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 mitigated[275].

350. The Council's corporate submission sought specific reference to indigenous flora and fauna be inserted into this objective[276].

351. Submission 810[277] sought a parallel objective (and policy) providing for protection and mapping of wāhi tupuna.

352. The more general submissions[278] 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

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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 submissions[281] 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 ONFs[282].

360. Counsel for Peninsula Bay Joint Venture[283] argued also [284] that Objective 3.2.5.1 failed to implement the RPS because the relevant objective in that document[285] 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.

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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 Hill[289] 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 found[290] 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'* development[291]. 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

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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 above[292].

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 identified[293].

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-Hopkins[295] 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.

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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 duration[296]. 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 precluded[297].

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 RPS[298]. 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].

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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 question[300]. 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 written[301]. 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 whole[302]. 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 Limited[303] and Queenstown Park Limited[304] 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

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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 effects[305].

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 operations[306]. 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 route[308] 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 plans[309].

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 decision[311], 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 specifically[313] 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,

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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, commenting[314]:

"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:

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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 effects[315];
b. Providing for recognition of those values with no reference to adverse effects[316];
c. Providing for management, or alternatively avoiding, remedying or mitigating of adverse effects[317];
d. Inserting reference to inappropriate subdivision use and development[318];
e. Shifting the focus from adverse landscape effects to adverse effects on natural landscapes[319];
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 objective[320].

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 contradictory[321].

414. In his reply evidence, Mr Paetz returned to the point[322]. 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 mitigated[323]) or land resources (the sustainable management of which is sought to be promoted[324]). 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 objective[326] 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 maps[327]). In an earlier decision[328], 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 so[329].

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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 protection[330]. Quantification of effects on non-monetary resources like landscape values may not be possible[331] and the High Court has held that it is not necessary to quantify all benefits and costs to determine a resource consent application[332]. 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 decision[333], 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 them[334]. 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 side[335]. 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. Elsewhere[336] 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 decision[337], 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 PDP[338].

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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 so[340].

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 submissions[342] and so we have not considered that possibility further.

447. One submitter[343] sought that the ambit of this objective be limited to urban use or development.

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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 submitter[344] sought that the extent to which adverse effects were controlled be qualified by inserting reference to *'significant'* detraction from landscape and visual amenity values.

449. Some submissions[345] suggested deleting reference to detraction from the identified values, substituting the words *"while recognising the importance of".*

450. Another suggestion[346] 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 2014[347] 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.

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[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 Williams[348] 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 not[349]. 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:

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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.

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[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 implement[351], 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).

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[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 submitters[352] 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 Trust[353] 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. NZIA[354] 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 Limited[355] 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 submission[356] 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

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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 Ltd[357] sought to confine both policies to a focus on the business and commercial areas of Queenstown and Wanaka. Queenstown Park Limited[358] also sought to soften Policy 3.2.1.1.2 so that it was less directive. NZIA[359] 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 environment[360] 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

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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 deletion[361] or significant amendment to focus it on when additional commercial rezoning might be enabled[362]. 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 needs [363].

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.

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[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 is[364] or sought that it be more overtly enabling[365]. One submission[366] sought amendment to remove reference to capacity and to insert reference to avoiding, remedying or mitigating adverse effects.

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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 is[367] or sought to delete reference to opportunities, and to energy and fuel pressures[368].

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."

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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 support[369] to seeking their deletion[370].

557. One outlier is the submission from Hawea Community Association[371] 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 UGBs[372] or seeking to manage urban growth more generally, without boundaries on the maps[373].

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 Court[374]. 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 Goldsmith[375]. 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.

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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 increases[376]. 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 Wells[377] 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 margin[378].

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 Association[379] 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

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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. NZIA[380] sought that urban development be confined to within the UGBs. Queenstown Park Limited[381] sought amendment of the policy to ensure 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 addressed[383]. 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

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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 terms[384]:

"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 interpretation[385].

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 Club[386] 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 submission[387] 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 notified[388]) as part of his submissions[389], 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.

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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 PDP[391] 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.

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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 provides[392] 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 it[393] 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

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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 policy[394] 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 Rūnanga [395] 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 environment[396]. 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 Act[397]. 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.

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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 processes[398] or sought to qualify the extent of their protection[399].

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 considered[400];
   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 gain[401];
   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 Chapter[403].

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.

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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 light[404].

641. While the High Court has provided guidance as to the distinction between mitigation and environmental offsets/environmental compensation[405], 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 effects[407];
   c. Qualifying the policy to make it subject to the viability of farming activities not being impacted[408]; 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 706[409].

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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 Farmers[410] 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 direction[411]. 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 species[412], 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

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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 biodiversity[413].

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 councils[414], its general water quality objectives[415], 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.

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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 catchment[416], directs protection of the characteristics identified as being present. The Kawerau 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 objective [417] 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 quality[418];
   a. Restriction to urban development[419];

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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 effects[420];
c. Provision for remediation or mitigation where avoidance is not possible[421];
d. Avoidance of significant adverse effects on water quality where practicable and avoidance, remediation or mitigation of other adverse effects[422];
e. Insert reference to adoption of best practice in combination with designing subdivision development and/or to avoid, remedy or mitigate adverse effects[423].

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 states[424] 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:

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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 policy[425] sought to emphasise that any public access needs to be *'safe'* and would substitute the word "*considered*" for "*sought*".

680. Another submission[426] 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 case[427], 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 519[428]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 Ltd[429] 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 emissions[430];
   b. Retaining the existing wording, but deleting the connection to greenhouse gas emissions[431];
   c. Opposed it generally on the basis that suggested policy does not implement the objective[432].

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.

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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 only[433];
b. Qualifying the extent of protection to refer to inappropriate subdivision, use and development[434];
c. Qualifying the reference to protection, substituting reference to avoiding, remedying or mitigating adverse effects, or alternatively management of adverse effects[435].

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.

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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 was[436].

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 identified[437]. 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 appears[438] 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 process[439]. 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 regard[440], 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 discussed[441].

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 of[442]).

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 practice[443]. The Court also drew attention to the fact that use and development might have beneficial effects rather than adverse effects.

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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 UCES[444], 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 effect[445]. 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

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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 inserted[447], 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.

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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 environment[448] and the other seeking more effective guidance on how much development is too much[449].

748. Most of the submissions on Policy 3.2.5.4.2 supported the policy in its current form. One submitter[450] 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 Goldsmith[452] argued that this description, which was coined by the Environment Court[453], 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 Report[454] 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 Brown[456] 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

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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 appropriate[459]. 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 ONFs [460].

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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 Limited[461] 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 hearing[462] 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 Limited[463] 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:

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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 submission[465] 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.

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[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 mining[466].

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 3.2.5.5.1[467].

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 values[469].

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 use[471].

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 resources[472].

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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, FS1105and 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 district[473]. 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 LP[474], but a number of other submissions with interests in the visitor industry sector sought amendments to it. Some submissions[475] 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 Limited[476] for instance sought that the policy be reframed to encourage commercial recreation and tourism related activities that enhanced the appreciation of landscapes. Submissions 677[477] and 696[478] 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.

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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 deleted[479] 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 acknowledged[480] 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 submission[481] 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 issues[482], but this will be a matter for review on a provision by provision basis.

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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 down[483]. 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. QAC[484] sought inclusion of specific recognition of airport related issues. NZIA[485] 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. Transpower[486] 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.

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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 defendable 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 UGB[489].

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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 submission[490] 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 defendable 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 NZIA[491] 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."

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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 4.2.2.2[492] supports the provision. Submissions seeking its deletion as part of a broader submission seeking deletion of all of the policies in this section[493] do, however, need to be noted, since they set the outer limits of the jurisdiction for any changes we might recommend.

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[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 first[495] sought that it be limited to avoiding sporadic urban development. The second[496] sought its deletion. The last two[497] 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 first[498] sought that it be amended to refer to minimising the loss of high value soils within rural areas. The second[499] 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 Brown[500] 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 environment[501] 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 basis[502] 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 2008[503].

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:

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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 deletion[505], seeking greater clarity as to the relationship between UGBs and zoning[506] and seeking reference to community activities and facilities as well as to housing[507]. 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 direction[508], delete reference to greenhouse gas emissions[509] and challenging the relationship drawn between a positive response to climate change and concentration of future development within existing urban areas[510].

894. There were no submissions specifically on Policy 3.2.6.2.1, but a number of submissions sought deletion of Policy 3.2.2.1.6[511]. 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

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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 deletion[512], or alternatively, that the policy provide for avoiding, remedying or mitigating the effects of any impingement on ONLs or ONFs[513].

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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 it[514] supported the provision. Mr Paetz recommended no amendment to it.

913. Mr Goldsmith[515] 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 basis[516], 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 it[517] 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:

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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 entirely[518];
   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 amenities[519];
   b. Restricting the objective to focus solely on coordination with infrastructure and services[520];
   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 land[522];
   e. Substituting "*integrated"* for "*coordinated"[523];*
   f. Adding reference to urban growth as well as urban development and including reference to protection of infrastructure[524];
   g. Including reference to indigenous flora and fauna[525].

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 UGBs[526] and an amendment to refer to development, operation and use of infrastructure[527].

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

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[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 terminology[528], 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 enhanced[529], 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 deletion[530];

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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 infrastructure[531];
c. Adding reference to planned expansion of infrastructure networks[532];
d. Deleting the requirement that infrastructure must necessarily be public in nature[533];
e. Support for it as currently proposed[534].

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:

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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 deletion[536], amendment to delete the requirement for infrastructure to be '*public*'[537] and amendment to make reference to potential adverse effects on regionally significant infrastructure[538]. 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 support[539] to seeking its deletion[540]. 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 UGBs[541]. 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."

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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 point[542];
   b. Seeking addition of provision to ensure reverse sensitivity effects on significant infrastructure is avoided[543];
   c. Broadening of the reference to infrastructure so it is not limited to public infrastructure[544];
   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 grid[546].

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

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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 retention[547], sought that reference be inserted to multiple use[548], 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 noted[550].

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 [551]that we have already commented on, we also reflect on the evidence we heard from the New Zealand Fire Service Commission[552] 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 provisions[553]. 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 submission[554] 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."

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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 deletion[555] or recognition of the need to avoid, remedy or mitigate the adverse effects of increased density[556].

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 included[557], that acceptance of change be qualified to limit situations where it is appropriate and where adverse effects can be avoided, remedied or mitigated[558], 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 design[560].

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 mixed[561], 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.

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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 deletion[562], 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 effect[564]. 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 submission[565] 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.

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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 policies[566].

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 policy[567] 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 3[568]. 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 policy[569] 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:

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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 deletion[570], support for the Policy as proposed[571], detailed amendments to more clearly identify what adverse effects are being managed at the interface of urban/rural areas[572], and lastly, seeking recognition that a sensitive transition may not be appropriate[573]. 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 defendable 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:

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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 part[574], seeking its deletion[575] and seeking amendment to soften its effect[576].

