

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Report 14

Report and Recommendations of Independent Commissioners Regarding Whole
of Plan, Chapter 2 (Definitions) and Chapter 28 (Natural Hazards)

Commissioners

Denis Nugent (Chair)

Trevor Robinson

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PART A: INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Terminology in this Report

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

Act	Resource Management Act 1991 as it stood prior to 19 April 2017
Council	Queenstown Lakes District Council
Clause 16(2)	clause 16(2) of the First Schedule to the Act
NPSET 2008	National Policy Statement for Electricity Transmission 2008
NZTA	New Zealand Transport Authority
ODP	the Operative District Plan for the Queenstown Lakes District as at the date of this report
ONF	Outstanding Natural Feature(s)
ONL	Outstanding Natural Landscape(s)
PDP	Stage 1 of the Proposed District Plan for Queenstown Lakes District as publicly notified on 26 August 2015
Proposed RPS	the Proposed Regional Policy Statement for the Otago Region as modified by decisions on submissions and dated 1 October 2016
Proposed RPS (notified)	the Proposed Regional Policy Statement for the Otago Region dated 23 May 2015
QAC	Queenstown Airport Corporation
RPS	the Operative Regional Policy Statement for the Otago Region dated October 1998
UCES	Upper Clutha Environmental Society
Stage 2 Variations	The variations, including changes to the existing text of the PDP, notified by the Council on 23 November 2017

1.2. Topics Considered:

2. There were three topics of this hearing:

- a. Whole of Plan submissions;
- b. Chapter 2 (Definitions);
- c. Chapter 28 (Natural Hazards).

3. The hearing of these matters collectively comprised Hearing Stream 10.

4. Whole of Plan submissions were classified as such by reason of the fact that they did not relate to a specific part or parts of the PDP. In effect, this was the opportunity for submissions that did not fall neatly into any one of the previous hearing streams to be heard.
5. Chapter 2 of the PDP sets out definitions of terms used in the PDP. Some 256 separate terms are defined in Chapter 2.
6. Chapter 28 is the Chapter of the PDP related to natural hazards. It has five subheadings:
 - a. 28.1 – Purpose;
 - b. 28.1 – Natural hazard Identification;
 - c. 28.3 – Objectives and policies;
 - d. 28.4 – Other relevant provisions;
 - e. 28.5 – Information requirements.

1.3. Hearing Arrangements:

7. The hearing of Stream 10 took place over four days. The Hearing Panel sat in Queenstown on 14-16 March 2017 inclusive and in Wanaka on 17 March 2017.
8. The parties we heard on Stream 10 were:

Council:

- Sarah Scott (Counsel)
- Amy Bowbyes
- Amanda Leith
- Craig Barr

Federated Farmers of New Zealand¹:

- Phil Hunt

Bunnings Limited²:

- Daniel Minhinnick (Counsel)
- Elizabeth Davidson
- Tim Heath
- Kay Panther Knight

Cardrona Station Limited³, Ayrburn Farm Estate Limited⁴ and Arcadian Triangle Limited⁵:

- Warwick Goldsmith (Counsel)

Real Journeys Limited⁶ and Te Anau Developments Limited⁷:

- Fiona Black

Otago Regional Council⁸:

¹ Submission 600/Further Submission 1132
² Submission 746
³ Submission 407
⁴ Submission 430
⁵ Submission 836/Further submission 1255
⁶ Submission 621/Further submission 1341
⁷ Submission 607/Further submission 1342
⁸ Submission 798

- Ralph Henderson

Remarkables Park Limited⁹ and Queenstown Park Limited¹⁰:

- Tim Williams

Pounamu Holdings 2014 Limited¹¹:

- Scott Freeman

- Niki Gladding¹²

- Leigh Overton¹³

UCES¹⁴:

- Julian Haworth

9. We also received written material from the following parties who did not appear:
- Chorus New Zealand Limited¹⁵, Spark New Zealand Trading Limited¹⁶ and Vodafone New Zealand Limited¹⁷ (a representation penned by Matthew McCallum-Clark).
 - QAC¹⁸ (a statement of evidence of Kirsty O’Sullivan).
 - Ministry of Education¹⁹ (a statement of evidence of Julie McMinn).
 - Southern District Health Board²⁰ (a statement of evidence of Julie McMinn).
 - Aurora Energy Limited²¹ (a memorandum of Bridget Irving (Counsel)).
 - Transpower New Zealand²² (a representation penned by Jess Bould).
 - New Zealand Police²³ (a letter from Michael O’Flaherty (counsel)).
 - New Zealand Transport Agency²⁴ (a letter from Tony MacColl).
 - Z Energy Limited, BP Oil Company Limited and Mobil Oil Company Limited²⁵ (statement by Mark Laurenson).
10. In addition, we received additional written material from parties who did appear:
- Mr Young provided written submissions on behalf of Queenstown Park Limited and Remarkables Park Limited, but did not appear at the hearing.
 - Ms Black provided further comments to the Hearing Panel on definitions on behalf of Real Journeys Limited and Te Anau Developments Limited.

⁹ Submission 806
¹⁰ Submission 807
¹¹ Submission 552
¹² Further Submission 1170
¹³ Submission 465
¹⁴ Submission 145 and Further Submission 1034
¹⁵ Submission 781
¹⁶ Submission 191
¹⁷ Submission 197
¹⁸ Submission 433/Further Submission 1340
¹⁹ Submission 524
²⁰ Submission 678
²¹ Submission 635
²² Submission 805/Further Submission 1301
²³ Submission 57
²⁴ Submission 719
²⁵ Collectively Submission 768 and Further Submission 1182

- c. A Memorandum of Counsel (Mr Minhinnick) on behalf of Bunnings Limited dated 17 March 2017.

1.4. Procedural Issues:

- 11. The hearing proceeded in accordance with the procedural directions applying to the PDP hearings generally, summarised in Report 1. The only material variation from those directions was the number of parties (summarised above) who sought leave to table evidence and/or representations in lieu of appearance and in the filing of additional material for Real Journeys/Te Anau Developments Limited and for Bunnings Limited summarised above, providing further information following their respective appearances.
- 12. We also note that, following a discussion during presentation of the Council case, counsel advised in her submissions in reply that in a limited number of cases, Ms Leith had recommended changes to definitions considered in previous hearings, but the submitters at those earlier hearings had not received notice of the Stream 10 hearing. Counsel considered this could raise natural justice issues. We agreed with that view and consequently directed that the submitters in this category should have the opportunity to make written submissions on Ms Leith's recommendations²⁶. No party took up that opportunity.
- 13. The Stage 2 Variations were notified on 23 November 2018. They include changes- both deletions and amendments - to a number of the definitions in Chapter 2.
- 14. Clause 16B(1) of the First Schedule to the Act provides that submissions on any provision the subject of variation are automatically carried over to hearing of the variation.
- 15. Accordingly, for those Chapter 2 definitions the subject of the Stage 2 Variations, we have 'greyed out' the relevant definition/ part definition (as notified) in the revised version of Chapter 2 attached as Appendix 1 to this Report, in order to indicate that those definitions did not fall within our jurisdiction.

1.5. Statutory Considerations:

- 16. The Hearing Panel's Report 1 contains a general discussion of the statutory framework within which submissions and further submissions on the PDP should be considered, including matters that have to be taken into account, and the weight to be given to those matters.
- 17. The nature of the matters raised in submissions on the Whole of Plan sector of the hearing, and on Definitions means that the statutory considerations noted in Report 1 are of limited relevance or assistance to us. We have nevertheless had regard to those matters as relevant. The statutory considerations come much more clearly into focus in relation to Chapter 28 (Natural Hazards) and we will discuss those matters in greater detail in that context.
- 18. Related to the above, as is the case for previous reports, we have not undertaken a separate section 32AA analysis of the changes to the PDP recommended in this report. Rather, our reasons for our recommendations in terms of the statutory tests contained in section 32 are incorporated in this report.

²⁶ Refer the Chair's Memorandum dated 7 August 2017

PART B: WHOLE OF PLAN:

2. PRELIMINARY

19. Mr Barr's Section 42A Report discussed the whole of plan submissions under 8 issues, as follows:
 - a. Issue 1 – The PDP does not accord with the requirements of the RMA;
 - b. Issue 2 – Staged review;
 - c. Issue 3 – Reduction of prescription and use of an effects based approach
 - d. Issue 4 - Extent of discretion;
 - e. Issue 5 - "Appropriately qualified or experienced" expert reports;
 - f. Issue 6 – Default activity status for unlisted activities;
 - g. Issue 7 – Avoidance of conflicts between water based activities and surrounding activities; and
 - h. Issue 8 – Cost of infrastructure to council.
20. We will follow the same format.
21. Mr Barr also noted a number of submissions as either being out of scope or already addressed in another hearing stream. We accept Mr Barr' recommendations on these submissions in the absence of any conflicting evidence, and do not address those submissions further. Mr Barr also noted that errors or minor issues identified in the PDP²⁷ had already been addressed under Clause 16(2), meaning no recommendation was required from us.
22. In one case, Mr Barr provided his reasoning in the schedule of submitters. This is in relation to submissions²⁸ seeking a policy that established wilding exotic trees be removed as a condition of consent for subdivision, use or development of land in residential or rural living zones. Mr Barr recommended rejection of that submission on the basis that the trees might already be the subject of resource consent or existing use rights, and that subdivision does not always confer development rights. These are all valid reasons, but more importantly to our mind, the submitter provided no evidence of the cost of such action, that might be weighed against the benefits. We recommend the submission be rejected.
23. At this high level, a number of submissions categorised as 'whole of plan' submissions were catchall submissions, seeking to make it clear that they sought consequential or alternative relief, as required, without identifying what that consequential or alternative relief might be. Such submissions are routinely made by submitters in First Schedule processes out of an abundance of caution. We do not regard it as necessary to explicitly seek consequential or alternative relief to the same effect. The Hearing Panel has treated primary submissions as not being restricted to the precise relief sought. We therefore do not categorise these catchall submissions as in fact asking for any particular relief, and on that basis, we recommend they be rejected.
24. In the case of both consequential and alternative relief, while we recommend rejection of the submission on a 'whole or plan' basis, that is without prejudice to the recommendations other Hearing Panels have made in the context of particular parts of the PDP.

²⁷ By Council submission (383) and that of NZTA 719)

²⁸ Submissions 177 and 514 (D Fea)

25. Lastly, a number of submissions noted in the submission schedules were not valid submissions, because they sought no relief (or no clear relief) in terms of changes to the PDP (or retention of its existing provisions). We have made no recommendation in respect of such ‘submissions’.

3. WHOLE OF PLAN ISSUES

3.1. Accordance with the requirements of the RMA:

26. The submissions Mr Barr addressed under this heading²⁹ were generally expressed complaints about the inadequacy of the PDP with reference to Section 5 of the Act, Part 2 of the Act and Section 32 of the Act. None of the submitters in question appeared before us to explain why the PDP was flawed in the relevant respect.
27. Mr Barr noted a number of other submissions³⁰ seeking that the PDP be put on hold (or withdrawn and renotified) until a proper/further Section 32 analyses had been undertaken. Many of the submissions were focused on particular aspects of the PDP but, again, other than UCES, none of submitters in question sought to explain to us why they held this view. As Mr Barr noted, the more specific relief has in each case been addressed in other hearings.
28. In Report 7³¹, we discuss the fact that a submission criticising the section 32 analysis needs to be accompanied by a request for a change to the PDP to be of any value – as we have no jurisdiction over the section 32 analysis the Council has undertaken, only over the PDP itself.
29. We agree with Mr Barr’s comment that viewed on their own, without regard to the more specific relief sought by submitters, these general submissions are problematic because of the difficulty potentially interested parties would have in identifying, still less responding, to the relief as sought.
30. To the extent that the submitters were specific, through seeking deletion of whole chapters of the PDP, we would have required cogent evidence and analysis before concluding that was warranted.
31. In the event, the only submitter to appear and argue for such wide-ranging relief was UCES. We will address that submission later, in a separate section.
32. To the extent, however, that other submissions sought relief on the basis generally that the PDP did not accord with the requirements of the RMA, we do not find those submissions to have been made out at the higher level at which the submissions were pitched.
33. There are of course many aspects of the PDP where the respective Hearing Panel has concluded that more specific submissions on the flaws of the PDP have some merit, but those points have been addressed in those other reports.

²⁹ He instanced Submissions 414, 670, 715 and 811: Supported by FS1097, FS1145 and FS1255; Opposed by FS1071, FS1073, FS1103, FS1108, FS1114, FS1116, FS1192, FS1218, FS1219, FS1224, FS1225, FS1237, FS1247, FS1250, FS1252, FS1277, FS1283, FS1292, FS1293, FS1299, FS1316 and FS1321

³⁰ Submissions 145, 338, 361, 414, and 850; Supported by FS1097, FS1118, FS1229, FS1255 and FS1270; Opposed by FS1071, FS1097, FS1114, FS1155, FS1162, FS1289 and FS1347

³¹ By the Council submission (383) and that of NZTA (719)

3.2. Staged Review

34. Under this heading, Mr Barr noted submissions³² opposing the staged review process being undertaken in respect of the PDP. The submitters sought variously that the entire District Plan be put on hold or rejected until the remaining chapters are included in the review and that it be withdrawn and renotified with a transport chapter.
35. While, as noted in other reports, the staged review process has introduced considerable complexity into the hearing process, we agree with Mr Barr's conclusion that these are not submissions on the PDP that we can properly entertain. Section 79 of the Act provides that Regional Policy Statements, Regional Plans and District Plans may be reviewed in whole or in part. The resolutions of Council determining what matters are reviewed is the exercise of a statutory discretion that would need to be challenged, if it is to be challenged at all, in either the High Court or (possibly) the Environment Court. Our role is to make recommendations on matters the Council has chosen to review (and not subsequently withdrawn pursuant to clause 8D of the First Schedule of the Act).
36. Accordingly, we do not have jurisdiction to consider the submissions in question. They must necessarily be rejected.
37. Mr Barr identifies a related submission on the part of Remarkables Park Limited³³ supporting the exclusion of the Remarkables Park Zone from the PDP and seeking that the PDP be amended to clarify the exclusion.
38. As Mr Barr notes, this submission has effectively been overtaken by the Council's resolution to withdraw the Remarkables Park Zone land from the PDP³⁴ (and thereby remove it from our jurisdiction). This has necessitated amendment to some Chapters of the Plan referring to that Zone. Those matters are addressed in other hearing reports.

3.3. Reduction of Prescription and Use of an Effects Based Approach

39. Mr Barr notes the submission of Remarkables Park Limited³⁵ in this regard. That submission seeks reduction of prescription and enabling of an effects-based assessment of activities. It also criticises the "*direct and control*" approach to tourism, commercial, residential and industrial activities.
40. The Hearing Panel's Report 3 discusses similar criticisms made of the "*strategic chapters*" and reference should be made to that report because, as Mr Barr noted in his Section 42A Report³⁶ the very nature of chapters providing strategic direction is that they might be expected to be more guiding and strategic in nature (i.e. directive) than first generation district plans, such as the ODP, many of which were further along the spectrum towards effects-based planning.
41. With that Hearing Panel having recommended that the strategic chapters be retained we think it follows inevitably that the PDP will be less effects-based than was the ODP. We discussed this point with Mr Barr who agreed that while the ODP was a hybrid, it sat more at the effects-based end, of the spectrum whereas the PDP was more at the "*command and control*" end,

³² Submissions 249 and 414: Supported by FS1097 and FS1255; Opposed by FS1071, FS1090 and FS1136

³³ Submission 807

³⁴ Refer Council Resolutions of 29 September 2016 and 25 May 2017

³⁵ Submission 807

³⁶ At paragraph 8.2

but in his view, only to a point. He drew our attention, in particular, to the general policy approach as enabling effects-based assessment, albeit with exceptions.