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 UGB[578] 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 UGB[580].

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:

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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 identity[581];
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 environment[582];
c. Amendment of the reference to infrastructure to focus on where the cost burden falls[583];
d. Amendment to refer to integration of both land use and transport networks[584];
e. Amendment to provide that development should enable the efficient use of public transport services[585].

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 areas[586], 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 land[587].

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 part[588].

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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 Goldsmith[589] 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 noted[590] 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 4.2.3.1[591]. 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:

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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 mitigated[592];

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 features[593];

c. To avoid reverse sensitivity effects on significant infrastructure[594];

d. That refer to coordinated planning of education facilities[595];

e. To delete reference to the UGB[596];

f. To provide a more enabling approach to expansion of infrastructure networks[597];

g. To add reference to wāhi tupuna[598].

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:

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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 airport[599], seeking that the effect of the policies be strengthened[600], to seeking to differentiate existing residential areas from rural and industrial areas and to add a new objective and policies on the subject[601].

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 outstanding[602]) 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:

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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 facilities[603].

1087. Mr Paetz did not recommend any amendment to this policy. Subsequent to the hearing, the Council resolved to amend this policy[604] 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 9B[605]. 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 demand[606]) to submissions seeking that it be deleted[607].

1101. We also bear in mind submissions seeking that the UGB should not be regarded as being set in stone[608] 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 sprawl[609].

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 recommendation[610] 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.

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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 thereof[611].

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 693[612] 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 ODP[613] 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 values[614]. 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 effects[615]. Counsel for Skyline Enterprises Ltd and others, Ms Robb, put a similar proposition to us, submitting[616]:

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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 Goldsmith[617] 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 resources[619], while complying with the legal obligations the Act imposes.

1118. We have not considered submissions[620] 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.

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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 NZIA[621] 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 above[622] 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."

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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 ONFs[623];
   b. Requesting it acknowledge urban landscapes and their values, and that references to farmland, farms and farming activities be amended[624];
   c. Requesting it acknowledge the role of infrastructure and the locational constraints that activity has[625];
   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 areas[626];
   e. Requesting it acknowledge the appropriateness of rural living, subject to specified preconditions[627];
   f. Requesting insertion of a broader acknowledgement of activities that might be enabled in rural locations[628];
   g. Support for its current text[629] or its intent[630].

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.

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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:

"T*hose 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 position[631]. 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 duplication[632] 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, NZIA[633] 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 right[634].
   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 deletion[635], identification of the balance of rural landscapes on the planning maps[636] and a change in the label for those rural landscapes[637].

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:

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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 categories[638];
    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 areas[639];
    c. A request to extend the ambit of Rule 6.4.1.2 to exclude Chapter 6 from having any application outside the Rural Zone[640];
    d. A request for clarification as to whether landscape classification objectives and policies apply to special zones like Millbrook[641];
    e. A request for clarification that landscape classification objectives and policies do not apply to the Rural Lifestyle Zone and the Rural Residential Zone[642];

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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 excluded[643];
g. A request to add the Hydro Generation Zone as a further zone excluded from the landscape classifications[644];
h. A request to add reference to trails undertaken by the Queenstown Trail or Upper Clutha Tracks Trusts[645];
i. A request to delete Rule 6.4.1.4 or clarify the reference to ONLs[646].

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 law[647] 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 6.3.8.3[648] 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 Limited[649] 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 Limited[650] 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.

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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 deletion[651], shifting provision for lighting into the rural chapter[652], carving out an exception for navigation and safety lighting[653], and generally to give greater prominence to the significance of the night sky as a key aspect of the District's natural environment[654].

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[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 3[655]. As discussed in Part C of our r 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 reasoning[656] 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 harvesting[657]. Another submission sought that the policy be deleted in this context and shifted to the rural chapter[658].

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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 holdings[659], deletion of the reference to the size of land holdings[660], deletion of the policy entirely or its amendment to recognise that it is the maintenance of landscape values that contributes to landscape character[661].

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 farming[662], 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 deletion[663], its retention[664] or softening the policy to refer to avoiding, remedying or mitigating indigenous vegetation clearance[665] or

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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 ONLs[666]. 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 submissions[667] sought amendment to this policy – that it refers to 'biodiversity' rather that '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 subject[668] 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."

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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 changes[669], clarification that a significant degree of degradation is required[670] and its deletion[671].

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 Taylor[672] 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 significant[673]. 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.

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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 matters[674];
b. Seeking to delete reference to the assessment matters, but retain the emphasis on subdivision and development being generally inappropriate[675];
c. Seeking to delete it entirely[676];
d. Seeking to amend the concluding words to soften the expectations as the number of locations where developments will be inappropriate[677];
e. Seeking to amend the policy to state the intention to protect ONLs or ONFs from inappropriate subdivision, use or development[678];
f. Seeking to qualify the policy to provide specifically for infrastructure with its own test, or alternatively add a new policy the same effect[679].

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."

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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 ODP[680] between the reduced capacity of the Wakatipu Basin ONLs to absorb change, compared to the ONLs in the balance of the District[681].

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 zone[682]. 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 Goldsmith[683] 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 evidence[684].

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.

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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 authority[685] holding that reference back to Part 2 of the Act[686] 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 observed[687], 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 ODP[689].

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 otiose[690]. Counsel for the Council, Mr Marquet, is recorded as having argued that they protected landowners' rights.

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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 position[691] 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 deletion[692], 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 identified[693], reference to a method that would identify the values in question[694], and expansion of the policy to include reference to Wāhi Tupuna[695]

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:

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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 landscape[696].

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 Straterra[697] 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 Energy[698], 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 Limited[699] 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 term[700].

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.

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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 decision[701] 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 608[702] 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 though 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 policy[703];
  b. That it refer only to assessment against the assessment matters[704];
  c. Deleting reference to the assessment matters and providing for adverse effects to be avoided, remedied or mitigated[705];
  d. Qualifying the application of the policy by reference to the requirements of regionally significant infrastructure[706].

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.

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[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 Club[707] sought to broaden the focus of the policy to include resort activities and development.

1295. Queenstown Park Ltd[708] 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 consideration[709].

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 we[710]. 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."

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[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 Variationss, 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:
   a. Seeking deletion of the final sentence referring to sprawl along roads[711];
   b. Seeking to insert reference to inappropriate development in the Rural Zone[712];
   c. 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 effects[713].

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 law[714]. 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.

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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 deleted[715].

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 policy[716];
a. Seeking to delete or amend reference to "*openness"*[717]*;*
b. Amending the policy to require a significant effect or to focus on significant values[718];

[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 deleted[719]
d. Softening the policy to be less directive[720].

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 Ltd[721] 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:

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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 submissions[722] sought deletion of visibility from public roads as a test.

1324. One submitter[723] sought greater clarity that this policy relates to subdivision and development on RCLs. Another submitter[724] sought reference be inserted to "*inappropriate subdivision, use and development".*

1325. Lastly, Transpower New Zealand Limited[725] 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.

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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 Goldsmith[726] 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, <u>use</u> 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:

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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 character[727];
    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 important [728;]
    c. Seeking to reframe the policy to be enabling of planting and screening where it contributes to landscape quality or character[729].

1341. Many submitters sought deletion of the policy in the alternative. One submitter[730] 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 planting[731].

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 feasible[732] and to delete reference to visibility substituting reference to minimising or mitigating disruption to natural landforms and rural character[733].

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 intended[735];
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 effects[737].

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:

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[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 managed[738].
    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 system[739]

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 proviso[740] and to seek additional guidance along the same lines as sought for the previous policy[741]

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 chapter[742].

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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 Limited[743] 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 3[744], 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 Limited[745] 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 Energy[746] 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 recommend[747] 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 recommend[748] the Stream 10 Hearing Panel consider amendment of the existing definition of 'trail' as follows:

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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

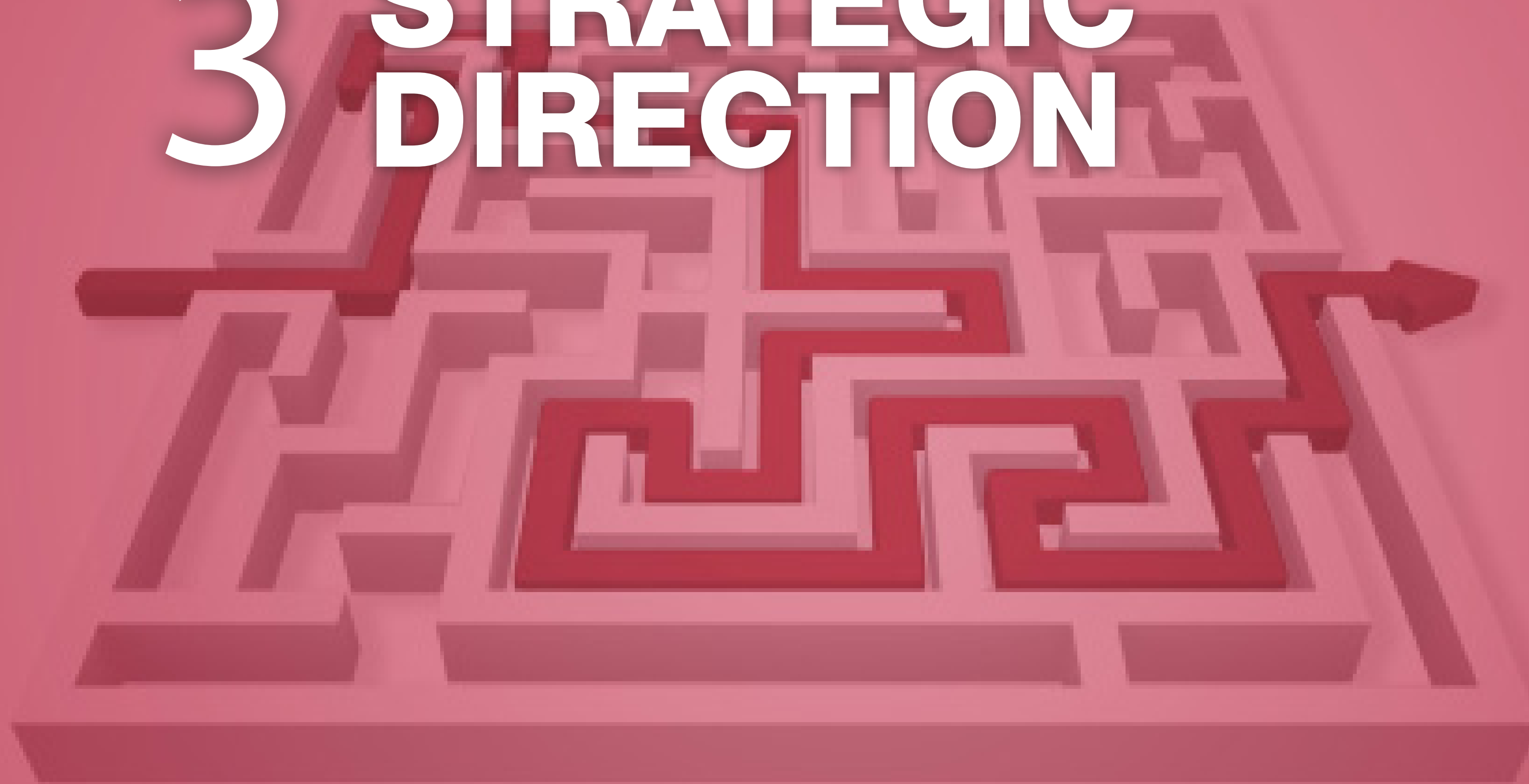
    be included in Chapter 2 for the reasons set out in our report.

For the Hearing Panel

Denis Nugent, Chair
Date: 16 March 2018

Appendix 1: Chapter 3 as Recommended

3 STRATEGIC DIRECTION



QUEENSTOWN LAKES DISTRICT COUNCIL

3.1 Purpose

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 centres[1] 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 centres [2], 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 NgāiTahu 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 Activites

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

QUEENSTOWN LAKES DISTRICT COUNCIL

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 defendable 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:

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 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 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:

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;

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

QUEENSTOWN LAKES DISTRICT COUNCIL

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.

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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 locations [1].

6.3 Policies

Rural Landscape Categorisation

6.3.1 Classify the Rural Zoned landscapes in the District as:

a. Outstanding Natural Feature (ONF);

b. Outstanding Natural Landscape (ONL);

c. 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 töpuni 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 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. (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:

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. (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:**

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 [1].

[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

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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

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	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

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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

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
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

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
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

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
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

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
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

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
	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 McGuiness	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

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
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

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
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

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
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

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
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

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
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

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
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

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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

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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

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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

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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

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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

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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

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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 Tayler	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

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 resource[110]. 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 regard[111]. 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 farming[112].

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 submitters[114]. In evidence and presentations to us, Ms Black and Mr Farrell for RJL questioned the contribution of farming[115] to maintain the rural landscape and highlighted issues with the proposed objectives and policies making it difficult to obtain consent for tourism proposals[116].

57. Similarly, the submission from UCES[117] 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:
    a. did not protect natural landscape values, in particular ONLs;
    b. was too permissive;
    c. was contrary to section 6 of the Act and does not have particular regard to section 7 matters; and
    d. 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

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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 character[119].

59. In evidence on behalf of Federated Farmers[120], 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 encouraged[124]and in Chapter 6, that policies should recognise farming and its contribution to the existing rural landscape[125]. Similarly, in relation to landscape, the Stream 1B Hearing Panel found that a suggested policy providing favourably for the visitor industry was too permissive[126] 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 Hadley[128] 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.

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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 submitters[129], put to us that Chapter 21 failed to provide for rural living, in particular in the Wakatipu Basin[130]. Mr J Brown[131] and Mr B Farrell[132] 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.

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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 RJL[138] and Te Anau Developments[139] 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 evidence[140].

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 table[141]. 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. QAC[142] 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. QAC[143] 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 status[144].

84. Ms Wolt, in legal submissions for QAC[145], 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 Submission[146] 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 derived[147]. 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 superimposed[148]. 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 rule[149]. 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 QAC[150] and Transpower[151] 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 evidence[153] 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 & Bird[155] also sought the recognition of the loss of biodiversity on basin floors and NZTM[156] 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 Barr[158]. 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:

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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 resource[159], 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 development[164].

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

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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 detail[166] 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 biodiversity[169], or amending the reference to landscape to *"outstanding natural landscape values"*[170].

110. In evidence for RJL *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 uses[173];
   c. To change the policy to not "<u>significantly</u> 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 clearer[176]. 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 appropriate[177]. Mr Farrell did not support the amendment sought by RJL in relation to changing the policy to not "<u>significantly</u> 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 landscape[178]. In evidence for Federated Farmers[179], Mr Cooper emphasised the need to ensure that the associated costs were reasonable in terms of the policy

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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 appropriate[180].

119. Mr Barr also addressed in his Reply Statement, evidence presented by Mr P Bunn[181] and Ms D MacColl[182] as to the policy and rules relating to farm buildings[183]. 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.

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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 notified[185];

21.2.1.4 remove reference to "requiring facilities to locate a greater distance from"[186], retain the policy[187] and delete the policy entirely[188];

21.2.1.5 retain the policy[189];

21.2.1.6 insert "mitigate, remedy or offset" after the word avoid[190], reword to address significant adverse impacts[191] or support as notified[192];

21.2.1.7 delete the policy[193] and amend the policy to address impacts on Manawhenua[194];

21.2.1.8 include provision for public transport[195].

124. Specific evidence presented to us by Mr MacColl supporting the NZTA submission which supported the retention of Policy 21.2.1.3[196]. 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 required[197].

125. Mr Barr generally addressed these matters in the Section 42A Report[198] and again in his Reply Statement[199]. 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:

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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 Submissions339, 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 PDP[200]. 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 opportunities[202].

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 Chapter[203]. 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 23[204]. 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 McLeod[205] 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:

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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 deletion[208] or retention[209] 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

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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 supportive[214] 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 deletion[217] or retention[218], 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"*

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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 & Bird[220] and E Atly[221] 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] Transpower[224] 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 Craw[227]

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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 retention[231] or deletion[232]. Queenstown Park Limited[233] 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 activities[234], 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 Vivian[237] 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 polices is clear.

173. NZTM[239] 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 NZTM[241] 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.

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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 NZTM[244] (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 is 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 degraded[246], replacement of the words "*providing location, scale and effects would not degrade"* with "*while avoiding, remedying, or mitigat*ing"[247], narrowing the objective to refer to *"significant"* amenity, water, landscape and indigenous biodiversity values[248] or amendment so it should apply in circumstances where the degradation would be *"significant"*.[249]

188. The submission from the Forest & Bird[250] 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 focused[253] 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 appropriate[255] 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:

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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 water[259]

21.2.5.4 remove reference to *"large scale"* extractive activities[260], 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:

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[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

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[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 mining[270]. 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 amendments[271]. 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 mining[274].

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.

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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 m^3 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 evidence[282] 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 polices 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.*

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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 LP[284], and Treble Cone Investments Ltd[285] 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 Ltd[286] 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 CARL[287] 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.

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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 Ferguson[291], held a different view, particularly in relation to the inclusion of residential and visitor accommodation within the definition. Relying on Mr McCrostie's evidence[292], 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 statement[294] 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 LP[296], and Treble Cone Investments Ltd[297] 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 Ltd[298] 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 retained[301], the objective be revised to reflect that Council should not be encouraging growth in ski areas and should control lighting effects[302], that the objective be broadened to apply to not just existing ski areas and be amended to provide for integration with urban zones[303], 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 focused[305], 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 district[308], 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 PDP[309]
   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 maintenance[310]

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

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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, Para2.31 (a)
310 J Brown, Evidence, Page 21, Para2.31 (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.

21.6.2.3 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:

<u>Policies</u>

21.2.6.1 Retain the policy[313] and widen the policy to encourage tourism activities[314].

21.2.6.2 Retain the policy[315], or amend to replace the word "*Control*" with *"Enable and mitigate*"[316] (We note that the submission from CARL[317] 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 Farm[318]

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. QPL[323] 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. CARL[325] 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.

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[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 LP[327] and Treble Cone Investments Limited[328] 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 Limited[330]. 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 LP[331] and Treble Cone Investments Limited[332] 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 McCrostie[334] set out details of the nature of visitor and worker accommodation sought, which included seasonal use of such accommodation.[335]

260. Mr Ferguson[336] 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

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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 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*

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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 objective[341] 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 focused[343], 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:

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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 retained[346], deleted[347], or reworded[348] 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 was 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 of 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.

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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 deleted[350] 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 was 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 retained[352]. There were no submissions seeking amendments to these policies[353] 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 support[354], seeking its deletion[355], to its amendment[356] as follows:

Avoid, remedy or mitigate subdivision and development in areas specified on planning maps identified as being unsuitable for development.

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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 framed[357]. Responding to the submission from X Ray Trust[358] 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 focused[359], 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 rewording[360]. 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.

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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 support[361]; its deletion as superfluous or repetitive[362], amendment to include "indigenous vegetation, wilding and exotic trees"[363], amendment to include the Historic Heritage Chapter[364] or amendment to remove the "in particular" references entirely[365].

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 policy[367].

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 QPL[368] 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 support[369], its deletion[370], amendment to include nature conservation values[371] or Manawhenua values[372], amendment to soften the policy by replacing *"Ensure"* with "*Encourage*" and inserting *"significant"* before the word landscape[373], 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 Zone[375]. 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 Trust[376] 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 manged 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 Chapters[380] (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 evaluation[381], 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;

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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 policy[382]
   b. Sought avoidance of forestry activities and addition of nature conservation values as a matter that could be degraded[383]
   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 values[384]

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 RJL, considered the addition of the word *"only"* to be inappropriate, as it would mean that protection, maintenance or enhancement was required for the establish 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 recommend 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.

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[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.

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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 deleted[391] 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 retained[394], that it be deleted[395], 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 RJL 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 recommended 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 RJL 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.

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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 retained[399], or sought various wording amendments so that the objective applied to wider range of rural activities than just farms[400].

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 focused[403], 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:

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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 retained[404], 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 Planning[407] 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.

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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 support[409], 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 activities[412]*,* 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.

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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 support[418]; amendment to include *"nature conservation values"* as matters to be sustained in the future[419]; amendment to specifically identify *"recreation"*, and/or *"tourism"* as complementary activities[420]; 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 Report[424], 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 controls[425], 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 focused[430], Mr Barr recommended rewording of the objective as follows;

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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 Tourism[431], 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 Developments[433], 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 objective[435]. 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 airports[436]. Mr Barr recommended alternative wording for the objective and set out a brief section 32AA analysis[437].

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.

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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 controls[438]; 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 values[440]; amendment to apply to existing informal airports and to protect them from surrounding rural amenity[441]; 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 Limited[443], 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

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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 controls[447] or sought amendment to protect informal airports and flight path locations of fixed wing aircraft from surrounding rural amenity[448].

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 hearings[451] and reached the conclusion that such a method would not be efficient. Mr Barr's proposed new policy refers to

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[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 it 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 retained[453]; be amended to change the word *"Protect'"'* to *"Preserve"*[454]; be amended to provide for appropriate recreational and commercial recreational activities[455]; be amended or deleted and replaced with an objective that provides for the benefits associated with a public transport system[456]; be amended to recognise the importance of water based transport[457]; 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 focused[462], 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 Act[463].

402. Mr Brown in evidence for several submitters[464] 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

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458 Submission 621
459 Submissions766, 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 bodies[468] 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 submission[469] 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 3[471] and Chapter 5[472] 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.

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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 retained[473]. 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 policy[476]. 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.