42. We agree also with that characterisation.
43. Looked at more broadly, we consider that the general approach in a District Plan needs to take account of the characteristics of the district and the issues that it faces. The Hearing Panel on Chapters 3-4 and 6 concluded that the issues that Queenstown Lakes District is facing require a greater degree of direction to assist achievement of the purpose of the Act than was perhaps the case in the second half of the 1990s, when the ODP was being framed³⁷. We agree with that conclusion at the high level at which the submission is pitched. That is not to say that a case cannot be made for specific provisions to be more effects-based, but that needs to be determined on a case by case basis (and has been in earlier hearing reports).
44. Accordingly, we recommend that Submission 807 be rejected at this higher level.

3.4. Extent of Discretion:

45. Under this heading, Mr Barr drew our attention to Submissions 243³⁸ and 811³⁹ that suggest that too much within the PDP, in the submitters view, is discretionary, providing too little certainty for the community.
46. There is a certain irony given that the criticism in these submissions is, in effect, the inverse of the point raised in Submission 807 addressed under the immediately preceding heading. A plan that is at the “*command and control*” end of the spectrum has very little discretion and considerable certainty. It also has a corresponding lack of flexibility.
47. An effects-based plan has considerable flexibility (at least as to the nature of the activities that can be established) and usually, considerable discretion.
48. As noted in the previous section of this Report, the PDP lies more at the command and control end of the spectrum than the ODP, but not entirely so. We regard this as a positive feature. We do not support an extreme position providing complete certainty, and we do not think it is the most appropriate way, at a very general level, to assist achievement of the purpose of the Act.
49. As with the previous section, we note, that there are elements of the Plan that might be able to be criticised as providing too great an ambit of discretion, but the issue needs to be considered at that more specific level (as has occurred under earlier hearing reports). Accordingly, we recommend that Submissions 243 and 811 be rejected on this point.

3.5. Appropriately qualified or experienced Expert Reports:

50. Under this heading, Mr Barr notes four submissions⁴⁰ requesting deletion of provisions in the PDP that require a report from “*an appropriately qualified and experienced*” person, or alternatively clarification as to what that entails.
51. Mr Barr identified that the PDP referred to “*qualified*” persons, “*qualified and experienced*” persons, “*suitably qualified*” persons “*suitably qualified and experienced*” persons and

³⁷ Refer Report 3 at Section 1.9

³⁸ Supported by FS1117; Opposed by FS1224

³⁹ Opposed by FS1224

⁴⁰ Submissions 607, 615, 621 and 624: Supported by FS1105, FS1137 and FS1160

“*appropriately qualified*” persons, at various points. We should note in passing that we do not regard the difference between “*suitably*” and “*appropriately*” as being material in this context. Usually, these adjectives were used in conjunction with a specified discipline. Mr Barr observed that in earlier reports, the respective Staff Reporting Officer had recommended that reference to experience be deleted in each case with one exception (in Chapter 32). Mr Barr recommended that for consistency, reference to experience should be deleted in all cases.

52. None of the submitters on the point sought to amplify their submissions in evidence before us.
 53. We discussed with Mr Barr whether, notwithstanding his recommendation, experience might continue to be a relevant factor and best be judged by some arbitrary nominated period of years following qualification, as is the case, for instance, for some roles requiring experience in legal practice⁴¹. Mr Barr did not favour that option and he amplified his views in reply. He suggested that any nominated period of years would be inherently arbitrary and that operating for a nominated period of years in a certain field does not always carry with it either proficiency or expertise in that field.
 54. The point remains live because the provisions of the PDP recommended by the Hearing Panel continue to make reference to experience in particular fields as being both relevant and required⁴². We also consider that in many fields, experience allied to formal qualifications is desirable. Indeed, in some fields, experience is a relevant qualification, either on its own, or allied to some formal qualification. We accept Mr Barr’s point that experience is not synonymous with skill, but as Mr Barr also observed in his reply evidence, generally, some experience is better than none.
 55. It follows that we do not agree with those submissions seeking that as a general rule, reference to experience should be deleted, but we agree that it would be helpful if the PDP provided greater clarity as to how much experience is sufficient. Although arbitrary, specifying experience in terms of a nominated period of years is the only objective way to capture what is required. The difficulty, however, is that no one period of years would be adequate in all contexts. What is appropriate for an arborist (in the context of Chapter 32) is probably not appropriate for an archaeologist (in the context of Chapter 26).
 56. Accordingly, rather than attempt to provide an overall solution, we consider that the best approach is for the Hearing Panels recommending text referring to appropriately/suitably experienced persons in particular fields to identify where possible, the nature and extent of experience sufficient to qualify a person in that particular field.
- 3.6. Default activity status for unlisted activities:**
57. This issue was raised in a submission by Arcadian Triangle Limited⁴³ seeking that in relation to non-complying activity status applied to unlisted activities in many zones, the default consent status for any activity not otherwise specified or listed be “*permitted*”, as is the case under the ODP.
 58. Mr Barr noted that while, in some zones (most obviously the residential and rural zones) the default activity status is “*non-complying*”, in other zones such as the business zones⁴⁴,

⁴¹ See for instance Section 15 of the District Court Act 2016

⁴² See e.g. recommended Chapter 26 at section 26.2.1

⁴³ Submission 836: Supported by FS1097, FS1341 and FS1342

⁴⁴ Chapters 12-17

activities not listed are “permitted”. He was of the view that, where the PDP had made the default activity status non-complying, this was appropriate and should not be reversed as a matter of general principle.

59. When Mr Barr appeared before us, we sought to test the extent to which the permitted activity default status in the ODP in fact governs the situation. Mr Barr’s advice was that permitted activity status seldom applied in either the Rural General or the urban zones in practice, and that the permitted activity default was therefore potentially illusory. When Counsel for Arcadian Triangle Limited (Mr Goldsmith) appeared before us, he agreed with Mr Barr’s assessment that the ODP permitted activity default would seldom apply in practice, but said that the PDP had solved that problem (by deleting the ‘nature and scale’ standard that most activities triggered). Mr Goldsmith argued that the non-complying default status in many chapters of the PDP was unduly restrictive. He relied, in particular, on the presumption in section 9 of the Act that a land use activity can be undertaken unless constrained by a relevant rule in a District Plan. Mr Goldsmith also pointed to what he argued were anomalies in the default activity status between the Jack’s Point and Millbrook Zones (where activities not listed in the PDP are permitted) and the Waterfall Park Zone (where the default activity status is non-complying).
60. Mr Goldsmith also argued that non-complying activity status should not be afforded to activities that are not known, because there has been no section 32 evaluation that justifies non-complying status for such activities.
61. Although not resiling from his argument that the default activity status should be “permitted”, Mr Goldsmith contended in the alternative that if the default were anything other than permitted, it should be “discretionary”, as that would enable a full assessment, but not create a precedent.
62. In his reply evidence, Mr Barr discussed Mr Goldsmith’s reasoning and concluded that where the PDP had identified the activity status for unspecified activities as being non-complying, that was appropriate.
63. We agree with Mr Barr’s reasoning. As the PDP demonstrates, it is not appropriate to determine at a high level what the default activity status should be for unlisted activities. The activity status adopted has to be the most appropriate way to achieve the objectives applying to each zone.
64. We also do not accept the arguments presented by Mr Goldsmith as to why non-complying status is necessarily an inappropriate default status given the way in which the PDP has been structured. As already discussed, the PDP is deliberately more directive and less effects-based than the ODP. It seeks to provide greater certainty by nominating the activity status of a range of different activities that are anticipated in the various zones provided in the PDP. The corollary of that approach is that if activities are not listed, they are generally not anticipated and not intended to occur in that zone. That does not mean that a case cannot be mounted for unlisted activities to occur in any zone (unless they are nominated as prohibited). But in our view, it is appropriate that they be subject to rigorous testing against the objectives and policies governing the relevant zone, to determine whether they are nonetheless appropriate. In some cases, discretionary activity status may be an appropriate framework for that testing to occur, but in our view, non-complying status would generally be the more appropriate activity status given the way the PDP has been structured.

65. Accordingly, we do not recommend acceptance of the Arcadian Triangle submission.
- 3.7. Avoidance of conflicts between water based activities and surrounding activities:**
66. Under this heading, Mr Barr referred us to a submission by Real Journeys Limited⁴⁵ seeking that a new policy be inserted into either the rural chapter or within a new water chapter to avoid surface water activities that conflicted with adjoining land uses, particularly those of key tourism activities.
67. Mr Barr referred us to the provisions of Chapter 21 bearing on the issue and to the evidence for Real Journeys heard in that hearing stream.
68. He referred, in particular, to the evidence of Real Journeys Limited emphasising the importance of the District's waterways for various purposes. In his view, it was inappropriate for the PDP to impose rules or to have a policy framework relating to the provision of water resources, this being a regional council function. More generally, Mr Barr was of the view that the breadth and location of the objectives, policies and rules for activities on the surface water are appropriate and he recommended that the additional policy sought by Real Journeys Limited should be rejected as not offering any additional value.
69. When Real Journeys Limited appeared before us, Ms Black did not give evidence on this aspect of Real Journeys' submissions. By contrast, the representative of Federated Farmers (Mr Hunt, appearing in lieu of Mr David Cooper) supported Mr Barr's recommendation, emphasising the water quality and quantity related policies in the regional plans of Otago Regional Council.
70. Hearing Panels in both Stream 1B and Stream 2 have considered the extent to which separate provision needs to be made for management of water resources and activities on the surface of the District waterways, making recommendations in that regard⁴⁶.
71. Given the absence of any evidence in support of the submission at this hearing, we do not find any need for a higher level approach across the whole of the Plan. We agree with Mr Barr's recommendation that while the Council has a role in the integrated management of land and water resources, we should properly take cognisance both of the role of and the policy framework established by Otago Regional Council for the management of water resources in relevant Regional Plans.
72. We likewise agree with Mr Barr that there is no basis for the policy sought in the Real Journey's submission.
- 3.8. Cost of Infrastructure to Council:**
73. Under this heading, Mr Barr referred us to the submission for Remarkables Park Limited⁴⁷ seeking that all references to the cost of infrastructure to Council be deleted on the basis that this is something that should be addressed under the Local Government Act 2002. Mr Barr advised us that his search of the notified text of the PDP and the provisions in the right of reply versions of each Chapter had identified only one reference to the cost of infrastructure to Council, that being in the context of notified objective 3.2.2.1.
74. The Hearing Panel for Chapter 3 has recommended⁴⁸ that the objectives of Chapter 3 be reformulated in a way that does not now refer directly to the cost of Council infrastructure.

⁴⁵ Submission 621

⁴⁶ Refer Report 3 at Section 8.8 and Report 4A at Section 3.4

⁴⁷ Submission 807

⁴⁸ Refer Report 3 at Section 2.5

We note also that the recommendations of the Stream 4 Hearing Panel considering Chapter 27 (Subdivision) have sought to emphasise that that levying of development contributions for infrastructure occurs under the Local Government Act 2002, in parallel with the operation of the PDP⁴⁹.

75. Accordingly, while we recommend this submission be accepted, we do not think any further amendment to the PDP is required to respond to it.

3.9. UCES – Plan Structure:

76. As already noted, UCES was the sole submitter that appeared before us in support of a submission seeking large scale restructuring of the PDP. UCES's submission⁵⁰ was that, with certain exceptions, the general approach and text of the ODP, particularly as it relates to activities in Rural Zones, should be retained. When Mr Haworth appeared in support of this submission, he presented a marked up version showing how, in the Society's view, the ODP and PDP should be melded together, thereby responding to the comment in Mr Barr's Section 42A Report that those submitters seeking very general relief created natural justice issues, because of the inability of others to understand the implications of what it is that they seek. The Society clearly spent considerable time on the appendix to Mr Haworth's pre-circulated evidence, but we are afraid that Mr Haworth rather missed the point Mr Barr was making. The fact that Mr Haworth appeared before us on the very last day of hearings on the text of the PDP rather tended to emphasise the fact that if the objective was to solve a natural justice problem, it would not assist potentially affected parties to learn exactly what the Society had in mind so late in the process. It needed to be clear when the Society's submission was lodged in 2015.
77. Considering UCES's submission on its merits, as Mr Haworth's submissions/evidence made clear, much of the Society's concerns turned on the role and content of the Strategic chapters of the PDP. The Stream 1B Hearing Panel has already considered the UCES argument on those points in considerable detail, concluding that suitably reframed, those Chapters form a valuable role in the structure of the PDP and should be retained⁵¹.
78. With the Stream 1B Hearing Panel having reached that conclusion, the die is effectively cast in terms of the overall structure of the PDP. As already noted, it is the existence and content of the Strategic Chapters that shifts the PDP more towards being a directive document than, as currently, the effects-based approach of the ODP.
79. In summary, Mr Haworth did not give us reason to doubt the wisdom of the recommendations of the Stream 1B Hearing Panel and if the Strategic Chapters are to remain substantially as proposed in the notified PDP, it is not consistent to approach the balance of the PDP in the overall manner in which UCES seeks.
80. That is not to say that there are not specific aspects of the PDP where the language and/or approach of the ODP might be adopted in addition to, or in substitution for, the existing text of the PDP, but such matters need to be addressed on a provision by provision basis, as they have been in previous Hearing Panel Reports.

⁴⁹ Refer Report 7 at Section 3.1

⁵⁰ Opposed by FS1090, FS1097, FS1162, FS1313 and FS1347

⁵¹ Refer Report 3 at Section 2

81. Accordingly, even if we had felt able to discount the natural justice issues Mr Barr identified, we would recommend rejection of the UCES submission on the point.
82. Before leaving the UCES submission, we should note that Mr Haworth also presented an argument based on the provisions of the Resource Legislation Amendment Bill 2015 related to public notification of subdivision applications. Mr Haworth argued that because the effect of the Amendment Bill, once passed, would be that any subdivision classified as a controlled, restricted discretionary or discretionary activity would be considered on a non-notified basis in the absence of special circumstances, all rural subdivisions should be made non-complying in the District Plan.
83. Mr Haworth's argument effectively repeated the argument that he had already presented in the Stream 4 (Subdivision) hearing.
84. The Stream 4 Hearing Panel has already considered Mr Haworth's argument in the light of the Bill subsequently having been enacted⁵² and made recommendations on the point⁵³.
85. Mr Haworth did not present any additional arguments that suggested to us that we should reconsider those recommendations.

3.10. Summary of Recommendations

86. The nature of the matters canvassed in this part of our report does not lend itself to ready summary. Suffice it to say, we do not recommend any material overall changes to the PDP for the reasons set out above. Our recommendations in relation to specific submissions are summarised in Appendix 3 to this report.

⁵² As the Resource Legislation Amendment Act 2017

⁵³ Refer Report 7 at Section 7

PART C: DEFINITIONS

4. NOTES TO DEFINITIONS:

87. As notified, Chapter 2 had the following notes:
- “2.1.1 *The following applies for interpreting amendments to text:*
- ~~Strikethrough~~ means text to be removed.
 - Underline means new text to be added.
- 2.1.2 *The definitions that relate to Tangata Whenua that have been removed now sit within Chapter 5.*
- 2.1.3 *Any definition may also be amended in Stage 2 of the District Plan review.”*
88. The Stream 1 Hearing Panel queried the strikethrough/underlining in Chapter 2 as part of a more wide-ranging discussion of the staged nature of the District Plan review. The advice from counsel for the Council to that Hearing Panel⁵⁴ was that the strike through/underlining purported to show the changes from the definitions in the ODP, but this was an error and a clean version of the Chapter should have been notified. In April 2016, that correction was made, and the three notes in the notified Chapter 2 deleted, by Council pursuant to Clause 16(2).
89. Presenting the Section 42A Report on Chapter 2, Ms Leith suggested that what was the second note would merit amplification in a new note. She suggested that it read as follows:
- “Definitions are also provided within Chapter 5: Tangata Whenua (Glossary). These defined terms are to be applied across the entire Plan and supplement the definitions within this Chapter.”*
90. We have no difficulty with the concept that a cross reference might to be made to the glossary in Chapter 5. We consider, however, that both the notified note and the revised version suggested by Ms Leith mischaracterised the nature of that glossary. They are not ‘definitions’. Rather, the glossary provides English translations and explanations of Maori words and terms used in the Plan and we think, for clarity, that should be stated.
91. Accordingly, we recommend that Ms Leith’s proposed note be amended to read:
- “Chapter 5: - Tangata Whenua (Glossary) supplements the definitions within this chapter by providing English translations – explanations of Maori words and terms used in the plan.”*
92. A related point arises in relation to the QLDC corporate submission⁵⁵ requesting that all references to Maori words within Chapter 2 are deleted and that instead, reliance be placed on the Chapter 5 Glossary. In Ms Leith’s consideration of this submission⁵⁶ she observed that the notified Chapter 2 included four Maori ‘definitions’ – of the terms ‘hapū’, ‘iwi’, ‘koiwi tangata’ and ‘tino rangatiratanga’. Ms Leith observes that the term ‘iwi’ has the same definition at both the Chapter 5 Glossary and in Chapter 2. We agree that the Chapter 2 definition might therefore appropriately be deleted.