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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 retained[478]. 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 transport[479]. 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 Ltd[481] 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 policy[483], 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 Arm[484]. 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 it[486]. The WCO states that identified characteristics (including wild and scenic, and natural characteristics) are protected. While the

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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 transport[487]. 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 policy[489]. The Section 42A Report did not reference the relief sought regarding the inclusion of *"wild and scenic"* values.

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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 whitewater[490]. 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 retained[492]. 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 transport[493]. 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.

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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 enhancement[500].

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"* instruction[501] is too weak a policy response for a matter whose preservation is required to be recognised and provided for, as well as being out

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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 RJL) we do not need to give further consideration to the other aspects of the relief in RJL'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 transport[502]. One submission sought the policy be amended to include private investment/donation[503]. 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 link[505]. 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 TML[507] and Mr Brown's evidence for QPL and Queenstown Wharves Ltd[508] 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]

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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 policy[513]. 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 tourism[514]. 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 Report[515].

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 margins[516]. 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:

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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 effects[519]. 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 wash[521]. Mr Barr recommended that policy remain as notified.

479. Mr Farrell, in evidence for RJL *et al*, agreed with Mr Barr's recommendation[522] and Mr Brown, for QPL, did not recommend any amendments to the policy[523].

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]

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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 context[526]. Mr Barr recommended that the policy remain as notified.

486. Mr Brown, for QPL, did not recommend any amendments to the policy[527]. 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 place[528]. 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 objective[529]. One submission sought clarification as to the location of the Rural Industrial Sub-Zones[530]. 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 focused[533], 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 were no Transpower assets with the Rural Industrial Sub Zone[534].

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.

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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 Trust[535] 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 Ltd[538] 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

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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 Zone[539], 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 Ltd[540] and Skyline Enterprises Ltd[541], 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 vales 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

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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 vales 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 Zone[545]. 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.

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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 included[546]. 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 developments[547].

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 raised[548]. 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 21.3.1[549], 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 recommendation[550]. 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 Grid[551]. 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.

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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 Act[552]. Mr Barr recommended the submission be rejected, but we could find no reasons set out in the report for reaching that recommendation[553]. 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 retained[554], one that it be deleted[555] as the Environment Court had called it into question, and one submission sought that the reference to "*or other non-*

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552 Submission 806
553 C Barr, Section 42A Report, Appendix 2, Page 80
554 Submission 45
555 Submission 806

farming" be removed[556]. 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 recommendation[557]. 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 prevail[558].

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 Area[559]. 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 area[560]. Mr Barr recommended the submission be rejected[561] 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 signs[562], 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 2[563]. 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 form QPL sought that the clarification point be amended to ensure that the rules are applied on an effects basis[564]. Mr Barr recommended the submission be rejected[565], 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 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 submissions[566] 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 Report[567]. 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 it[568]. 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 retained[569]. 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 purposes[571].

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 Holor[574] 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'.

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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 retained[575] and one sought that it be deleted[576].

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 sense[577], concluding that Rule 21.4.5 was appropriate as non-farming activities could have an impact on landscape[578]. 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 Panel[579] 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]

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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 retained[581], four submissions sought that it be deleted[582], one submission sought that the rule be replaced with the equivalent provisions of the ODP[583] 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 buildings[584].

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 deleted[586] and seven submissions sought that it be amended to provide for two residential units per building platform[587].

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

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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 opportunities[591].

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 1000m^2 building platform would not create a perceptible difference to one residential unit and one residential flat, where the residential flat could be greater than 70m^2. 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 Ltd[593] and G W Stalker Family Trust[594] 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 resources[595]. 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 70m^2 to 150m^2 to address the concern raised by Mr Goldsmith that the 70m^2 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

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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 activity[598]. 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;

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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. 70m^2 *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 retained[599] and one submission sought that the rule be replaced with the equivalent provisions of the ODP[600] 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 retained[601], 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 ODP[602] 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

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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 effects[605]. 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 NZIA[607] 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 deleted[608].

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 evidence[611] for X-Ray Trust Limited, Ms Taylor agreed with Mr Barr's recommendation[612].

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 amended[613] 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.

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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 retained[615]. One submission sought that Rules 21.4.12 and 21.4.13 be deleted[616]. 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.*

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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 retail[617] 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 future[618].

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:

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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 site[619].

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 2[620].

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 submitter[622] 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:

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[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 retained[623] and one submission sought that the rule be amended to include Heli-Skiing as a permitted activity[624].

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 retained[625], three submissions sought the number of persons be increased to anywhere from 15 – 28[626] and one submission sought that number of persons in the group be reduced to 5[627].

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 recreation**al** 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.

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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 7[636]. 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.

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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 deleted[639] and one submission sought that the rule be amended or replaced to change the activity status from non-complying to discretionary[640].

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]

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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: 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: 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 status[647] 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 services[648].

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 discretionary[650]. 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:

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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 provision[653]. 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	**Informal Airports Located on Public Conservation and Crown Pastoral Land** Informal airports that comply with the following standards shall be permitted activities: 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; 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; 21.5.25.3 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities; 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	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	**Informal Airports Located on other Rural Zoned Land** Informal Airports that comply with the following standards shall be permitted activities: 21.5.26.1 Informal airports on any site that do not exceed a frequency of use of 3 flights* per week; 21.5.26.2 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities; 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. * note for the purposes of this Rule a flight includes two aircraft movements i.e. an arrival and departure.	D

678. There were eleven submissions that sought that Rule 21.4.25 be retained[654], and six submissions that sought it be deleted[655] for various reasons including seeking the retention of ODP rules.

679. For Rule 21.5.25, submissions variously ranged from:
   a. Retain as notified[656]
   b. Delete provision[657]
   c. Delete or amend (reduce) set back distances in 21.5.25.4
   d. Amend permitted activities list 21.5.25.3 to include operational requirements of Department of Conservation[658]

680. For Rule 21.5.26, submissions variously ranged from:
   a. Retain as notified[659]
   b. Delete provision[660]
   c. Delete or amend (increase) number of flights in 21.5.26.1[661]
   d. Delete or amend (reduce) set back distances in 21.5.26.3[662]
   e. Amend permitted activities list 21.5.26.2 to only to emergency and farming[663], or amend to include private fixed wing operations and flight currency requirements[664]

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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

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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	**Informal Airports Located on Public Conservation and Crown Pastoral Land** Informal airports that comply with the following standards shall be permitted activities: 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; 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; 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; 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.	D
21.10.2	**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 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.	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 rule[669] 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 retained[670]. One submission sought the that 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 Zone[671], 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 retained[672]. The only additional evidence we received was from was 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 airport[673]. 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.

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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 retained[674]. Two submissions sought that the provision be deleted[675]. One submission sought the provision be amended to excluded tourism activities from being subject to the provision[676].

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 retained[677]. 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 Journeys[680]); 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) RJL 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 devices [682]
   b. to add reference to landscape and significant natural areas as areas where the activity cannot be undertaken[683]
   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 1000m^3 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.*

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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 submissions[687] 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 Report[688], 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 21.4.30[689]. 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 (1000m^3 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 1000m^3 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

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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 circumstances[692]. 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 support[694]. 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.

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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 proposed[695] 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:

<u>*Setback from Roads*</u>
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.

<u>*Non-compliance Status – RD*</u>

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 proposed[699]. One submission sought that the standard be amended so that the setback be 5m for streams less than 3m in width[700]. Another submission[701] 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]

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[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 retention[704]
   b. Its deletion[705] (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 distance[708]
   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 Trust[712], 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 setbacks[713]. 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

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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 Trust[715] 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 retention[717]
   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]

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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	**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

7.7 Rule 21.5.7 – Dairy Farming

757. Rule 21.5.7, as notified, read as follows;

	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. For the purposes of this rule: 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

758. Submissions on this rule variously sought that it be retained[721], be deleted[722], be widened or clarified to include other livestock including "deer, beef"[723] or expressed concern regarding it overlapping Regional Plan rules[724].

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]

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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 retention[727], 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.

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[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 submission[728] 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 submission[729] in respect of this rule, and that submission sought that the rule be retained.

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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	**Structures** 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: 21.5.14.1 post and rail, post and wire and post and mesh fences, including deer fences; 21.5.14.2 any structure associated with farming activities as defined in this plan. Discretion is restricted to all of the following: 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

779. One submission sought that the rule be retained[730], two sought that "nature conservation values" be added the matters of discretion[731], one submission sought that 21.5.14.2 be amended without specifying such amendments[732], 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 discretionary[734].

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 Report[736], 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 to 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 Report[737], considered that irrigators were not buildings, as per the QLDC Practice Note[738] 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 21.5.18[739]. 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	**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: 21.5.14.1 post and rail, post and wire and post and mesh fences, including deer fences; 21.5.14.2 any structure associated with farming activities as defined in this plan.	RD Discretion is restricted to: 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.

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	**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; 21.5.15.1 Pre-painted steel and all roofs shall have a reflectance value not greater than 20%; and, 21.5.15.2 All other surface finishes shall have a reflectance value of not greater than 30%. 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. Discretion is restricted to all of the following: a. External appearance b. Visual prominence from both public places and private locations c. Landscape character d. Visual amenity.	RD

786. One submission sought that the rule be retained[740]; two sought that the reference to colour be removed[741]; one submission sought that 21.5.15.1 be deleted[742]; one submission sought that wording be amended for clarity and that the reflectance value not apply to locally sourced schist[743]; another submission sought amendments such that the area be increased to 10m^2 and that the reflectance value be increased to 36% for walls and roofs, and a number of finishes to be excluded[744]; two submissions sought that buildings within Ski Area Sub-Zones be excluded from these requirements[745]; one submission sought that 21.5.15.3 be less restrictive and amended to 30% in any 5 year period[746]; 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 ODP[748], 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 certainty[751]. 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 standard[752].

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 schist[753]. 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:
   a. To exclude soffits, windows and skylights (but not glass balustrades) from the exterior surfaces that have colour and reflectivity controls; and
   b. 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-Zones[756]. 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 21.5.16[757] 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 Fergusson, 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

21.7.2	**Buildings** Any building, including any structure larger than $5m^2$, 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* must be coloured in the range of browns, greens or greys, including; 21.7.2.1 Pre-painted steel and all roofs must have a light reflectance value not greater than 20%; and, 21.7.2.2 All other surface** finishes, except for schist, must shall have a light reflectance value of not greater than 30%. 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. Except this rule does not apply within the Ski Area Sub-Zones. * Excludes soffits, windows and skylights (but not glass balustrades). ** 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%.	RD Discretion is restricted to: a. external appearance; b. visual prominence from both public places and private locations; c. landscape character; d. visual amenity.