⁵⁴ Refer Counsel’s Opening Submissions in Stream 1 dated 4 March 2016 at Schedule 3.

⁵⁵ Submission 383

⁵⁶ Section 42A Report at Section 26

93. Ms Leith observed that the term ‘hapū’ is defined slightly differently between the Chapter 5 Glossary and Chapter 2. To us, if anything, this is all the more reason to delete the Chapter 2 definition in preference for the updated Chapter 5 ‘definition’ that, understandably, tangata whenua submitters will have focussed on.
94. Ms Leith’s advice was that ‘koiwi tangata’ is only found within Chapter 37 – Designations. We discuss the application of the Chapter 2 definitions to designations shortly. In summary, for the reasons below, we agree with Ms Leith’s recommendation that the defined term should be deleted.
95. Lastly, Ms Leith advised that while ‘tino rangatiratanga’ is not contained in the Glossary, the word ‘rangatiratanga’ is. Given the overlap, and that the definitions are essentially the same, we agree with Ms Leith’s recommendation that the Chapter 2 definition should be deleted.
96. The Oil Company submitters⁵⁷ sought in their submission a statement in Chapter 2 that reliance will be placed on definitions in the Act where there are such ‘definitions’ and no alternative is provided through the Plan. Ms Leith supported this submission and, in her Section 42A Report, supported inclusion of a more comprehensive note to the effect that the definitions in Chapter 2 have primacy over definitions elsewhere, that in the absence of a Chapter 2 definition, the definitions in the Act should be used, and that the ordinary dictionary meaning should apply where neither provides a definition. Mr Laurenson’s tabled statement agreed with that suggestion. We discussed with Ms Leith the desirability of referring to dictionary definitions given that while this is obviously the interpretative starting point, a dictionary will often give multiple alternative meanings or shades of meaning for the same word and different dictionaries will often have slightly different definitions for the same word. In her Reply Evidence, Ms Leith returned to this point and referred us to the approach taken in the Auckland Unitary Plan that refers one to a contextual analysis undertaken in the light of the purpose of the Act and any relevant objectives and policies in the Plan. She suggested augmenting the note at the commencement of Chapter 2 accordingly.
97. In our view, as amended, this particular note was getting further and further from the jurisdictional base provided by the Oil Companies’ submission and that it needed to be pared back rather than extended.
98. We also admit to some discomfort in seeking to circumscribe the interpretation process.
99. The starting point is to be clear what the definitions in the Chapter apply to. Ms Leith suggested a note stating that the definitions apply throughout the Plan whenever the defined term is used. We inquired of counsel for the Council as to whether we could rely on the fact that this is literally correct, that is to say that on every single occasion where a defined term is used, it is used in the sense defined. While that is obviously the intention, we observed that section 1.3 of the PDP used the term “*Council*” to refer to councils other than QLDC (the defined term). The existence of at least one exception indicates a need for some caution and we suggested that it might be prudent to use the formula typically found in legislation⁵⁸ that definitions apply “*unless the context otherwise requires*”. Ms Leith adopted that suggestion in her reply.

⁵⁷ Submission 768

⁵⁸ See e.g. Section 2(1) of the Act

100. More substantively, counsel for the Council observed in opening submissions that the defined terms in Chapter 2 did not apply to the designation chapter⁵⁹. We discussed with counsel whether there was anywhere in the notified Plan that actually said the Chapter 2 definitions did not apply to designations, and if not, why that should be the case. Initially, Counsel referred us to Section 176(2) of the Act as justifying that position⁶⁰. We thought that this was a somewhat slender basis on which to form a view as to how designations should be interpreted, but Ms Scott also observed that a number of the designations had been rolled over from the ODP (and we infer, potentially from still earlier planning documents). We agree that to the extent that defined terms have changed through successive District Plans, it cannot be assumed that the designation would use the term in the sense set out in Chapter 2 of the PDP.
101. Ms Leith amplified the point in her reply evidence drawing our attention to the limited number of cases where designations in Chapter 37 in fact refer to the definitions in Chapter 2 and the problem that where the Council is not the relevant requiring authority, any amendments to definitions used in designations would need to be referred to (and agreed by) the requiring authority.
102. Accordingly, we think that there is merit in the Staff recommendation that designations be specifically referenced as an exception, that is to say that Chapter 2 definitions apply to designations only if the designation states that. We have drawn that intended approach to the attention of the Hearing Panel considering Chapter 37 (Designations).
103. In summary, we therefore agree with the form of note suggested in Ms Leith's reply with some minor rewording as follows:
- “Unless the context otherwise requires, the definitions in this chapter apply throughout the plan whenever the defined term is used. The reverse applies to the designations in Chapter 37. The definitions in Chapter 2 only apply to designations where the relevant designation says they apply.”*
104. With that note, reference in a second note to the definitions in Chapter 2 having primacy over other definitions elsewhere is unnecessary. We think that the second note suggested by Ms Leith can accordingly be limited to state:
- “Where a term is not defined in the plan, reliance will be placed on the definition in the Act, where there is such a definition.”*
105. Ms Leith suggested to us that a third note should be added to say that where a definition includes reference to another defined term in this Chapter, this definition should be relied upon in the interpretation of the first definition. As Ms Leith explained it in her Section 42A Report⁶¹ this was intended to address the many instances of interrelated definitions. We think, however, that the note is unnecessary. If, as stated in the first note, the definitions in Chapter 2 apply throughout the Plan when a defined term is used, unless the context requires otherwise, that necessarily applies to the interpretation of Chapter 2 because it is part of the Plan.

⁵⁹ Opening submissions at paragraph 4.1

⁶⁰ Section 176(2) states that the provisions of a District Plan apply to land that is subject to a designation only to the extent that the land is used for a purpose other than the designated purpose

⁶¹ At paragraph 7.5

106. Ms Leith also suggested inclusion of a note stating that where a word or phrase is defined, the definition applies also to any variations of the word or phrase including singular for plural and vice versa.
107. We discussed with Ms Leith whether the suggested note needed to be more precise as to what was meant by “*variations*”. We read the intent as seeking to capture section 32 of the Interpretation Act 1999 – so that a definition would be read to include different parts of speech and grammatical forms - and wondered whether it should not say that more clearly. Ms Leith undertook to ponder the point and in her reply evidence, she recommended that the note she was proposing to add be simplified to refer just to singular and plural versions of words. We agree with that (Section 32 of the Interpretation Act will apply irrespective), but suggest that the wording of a note might be simplified from that suggested by Ms Leith, so it would read as follows:
- “Any defined term includes both the singular and the plural.”*
108. We discussed with counsel whether it would be helpful to identify defined terms in the text through methods such as italics, underlining or capitalisation. Ms Leith responded in her reply evidence that use of such methods can result in Plan users interpreting that the defined term is of greater importance in a provision, which is not necessarily desirable. She also noted that capitalisation can be problematic as it can be confused with terms that are capitalised because they are proper nouns. We record that Arcadian Triangle Limited⁶² suggested that greater consistency needed to be employed as regards the use of capitalisation so that either all defined terms are capitalised, or none of them are.
109. We agree with that suggestion in principle although Ms Leith suggested adding a separate list of acronyms used in the Plan to Chapter 2. We think that is helpful, but most acronyms are capitalised so that would be an exception to the general rule.
110. It follows that where terms are currently capitalised in the body of Chapter 2 (and elsewhere), they should be decapitalised unless they are proper nouns. We have made that change without further comment, wherever we noted it as being necessary, and have recommended to other Hearing Panels that they do the same.
111. We have, however, formed the view that it would be helpful to readers of the PDP if defined terms are highlighted in the text. While we accept Ms Leith’s point that the approach has its dangers, the potential for readers of the PDP not to appreciate terms are used in a sense they may not have anticipated is, we think, rather greater. The revised chapters of the PDP recommended by other Hearing Panels reflect that change, which we consider to be of no substantive effect given the ability, where necessary, to debate whether context requires a different meaning.
112. Ms Leith suggested a further note to the effect that notes included within the definitions are purely for information or guidance and do not form part of the definition. She referred us to Submission 836 as providing a jurisdictional basis for this suggested amendment. That submission (of Arcadian Triangle Limited) is limited to the notes to the definition of “*residential flat*” but we think that the submitter makes a sound general point. Elsewhere in her Section 42A Report, Ms Leith referred to some notes being fundamental to the meaning of the defined term (so that accordingly, they should be shifted into the definition). She recognised, however, that this posed something of a problem if Clause 16(2) was being relied on as the

⁶² Submission 836: Supported by FS1097

jurisdictional basis for the change (if the presence or absence of a 'note' makes a fundamental difference, it is difficult to classify their incorporation in the definition as a minor change).

113. We have approached the definitions on the basis that the Arcadian Triangle submission is correct and advice notes are solely for information purposes and cannot have substantive effect. If a definition cannot be read coherently without reference to the advice note, that suggests the definition is defective and needs work. If there is no submission to provide a basis for a substantive change to the definition, then it needs to be the subject of variation.

114. Coming back to the notes at the commencement of Chapter 2, we therefore agree with Ms Leith's recommendation that there should be a note stating:

"Any notes included within the definitions listed below are purely for information or guidance purposes only and do not form part of the definition."

115. Lastly, Ms Leith suggested a note stating:

"Where a definition title is followed by zone or specific notation, the application of the definition shall only be limited to the specific zone or scenario described."

116. She explained that this was a consequential point arising from her recommending that definitions contained within Chapter 26 (historic heritage) be shifted into Chapter 2, but remain limited in their application to Chapter 26.

117. We drew to Ms Leith's attention the fact that chapter specific definitions had also been recommended within Chapters 12 and 13. In her reply, Ms Leith accepted that the same conclusion should follow, that those definitions should be imported into Chapter 2 as a consequential change and be subject to the suggested note.

118. We agree with that suggestion and with the substance of the suggested note. We think, however, that as Ms Leith framed it, it appeared to be an instruction with substantive effect rather than a note. We therefore suggest that it be reworded as follows:

"Where a definition title is followed by a zone or specific notation, the intention is that the application of the definition is limited to the specific zone or scenario described."

119. We note that it does not necessarily follow that a copy of the relevant definitions should not also be in the Chapter to which they relate, but that is a matter for the Hearing Panels considering submissions on those chapters to determine.

120. We note also that where definitions with limited application have been shifted/copied into Chapter 2 with no substantive amendment (other than noting the limitation) we have not discussed them further.

5. GENERAL ISSUES WITH DEFINITIONS

121. There are a number of general issues that we should address at the outset of our consideration of the Chapter 2 definitions. The first arises from the fact that defined terms (and indeed some new definitions of terms), have been considered by the Hearing Panels addressing submissions on the text of the PDP.

122. We canvassed with counsel for the Council the appropriate way for us to address definitions in this category. While we have the responsibility of making recommendations on the final form on Chapter 2, our consideration of the Chapter 2 definitions should clearly be informed by the work that other Hearing Panels have undertaken on the definition of terms. We have accordingly asked each Hearing Panel to report to us on their recommendations as to new or amended definitions that should be in Chapter 2. Where we have no evidence to support a substantive change from another Hearing Panel's recommendations, we have almost invariably adopted those recommendations. In some cases, we have recommended non-substantive grammatical or formatting changes. We do not discuss those definitions further in our Report. Similarly, where another Hearing Panel has considered submissions on a defined term (or seeking a new definition) and recommended rejection of the submission, we have not considered the matter further in the absence of further evidence.
123. Where we have had evidence on terms that have been considered in earlier hearings, we have considered that evidence, along with the reasoning of the Hearing Panel in question, and come to our own view.
124. In the specific instance where Ms Leith recommended changes to definitions that had been considered in earlier hearings, counsel for the Council identified, and we agreed, that this created a natural justice problem, because submitters heard at those earlier hearings had not had the opportunity to make submissions on the varied position of Council staff. Accordingly, as already noted⁶³, we directed that the submitters in question should have the opportunity to make written submissions to us. In the event, however, no further submissions were filed within the allotted time and thus there was no additional material to consider.
125. The second general point which we should address is the fact that as notified, Chapter 2 contained a number of definitions that were in fact just cross references to the definition contained in legislation⁶⁴. We suggested, and Ms Leith agreed, that it would be of more assistance to readers of the PDP if the actual definition were set out in Chapter 2. Having said that, there are exceptions where the definition taken from a statute is not self-contained, that is to say, it cannot be read without reference to other statutory provisions. We consider that in those circumstances, it is generally better to utilise the notified approach of just cross referencing the statutory definition. We also consider that where a definition has been incorporated from either the Act, or another Statute, that should be noted in a footnote to the definition so its source is clear. We regard inserting definitions from statutes and footnoting the source as a minor change under Clause 16(2). Accordingly, our suggested revision of Chapter 2 makes those changes with no further comment. Similarly, where we have chosen to retain a cross reference to a statutory definition, we have not commented further on the point.
126. In one case (the definition of 'national grid') the definition in the regulations has an internal cross reference that we consider can easily be addressed by a non-substantive amendment, as discussed below.
127. The next general point is that in her Section 42A Report, Ms Leith identified⁶⁵ that a number of definitions contained within Chapter 2 are of terms that are not in fact used within the PDP and/or which are only applicable to zones that are not included within the PDP (either because

⁶³ Refer Section 1.4 above

⁶⁴ See for example the definition of "reserve".

⁶⁵ At paragraph 27.1

they were never part of Stage 1 of the District Plan review or because they have subsequently been withdrawn). She recommended deletion of these definitions and of any references to such zones within definitions. We agree. Given that the purpose of Chapter 2 is to define terms used in or relevant to the PDP, deletion of definitions which do not fall within this category is, by definition, a minor change within the ambit of Clause 16(2). Again, our recommended revised Chapter 2 in Appendix 1 shows such deletions without further comment⁶⁶. In some cases, terms we would have recommended be deleted on this basis are the subject of the Stage 2 Variations. In those cases, they are greyed out, rather than deleted.

128. It follows also that where submissions⁶⁷ sought new definitions, sought retention of definitions of terms not used in the PDP, or amendments to definitions that apply only in zones not the subject of the PDP, those submissions must necessarily be rejected.
129. Another general consideration relates to definitions that are currently framed in the form of rules. The definition of “*domestic livestock*” for instance is expressed in the language of a rule. It purports to state numerical limits for particular livestock in particular zones. Such definitions are unsatisfactory. Rules/standards of this kind should be in the relevant zone rules, not buried in the definitions. We will address each definition in this category on a case by case basis. Where we find that we do not have jurisdiction to correct the situation, we will make recommendations that the Council address the issue by way of variation.
130. Our next general point relates the notified definition of “*noise*” which reads as follows:
“Acoustic terms shall have the same meaning as in NZS 6801:2008 Acoustics – Measurement of environmental sound and NZS 6802:2008 Acoustics – Environmental noise.