8.3 Rule 21.5.16 – Building Size

795. Rule 21.5.16, as notified read as follows;

21.5.16	**Building size** The maximum ground floor area of any building shall be $500m^2$. Discretion is restricted to all of the following: 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.	RD

796. One submission sought that this rule be retained[758] and two submissions sought that the rule be deleted[759].

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 1000m^2 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 1000m^2 building platform is not an appropriate way to achieve the objectives of the PDP and, in our view, the 500m^2 limit enables appropriately scaled buildings. Proposals involving larger floor plates can still be considered under the discretion for buildings greater than 500m^2.

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	**Building size** The ground floor area of any building must not exceed 500m^2. Except this rule does not apply to buildings specifically provided for within the Ski Area Sub-Zones.	RD Discretion is restricted to: 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.

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 systems[761] and one to exclude the rule from applying to mining buildings[762]. One submission sought that the rule be retained as notified[763].

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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 exceptions[764], 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 evidence[765] 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 appropriate[767]. 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 rule[768]. 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 made[769], 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 200m^2 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 masl[771]. 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 values[773]. 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.

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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 slopes[776].

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 discretion[777]. 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 The following standards apply to Farm Buildings.	**Non-compliance**
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: 21.8.1.1 The landholding the farm building is located within must be greater than 100ha; and	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.

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**
	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 100m²; 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 300m²; 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.	iii. privacy, outlook and rural amenity from adjoining properties. iv. visibility, including lighting.

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 retained[778], one submission sought that wording be amended for clarity and that the reflectance value not apply to locally sourced schist[779], and one submission sought removal of visual amenity values from the matters of discretion[780].

828. The submission on this provision from Darby Planning[781] 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 form Federated Farmers[782] 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.

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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	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%.	RD Discretion is restricted to: a. external appearance b. visual prominence from both public places and private locations c. landscape character d. visual amenity.

9.3 Rule 21.5.20 – Building Height

831. This standard set a maximum height of 10m for farm buildings. Two submissions[783] 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 retained[784] 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	**Home Occupation** 21.9.2.1 The maximum net floor area of home occupation activities must not exceed 150m²; 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.

10.3 Rule 21.5.23 – Retail Sales

837. This rule imposed a setback from road boundaries of 30m on buildings in excess of $25m^2$ 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 submission[787] 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 retails 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: 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

844. One submission sought to add provisions relating to the exterior colour of all buildings[788]; 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 amendment[790] and Mr Barr, in reply provided further modification to the Table to clarify activity status[791]. 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 rejected[792]. 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: 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

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.	

12.2 Rule 21.5.28 – Ski tows and lifts

849. As notified, Rule 21.5.28 read as follows:

21.5.28	**Ski tows and lifts.** Control is reserved to all of the following: 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

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 systems[793]. 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	**Passenger Lift Systems.** Control is reserved over: 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

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

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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 Are Sub Zones

854. Two submissions sought to insert a new rule into Table 7 (as notified) to provide Residential and Visitor Accommodation[794].

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 Ferguson[795] 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 values[796]. 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 diversity[798]. 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 rule[799]. 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

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

	Comprising a duration of stay of up to 6 months in any 12 month period and including worker accommodation. Discretion is restricted to: 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	

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	**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; 21.5.32.1 Pre-painted steel and all roofs shall have a reflectance value not greater than 20%; and, 21.5.32.2 All other surface finishes shall have a reflectance value of not greater than 30%. Discretion is restricted to all of the following: • External appearance • Visual prominence from both public places and private locations. • Landscape character • Visual amenity.	RD

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 Review[800]. 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 $500m^2$, 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

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 Standards[802]. 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 activity[803].

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:

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802 Submission 383

803 Submission 568

804 C Barr, EIC, Page 101, Para 20.8

21.5.38	**Jetboat Race Events** 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. Control is reserved to all of the following: 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

881. One submission sought that the rule be deleted as it would limit recreational opportunities and activities on the Clutha River[805].

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 note[806]. 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	**Jetboat Race Events** 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. Control is reserved to: 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

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	**Commercial non-motorised boating activities** Discretion is restricted to all of the following: 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

805 Submission 758

806 C Barr, Section 42A Report, Pages 88 – 89, Paras 17.43 – 17.48

	d. Waste disposal e. Cumulative effects f. Parking, access safety and transportation effects.	

884. One submission sought that the rule be retained[807], one sought that it be deleted[808], two submissions sought that the rule be amended to prohibit non-motorised commercial activities on Lake Hayes[809] and one submission sought that the rule be amended so that the matters of discretion included location[810]. 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 submission[811], 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 RJL agreed with Mr Barr[813].

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 Limited[815] considered safety and congestion an important factor that should considered for any application involving existing and new motorised and non-motorised boating activities[816].

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;

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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	**Commercial boating activities** Motorised commercial boating activities. 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.	D

891. One submission sought that the term "motorised commercial boating activities" be deleted from the rule[818] 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 activity[819].

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	**Motorised and non-motorised Commercial Boating Activities** Except where otherwise limited by a rule in Table 12. 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.	D

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 erosion[820].

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 activity[821].

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).

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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 Arm[823].

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

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 retained[824]
   b. 21.5.44.1 be amended to provide for recreational jet sprint racing on the Hawea River[825]
   c. 21.5.44.3 be amended to provide for recreational and commercial boating activities on the Beansburn tributary of the Dart River[826]
   d. 21.5.44.7 amend rule to permitted activity status[827]
   e. 21.5.44.10 amend rule to permitted activity status[828].

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 Airport[53] 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 event[54]. 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 2010[55] 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*

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 55. *http://www.qldc.govt.nz//assets/OldImages/Files/Reserve_Management_Plans/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 course[830]. 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 boating[831].

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 effect[832]. 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;

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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	**Motorised Recreational Boating Activities** Hawea River, motorised recreational boating activities on no more than six (6) days in each year subject to the following conditions: 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

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 impacted[833].

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 River[834].

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

	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.	
	21.15.10.4	Young River or any tributary of the Young or Wilkin Rivers and any other tributaries of the Makarora River.	
	21.15.10.5	Dingle Burn and Timaru Creek.	
	21.15.10.6	The tributaries of the Hunter River.	
	21.15.10.7	Hunter River during the months of May to October inclusive.	
	21.15.10.8	Motatapu River.	
	21.15.10.9	Any tributary of the Matukituki River.	
	21.15.10.10	Clutha River - More than six jet boat race days per year as allowed by Rule 21.15.4	

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	**Boating craft used for Accommodation** Boating craft on the surface of the lakes and rivers may be used for accommodation, provided that:		NC
	21.16.1.1	The craft must only be used for overnight recreational accommodation; and	
	21.16.1.2	The craft must not be used as part of any commercial activity; and	
	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.	

14.7 Rule 21.5.46 – Jetties in Frankton Arm

930. As notified, Rules 21.5.46 read as follows:

21.5.46	No new jetty within the Frankton Arm identified as the area east of the Outstanding Natural Landscape Line shall:		NC
	21.5.46.1	be closer than 200 metres to any existing jetty;	
	21.5.46.2	exceed 20 metres in length;	
	21.5.46.3	exceed four berths per jetty, of which at least one berth is available to the public at all times;	
	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.	

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 jetties[836]. 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 CBD[837].

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 RJL opined that the importance of water based public transport warranted discretionary activity status for associated jetties and structures rather than the non-complying activity status[839]. 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 Maps[840]. 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	Jetties and Moorings in the Frankton Arm 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 No new jetty within the Frankton Arm identified as the area east of the Outstanding Natural Landscape Line shall: **21.16.2.1** **Be closer than 200 metres to any existing jetty;** **21.16.2.2** **Exceed 20 metres in length;** **21.16.2.3** **Exceed four berths per jetty, of which at least one berth is available to the public at all times;** **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.**	NC

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

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

	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.	
	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.	
	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.	
	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.	

937. One submission sought that the rule be amended to clarify that it did not apply to commercial boating operations providing a public transport service[841]. Another submission sought that Rule 21.5.47.1 be amended so as not to provide a disincentive for public transport[842]. A third submission sought that rule 21.5.47.4 be amended to refer to 'one' instead of 'two' commercial jet boat operators[843].

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 Ltd[845] 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	The following activities are subject to compliance with the following standards: 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. 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. 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. 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.	NC

15 TABLE 10 – CLOSEBURN STATION

943. As notified, this table contained one activity rule and four standards applying solely to Closeburn Station. The only submission[846] 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 NZFS[847] 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 rejected[848]. 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 standard[849].

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 outs[850]. 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 itself[852.] 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 in 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	**Fire Fighting water and access** 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: 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	RD Discretion is restricted to: 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.

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

	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.	c. Whether and the extent to which the building is assessed as a low fire risk.

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-notified[853]. 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 rejected[855]. 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 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 entirely[856], 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 Basin[858]; that the provision be amended to take into account the locational constraints of infrastructure[859]; that the assessment criteria be amended to accord with existing case law[860]; and that 21.7.1.1[861] and 21.7.1.2[862] 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 PDP[863] 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 to[864].

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 unnecessary[865].

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 required[868]. 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 effects[869].

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, Page12, 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 recommended[870].

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 chapter[872]. 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 Panel[873]. 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

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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 Limited[874] 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 21.7.1.5[875]. We recommend those matters be adopted as notified, subject to renumbering.

19.3 Section 21.7.2 Rural Landscape Classification (RCL) 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 entirely[876], 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 landscapes[878], that 21.7.2 be amended to provide for cultural and historic values[879], and that 21.7.2.1[880] and 21.7.1.2[881] 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

resources[882]. 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:*
>
> ~~21.7.2.1The 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:*

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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 deleted[883]
  b. 21.7.2.5 (b) be incorporated into the ODP assessment matters[884]
  c. 21.7.2.5 (c) be deleted[885]
  d. 21.7.2.7 be deleted[886]

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 notified[887].

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 21.7.2[888]. In summary, Mr Brown and Mr Farrell recommended amendments to reflect RMA language, rephrase from negative to positive language, and remove repetition[889].

986. In reply, Mr Barr considered that the amendments to these provisions added little value or potentially weakened the assessment required[890] 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, Page29, 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 submission[891] 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 requirement[892].

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 submissions[893] sought the retention of this matter, and one[894] 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 comments[895] 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:

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[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 farming[896];
b. Farming activity[897];
c. Farm building[898];
d. Forestry[899];
e. Holding[900];
f. Informal airport[901];
g. Rural industrial activity[902];
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

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

<u>Commissioners</u>

Denis Nugent (Chair)

Calum MacLeod

Mark St Clair

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 Froud[27] supported the chapter generally. As we are recommending changes to the chapter, we recommend his submission be accepted in part.

33. Maggie Lawton[28] 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 Pickard[29] 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 Companies[31] 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 Limited[32]. 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 Inc[33] 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.

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27 Submission 19
28 Submission 165
29 Submission 424
30 Policy 4.2.2.10
31 Submissions179.15, 191.13 and 781.14
32 Further Submission FS1342.9
33 Submission 817

39. Te Anau Developments Ltd[34] and Cardrona Alpine Resort Ltd[35] 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 Submission[36]

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 Farmers[37] and Transpower[38].