L_{dn}:

⁶⁶ The terms deleted from Appendix 1 on this basis are:
 ‘Amenity Tree Planting’; ‘Amenity Vegetation; Automotive and Marine Supplier (Three Parks and Industrial B Zones)’; ‘Back Lane Site (Three Parks Zone)’; ‘Balcony’; ‘Block Plans (Tree Parks Zones)’; ‘Boundary Fencing’; Building (Remarkables Park Zone)’; ‘Bus Shelters (Mount Cardrona Special Zone)’; ‘Comprehensive Residential Development’; ‘Condominiums’; ‘Development (Financial Contributions)’; ‘Design Review Board’; ‘Elderly Persons Housing Unit’; ‘Farming and Agricultural Supplier’ (Three Parks and Industrial B Zones); ‘Farm Yard Car Park’; ‘Food and Beverage Outlet (Three Parks Zone)’; ‘Front Site’; ‘Garden and Patio Supplier (Three Parks and Industrial B Zones)’; Ground Level (Remarkables Park Zone)’; ‘Habitable Space (Three Parks Zone)’; ‘Hazardous Wastes’; ‘Historic Equipment’; ‘Home Occupation (Three Parks Zone)’; ‘Large Format Retail (Three Parks Zone)’; ‘Manufacturing of Hazardous Substances’; ‘Multi Unit Development’; ‘Night Time Noise Boundary Wanaka’; ‘North Three Parks Area’; ‘Office Furniture, Equipment and Systems Suppliers (Three Parks and Industrial B Zones)’; ‘On-Site Workers (Three Parks and Industrial B Zones)’; ‘Outline Development Plan’; ‘Place of Assembly’; ‘Place of Entertainment’; ‘Relocatable’; ‘Retention Mechanism’; ‘Rural Selling Place’; ‘Sandwich Board’; ‘Secondary Rear Access Lane’; ‘Secondary Unit’; ‘Secondhand Goods Outlet (Three Parks and Industrial B Zones)’; ‘Specialty Retail (Three Parks Zone)’; ‘Stakeholder Deed’; ‘Step In Plan’; ‘Storey (Three Parks Zone)’; ‘Tenancy (Three Parks Zone)’; ‘Visually Opaque Fence’; ‘Yard Based Service Activity’; ‘Yard Based Supplier (Three Parks and Industrial B Zones)’; ‘Zone Standards’
⁶⁷ E.g. submission 836: Neither supported nor opposed in FS1117

Means the day/night level, which is the A-frequency-weighted time-average sound level, in decibels (dB), over a 24-hour period obtained after the addition of 10 decibels to the sound levels measured during the night (2200 to 0700 hours).

L_{Aeq(15 min)}:

Means the A-frequency-weighted time-average sound level over 15 minutes, in decibels (dB).

L_{AFmax}:

means the maximum A-frequency-weighted fast-time-weighted sound level, in decibels (dB), recorded in a given measuring period.

Noise Limit:

Means a L_{Aeq(15 min)} or L_{AFmax} sound level in decibels that is not to be exceeded.

In assessing noise from helicopters using NZS 6807: 1994 any individual helicopter flight movement, including continuous idling occurring between an arrival and departure, shall be measured and assessed so that the sound energy that is actually received from that movement is conveyed in the Sound Exposure Level (SEL) for the movement when calculated in accordance with NZS 6801: 2008.

131. This 'definition' is unsatisfactory. Among other things, it does not actually define the term 'noise'.
132. In her reply evidence, Ms Leith noted that the reporting officer and the acoustic expert giving evidence for Council in the context of Chapter 36 – Noise had not raised any concerns with the above definition or recommended any amendments, and that there was only one submission⁶⁸ on it, seeking deletion of the day/night level (which was not supported). Accordingly, while Ms Leith recognised that the definition was somewhat anomalous, she did not recommend any change to it. Ms Leith also identified that while the definition of "sound" in Chapter 2 cross references the relevant New Zealand Standards and states that the term has the same meaning as in those standards, the Standards do not in fact define the term "sound". Again, however, Ms Leith did not recommend any amendment.
133. We disagree. The definition of "noise" is a combination of:
 - a. 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 submission⁶⁹ be accepted and accordingly, we have no basis on which to recommend removal of the definition of Ldn.

137. Lastly, on this point, we recommend to the Chapter 36 Hearing Panel that the helicopter rule/assessment standard should be incorporated in Chapter 36.
138. The 'definition' of 'sound' should likewise be deleted, because the cross reference it contains is impossible to apply. It is therefore of no assistance as it is.
139. As another general point, we note that there is no consistency as to definition formatting. Some definitions have bullets, some have numbering systems, and where the latter, the numbering systems differ.
140. We think it is desirable, on principle, for all subparts of definitions to be numbered, to aid future reference to them. Our revised Chapter 2 therefore amends definitions with subparts to insert a consistent numbering system. We regard this as a minor non-substantive change, within Clause 16(2).
141. Lastly at a general level, we do not propose to discuss submissions seeking the retention of existing definitions if there is no suggestion, either in other submissions or by Ms Leith, that the definition should be changed.

6. DEFINITIONS OF SPECIFIC TERMS

142. We now turn to consider the content of Chapter 2 following the notes to definitions. Where suggested changes fall within the general principles set out above, we do not discuss them further. Accordingly, what follows is a discussion of those terms that were:
 - a. The subject of submissions heard in this hearing stream;
 - b. The subject of recommendations by Ms Leith; or
 - c. In a small number of cases, where we identified aspects of the definition that require further consideration.

6.1. Access

143. As notified, this definition included reference to 'common property' "*as defined in Section 2 of the Unit Titles Act 2010*". Consistent with the general approach to cross references to definitions in legislation discussed above, Ms Leith suggested deleting the reference to the Unit Titles Act and inserting the actual definition of common property from that Act. Because the end result is the same, these are non-substantive amendments within the scope of Clause 16(2).
144. We agree with Ms Leith's approach, with one minor change. We think it would be helpful to still cross reference the Unit Titles Act in the definition of 'access' but suggest the cross reference be put in brackets. As above, the proposed additional definition of 'common property' should be footnoted to source that definition to the Unit Titles Act 2010.

6.2. Access leg:

145. In the marked-up version of Chapter 2 attached to her Section 42A Report, Ms Leith suggested deletion of the initial reference in the notified definition to this relating to rear lots or rear sites. As far as we could ascertain, there is no discussion of this suggested change in the body

⁶⁹ Submission 243

of the Report and no submission which would provide jurisdiction for it. We have some concerns as to whether deletion of reference to rear lots or rear sites falls within Clause 16(2). On the face of the matter, it has the effect that the definition is broadened to apply to every site, because every site will have a strip of land included within the lot or site which provides legal physical access to the road frontage. On that basis, we do not agree with the suggested amendment. However, we think the cross reference to rear lots and rear sites might appropriately be shifted to the term defined, using the convention applied to other defined terms.

6.3. Access Lot:

146. Ms Leith recommended that this definition be deleted because the term is not used within the PDP. We discussed with her whether this might be an exception, where it was nevertheless useful to include the definition, given that the term is commonly used in subdivision applications.

147. In her reply evidence, the text⁷⁰ reiterates the position that the definition should be deleted, to be consistent with her other recommendations. However, her marked up version of Chapter 2 has a note appended to this definition saying that the definition is necessary as the term is frequently used on survey plans.

148. For our part, we think there is value in having the definition of access lot for the reason just identified. In addition, while the term ‘access lot’ is not used in the PDP, Chapter 27 refers to ‘lots for access’⁷¹.

149. Accordingly, we recommend that the notified definition of access lot be retained in Chapter 2.

6.4. Accessory Building:

150. Ms Leith recommends that the opening words to this definition, “*in relation to any site*” be deleted. Again, we could not locate any discussion of this particular amendment in the Section 42A Report but, on this occasion, we think that it falls squarely within clause 16(2) of the First Schedule – it is self-evident that the term relates to activities on a site. Having deleted the opening words, however, we think that a minor grammatical change is required where the definition refers to “*that site*” in the second line. Consequential on the suggested amendment, the reference in the second line should be to “*a site*”.

6.5. Activity Sensitive to Aircraft Noise (ASAN):

151. Ms Leith recommended two changes to this definition, both stemming from the staff recommended amendments considered in the Stream 6 hearing relating to Chapters 7-11 (Urban Residential Zones).

152. The first is to utilise the same definition for activities sensitive to road noise and the second to substitute reference to any “*education activity*” for “*educational facility*”. The latter change reflects the staff recommendation to delete the definition of ‘educational facility’. The Stream 6 Hearing Panel identifies the commonality of issues raised by the effects of aircraft and road noise in its report⁷² and we agree that it is useful to combine the two with one definition. We discuss the deletion of ‘educational facility’ later in this report, but we agree that consequential on our recommendation to delete that definition, the cross reference to it

⁷⁰ At paragraph 6.1

⁷¹ E.g. recommended Rule 27.6.2 (Report 7)

⁷² Refer Report 9A at Section 36.1

needs to be amended in this context. Accordingly, we recommend acceptance of the suggested amendments.

6.6. Activities Sensitive to Aircraft Noise (ASAN) Wanaka:

153. Ms Leith recommended deletion of this definition, consequent on a recommendation to that effect to the Stream 8 Hearing Panel considering Chapter 17 (Airport Mixed Use Zone).

154. The Stream 8 Hearing Panel concurs that this would remove duplication and aid clarity⁷³ and for our part, we heard no evidence that would suggest that we should take a different view. Accordingly, we recommend that this definition be deleted.

6.7. Adjacent and Adjoining:

155. In her Section 42A Report⁷⁴, Ms Leith drew our attention to the use of the terms ‘adjacent’ and ‘adjoining’ in the PDP. As Ms Leith observes, ‘adjoining land’ is defined as:

“In relation to subdivision, land should be deemed to be adjoining other land, notwithstanding that it is separated from the other land only by a road, railway, drain, water-race, river or stream.”

156. Ms Leith was of the view that it was desirable that this definition be expanded to apply in situations other than that of subdivision, to provide for the consistent implication of the term ‘adjoining’ between land use and subdivision consent applications. We agree that this is desirable. Chapter 27 uses the term ‘adjoining land’ in a number of places. Where necessary, it is qualified to refer to *“immediately adjoining”* lots⁷⁵. It makes sense to us that a consistent approach should be taken across subdivision and land use provisions, which are frequently combined. We also agree, however, that with no submission on the point, there is no jurisdiction to make substantive changes to this definition.

157. Accordingly, we accept Ms Leith’s suggestion that we recommend that this be considered further by Council, either at a later stage of the District Plan process or by way of District Plan variation. In the interim, we recommend that consistent with the formatting of other definitions, the limited purpose of the definition be noted in the defined term, and that it be expressed as a definition and not a rule. Appendix 1 shows the suggested changes.

158. Ms Leith considered, at the same time the use of the term ‘adjacent’ in the context of the PDP. She referred us to dictionary definitions aligning ‘adjacent’ with ‘adjoining’. She did not consider it was necessary to define the term given its natural ordinary meaning. We agree with that recommendation also.

6.8. Aircraft:

159. Ms Leith recommended that an additional sentence be inserted on the end of this definition to exclude remotely piloted aircraft weighing less than 15kg. Again, this recommendation reflects a suggested amendment considered and accepted by the Stream 8 Hearing Panel⁷⁶.

160. As with the previous definition, we heard no evidence that would cause us to take a different view. Accordingly, we recommend that the definition be amended to include the sentence:

⁷³ Refer Report 11 at Section 63.3

⁷⁴ A Leith, Section 42A Report at Section 29

⁷⁵ E.g. Recommended Rule 27.5.4

⁷⁶ Refer Report 11 at Section 63.4

“Excludes remotely piloted aircraft that weigh less than 15kg.”

6.9. Aircraft Operations:

161. As notified, this definition was expressed to include the operation of aircraft during landing, take-off and 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 deleted⁷⁷. We heard no evidence that would cause us to take a different view.
164. Accordingly, we recommend that this definition be deleted.

6.11. Airport Activity:

165. Ms Leith recommended a series of changes to this definition consequent on changes recommended to the Stream 8 Hearing Panel considering Chapter 17, together with non-substantive formatting changes. The most significant suggested changes appear to be in the list of buildings that are included. In some respects, the ambit of the definition has been expanded (to include flight information services), but in a number of respects, the number of buildings qualifying as an airport activity have been reduced (e.g. to delete reference to associated offices). The Stream 8 Hearing Panel concurred with the suggested amendments⁷⁸ and we heard no evidence that would cause us to take a different view. In particular, although the Oil Companies⁷⁹ sought that the notified definition be retained, the tabled statement of Mr Laurenson for the submitters supported the suggested amendments. Accordingly, we recommend that the definition be amended to incorporate the changes suggested by Ms Leith and shown in Appendix 1 to this Report.
166. We should note that in Ms Leith’s section 42A Report, she recorded that the intention of the Reporting Officer on Chapter 17 was to make the now bullet pointed list of specified airport activities exclusive, rather than inclusive, by suggesting deletion of the words *“but not limited to”*⁸⁰.

⁷⁷ Refer Report 11 at Section 63.6

⁷⁸ Refer Report 11 at Section 63.8

⁷⁹ Submission 768

⁸⁰ A Leith, Section 42A Report, paragraph 30.2

167. To our mind, it is perfectly clear that a definition like that of ‘Airport activity’ which provides an initial definition and says that various specified matters are included is not intended to be exhaustive. The words “*but not limited to*” add only emphasis. They do not change the meaning. If the Council desires to alter an existing definition that is expressed inclusively, to be exclusive, in the absence of a submission on the point, that would generally be a substantive change that will need to be achieved by way of variation. The same point arises in relation to the definition of the ‘airport related activity’, which we will discuss shortly.

6.12. Airport Operator:

168. Ms Leith recommended this definition be deleted as it is not used in the PDP. Ms O’Sullivan from QAC⁸¹ noted in her tabled evidence that it was used in a designation (of Wanaka Airport Aerodrome Purposes) and suggested that it would be appropriate to retain it.

169. This raises the question addressed earlier and more generally regarding the inter-relationship between the designations in Chapter 37 and the Chapter 2 definitions. For the reasons we discussed above, we take a different view to the Stream 8 Hearing Panel (which recommended to us that the definition be retained⁸²) and find that if this term needs to be defined for the purposes of a designation, that is a matter for the Stream 7 Hearing Panel to address.

170. We therefore recommend it be deleted from Chapter 2.

6.13. Airport Related Activity:

171. Ms Leith made a series of suggested changes to this definition largely reflecting recommendations to the Stream 8 Hearing Panel. The additional changes recommended by Ms Leith are for non-substantive formatting matters. The effect of the recommended changes was to shift many of the activities formally identified as ‘airport activities’ to being ‘airport related activities’. The Stream 8 Hearing Panel concurred with the suggested changes⁸³ and, for our part, we heard no evidence to suggest we should take a different view.

6.14. All Weather Standard

172. In her Section 42A Report, Ms Leith recommended that this term be deleted on the basis that it was not used within the PDP. She reconsidered that recommendation in her reply evidence, having noted that it was used within the definition of ‘formed road’. On that basis, she recommended that the notified definition be retained. We agree, for the same reason.

6.15. Bar:

173. Ms Leith recommended a rejigging of this definition to delete the initial reference in the notified definition to any hotel or tavern, placing that reference into the term defined. We agree with the suggested reformulation, save that a minor consequential change is required so that rather than referring in the first sentence to ‘*the*’ hotel or tavern, the definition should refer to ‘*a*’ hotel or tavern.

6.16. Biodiversity Offsets:

174. This is a new definition flowing from the recommendation to the Stream 2 Hearing Panel, considering Chapter 33 – Indigenous Vegetation & Biodiversity. The Stream 2 Hearing Panel concurred with this recommendation and we heard no evidence that would cause us to take a different view. Accordingly, we recommend the definition be inserted in the form suggested by Ms Leith and shown in Appendix 1 to this Report.

⁸¹ Submission 433

⁸² Refer Report 11 at Section 63.10

⁸³ Refer Report 11 at Section 63.11

6.17. Boundary:

175. Ms Leith recommended that this definition be amended by deleting the note in the notified version referring the reader to the separate definitions of '*internal boundary*' and '*road boundary*'. Ms Leith described it in her marked up version of Chapter 2 as a non-substantive amendment. We agree with that. We agree both with that classification and consider that the note was unnecessary. We therefore recommend that the note in the notified version of this definition be deleted.

6.18. Building:

176. Ms Leith recommended that shipping containers be added as an additional exception and that reference be to residential units rather than residential accommodation in this definition, consequent on recommendations to the Stream 5 Hearing Panel considering Chapter 35 – Temporary Activities and Relocated Buildings. The second is a consequential change that we have no issue about, but the Stream 5 Hearing Panel queried the jurisdiction to insert the first, making no recommendation.

177. Although the Oil Companies⁸⁴ sought that the notified definition be retained, Mr Laurenson's tabled statement described the suggested changes as minor, and indicated agreement with Ms Leith's recommendations.

178. The notified definition includes an explicit extension of the statutory definition of 'building' to include, among other things, shipping containers used for residential purposes for more than 2 months. The clear implication is that shipping containers would not otherwise be considered a 'building'. We are not at all sure, however, that is correct. The reporting officer on Chapter 35, Ms Banks, thought they were⁸⁵ and we tend to agree with that (as a starting premise at least).

179. That would suggest to us that including an exclusion for shipping containers, irrespective of use and albeit for 2 months only, is a substantive change to the definition.

180. We are not aware of any submission having sought that exemption. Accordingly, we conclude that we have no jurisdiction to accept Ms Leith's recommendation in that regard.

181. The same problem does not arise with Ms Leith's recommendation that the introduction to the last bullet refer both to the statutory definition and the specified exemptions. We regard that as a non-substantive clarification. Ms Leith also suggests some minor grammatical changes for consistency reasons that we have no issues with.

182. Queenstown Park Ltd⁸⁶ sought in its submission that the definition excludes gondolas and associated structures. Giving evidence for the submitter, Mr Williams recorded that the effect of the definition referring to the Building Act 2004, rather than its predecessor (as the ODP had done) was to remove the ODP exclusion of cableways and gondola towers, but gave no evidence as to why this was not appropriate. Rather, because he went on to discuss and agree with the recommendation of Mr Barr to the Stream 2 Hearing Panel that 'passenger lift systems' be specifically defined, we infer that Mr Williams agreed with the analysis in Ms Leith's Section 42A Report that the submission has been addressed in a different way.

⁸⁴ Submission 768

⁸⁵ See Banks Reply Evidence in relation to Chapter 35 at 10.4

⁸⁶ Submission 806

Certainly, Mr Williams gave us no reason why we should not accept Ms Leith's recommendation in this regard.

183. Accordingly, we recommend that the only amendments to this definition be the consequential change to refer to 'residential unit' noted above, Ms Leith's suggested clarification of the role of the final bullet, and her suggested minor grammatical changes.

6.19. Building Supplier (Three Parks and Industrial B Zones):

184. Ms Leith recommended two sets of amendments to this definition. The first is to delete the reference in the term defined to the Three Parks and Industrial B Zones, arising out of a recommendation to and accepted by⁸⁷ the Stream 8 Hearing Panel considering Chapter 16-Business Mixed Use Zone. Given that the Three Parks and Industrial B Zones are not part of the PDP, were it not for inclusion of the term in Chapter 16, we would have recommended deletion of the definition. Accordingly, we agree with the suggested change.

185. The second suggested amendment is a reformatting of the definition. Currently it switches between identifying different types of building suppliers (glaziers and locksmiths), and identification of the goods a building supplier will supply. Ms Leith suggests focussing it on the latter and making appropriate consequential amendments. We agree with that suggested minor reformatting.

186. Lastly, the structure of the definition is an initial description of what a building supplier is, continuing "*and without limiting the generality of this term, includes...*". The phrase "*without limiting the generality of this term*" adds nothing other than emphasis, and in our view should be deleted.

187. Accordingly, we recommend that the revised definition of 'building supplier' should be as follows:

"Means a business primarily engaged in selling goods for consumption or use in the construction, modification, cladding, fixed decoration or outfitting of buildings includes suppliers of:

- a. glazing;*
- b. awnings and window coverings;*
- c. bathroom, toilet and sauna installations;*
- d. electrical materials and plumbing supplies;*
- e. heating, cooling and ventilation installations;*
- f. kitchen and laundry installations, excluding standalone appliances;*
- g. paint, varnish and wall coverings;*
- h. permanent floor coverings;*
- i. power tools and equipment;*
- j. locks, safes and security installations; and*
- k. timber and building materials."*

6.20. Cleanfill and Cleanfill Facility:

188. In her Section 42A Report, Ms Leith recommended that definitions of these terms be added to Chapter 2, responding to the submission of HW Richardson Group⁸⁸. The point of the submission relied on is that the definition of 'cleanfill' from Plan Change 49 should be included in the PDP. Although the submission was limited to 'cleanfill', Ms Leith identified that the

⁸⁷ Refer Report 11 at Section 49

⁸⁸ Submission 252

definition of earthworks she separately recommended be amended to align with the outcome of Plan Change 49 (accepting submission 768 in this regard) refers to both cleanfill and cleanfill facilities. She regarded addition of a definition of cleanfill facilities (from Plan Change 49) as being a consequential change. The tabled statement of Mr Laurenson for the Oil Companies⁸⁹, however, noted that the definitions of ‘cleanfill’ (and consequently ‘cleanfill facility’) could be interpreted to include a range of substances that should not be considered to fall within that term, such as contaminated soils and hazardous substances. Mr Laurenson also drew attention to Ministry for the Environment Guidelines exempting such materials from the definition of ‘cleanfill’.

189. In her reply evidence⁹⁰, Ms Leith accepted Mr Laurenson’s point. She noted that Submission 252 did not provide scope to introduce definitions of ‘cleanfill’ and ‘cleanfill facility’ reflecting the Ministry’s guidance, and recommended that the best approach was not to define those terms, thereby leaving their interpretation, when used in the definition of earthworks, at large pending review of the Earthworks Chapter of the District Plan, proposed to occur in Stage 2 of the District Plan Review process.

190. We agree with Ms Leith’s revised position, substantially for the reasons set out in her reply evidence. It follows that we recommend that Submission 252 (seeking inclusion of the definition of ‘cleanfill’ from Plan Change 49) be rejected. We note that the Stage 2 Variations propose introduction of new definitions of both ‘clean fill’ and ‘cleanfill facility’.

6.21. Clearance of Vegetation (includes indigenous vegetation):

191. Ms Leith recommended insertion of reference to “soil disturbance including direct drilling” in this definition, reflecting in turn, recommendations to the Stream 2 Hearing Committee considering Chapter 33 – Indigenous Vegetation and Biodiversity. That Hearing Panel accepted that recommendation, but has also recommended additional changes; to delete the reference to indigenous vegetation in brackets in the term defined and to introduce reference to oversowing⁹¹. We heard no evidence that would cause us to take a different view on any of these points. Accordingly, we recommend that the definition be amended as shown in Appendix 1 to this Report.

6.22. Community Activity:

192. Ms Leith recommended two amendments to this definition. The first is to broaden the notified reference to “schools” to refer to “daycare facilities and education activities”, reflecting recommendations to the Stream 6 Hearing Panel considering Chapter 7 – Low Density Residential Zone. We note that this suggested change was supported by the tabled evidence for the Ministry of Education of Ms McMinn⁹² and we agree with it (as did the Stream 6 Hearing Panel). The second suggested change responded to the submission of New Zealand Police⁹³ by amending the previous reference to “Police Stations” to refer to “Police Purposes”. We can readily understand the rationale for that amendment⁹⁴ although the Council may wish to consider whether reference to Fire Stations should similarly be broadened by way of variation since presumably the same logic would apply to New Zealand Fire Services Commission as to New Zealand Police.

⁸⁹ Submission 768

⁹⁰ A Leith, Reply Evidence at 20.4

⁹¹ Report 4A at Section 47.2

⁹² Submission 524

⁹³ Submission 57

⁹⁴ Refer the tabled letter/submission of Mr O’Flaherty for NZ Police emphasising the restriction on the scope of police activities otherwise.

193. Lastly, we note that in the course of the hearing, we discussed with Ms Leith the rationale for excluding recreational activities from this definition. Ms Leith frankly admitted that this was something of a puzzle. While the intention may have been to exclude commercial recreational activities, use of land and buildings for sports fields and Council owned swimming pools would clearly seem to be community activities, in the ordinary sense. We drew this point to the Council's attention in our Minute of 22 May 2017 as an aspect where a variation might be appropriate given the lack of any submission providing jurisdiction to address the point.

194. Given those jurisdictional limitations, we recommend that the definition be amended in line with Ms Leith's evidence, as shown in Appendix 1 to this Report.

6.23. Community Facility:

195. Ms Leith recommended that this definition be deleted, consequent on a recommendation to the Stream 6 Hearing Panel considering Chapter 7 – Low Density Zone. The point was also considered in the Stream 4 hearing and the Stream 4 Hearing Panel considering Chapter 27 (Subdivision) recommends that the definition be deleted.

196. The tabled evidence of Ms McMinn for the Ministry of Education queried the staff planning recommendation in relation to Chapter 7 and whether staff in that context had actually recommended the definition be deleted.

197. Be that as it may, it appeared to us that the Ministry's concern related to use of the term "community facility" in any new subzone, that will necessarily be the subject of a future plan process. It can accordingly be considered at that time.

198. Likewise, the tabled evidence of Ms McMinn for Southern District Health Board⁹⁵ drew our attention to the desirability of retaining the term 'community facility' in order that the PDP might clearly provide for Frankton Hospital at its existing location should the Community Facility Sub-Zone be reintroduced as part of Stage 2 of the District Plan review process.

199. It seems to us that, as with her concern on behalf of the Ministry of Education, this is an issue that should be addressed as part of a later stage of the District Plan review. The Council will necessarily have to consider, should it reintroduce the Community Facility Sub-Zone, what additional terms need to be defined for the proper administration of those provisions. We do not believe it is appropriate that we seek to anticipate the consequences of Council decisions that are yet to be made.

200. We therefore recommend deletion of this definition.

6.24. Community Housing:

201. Ms Leith recommended that this definition be amended by decapitalising the terms previously themselves the subject of definitions. Although she did not specifically identify this change as responding to the Arcadian Triangle submission referred to earlier, her recommendation is consistent with that submission and we agree with it. We therefore recommend a like change in the marked version of Chapter 2 annexed in Appendix 1.

⁹⁵ Submission 678

6.25. Critical Listening Environment:

202. The only change recommended by Ms Leith to this definition is correction of a typographical error pointed out in the evidence of Ms O’Sullivan for QAC⁹⁶ and also noted by the Stream 8 Hearing Panel; substitution of “listening” for “living” in the last line. We regard this as a minor change, correcting an obvious error.

6.26. Domestic Livestock:

203. The notified version of this definition read:

“Means the keeping of livestock, excluding that which is for the purpose of commercial gain:

- *In all Zones, other than the Rural General, Rural Lifestyle and Rural Residential Zones, it is limited to 5 adult poultry, and does not include adult roosters; and*

- *In the Rural General, Rural Lifestyle and Rural Residential Zones it includes any number of livestock bred, reared and/or kept on a property in a Rural Zone for family consumption, as pets, or for hobby purposes and from which no financial gain is derived, except that in the Rural Residential Zone it is limited to only one adult rooster per site.*

Note: Domestic livestock not complying with this definition shall be deemed to be commercial livestock in a farming activity as defined by the Plan.”

204. This definition needs to be read together with the definition of ‘commercial livestock’:

“Means livestock bred, reared and/or kept on a property for the purpose of commercial gain, but excludes domestic livestock.”

205. The definition of ‘farming activity’ is also relevant:

“Means the use of land or buildings for the primary purpose of the production of vegetative matters and/or commercial livestock...”

206. There were two submissions on the definition of ‘domestic livestock’. The first, that of Ms Brych⁹⁷, sought that the definition refer to the livestock rather than their keeping. The second, that of Arcadian Triangle Limited⁹⁸, made a number of points:

- a. There is an inconsistency between the two bullet points in that the second refers to livestock on a property and, per site, whereas the first bullet does not do so.
- b. The use of reference in the second bullet point variously to “a property” and “per site” is undesirable given that the second is defined, whereas the first is not.
- c. Similar controls should be imposed on adult peacocks to those in relation to adult roosters.
- d. The words in the note “as defined by the Plan” are unnecessary and should be deleted.

207. Ms Leith agreed with Ms Brych’s submission that the inconsistency of terminology as between ‘commercial livestock’ and ‘domestic livestock’ was undesirable and should be corrected.

⁹⁶ Submitter 433

⁹⁷ Submission 243: Opposed by FS1224

⁹⁸ Submission 836

208. Ms Leith also agreed with the points made in the Arcadian Triangle submission, and recommended amendments to address those issues. Ms Leith also recommended minor changes to the references to zones, to bring them into line with the PDP terminology.
209. More fundamentally, Ms Leith observed that this is one of the definitions that is framed more as a rule than as a definition. Although she did not identify all the consequential changes that would be required, her recommendation was that the operative parts of the definition (i.e. those that appear more as a rule), might appropriately be shifted into the relevant zone. In her reply evidence, Ms Leith identified that the term ‘domestic livestock’ only appears in the Rural and Gibbston Character Zones. Her view was that given the absence of any submission, that would need to be rectified by way of variation.
210. In our view, there are even more fundamental problems with this definition that largely stem from the absence of any definition as to what animals come within the concept of ‘livestock’. The Collins English Dictionary⁹⁹ defines livestock as *“cattle, horses, poultry, and similar animals kept for domestic use but not as pets – esp. on a farm or ranch”*.
211. Dictionary.com gives the following definition:
- “The horses, cattle, sheep, and other useful animals kept or raised on a farm or ranch”*.
212. Lastly, Oxford Living Dictionaries¹⁰⁰ defines ‘livestock’ as *“farm animals regarded as an asset”*.
213. These definitions suggest that the concept of ‘livestock’ on property that is not farmed is something of a contradiction in terms.
214. The subtle differences between these definitions raise more questions than they answer given the implication of the second bullet point in the notified definition that livestock includes animals kept as pets or for hobby purposes. We are left wondering whether a single horse kept for casual riding as a hobby, if held on a property not within the Rural, Rural Lifestyle or Rural Residential Zones, would be considered livestock falling outside the definition of ‘domestic livestock’, and therefore be deemed to be ‘commercial livestock’, and consequently a ‘farming activity’.
215. Or perhaps even more problematically, a household dog of which there are presumably many located within the District’s residential zones.
216. Similarly, is it material that a dog might be considered ‘useful’ or an ‘asset’ on a farm, even if it is kept as a pet within a residential zone, so that a resource consent is required for a border collie (for instance), but not a miniature poodle?
217. Ms Leith’s recommendation that peacocks be specifically referred to tends to blur the position further; peacocks would not normally (we suggest) be considered ‘farm animals’.
218. We discussed with Ms Leith whether control of poultry in residential zones, for instance, should not better be undertaken through the Council bylaw process. That would obviously be an alternative option considered in the course of any section 32 analysis. In addition, as pointed out in our 22 May 2017 Minute, the existing definition treats the Gibbston Character

⁹⁹ 1979 edition

¹⁰⁰ www.oxforddictionaries.com

Zone as a effectively a non-rural zone. Ms Leith thought that that was an error, but we lack the scope to recommend a change to the definition that would address it.

219. These considerations prompt us to the view that while, as an interim step, we should recommend the amendments suggested by Ms Leith, responding to the submissions on this definition and to the minor errors she has identified, we recommend that the Council consider regulation of animals, as a land use activity, afresh, determining with significantly greater clarity than at present, what animals it seeks to regulate through the District Plan and determining appropriate standards for the number of those animals that is appropriate for each zone in the relevant chapters of the PDP (not the definitions). Defining what is considered 'livestock' would seem to be a good starting point.

6.27. Earthworks:

220. As already noted (in the context of our discussion of 'cleanfill' and 'cleanfill facility' Ms Leith recommended amending the definition of earthworks to adopt the definition established through Plan Change 49, thereby responding to the submission of the Oil Companies¹⁰¹. Ms Leith's recommendation has been overtaken by the Stage 2 Variations which propose amendments to this definition and thus we need not consider it further.