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 evidence[39] 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 RPS[40]. 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 Limited[41] 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 District[42]. 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 reasons[43].

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 lines[44]. 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 proposals[45], 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

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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 Dowd[46] and Mr Barr[47] 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 Act[48]. 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 policy[49] 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

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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 Council[50]. 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 34:2001[51] 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 summary[52]. 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.

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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 submitter[53] and a second submitter sought an amendment to refer to electricity transmission[54]. 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 efficiency[55]. 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 submission[56] supported section 30.1.2 as notified. Transpower[57] and PowerNet Ltd[58] 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 objective[59] and Policy 30.2.3.7[60] received submissions in support. The only submissions seeking to amend the provisions were those by the DoC in respect of Policy 30.2.3.4[61] and Policy 30.2.3.6[62]. 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:

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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 support[63] to support with amendments. NZTA[64] 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. QPL[65] 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.

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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 objective[66], 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 Companies[67] overcame that problem and was largely supported by Mr Barr in his Section 42A Report. The amendments proposed by PowerNet[68] and Transpower[69] suffered from proposing an alternative action rather than an outcome. Mr Barr's recommended changes were supported by Mr McCallum-Clark[70].

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:

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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 amendment[71] 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 submissions[72] 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 amended[73]. 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 30.2.5.4[74], but we are unable to find any submissions seeking its deletion, although Mr McCallum-Clark appeared to support this course of action[75]. 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 Companies[76] 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 words[77]. 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.

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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.

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

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 objective[78], while five sought various amendments[79]. 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 amendments[80].

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:

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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 30.2.6.1[81], one submission sought its amendment[82], three submissions sought its replacement[83], and one sought its deletion[84]. 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 accepted[85].

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 Council[86] sought the correction of a typographical error in Policy 30.2.6.2 by replacing the word "options" with "operational". Federated Farmers[87] sought that the economic costs of activities adversely effected be included in the policy. Transpower[88] 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 submission[89]. 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 submissions[90] 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 submission[91] sought that policy 30.2.6.4 be retained. Three submissions sought its amendment. Federated Farmers[92] supported the policy subject to it being confined to referencing the National Grid. Transpower[93], 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 submission[94] 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 McLeod[95] 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 Renton[96].

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 submissions[97] supported Policy 30.2.6.5 as notified. Transpower's submission[98] sought its amendment. Four submissions[99] sought the creation of two policies out of this policy.

114. Ms McLeod[100] 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*

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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 objective[101], while four sought amendments to the objective[102]. 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 Companies[103] 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 Report[104]. He also noted that PowerNet[105] 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 evidence[106] 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 us[107].

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

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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]

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[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 point[112].

126. Two of the Telecommunication Companies sought the retention of this policy, but the insertion of the additional policy quoted above[113].

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 feasible[115]. Two sought additional wording with the effect of requiring undergrounding be economically viable[116]. No specific evidence was provided in support of these amendments. Ms McLeod, in her evidence on behalf of Transpower[117], suggested additional wording limiting the policy to new services in urban areas, although no changes were sought by Transpower.

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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 unaltered[118]. Aurora[119] sought it be limited to residential zones, and Transpower[120] 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 Walker[121] 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 evidence[122], 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 retention[123]. Transpower[124] 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 use[125]. 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. Transpower[126] 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

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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 McLeod[127] proposed the inclusion of two new objectives and further amendments to the amended Policy 30.2.6.4 recommended by Mr Barr[128]. 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 5[129].

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. PowerNet[130] 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's[131]. This policy was not addressed in Ms Justice's evidence.

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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 Standards[132] 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 2016[133];
   b. Add reference to Electricity (Hazards from Trees) Regulations 2003[134];
   c. Amend 30.3.2.1 to clarify that the provisions of NESETA 2009 prevail of the Plan rather than the chapter[135];
   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 34:2001[136];
   e. Retain 30.3.2.3 as notified[137].

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 immaterial[138].

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 2016[139]. 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 section[140]. 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 QAC[141].

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[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 section: 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 Companies[142] 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 submission[143] supported the rule, and a second submission[144] 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 submissions[145] opposed the standards in this rule that allowed solar panels to protrude beyond the maximum height limit specified for the zone. One submission[146] sought the deletion of the area limitation of 150m^2 for free standing solar systems, and one submission[147] 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 Report[148]. 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.

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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 Kobienia[149] 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 30.5.1[150]:
   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 150m^2 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 5m^2 if solar panels on a flat roof.

30.4.2.1.8 not exceed 150 m^2 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. Arrowtown 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 Arrowtown Residential Historic Management Zone[152];

[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 height[153];
c. Remove the capacity restriction[154];
d. Limit the restriction in rural zones to outside of a building platform[155].

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 $150m^2$ 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 Zones[156], 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. One[157] 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 submitter[158], we recommend the submission therefore be rejected as not being necessary.

187. The second submission[159] sought amendment to the matter of discretion related to natural hazards. Mr Barr recommended the deletion of that matter of discretion[160], 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 submission[161] 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 submission[162] 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 evidence[163], 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 Statement[164].

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 Dowd[165], albeit with wording more similar to that suggested by Mr Barr.

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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 amendments[166]:

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 Report[167] 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

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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 383[168] 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 submission[169] 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 3m[170], and inserting a maximum reflectance value of 36% in clause 3[171]. 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 submissions[172] 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 submission[173] 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.

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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 appropriate[174].

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 x[175]

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 2016[176]. 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 submissions[177] 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:*

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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 submissions[178] sought amendments to this definition. Mr Barr discussed these submissions in his Section 42A Report[179], noting that the majority of the relief sought was consistent with definitions used in other district plans[180]. He recommended accepting the following components:
   a. the addition of lines;
   b. removing diameter requirements[181;]
   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 Justice[182] 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 Dowd[183] 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.

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178 Submissions 179 (supported by FS1121 andFS1301, opposed by FS1132), 191 (supported by FS1121 andFS1301, 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 Statement[184] 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. Aurora[185] 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. Transpower[186] 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 $10m^2$ 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 30.5.11[187]. Aurora[188] sought minor amendments for clarification to Rule 30.5.10, but otherwise supported it, and supported Rule 30.5.11. Transpower[189] 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 Council[190] sought clarification as to whether the definitions of National Grid Sensitive Activities and Sensitive Activities – Transmission Corridor were both necessary. Arcadian Triangle Ltd[191] 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

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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 Barr[192]. 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 11[193]. 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 standards[195].

243. Mr Barr, in his Reply Statement, generally accepted the changes proposed by Ms McLeod[196], 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*

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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

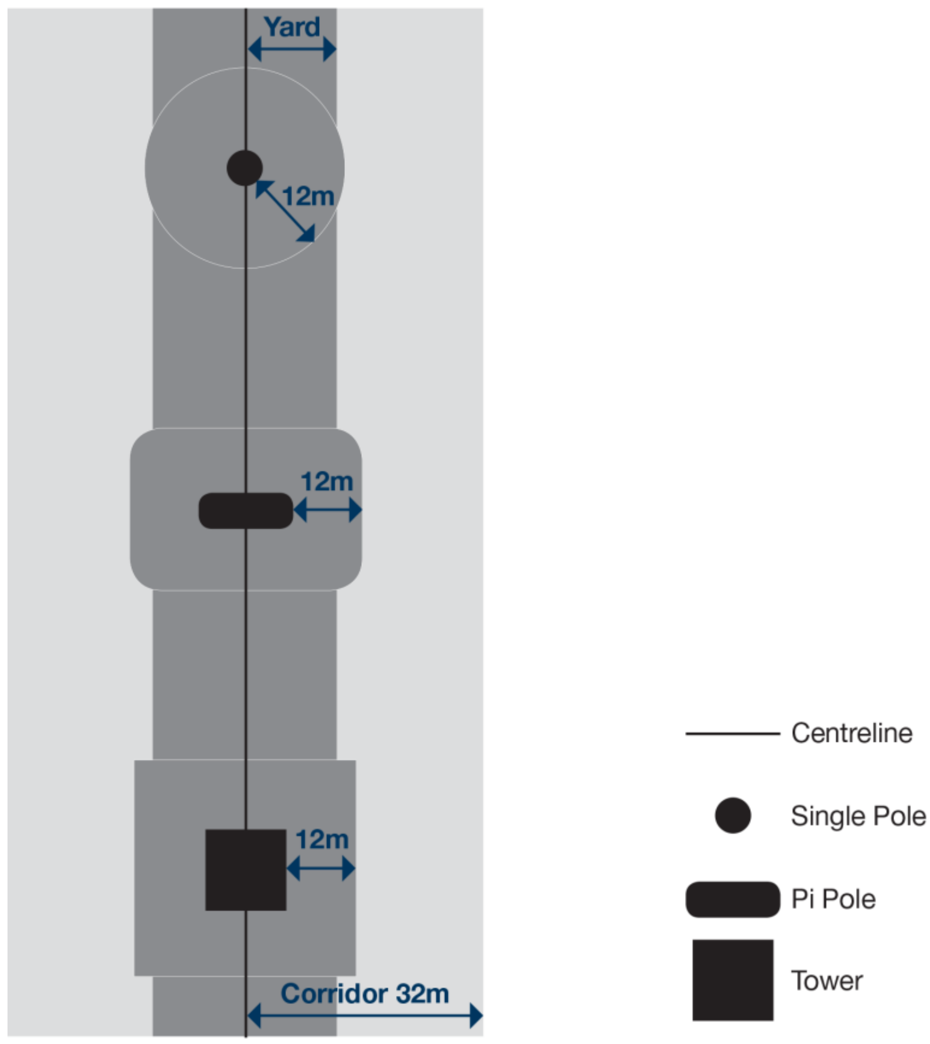
Note – Refer to the Definitions for illustration of the National Grid Yard.

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:*

- *a. Day Care facility;*
- *b. Educational facility;*
- *c. Healthcare facility;*
- *d. Papakainga;*
- *e. Any residential activity; or*
- *f. Visitor accommodation.*

5.16. New Utility Rule

248. Transpower[197] 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 justified[198]. At the hearing, we heard from Mr Renton, Senior Principal Engineer at Transpower. He outlined in detail for us the risks associated with substations[199]. Applying his experience in dealing with such risks, he detailed how he considered they could be managed at the Frankton substation[200]. 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 back[201].

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

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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 mitigated[1].*

257. Three submissions sought amendments to this rule[202]. 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 30.4.15[203]. 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 Aurora[204]. In response to PowerNet's submission, he recommended a rule making underground lines/cables a permitted activity[205].

259. In her evidence, Ms Dowd queried why there was a distinction between the provisions for overhead lines for telecommunications and those for electricity[206]. She also set out the reasons Aurora was concerned with the control in respect of appearance, scale and visual effects[207].

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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 3.6.4*[208] *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 Zone[210]. 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 cables[212] be permitted activities. Finally, Mr Barr recommended the deletion of the matter of control related to natural hazards[213].

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.