6.28. Earthworks within the National Grid Yard:

221. In her Reply Evidence¹⁰², Ms Leith noted the tabled representation of Ms Bould reiterating the evidence on behalf of Transpower New Zealand Limited¹⁰³ seeking a new definition of 'earthworks within the national grid yard'. This submission and evidence was considered by the Stream 5 Hearing Panel which has determined that no new definition is required for the purposes of the implementation of Chapter 30¹⁰⁴.

222. Ms Bould raised the point that the definition of 'earthworks' does not capture earthworks associated with tree planting. However, Ms Leith observed that the recommended rules in Chapter 30 specifically exclude such earthworks and so the recommended new definition would not provide the desired relief, and would in fact be inconsistent with the rules recommended in Chapter 30. We note also the Stream 5 Hearing Panel's conclusion¹⁰⁵ that the recommended rules were essentially as proposed by Transpower's planning witness. Accordingly, we do not accept the need for the suggested definition.

6.29. Ecosystem Services:

223. Ms Leith recorded that there were two submissions on this definition, one from the Council in its corporate capacity¹⁰⁶, and the other from Ms Brych¹⁰⁷.
224. The Council's submission sought substantive changes to the definition, adopting a definition provided by Landcare Research.
225. Ms Brych sought that the definition should be re-written to cover more than just the services that people benefit from.

¹⁰¹ Submission 768

¹⁰² A Leith, Reply at 22.1

¹⁰³ Submission 805

¹⁰⁴ Refer Report 8, Section 5.15

¹⁰⁵ Ibid

¹⁰⁶ Submission 383

¹⁰⁷ Submission 243

226. Ms Leith observed that the notified definition is practically identical to the definition in the Proposed RPS which is now beyond appeal in this respect. While, as a matter of law, we are not required to give effect to the proposed RPS, there appears no utility in contemplating amendments to take this definition to a position where it is inconsistent the definition we now know will form part of the future operative Regional Policy Statement.
227. As regards Ms Brych’s submission, Ms Leith provided additional commentary in her reply evidence to the effect that while a wide range of flora and fauna benefit from ecosystem services, that term is usually identified in the PDP alongside ‘nature conservation values’, ‘indigenous biodiversity’ and ‘indigenous fauna habitat’. She was of the view, and we agree, that the PDP therefore already addresses those other attributes in another way. Ms Brych did not appear to support her submission, or to explain why we should accept it in preference to adopting the Proposed RPS definition.
228. Accordingly, we recommend acceptance of Ms Leith’s revised definition which varies from the notified version only by way of the minor wording and formatting changes shown in Appendix 1.

6.30. Educational Facilities:

229. Ms Leith recommended deletion of this definition and substitution of a new definition for ‘education activity’, reflecting an officer recommendation we now know the Stream 6 Hearing Panel has accepted. Ms Leith also recommended a minor grammatical amendment to the definition of education activity. We heard no evidence that would suggest that we should not accept these recommendations¹⁰⁸ or take a different view. Accordingly, we recommend deletion of the definition of ‘education facility’ and insertion of the suggested definition of ‘education activity’.

6.31. Electricity Distribution Corridor and Electricity Distribution Lines:

230. Ms Leith recommended two new definitions, consequent on recommendations to the Stream 5 hearing committee considering Chapter 30 – Energy and Utilities. The Stream 5 Hearing Panel has not recommended insertion of these definitions and accordingly, we do not accept Ms Leith’s recommendation either.
231. We note, however, that the Stream 5 Hearing Panel recommends a new definition of ‘electricity distribution’, responding to a submission of Aurora Energy¹⁰⁹, and intended to include those electricity lines that do not form part of the National Grid, reading as follows:

“Means the conveyance of electricity via electricity distribution lines, cables, support structures, substations, transformers, switching stations, kiosks, cabinets and ancillary buildings and structures, including communication equipment, by a network utility operator.”

232. We heard no evidence to cause us to take a different view, accordingly, we recommend inclusion of the suggested new definition¹¹⁰.

6.32. Energy Activities:

233. Ms Leith recommended a definition of this term be inserted consequent on recommendations to the Stream 5 Hearing Panel considering Chapter 30. That Hearing Panel recommends that the suggested definition be varied to delete the initial reference to the generation of energy

¹⁰⁸ Ms McMinn supported that recommendation in her evidence for Ministry of Education

¹⁰⁹ Submission 635

¹¹⁰ Refer Report 8 at Section 6.6

and to make it exclusive, rather than inclusive. We adopt the recommendation of the Stream 5 Hearing Panel¹¹¹ with the minor change recommended by Ms Leith – decapitalising the bullet pointed terms.

6.33. Environmental Compensation:

234. Ms Leith recommended a new definition of this term, consequent on a recommendation to the Stream 2 Hearing Panel considering Chapter 33 – Indigenous Vegetation & Biodiversity. The Stream 2 Hearing Panel accepted the suggested new definition¹¹² and we heard no evidence to cause us to disagree.

6.34. Exotic:

235. Initially, Ms Leith recommended only a minor formatting change to this definition in her section 42A Report (consistent with the recommendations of the Stream 5 Hearing Panel that considered submissions on the term). We discussed with her, however, what the reference in the suggested definition to species indigenous “to that part of the New Zealand” means.

236. Putting aside the typographical error, which part?

237. In her reply evidence Ms Leith suggested that the definition should be clarified to refer to species not indigenous to the District. Having reflected on the point, we admit to some discomfort with the suggested revision of the definition because we consider it has potentially significant effect given the implication that what is exotic is (by definition) not indigenous. We have not previously seen a definition of indigenous flora and fauna that was more specific than New Zealand as a whole. We also wonder whether it is practical to determine whether species are indigenous to Queenstown-Lakes District, or whether they might have been imported from other parts of New Zealand, potentially as far away as Cromwell or Tarras, and indeed, whether that should matter.

238. Adopting a narrower definition than one relating to New Zealand as a whole is also, in our view, potentially inconsistent with section 6(c) of the Act. Both the Operative and the Proposed RPS likewise define “*indigenous*” as relating to New Zealand as a whole.

239. Last but not least, the definition of ‘indigenous vegetation’ in Chapter 2 similarly takes a New Zealand wide focus. We cannot understand how vegetation could be both exotic and indigenous for the purposes of the PDP.

240. This reasoning suggests to us that we should leave well-enough alone.

241. Accordingly, the only amendments we recommend to this definition are to adopt the formatting change Ms Leith recommended (shifting reference to trees and plants into the defined term) and to correct the typographical error in the second line, deleting the word “*the*”.

6.35. External Appearance:

242. Ms Leith recommended a reformatting change to this definition, shifting reference to buildings into the defined term. We consider this is a minor change that aids understanding and we support that recommendation.

¹¹¹ Among other things, suggesting that energy might be generated contradicts the first law of thermodynamics

¹¹² Refer Report 4A, Section 51.2

6.36. Factory Farming:

243. Ms Leith recommended that this definition be amended so that rather than including the three bullet pointed matters it should “mean” those three matters i.e. converting the definition from being inclusive to exclusive. In her Section 42A Report, Ms Leith explained that the definition is unclear whether the list is intended to be exhaustive or not. She recommended that this be made clear¹¹³.
244. As far as we can establish, there is no submission seeking this change. Rather the contrary, the submissions of Federated Farmers of New Zealand¹¹⁴ and Transpower New Zealand¹¹⁵ both sought that the existing definition be retained. Those submissions were before the Stream 2 Hearing Panel that does not recommend any change to the existing definition.
245. Ms Leith did not explain the basis on which she determined that the definition of ‘factory farming’ was intended to be exclusive and it is not obvious to us that that is the intention. Accordingly, we regard this as a substantive change falling outside Clause 16(2) and we do not accept it. We therefore recommend that the definition remain as notified, other than by way of the minor grammatical change suggested by Ms Leith (decapitalising the first word in each of the bullet points).

6.37. Farm Building:

246. Ms Leith recommended a minor grammatical change to this definition (shifting the location of the word “excludes”). We agree that the definition reads more easily with the suggested change and we recommend that it be amended accordingly.

6.38. Flat Site:

247. Ms Leith recommended that a definition for this term be inserted, consequent on a recommendation to the Stream 6 Hearing Panel that has the effect that the definition of ‘flat site’ previously found in notes to rules in Chapters 7, 8 and 9 is converted to a definition in Chapter 2¹¹⁶. The Stream 6 Hearing Panel accepts the desirability of distinguishing between flat and sloping sites¹¹⁷. Ms Leith also suggested a minor grammatical change that we believe improves the definition. We heard no evidence seeking to contradict Ms Leith’s recommendation. Accordingly, we recommend that the slightly varied definition Ms Leith also suggested be inserted, as shown in Appendix 1 to this Report.

6.39. Floor Area Ratio:

248. Ms Leith recommended deletion of this definition consequent on a recommendation to the Stream 6 Hearing Panel. The Stream 6 Hearing Panel accepted that recommendation¹¹⁸ and we had no reason to take a different view.

6.40. Formed Road:

249. Federated Farmers¹¹⁹ sought that this definition be amended to distinguish between publicly and privately owned roads in the District.

¹¹³ Refer Section 42A Report at 30.4

¹¹⁴ Submission 600: Supported in FS1209 and FS1342; Opposed in FS1034

¹¹⁵ Submission 805

¹¹⁶ Refer Report 9A, Section 37.1

¹¹⁷ Refer the discussion in Report 9A at Section 37.1

¹¹⁸ Report 9A at Section 36.8

¹¹⁹ Submission 600: Supported in FS1209; Opposed in FS1034 and FS1040

250. Ms Leith referred us to the definition of ‘road’ which, in her view, means that a ‘formed road’ must necessarily be a formed public road. When Federated Farmers appeared before us, its representative accepted Ms Leith’s analysis, as do we. Accordingly, we recommend that the submission be rejected.

6.41. Ground Level:

251. As notified, this definition had the effect that where historic ground levels have been altered by earthworks carried out as part of a subdivision under either the Local Government Act 1974 or the Act, ground level is determined by a reference to the position following that subdivision, but otherwise, any historic changes in actual ground level do not affect the ground level for the purposes of the application of the PDP.

252. This position was the subject of two submissions. Nigel Sadlier¹²⁰ sought that the definition be retained as proposed. We note in passing that that submission was itself the subject of a further submission¹²¹ seeking to alter the definition. The Stream 1B Hearing Panel discussed the permissible scope of further submissions in Report 3. We refer to and rely on the reasoning in that report¹²², concluding, therefore, that this is not a valid further submission that we can entertain.

253. The second submission of this definition is that of Arcadian Triangle Limited¹²³. This submission focussed on the third bullet point of this definition which, as notified, read as follows:

“Earthworks carried out as a part of a subdivision” does not include earthworks that are authorised under any land use consent for earthworks, separate from earthworks approved as part of a subdivision consent.”

254. The submission makes the point that for a period prior to Plan Change 49 becoming operative on 29 April 2016, the Council routinely required subdividers to obtain land use consent for earthworks associated with their subdivision (following a policy decision to this effect). This bullet point accordingly had the potential to alter ground levels for future purposes where they have been changed as a result of earthworks that were actually associated with subdivision. The submitter sought that the bullet point apply to the position after 29 April 2016. Ms Leith agreed with the point made by the submitter and recommended that the relief sought be granted.

255. Ms Leith also recommended (as minor changes) that three of the notified notes to this definition should be relocated into the definition itself, and that a statement at the end of the notified definition that it did not apply to the Remarkables Park Zone or the Industrial B Zone should be deleted.

256. We agree with Ms Leith’s recommendations, as far as they go but we have a fundamental problem with the definition insofar as it requires an inquiry as to what the ground level was prior to earthworks being carried out “*at any time in the past*”. We discussed with Ms Leith the futility, for instance, of seeking to establish what changes gold miners operating in the 1860s made to the pre-existing ground level and whether it would be more practical to

¹²⁰ Submission 68

¹²¹ Of Erna Spijkerbosch – FS1059

¹²² Report 3 at Section 1.7

¹²³ Submission 836

nominate a specific date before which any changes to the pre-existing ground level could be ignored.

257. Ms Leith provided us with further information in her evidence in reply. Apparently, the original definition of 'ground level' in the ODP nominated the date of the ODP's public notification as just such a reference point but this posed problems because establishing ground level at that date (10 October 1995) was found to be difficult and in some cases impossible. Plan Change 11B was promulgated to address the issue and the notified definition in the PDP reflects the resolution of appeals through the Environment Court. Given that the current definition appeared to be the combination of much previous assessment and consideration, she did not recommend any additional amendments to it.
258. Ms Leith did not refer us to an Environment Court decision settling appeals on Plan Change 11B and we could not locate one ourselves. We infer that the resolution of appeals may have been by way of consent order.
259. Be that as it may, and with due respect to the Court, it appears to us to be illogical to address a problem caused by the inability to establish ground levels at a date in 1995, by putting in place a regime requiring knowledge of ground levels at all times in the past, that is to say tens if not hundreds of years before 1995.
260. The obvious solution, it seems to us, is to nominate a reference point when there was adequate knowledge of ground levels across the District, possibly in conjunction with provision for an earlier date if public records provide adequate certainty as to the historic ground level. For this reason, the Chair included this definition as one of the points recommended for variation in his 22 May 2017 Minute.
261. In the meantime, however, we have no jurisdiction to recommend a material change to the definition of 'ground level' from that recommended by Ms Leith. Appendix 1 therefore reflects those changes only.
- 6.42. Hanger:**
262. Ms Leith recommended a change to this definition (to insert the word "means") consequent on a recommendation to the Stream 8 Hearing Panel considering Chapter 17 – Airport Zone. The Stream 8 Hearing Panel concurred¹²⁴ and we had no basis to take a different view.
- 6.43. Hazardous Substance**
263. This definition was the subject of a submission from the Oil Companies¹²⁵ supporting the existing definition. Ms Leith recommended only minor formatting changes that do not make any difference to the meaning of a definition. We accept her recommendations in that regard. The relevant changes are as shown in Appendix 1 to this report.
- 6.44. Height:**
264. Ms Leith recommended a minor formatting change to this definition and deletion of reference to assessment of height in the Three Parks Zone, recognising that that zone is not part of the PDP. We agree with Ms Leith's suggestions on both points and the revised definition in Appendix 1 to this Report shows the relevant changes.

¹²⁴ Refer Report 11 at Section 63.1

¹²⁵ Submission 768

6.45. Heritage Landscape:

265. We recommend deletion of this definition, consequent on the recommendation of the Stream 3 Hearing Panel concerning Chapter 26 – Historic Heritage that this term not be used in Chapter 26¹²⁶.

6.46. Home Occupation:

266. Ms Leith recommended an amendment to this definition to delete the final sentence, stating the position applying in the Three Park Zone, given that that Zone is not part of the PDP. We agree with that recommendation for the reasons set out above.

6.47. Hotel:

267. This definition was the subject of a submission¹²⁷ pointing out that there appeared to be a word missing. Ms Leith accepted the point and recommended a minor change to correct the error, together with minor reformatting changes. We accept Ms Leith's suggestions and the revised version of the definition in Appendix 1 shows the relevant changes.

6.48. Indigenous Vegetation:

268. Ms Leith recommended a change to this definition consequent on a recommendation to the Stream 2 Hearing Panel considering Chapter 33 – Indigenous Vegetation & Biodiversity. The Stream 2 Hearing Panel agreed with that recommendation (to refer to vascular and non-vascular plants) and we had no evidence to suggest that we should take a different view.

6.49. Indoor Design Sound Level:

269. In Appendix 1, we have corrected the reference to L_{dn} , to reflect the defined term.

6.50. Informal Airport:

270. Ms Leith recommended a minor non-substantive change to the note to this definition.

271. We agree that her suggested change shown in Appendix 1 to this Report provides greater clarity and recommend it accordingly.

6.51. Internal Boundary:

272. Ms Leith recommended that the note referring the reader to other definitions is unnecessary. We agree and recommend that it be deleted.

6.52. Kitchen Facility:

273. Ms Brych¹²⁸ suggested in her submission that this definition is not very clear but did not identify either the particular problem with it, or how it might be amended to address any issue. Ms Leith was unsure as to what was not clear, as were we. Accordingly, we do not recommend any change to the definition.

6.53. Landside:

274. Ms Leith recommended a minor change consequent on a recommendation to the Stream 8 Hearing Panel considering Chapter 17- Airport Zone. That Panel agreed and we have no basis to disagree with the suggested revision shown in Appendix 1 to this Report.

¹²⁶ Refer Report 5 at Section 3

¹²⁷ Christine Brych – Submission 243; Opposed by FS1224

¹²⁸ Submission 243; Opposed by FS1224

6.54. Liquor:

275. Consistent with the general approach we suggested to her, Ms Leith recommended that this definition set out in full the defined term rather than cross referencing the definition in the Sale and Supply of Alcohol Act 2012. However, on this occasion, the definition is so detailed that we think the cross reference to the legislation from which it is taken is appropriate.

276. Accordingly, we recommend that the notified definition be retained.

6.55. Lot:

277. Ms Leith recommended a minor formatting change (to shift the reference to subdivision into the defined term). We agree that this is clearer and recommend the amendment shown in Appendix 1 to this Report.

6.56. Low Income:

278. Ms Leith recommended minor formatting changes to remove unnecessary capitals in this definition. We agree and Appendix 1 shows the relevant changes.

6.57. MASL:

279. Ms Leith recommended that this definition be shifted to the separate section she recommended containing acronyms used in the PDP. While, as defined, it is indeed an acronym (standing for metres above sea level), reference to it raises a more substantive issue.

280. Given the continuous and ongoing rise in sea levels, use of the literal meaning of MASL as a fundamental reference point in the PDP is unsatisfactory. The Chair's 22 May 2017 memorandum recommended that Council promulgate a variation to define sea level as 100 metres above Otago Datum in order to provide a reference point that will not shift over time. We have no scope to make that change ourselves in the absence of any submission, but anticipating a possible variation, we recommend in the interim that 'MASL' remain in the first section of Chapter 2, rather than being shifted into a separate section of acronyms.

6.58. Mast:

281. In her tabled evidence for QAC, Ms O'Sullivan drew our attention to a potential issue with the definitions of 'mast' and 'antenna', because both of those terms are framed as being specific to telecommunications. Ms O'Sullivan's concern was that the rules in Chapter 30 governing installation of masts and antenna would not, therefore, address structures used for radio communications, navigation or metrological activities – all matters of obvious importance to QAC.

282. Ms O'Sullivan accepted that QAC had not filled a submission with respect to these definitions but drew our attention to the issue in case we could identify scope to address the point.

283. Ms Leith's initial view was that there was no scope to broaden the definitions. We canvassed various possible options in discussions with Ms Leith, but she remained of the view that there was no scope through submissions to recommend these changes.

284. We think that Ms O'Sullivan's concern might be slightly overstated because the ordinary natural meaning of telecommunications includes communications by way of radio waves and to the extent that navigation and metrological facilities on masts and antenna communicate data, they might similarly be considered to fall within the existing definitions. To the extent that this is not the case, however, we have insufficient evidence to conclude that broadening

the definitions to provide more clearly for these facilities would be a minor change for the purposes of Clause 16(2). Accordingly, we conclude that this is a matter which should be addressed by the Council by a way of variation, as Ms Leith recommended to us.

6.59. Mineral Exploration:

285. Ms Leith recommended a new definition for this term consequent on recommendations to the Stream 2 Hearing Panel considering Chapter 21 – Rural Zone

286. The Stream 2 Hearing Panel agreed with that recommendation. Ms Leith, however, suggested two changes to the definition considered by the Stream 2 Hearing Panel. The first is non-substantive in nature (deleting “any” in the third line). The second, however, is more problematic, in our view. The definition recommended to, and accepted by the Stream 2 Hearing Panel had the concluding words “*and to explore has a corresponding meaning*”. Ms Leith suggested that this be deleted on the basis that the definition relates to exploration. While this is correct, the extra words provide for a change of grammatical form (from a noun to a verb) and make it clear that the definition applies to both. We think for our part that that is helpful and we disagree with Ms Leith’s recommendation in that regard. Appendix 1, accordingly, only shows the minor change noted above from the version recommended by the Stream 2 Hearing Panel.

6.60. Mineral Prospecting:

287. Ms Leith recommended a new definition of this term be inserted consequent on a recommendation to the Stream 2 Hearing Panel considering Chapter 21 – Rural Zone. That Hearing Panel concurred. Ms Leith has suggested only a minor grammatical change (decapitalising the initial word in each bullet point). We had no evidence to suggest substantive changes to the definition from that recommended by the Stream 2 Hearing Panel, but we agree that the minor grammatical change suggested by Ms Leith is appropriate. Appendix 1 to this Report shows the revised definition.¹²⁹

288. As a consequential change, the existing definition of ‘prospecting’ should be deleted.

289. Before leaving this term, however, we should note the concern expressed by the Stream 2 Hearing Panel that the way the definition is expressed (being inclusive rather than exclusive) does not accord with the apparent intent – that it describe a low impact activity. The Panel suggested that Council needed to revise it in a future variation. We concur.

6.61. Mini and Micro Hydro Electricity Generation:

290. Ms Leith recommended a minor amendment to insert the word “*means*” at the start of the defined term. The suggested amendment does not alter the meaning, but is consistent with how other defined terms are framed. We accordingly recommend that change.

6.62. Mining Activity:

291. Ms Leith recommended a substantive change to this definition consequent on a recommendation to the Stream 2 Hearing Panel, considering Chapter 21 – Rural Zone, subject only to minor reformatting changes. This recommendation has been overtaken by the Stage 2 Variations, which propose amendments to the notified definition and thus we need not consider it further, although we note that a new definition of ‘mining’ has been inserted into our recommended revised Chapter 2 consequent on the recommendation of the Stream 2 Hearing Panel.

¹²⁹ Report 4A at Section 4.12

6.63. Minor Alterations and Additions to a Building:

292. Ms Leith suggested amendments to this definition consequent on recommendations to the Stream 6 Hearing Panel considering Chapter 10 – Arrowtown Residential Historic Management Zone and accepted by that Hearing Panel¹³⁰. We had no basis to take a different position. The defined term is, however, specific to Chapter 10, and so it needs to be noted as such. Accordingly, Appendix 1 to this Report shows the relevant changes.

6.64. Minor Upgrading:

293. Ms Leith recommended a series of changes to this definition consequent on recommendations to the Stream 5 Hearing Panel considering Chapter 30 – Energy and Utilities. The Stream 5 Hearing Panel largely accepts that recommendation (changing only the tense of the introduction of the specified items: “shall include” to “includes”). Ms Leith adopted that recommendation subject only to minor formatting changes. Ms Bould’s tabled statement for Transpower New Zealand Limited¹³¹ drew our attention to the evidence of Ms McLeod for Transpower in the context of the Stream 5 hearing seeking provision in the definition for a 15% increase to the height of support structures. Although not apparent from Ms Bould’s statement, the relief supported by Ms McLeod suggests that the proposed increase could only occur when necessary to comply with NZECP 34:2001, and so is more limited than would appear to be the case.

294. Be that as it may, Ms Bould provided us with no additional evidence not already put before the Stream 5 Hearing Panel. In addition, Ms Leith drew our attention to the difficulty in judging compliance with such a permitted activity condition and to the potential for significant increases to the height of support structures incurring incrementally over time as permitted activities¹³².

295. We are unsure whether the second point is a valid concern given that the relief supported by Ms McLeod is limited to extensions necessary to provide clearance under the NZECP, but ultimately, we have no basis on which to form a different view to the Stream 5 Hearing Committee.

296. Ms Irving drew our attention to the evidence for Aurora Energy¹³³ in the Stream 5 Hearing in her tabled memorandum, but provided no additional evidence or argument to cause as to doubt the conclusions of the Stream 5 Hearing Panel. Accordingly, we do not recommend that the definition be extended further from that recommended by the Stream 5 Hearing Panel, other than to make it clear that it is limited in application to Chapter 30.

297. We also heard evidence from Ms Black for Real Journeys Limited¹³⁴, who sought an expansion of the definition to provide for upgrades to infrastructure other than electricity transmission. The particular point of concern to Ms Black was the need to provide from time to time for upgrades to wharves. After the conclusion of the hearing, Ms Black provided us with suggested wording for a revised definition (2 options).

¹³⁰ Report 9A at Section 36.10

¹³¹ Submission 805

¹³² Refer Leith reply evidence at 21.2

¹³³ Submission 635: Supported in part in FS1301; Opposed in FS1132

¹³⁴ Submission 621

298. Ms Leith did not support the suggested amendment of the ‘minor upgrading’ definition¹³⁵. Ms Leith observed that the requested relief went beyond a change to the definition and would require new rules which have not been recommended in the Stream 5 Hearing Report. In our view, there would be no point providing an amended definition if the term is not used in the context of an upgrade other than electricity infrastructure.
299. In addition, we have a concern that upgrades of wharves located in sensitive rural areas such as at Walter Peak, might have significant adverse effects.
300. Last but not least, Real Journeys Limited did not seek an amendment to this definition in its submission and we could not identify any jurisdiction for the relief now sought.
301. Accordingly, our revised version of the definition in Appendix 1 is limited to the amendments referred to above.

6.65. Moderate Income:

302. Ms Leith recommended minor amendments (decapitalising words) in this definition that we agree are desirable for consistency reasons. Appendix 1 shows the suggested amendments.

6.66. National Grid:

303. Ms Leith recommended a new definition of this term, arising out of the Stream 5 Hearing in relation to Chapter 30 – Energy and Utilities. The recommended definition in that hearing suggested a cross reference to the Resource Management (National Environmental Standards for Electricity) Transmission Activities Regulations 2009 which define what the National Grid is. The Stream 5 Hearing Panel accepted the desirability of having a definition in the terms recommended, but consistent with the general approach for such cross references, Ms Leith suggested reproducing what the regulations actually say. While we agree that this is more user-friendly, the definition in the Regulations refers to the ownership of the National Grid as at the commencement of the regulations which, if retained, defeats the intention of making the Chapter 2 definition self-contained. We recommend replacing that with a cross reference to notification of the PDP. Given that Transpower has owned the National Grid at all material times, this change falls within Clause 16(2).

6.67. National Grid Corridor:

304. Ms Leith recommended deletion of this definition and its replacement by a new term (National Grid Subdivision Corridor) consequential on recommendations to the Stream 5 Hearing Panel considering Chapter 30 – Energy and Utilities. The new term is proposed to have the same definition save for a minor non-substantive amendment to the note, and a grammatical change in the second line (delete the word “*the*”).
305. The description of the area either side of national grid lines was the subject of discussion in both the Stream 4 and Stream 5 hearings. The recommendations from those Hearing Panels are that the term used in the relevant rules should be ‘National Grid Corridor’, that is to say, the notified defined term. Accordingly, we reject Ms Leith’s recommendation in that regard. In addition, we think it is unnecessary to state (in the same note) that the term does not include underground lines – the opening words of the definition make it perfectly clear that it only relates to above ground lines. However, the amendment she suggested to what was formerly the note aids understanding of the inter-relationship between the defined term and any lines that are designated and so we recommend that ‘National Grid Corridor’ be amended as shown in Appendix 1.

¹³⁵ Refer A Leith, Reply at 21.3

6.68. National Grid Sensitive Activities:

306. Ms Leith recommended a revised definition for this term, reflecting recommendations to the Stream 5 Hearing Committee considering Chapter 30 – Energy and Utilities, subject to minor grammatical changes (removing capitalisation of initial words in bullets and a surplus “*the*”). The Stream 5 Hearing Panel agreed with the recommendation. We heard no evidence to suggest that we should take a different view other than a consequential change to reflect our recommendation above to delete the definition of “education facility” and in relation to Ms Leith’s suggested minor additional changes. Accordingly, we recommend the revised definition in the form set out in Appendix 1.

6.69. National Grid Yard:

307. Ms Leith recommended an amendment to this definition (to replace the diagram), reflecting a recommendation to the Stream 5 Hearing Panel, together with a minor non-substantive change to the former note to the definition. The Stream 5 Hearing Panel accepted the recommendation to amend the diagram and we heard no evidence to suggest that we should take a different view. As regards the note, we consider that as with the definition of ‘national grid corridor’, it is preferable that the body of the definition makes clear that it relates to overhead lines, rather than that being stated in a note.

308. Accordingly, we recommend that amended definition set out in Appendix 1.

6.70. Nature Conservation Values:

309. Ms Leith recommended a revised definition for this term, reflecting a recommendation to the Stream 1B Hearing considering Chapter 3 – Strategic Direction. The Report of the Stream 1B Panel recommends a slightly different definition which refers at the end to habitats rather than landscapes and inserts reference to ecosystem services as an aspect of natural ecosystems, but otherwise accepts the staff recommendation. The only submission on this term listed for hearing in Stream 10 was that of X-Ray Trust Limited¹³⁶, which sought a definition of the term, but did not suggest how it should be worded. Accordingly, we have no basis on which to disagree with the Stream 1B Hearing Panel and recommend a revised definition in the terms set out in Appendix 1.

6.71. Navigation Facility:

310. The Airways Corporation of New Zealand Limited¹³⁷ sought a new definition for this term. Wording was provided in the submission.

311. Ms Leith’s Section 42A Report however identifies that as a result of recommended amendments, the term is no longer used in Chapter 30. Accordingly, in her view, there is no utility in inserting a definition for it¹³⁸. While that is correct, we note that the Stream 1B Hearing Panel has recommended the definition of ‘regionally significant infrastructure’ that refers, among other things, to ‘navigation infrastructure’ associated with Queenstown and Wanaka Airports. It appears to us that, therefore, there is value in defining that term.

312. The definition suggested in the Airways Corporation submission for ‘navigation facility’ was:

“Means any permanent or temporary device or structure constructed and operated for the purpose of facilitating navigation by aircraft or shipping.”

¹³⁶ Submission 356

¹³⁷ Submission 566: Supported by FS1106, FS1208, FS1253 and FS1340

¹³⁸ Refer Section 42A Report at 14.5

313. While as a matter of fact, navigation infrastructure includes shipping (e.g. at the entrance to Queenstown Bay), the reference to shipping is unnecessary given the context in which the term is used in the PDP, but otherwise we think that the suggested definition is perfectly serviceable. Accordingly, we recommend the submission be accepted in part by inclusion of a new term ‘navigation infrastructure’ defined as:

“Means any permanent or temporary device or structure constructed and operated for the purpose of facilitating navigation by aircraft.”

6.72. Net Area:

314. Ms Leith recommended a formatting change to this definition to shift the reference to sites or lots into the defined term, consistent with the approach to other terms in Chapter 2. This is a minor non-substantive change, but we agree that with some simplification, it improves readability. Accordingly, we recommend revision of the term as shown in Appendix 1.

6.73. Net Floor Area:

315. Ms Leith recommended a minor wording change to substitute “*means*” for “*shall be*” at the start of this definition. The end result is the same so it falls within Clause 16(2). We agree with the suggested change, which makes the definition consistent with other terms in Chapter 2.

6.74. Noise Event:

316. Ms Leith recommended correction of a typographical error in the fourth line of this definition that was also noted by the Stream 5 Hearing Panel. We agree that this is a minor error that should be corrected under Clause 16(2).

6.75. No Net Loss:

317. Ms Leith recommended a new definition for this term, reflecting a recommendation to the Stream 2 Hearing Panel considering Chapter 33 – Indigenous Vegetation & Biodiversity. The Stream 2 Hearing Panel accepted that recommendation and we heard no evidence which would provide us with a basis to take a different view. Accordingly, we recommend a new definition in the terms set out in Appendix 1.