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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 submissions[214] sought the retention of this rule, one[215] sought that clause 3 contain an exclusion for minor upgrading, and one sought that the activity status be changed to controlled[216].

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 rule[217]:
   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 relief[218], 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 instances[219].

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;

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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 submissions[220] 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 Companies[221] 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 Act[223]. Thus, in his view, in those parts of the Rural Zone identified as Rural Character Landscape[224] 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 rule[225]. 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 <u>special</u> 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

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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 adopted[226]. 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 2016[227].

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 submissions[228] sought amendments to Rule 30.4.15, while two[229] 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 Justice[230] 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 activities[231].

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 30.4.16[232] 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 10m^2 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;

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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 10m^2 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 10m^2 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 10m^2 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 10m^2 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 submissions[233] 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 utility[234]. 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 Limited[235] 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 submission[236] 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 PDP[237], 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.

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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 retention[238]. PowerNet[239] sought that the non-compliance status changed to restricted discretionary activity. Ms Chin and Mr Vautier[240] 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 suitable[241]. 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 recommended[242] 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 $10m^2$ 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 Companies[243] sought that the rule be deleted, while PowerNet[244] 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 Report[245]. 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.

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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 issue[246]. 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 recommended[247] 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 rule[248], and two sought amendments[249]. 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 Justice[250] 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.

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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 recommended[251] 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 10m^2 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 deleted[252], while PowerNet[253] 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 subdivision[254]. There does not seem to be any direct relationship to utilities' development. We agree with the QLDC submission[255] 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 Companies[256] 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 rules[257]:
   a. Permitted activity status for small cells with a volume of no greater than $0.11m^3$; and
   b. Controlled activity status for cells with a volume of between $0.11m^3$ and $2.5m^3$, with control reserved to appearance, colour and visual effects.

337. Mr Barr largely agreed with Mr McCallum-Clark's proposal[258], although he considered that such cells should require a discretionary activity consent when located within a heritage precinct. His proposed rules[259] also provided that any small cell with a volume exceeding $2.5m^3$ would require discretionary activity consent.

338. Following caucusing, Mr Barr and Mr McCallum-Clark recommended further changes to these rules[260]. 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 $0.11m^3$ *and* $2.5m^3$.
Provided that the microcell is not located within a Heritage Precinct

Control is reserved to:
a. appearance;
b. colour; and

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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 $2.5m^3$

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 submission[262] 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 second[263] 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. Transpower[264] 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. Aurora[265] lodged a submission supporting the definition of "development". In the context of this chapter, we recommend that submission be accepted.

356. The Telecommunication Companies[266] 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 Aurora[267] 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 than 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 Companies[268] 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. Transpower[269] supported the notified definition.

360. Mr Barr agreed with the further submission by Arcadian Triangle Ltd[270] 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 definitions[271].

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 Companies[272] sought minor amendments to the wording of this definition. Mr Barr noted[273] 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;*

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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 facilities[276];
   d. Add "antennas, lines (including cables)" to the 6th bullet point[277] 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. Transpower[279] supported the definition but sought a minor grammatical change to refer to transmission of electricity in the singular.

368. In his Section 42A Report[280], 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 utilities[281]. 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

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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 gondolas[282]. 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 operators[283]. 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 follows[284]:

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;

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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. QLDC[285] 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 applicable[286]. 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. Aurora[287] 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 submissions[288] 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 hearing[289]. 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,

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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 conclusion[290] 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. Aurora[291] 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 places[292]. 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 telecommunications 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. Transpower[293] 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.*

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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 courts[294].

392. Ms McLeod accepted Mr Barr's opinion and did not consider the definition was necessary[295]. The New Zealand Defence Force[296] 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-Clark[297] that scope for the inclusion of this definition is provided by the submissions of the Telecommunications Companies[298]. 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 0.11m^3.*

[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

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

PART E: CHAPTER 33 INDIGENOUS VEGETATION AND BIODIVERSITY

46 PREAMBLE

1349. Two submissions[1150] generally supported the chapter. As we are recommending changes to provisions in the chapter we recommend they be accepted in part.

1350. One submission[1151] 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:
   a. Ban or discourage burn-off of tussock[1152];
   b. Encourage native plantings[1153]; and
   c. Change Chapter name to "Indigenous Biodiversity" and include reference to aquatic biodiversity[1154].

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:
   a. The definitions of 'indigenous vegetation' and 'clearance';
   b. The complexity of the notified provisions; and
   c. 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 ODP[1155]. 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 submissions[1156] 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 vegetation[1157].

1358. Mr Barr discussed the first suggested amendment[1158] but did not comment on the other suggested amendments. However, Mr Barr did also note that a submission on notified Rule 33.3.3 [1159] 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 plant[1160].

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.

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 paragraph[1162]. The Director-General of Conservation[1163] sought to include 'over-sowing' as a form of clearance. Forest & Bird[1164] 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-sowing[1165]. 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 productivity[1167]. 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 behalf[1169] and for Lakes Landcare Group[1170] 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

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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 analysis[1171].

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 appeared[1172]. 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 water[1173]. 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 reply[1174], 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

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.

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. DoC[1175] 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.

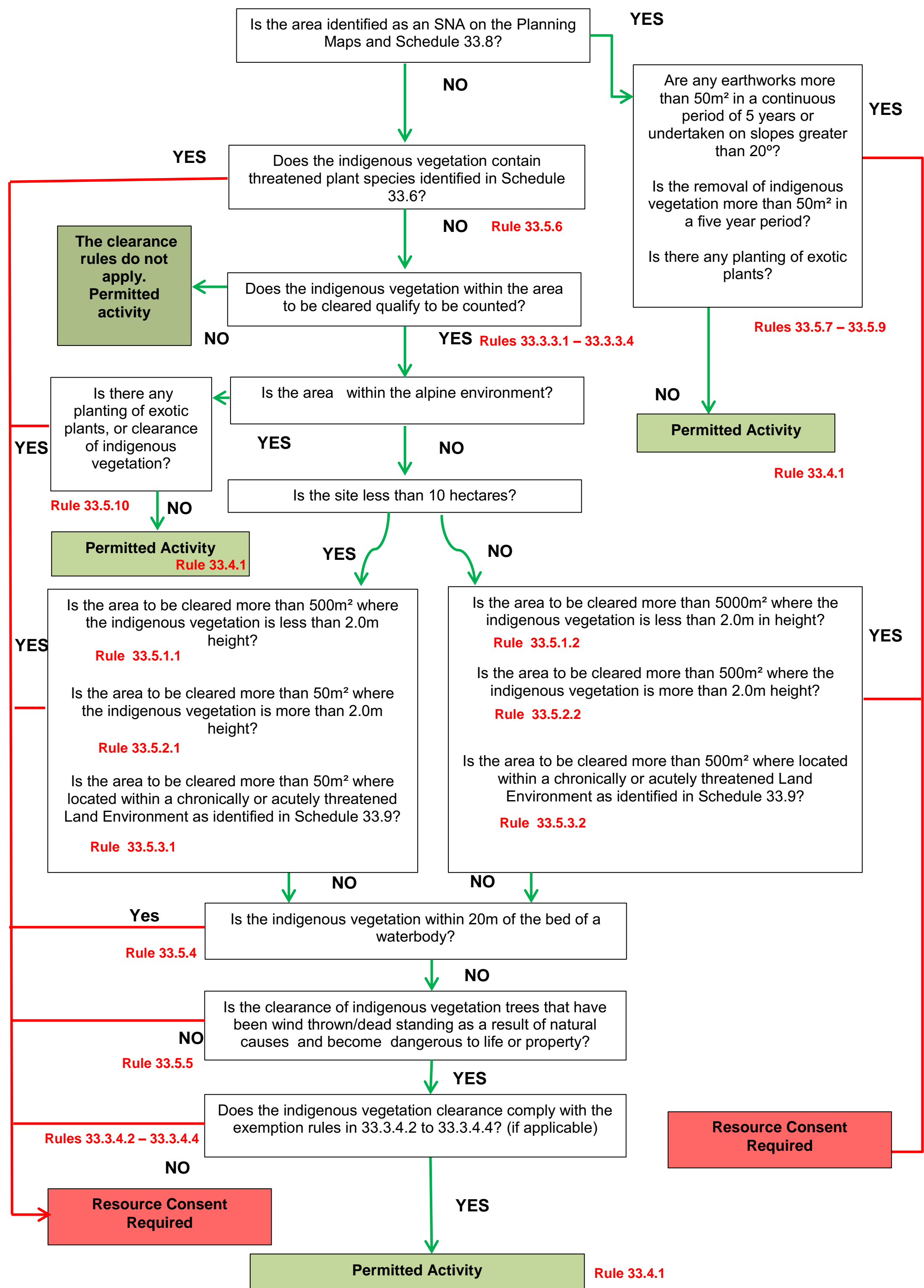

Figure 33-1: C Barr, Flow Diagram

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 objective[1176]
   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 read[1180]:

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 retention[1181]. DoC[1182] 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 retained[1183]. Three submissions sought minor wording amendments which were in the nature of clarifying the policy rather than re-orienting it[1184]. 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 submission[1186] sought the inclusion of another 18 species in this list. Two submissions[1187] sought the list be updated and extended, one submission[1188] stated it was incorrect without specifying how that should be remedied, and one submission[1189] 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 included[1190].

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 eyes[1191]. 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 areas[1192]. This was in large part a repeat of issues raised in the Section 32 Report[1193]. 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 Cubitt[1194] 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 submissions[1195] 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 submission[1197] sought that Rule 33.3.3 be retained. Submission 784[1198] 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 scenarios[1199].

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 Council[1200]. Two other submissions supported Rule 33.5.5[1201].

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 submission[1202] sought that Policy 33.2.3.1 be modified and moved to under Objective 3.2.2, while three other submissions[1203] 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 unnecessary[1204], or incorporation into Policy 33.2.3.1[1205].

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

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

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 submissions[1206] sought additional exemptions. We deal with those in a later section in this report. Two submissions[1207] sought the deletion of Rule 33.3.4.1. Three submissions[1208] sought the retention of Rule 33.3.4.3, while one submission[1209] sought it be amended so the exemption did not apply in Significant Natural Areas.

1425. Three submissions[1210] sought the retention of Rule 33.3.4.2, while two sought deletion of the exemption for drains[1211]. Two submissions sought this rule be amended to include an exemption for irrigated land[1212].

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 submissions[1213] ought this policy be retained, while two sought that it be amended by including reference to covenants under the Reserves and Conservation Acts[1214].

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

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 5000m² in area of any site and, 500m² 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 500m² in area of any site and, and 50m² 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 500m² in area of any site and, 50m² 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 500m²[1215]
   b. Change 33.5.1 to apply where indigenous vegetation is less than 2m in height[1216]
   c. The 50m² in Rule 33.5.2 is too small to be practicable[1217]
   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 33.5.3[1219]
   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 submission[1221] sought that both of these policies be deleted. Two submissions opposed use of the LENZ maps in these policies as they would create uncertainty[1222].

1437. Two submissions sought that Policy 33.2.3.4 only apply in urban zones[1223], 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 remaining[1224].

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 zones[1225], and two submissions sought that current and historical land uses should be taken account of in the policy[1226].

1439. For completeness, we note that four submissions[1227] sought that all maps in Section 33.9 be deleted, one sought that the rural areas be removed from the maps[1228], and one that Figure C2 (which covers the Upper Clutha) be deleted[1229].

1440. Mr Davis explained in his evidence[1230] 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 threatened[1231]. 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 habitat[1232].

[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 Act[1233].

1445. Mr Kelly, appearing on behalf of Lake McKay Station Ltd[1234], 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 33.9[1235].

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 classified[1236]. 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 Station[1237].

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 clearance[1238]. 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 the 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 read[1239]:

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' evidence[1240], 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 500m² on sites that have a total area of 10ha or less; and 33.5.1.2 5,000m² 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 50m² on sites that have a total area of 10ha or less; and 33.5.2.2 500m² 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 33.8[1241]. A submission by QLDC[1242] 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 advised[1243] 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 removed[1244]. 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 evidence[1245] 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 Limited[1246] and Mr J Frost and Mr A Smith[1247] sought amendments to SNA boundaries and were deferred to Hearing Streams 12 and 13 respectively. We also note that QPL[1248] 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 paragraph[1249];
   b. Provide more for enhancement[1250];
   c. Amend to distinguish between indigenous vegetation generally and that determined to be significant, and enabling biodiversity offsetting in appropriate circumstances[1251]; and
   d. Expand to make more explicit, limiting the use of biodiversity offsetting[1252].

1467. Mr Barr recommended minor changes in response to these submissions[1253]. 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 submission[1254] 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 policy[1255]
  b. Include references to protecting SNAs[1256]
  c. Move to new policy under Objective 3.2.2[1257]
  d. Delete the policy[1258].

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 33.2.1.9[1260].

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 them[1261]. 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 submissions[1262] sought the retention of Policy 33.2.1.4, one[1263] sought its deletion, and DoC sought it be rephrased[1264].

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 grammar[1265].

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 Inc[1266] nor KTKO Ltd[1267] 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 policy[1268]
b. Delete the policy[1269]
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 biodiversity[1270] and
e. Add "*where possible*" to the end of the policy[1271].

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 purposes[1272]. 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 31[1273].

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 policy[1274]
   b. Limit the policy to only apply to vegetation that is not significant[1275]
   c. Amend the policy to protect, maintain or enhance biodiversity[1276]
   d. Provide clarification as to how the policy is to be achieved[1277].

1487. Mr Barr addressed the QPL submission, suggesting it was appropriately framed for decision-makers[1278]. 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 diversity[1279]. 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 Statement[1280]. 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 submissions[1281] 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 policy[1282];
   b. Limit to biodiversity offsets with no net loss and preferably a net gain in indigenous biodiversity[1283];
   c. Replace with stepped approach to avoiding, remedying and mitigating, with offsets as the final option[1284];
   d. Delete the policy[1285].

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 gain[1286].

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 recommendations[1288]. This approach was also supported by Ms Maturin for Forest & Bird[1289].

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 option[1290]. She also referred us to policies in the Proposed RPS which, she said, supported the distinction she considered needed to be made[1291].

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:

<u>*Policy 5.4.6 Offsetting for indigenous biological diversity*</u>
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 dared 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 DoC[1292].

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.

No net loss	Means no overall reduction in biodiversity as measured by the type, amount and condition.

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.

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 retained[1293];
   b. Include a stronger link to Chapter 5[1294];
   c. Amend criteria by:
      i. Change wording of (a) Representative;
      ii. Change title of (c) to *Diversity and Pattern;*
      iii. Include "*or*" between each criterion[1295];
   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 Chapter[1297].

1507. Mr Davis provided useful background on the use of assessment criteria to determine the significant natural areas in the District[1298]. 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 submission[1299]. Ms Maturin supported the amendments proposed by Mr Barr[1300].

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 area[1301]. 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 339[1302] and 706[1303] 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 biodiversity[1304].

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 20º.
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 enhancement[1308].

1523. Mr Barr did not consider any of these amendments appropriate[1309]. 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 & Bird[1310]. 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:
   a. Retain the policy[1311];
   b. Include reference to the criteria in (notified) Policy 33.2.1.9[1312];
   c. Only avoid clearance where it would significantly reduce values[1313];
   d. Change so that test is an overall test[1314];
   e. Make avoidance "where practical"[1315];
   f. Allow option to remedy or mitigate where not practical to avoid[1316].

1529. Mr Barr agreed with Forest & Bird that a reference to Policy 33.2.1.9 would be useful in this policy[1317].

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 NPSET[1318]. 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 policy[1319];
b. Provide a choice between exceptional circumstances and provision of compensation[1320];
c. Remove the exceptional circumstances proviso[1321];
d. Remove compensation option and limit adverse effects to no more than minor[1322];
e. Replace with policy providing for stepped approach to avoiding, remedying, mitigating or offsetting adverse effects[1323].

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 & Bird[1324].

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 preferable[1325].

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 policy[1326];
b. Amend reference to farming use[1327];
c. Amend to limit to existing uses[1328]; and
d. Delete[1329].

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 areas[1330]. 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 & Bird[1331].

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 purposes[1332].

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 policy[1333].

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 339[1334] and 706[1335] 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

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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 33.2.1[1336]. 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 policy[1337].

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 373[1338] 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 373[1339] 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 788[1340] 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 RPS[1341] and suggested that minimising the conversion of tall tussock grasslands to pasture needed attention.

1558. Mr Barr addressed this in his Reply Statement[1342].

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 submissions[1343] 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 adopted[1344].

1564. Mr Barr considered the permitted parameters to be very conservative and that the earthworks allowed would not compromise the values of SNAs[1345]. 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 50m^2 per hectare per 5 years, while other forms of clearance are restricted to 50m^2 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 50m^2 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 in 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 50m^2 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 50m² 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

51.6 Rule 33.5.8

1571. Notified Rule 33.5.8 allowed for 50m^2 of indigenous vegetation clearance within SNAs over a 5 year period.

1572. Two submissions[1346] 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 373[1347] 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 600[1348] sought the rule be adopted.

1573. Mr Barr made the same comment on this rule as he made on Rule 33.5.7[1349]. 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 50m² 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:
   a. Also restrict the establishment of pasture or crop[1350]
   b. Specify a degree or scale of size of the planting[1351].

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 Act[1352]. 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

1582. DoC[1353] and Forest & Bird[1354] 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 Statement[1355]. 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 Act[1356].

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 objective[1357];
   b. Amend to refer to all forms of land development[1358];
   c. Amend to relate to land management practices[1359];
   d. Replace with objective encouraging protection and enhancement of biodiversity values[1360].

1587. Mr Barr assessed these submissions and agreed in part with those seeking to amend the objective[1361]. 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. Retained[1362]; or
   b. Deleted[1363].

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

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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 policy[1364];
   b. Amend the policy to widen the circumstances in which it could apply[1365].

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 policy[1366];
   b. Delete as it is an assessment matter[1367];
   c. Delete as it is provided for by the criteria for determining biodiversity significance and provisions for biodiversity offsetting[1368].

1599. Mr Barr made the valid point that district plans are not required to contain assessment matters and that policies guide decision-making[1369]. 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 retained[1370]. QPL[1371] 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 amendment[1372]. 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 effects[1373].

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 pursuing[1374].

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 policy[1375];
b. Amend to protect the alpine environments from change[1376].

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 retention[1377].

1614. We recommend the policy be adopted as notified.

1615. QPL[1378] 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 read[1379]:

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 activities[1380].

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 Statement[1381] 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 provisions[1382]
    b. Delete 33.3.2.4, 33.3.2.5, 33.3.2.6 and 33.3.2.7[1383]
    c. Consequently amend 33.3.2.6[1384]
    d. Delete 33.3.2.3[1385]
    e. Add a new point excluding ONLs and SNAs from 'natural areas' for the purposes of the NESETA 2009[1386].

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 Report[1387]. 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 evidence[1388] 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 that 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 submissions[1389] 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. QPL[1390] 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 submissions[1391] 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 Ski[1392] 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

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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

Act[1393]. Following the partial withdrawal by DoC[1394] of its further submission in opposition to the NZ Ski submission, Mr Barr noted in his Summary of Evidence[1395] 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 2016[1396]. Counsel advised that the drafted rule did not form part of the Council's position at that time[1397]. 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 Limited[1398], explained in his pre-lodged evidence[1399] 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 approval[1400]. 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

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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 Council[1401]. Ms Baker-Galloway set out for us the permit regime under each piece of legislation[1402].

1644. Mr Barr confirmed in his Reply Statement that he considered the rule filed on 16 May 2016 to be appropriate without modification[1403]. He also commented on requests made in evidence presented on behalf of Cardrona Alpine Resort Limited[1404] 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:

<table>
<tr><td>33.4.5</td><td>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:
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.</td><td>P</td></tr>
</table>

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 4[1405];
   b. Make the non-compliance status for all three rules non-complying[1406];
   c. Retain Rule 33.4.1 as notified[1407];
   d. Retain Rules 33.4.2 and 33.4.3 as notified[1408];
   e. Change the non-compliance status of Rules 33.4.2 and 33.4.3 to non-complying[1409].

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 consent[1410]. 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

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 rule[1411];
    b. Amend the altitude limit to 800m[1412];
    c. Change "*exotic tree or shrub planting*" to "*planting of exotic species*"[1413];
    d. Delete the rule[1414].

1658. Mr Barr discussed these submission in his Section 42A Report[1415]. 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	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

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 retention[1416]. 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 schedule[1417];
   b. Combine into a single schedule[1418];
   c. List the Bullock Creek Spring as a SNA[1419];
   d. Only include SNAs where the land owner agrees[1420].

1662. Other than Mr Barr's discussion of these points in his Section 42A Report[1421], and Mr Davis' evidence on Submissions 115 and 260[1422], 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 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: 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 provisions[1426];
   b. Allow some species by application[1427];
   c. Include additional species on prohibited list[1428];
   d. Refer to effect of wilding pines on water yield[1429];
   e. Encourage removal of existing trees[1430];
   f. Oppose the provisions[1431].

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 trees[1432]. 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 sliver 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 us[1433]. 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 Davis[1434]. 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 process[1435]. 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's[1436] 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 boundaries[1437]. Ms Maturin also submitted that the chapter should contain references to the effect of wilding pines on water yield.

1676. Mr Deavoll, appearing for DoC[1438], 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 activity[1439].

1677. Mr Williamson, for the Wakatipu Wilding Conifer Control Group[1440], 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 calculator[1441].

1678. Ms Brown[1442], 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

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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 Limited[1443], 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 submissions[1444] 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