6.76. Notional Boundary:

318. Ms Leith recommended amendment to this definition, reflecting a change recommended to the Stream 5 Hearing Panel considering Chapter 36 – Noise (to refer to “*any side*” of a residential unit rather than to “*the facade*”) together with a minor grammatical change (“*any*” to “*a*”). The Stream 5 Hearing Panel agreed with the staff recommendation and we heard no evidence that would give us a basis to take a different view. We also agree that the minor additional change suggested by Ms Leith aids readability. Accordingly, we recommend a revised definition in the terms set out in Appendix 1.

6.77. Outer Control Boundary (OCB) Queenstown:

319. Ms Leith recommended deletion of this term, reflecting a recommendation to the Stream 8 Hearing Panel considering Chapter 17 – Airport Zone to consolidate this definition with that of ‘Outer Control Boundary (OCB) Wanaka’. The Stream 8 Hearing Panel accepted that recommendation and we heard no evidence that would cause us to take a different view. Accordingly, we likewise recommend its deletion.

6.78. Outer Control Boundary (OCB) Wanaka:

320. Ms Leith recommended amendments to this definition that reflected some (but not all of the) changes suggested to the Stream 8 Hearing Panel considering Chapter 17. In particular, the version of the definition recommended by Ms Leith in her section 42A Report retained reference to a date which was omitted from the definition recommended to and accepted by the Stream 8 Hearing Panel. In her tabled evidence for QAC, Ms O’Sullivan pointed out that any reference to a date in this definition needed to acknowledge that the relevant dates were different as between Queenstown and Wanaka. When Ms Leith appeared, we also discussed with her the potential ambiguity referring to “*future predicted day/night sound levels*” – that might be taken to mean future predictions rather than the current prediction of the position at a future date (as intended). Ms Leith suggested amendments to address both points.
321. We think it is preferable to specify the reference date at both airports (as Ms Leith suggests) rather than leave that open (as the Stream 8 Hearing Panel’s recommendation would do) to be clearer what it is that the OCBs seek to do. Accordingly, we recommend acceptance of Ms Leith’s revised definition, as shown in Appendix 1.

6.79. Passenger Lift System:

322. Ms Leith recommended a new definition for this term, reflecting a recommendation to the Stream 2 Hearing Panel considering Chapter 21 – Rural Zone. The Stream 2 Hearing Panel accepted that recommendation.
323. Remarkables Park Limited¹³⁹ and Queenstown Park Limited¹⁴⁰ supported the suggested definition before us. We also received written legal submissions from Mr Goldsmith representing Mount Cardrona Station Limited¹⁴¹ expressing concern about the way in which the suggested definition was framed. However, when Mr Goldsmith appeared before us, he advised that on further reflection, he considered the concerns expressed in his written submissions unfounded and he withdrew them.
324. We discussed with Mr Williams, the planning witness for Remarkables Park Ltd and Queenstown Park Ltd, the logic of confining the definition of ‘passenger lift system’ to systems that transport passengers within or to a ski area sub-zone, given that the most visible (and well-known) passenger lift system in the District (the Skyline Gondola) does neither. Mr Williams advised that from a planning perspective, there was merit in broadening the definition and addressing the need for specific provisions governing lift systems in and around ski areas through the rules of Chapter 21. In her reply evidence however, Ms Leith advised that the submission the recommendation responded to was that of Mount Cardrona Station Limited, which was limited to integration between ski area sub-zones and nearby urban and resort zones. She advised further that neither that submission, nor the other submission seeking similar relief provided jurisdiction for definition of a passenger lift system not in the context of a ski area sub-zones, and therefore there was no jurisdiction to make the change we discussed with Mr Williams.
325. We accept that analysis. We contemplated a recommendation that the PDP be varied to provide for passenger lift systems not associated with ski area sub-zones, but given the Skyline Gondola was the subject of resource consent applications to permit a major refurbishing of

¹³⁹ Submission 807

¹⁴⁰ Submission 806

¹⁴¹ Submission 407: Supported in FS1097, FS1329 and FS1330

the existing facility that were before the Environment Court around the time of our hearing, we do not regard this as necessary at this point.

326. Given the lack of jurisdiction we have noted, we have no basis to recommend a change to the definition from that suggested by Ms Leith. Appendix 1 shows the suggested new definition.

6.80. Photovoltaics (PV):

327. Again, Ms Leith recommended a minor non-substantive change to improve consistency of expression in the Chapter. We agree with her suggested change, which is shown in Appendix 1.

6.81. Potable Water Supply:

328. In her Section 42A Report, Ms Leith noted (in the context of her discussion of the definition of the word 'site') her understanding that it is ultra vires to refer to future legislation within the PDP via a term such as 'replacement Acts'. Ms Leith's position reflected the legal submissions made to us by counsel for the Council. The reason why reference to future legislation is ultra vires is due to the uncertainty as to what that future legislation may contain.

329. When Ms Leith appeared before us, we inquired whether the same principle that counsel had made submissions on and she had accepted would apply to the definition of Potable Water Supply which, as notified, refers to the current drinking water standard "*or later editions or amendments of the Standards*". In her reply evidence, Ms Leith confirmed that the reference to future versions of the drinking water standards was an issue and recommended that it be deleted, in conjunction with a minor consequential amendment. We agree that this is appropriate. Because the deleted phrase is ultra vires and of no effect, its removal is a minor change within Clause 16(2).

6.82. Precedent:

330. Alan Cutler¹⁴² submitted that a definition of 'precedent' should be included in the PDP. Mr Cutler's reasons appeared to relate to the decisions of Council in relation to implementation of the ODP. Ms Leith advised, however, that the term is not used within the PDP. On that ground, and because the law on the significance of precedents in decisions under the Act is still evolving, she recommended definition not be included in Chapter 2. We agree, essentially for the same reasons, and recommend that this submission be declined.

6.83. Projected Annual Aircraft Noise Contour (AANC):

331. Ms Leith recommended a correction to the cross reference to the designation conditions, reflecting a recommendation accepted by the Stream 8 Hearing Panel considering Chapter 17 – Condition 13, not Condition 14.

332. We have no reason to take a different view and Appendix 1 reflects the suggested change.

6.84. Public Place:

333. This definition refers to the "*District Council*" when the defined term (council) should be used. Appendix 1 reflects that change.

6.85. Radio Communication Facility:

334. Ms Leith recommended a new definition for this term be inserted, accepting the submission of Airways Corporation of New Zealand Limited¹⁴³ in this regard. Ms Leith identified that although 'radio communication facility' was no longer an activity in its own right, following

¹⁴² Submission 110

¹⁴³ Submission 566: Supported by FS1106, FS1208, FS1253 and FS1340

recommended amendments to the Stream 5 Hearing Panel considering Chapter 30 Energy and Utilities, the term was used in the recommended definition of ‘regionally significant infrastructure’ and on that account, it is useful to have it defined.

335. In her reply evidence¹⁴⁴, Ms Leith noted that the reference to the Radio Communications Act 1989 at the end of the definition sought by the submitter was unnecessary and recommended its deletion. We agree both that the definition of the term is desirable for the reasons set out in Ms Leith’s Section 42A Report (given our recommendation to accept that aspect of the definition of “regionally significant infrastructure”) and that the reference to the Radio Communications Act 1989 sought by the submitter should be deleted (not least because that Act does not actually define the term “*Radio Communication Facility*”). Accordingly, we recommend that this submission be accepted in part with a new definition as set out in Appendix 1.

6.86. Recession Lines/Recession Plane:

336. Although not the subject of submission or evidence, we noted as part of our deliberations that this definition (and the accompanying diagrams) are very difficult to understand. They appear designed for the benefit of professionals who already understand the concept of recession planes, and what the diagrams seek to achieve. While there are some aspects of the PDP where lay people may need the assistance of professional advisors, this need not be one of them. We recommend that the Council give consideration to a variation to this aspect of Chapter 2 to provide a definition and interpretative diagrams that might be better understood by lay readers of the PDP. We have attempted to formulate a more readily understood definition ourselves, which is attached to this Report as Appendix 4

6.87. Regionally Significant Infrastructure:

337. Ms Leith recommended insertion of a new definition of this term, reflecting recommendations made to the Stream 1B Hearing Panel considering Chapter 3 – Strategic Direction, supplemented by changes recommended to the Stream 5 Hearing Panel considering Chapter 30 – Energy and Utilities. Ms Leith also recommended updating the suggested cross reference to the Resource Management (National Environmental Standards for Telecommunication Facilities Regulations 2016). The Stream 1B Hearing Panel recommended several amendments to the definition of this term, which the Stream 5 Hearing Panel adopted. We have no basis to take a different view from the Hearing Panels that have already considered the matter.

338. We note that we do not consider the suggested cross reference to the Regulations noted above to be helpful as neither ‘telecommunication facility’ nor ‘radio communication facility’ are in fact defined in the Regulations. Our recommendation, reflecting the recommendations we have received from the Stream 1B (and Stream 5) Hearing Panels, is set out in Appendix 1.

6.88. Registered Holiday Home:

339. Ms Leith recommended minor grammatical changes to the definition, deletion of the first advice note and amendment of the second note. However, this definition is the subject of the Stage 2 Variations (which proposes that it be deleted) and thus we need not consider it further.

6.89. Registered Home Stay:

340. Ms Leith recommended deletion of the advice note notified with this application, for the same reason as the corresponding note in relation to ‘registered holiday home’. Again, however, this definition is the subject of the Stage 2 Variations and we therefore do not need to form a view on Ms Leith’s recommendations.

¹⁴⁴ A Leith, Reply Evidence at 9.1

6.90. Relocated/Relocatable Building:

341. Ms Leith recommended amendment to this definition, reflecting a recommendation to the Stream 5 Hearing Panel considering Chapter 35 – Temporary Activities & Relocated Buildings. The Stream 5 Hearing Panel recommends an additional change (to insert the word “newly”), but otherwise agrees with the recommendation¹⁴⁵. We heard no evidence that would cause us to take a different view although we recommend that the capitalising and bolding of the terms ‘removal’ and ‘re-siting’ be removed, to promote consistency with the use of defined terms. Appendix 1 reflects the recommended end result.

6.91. Relocation:

342. Ms Leith recommended a reformatting change to shift the initial reference to building into the defined term. We agree with that suggested change which promotes greater consistency in Chapter 2. The Stream 5 Hearing Panel also recommends removal of the words “and re-siting’ from this definition to avoid confusion¹⁴⁶. We agree with that change also. Appendix 1 shows the recommended end result.

6.92. Remotely Piloted Aircraft:

343. Ms Leith recommended a new definition for this term, reflecting a recommendation to the Stream 8 Hearing Panel considering Chapter 17 – Airport Zone. That Hearing Panel agrees with the recommendation and we had no basis on which to take a different view. Accordingly, our recommended Appendix 1 shows the suggested new definition.

6.93. Removal of a Building:

344. Ms Leith recommended a new definition of this term, reflecting a recommendation to the Stream 5 Hearing Panel considering Chapter 35 – Temporary Activities & Relocated Buildings. The Stream 5 Hearing Panel agreed with the desirability of a new definition. Ms Leith’s suggested definition shifts some of the definition into the defined term and includes reference to demolition as an express exclusion. Both suggested changes are minor in nature. To promote consistency in the way other terms have been defined in Chapter 2, however, we think that the cross reference to building should be in brackets: i.e. “*Removal (Building)*”. The second suggested change provides a desirable clarification for the avoidance of doubt.

6.94. Renewable Electricity Generation Activities:

345. Ms Leith recommended minor grammatical changes (removing unnecessary capitals for separately defined terms). We agree with the suggested change which promote consistency in the reference to defined terms. Appendix 1 shows the recommended end result.

6.95. Residential Flat:

346. In her Section 42A Report¹⁴⁷, Ms Leith noted that although this term was discussed in the course of the Stream 2 Hearing Panel’s consideration of Chapter 21 – Rural Zone and was the subject of staff recommendations on submissions, that Hearing Panel directed that the relevant submissions be transferred to this hearing. Ms Leith recommended three changes to the notified definition:

- Insert provision for an increased floor area (up to 150m²) in the Rural and Rural Lifestyle Zones;
- Remove reference to leasing;

¹⁴⁵ Refer Report 8 at Section 20.2

¹⁴⁶ Ibid

¹⁴⁷ Section 15

- Delete the second note stating that development contributions and additional rates apply.
347. In the case of the first two suggested changes, Ms Leith adopted the recommendations that had earlier been made to the Stream 2 Hearing Panel.
348. She also referred us to the reasoning contained in her own Section 42A Report to the Stream 6 Hearing Panel, considering Chapter 7 of the PDP.
349. There were a number of submissions on this term that were scheduled for hearing as part of Stream 10:
- a. Dalefield Trustee Limited¹⁴⁸ and Grant Bissett¹⁴⁹, supporting the notified definition.
 - b. Christine Brych¹⁵⁰, seeking clarification as to whether the definition refers to the building or its use.
 - c. QAC¹⁵¹, seeking a limitation that a residential flat is limited to one per residential unit or one per site, whichever is less.
 - d. Arcadian Triangle Limited¹⁵², seeking to replace the limitation on gross floor area with a limitation based on the percentage occupation of the site, to delete reference to leasing or shift that reference into the advice notes and to delete the advice notes or make it clear that they are for information only.
350. Addressing the submission seeking changes to the notified definition, Ms Leith's Chapter 7 Staff Report pointed out that the term 'residential activity' is defined to mean the use of land and buildings. The term 'residential flat' in turn incorporates 'residential activity' as defined. This effectively answers Ms Brych's concern. The definition relates both to the building and the use of the building.
351. Ms Leith (again in the context of her Chapter 7 Report) suggested that there was good reason not to limit sites to a maximum of one residential unit and one residential flat. She pointed in particular to the intent of the PDP to address growth and affordability issues¹⁵³. QAC's tabled evidence did not seek to pursue their submission and thus Ms Leith's reasoning was effectively left uncontradicted. We agree with her reasoning in that regard.
352. Ms Leith's suggested amendment to make special provision for residential flats in the Rural and Rural Lifestyle Zones reflected Mr Barr's reply evidence in the context of the Stream 2 hearing, accepting an argument Mr Goldsmith had made for Arcadian Triangle Limited that the 70m² maximum size reflected an urban context¹⁵⁴. The Stream 2 Hearing Panel agreed with that recommendation, as do we. We also agree with Ms Leith's reasoning in her Chapter 7 Report that a rule that allowed residential flats to be established by reference to the size of the principal residential unit would permit over large residential flats associated with very large residential units. While arbitrary, a maximum floor area provides the appropriate degree of control¹⁵⁵. Accordingly, we recommend that that aspect of the Arcadian Triangle submission may be accepted only in part.

¹⁴⁸ Submission 330

¹⁴⁹ Submission 568

¹⁵⁰ Submission 243: Opposed by FS1224

¹⁵¹ Submission 433: Opposed by FS1097 and FS1117

¹⁵² Submission 836

¹⁵³ Refer Chapter 7 Section 42A Report at 14.21

¹⁵⁴ Refer C Barr Reply Evidence in Stream 2 Hearing at 6.4

¹⁵⁵ Refer Chapter 7, Section 42A Report at 14.23-14.24

353. Ms Leith accepted the underlying rationale of the Arcadian Triangle submission regarding specific reference to leasing. We agree with that reasoning also. A residential flat might be leased. It might be occupied by family members. It might be occupied by visitors on an unpaid basis. We do not understand why, there is any need to refer specifically to a leasehold arrangement, and impliedly exclude other arrangements that the landowners might enter into.
354. Lastly, we agree with Ms Leith's suggested deletion of the note relating to development contributions and rates. Development contributions are levied under the separate regime provided in the Local Government Act 2002. Rates are levied under the Local Government (Rating) Act 2002. The District Plan should not presume how the separate statutory powers under other legislation will be exercised in future.
355. We also do not think there is any necessity to qualify the first note providing clarification as to the relationship between residential flats and residential units as Arcadian Triangle seeks. It does not have substantive effect – it describes the position that would result in the absence of any note.
356. In summary, we recommend that the definition of "*residential flat*", be as suggested to us by Ms Leith to the extent that differs from the recommendation we have received from the Stream 2 Hearing Panel. Appendix 1 reflects that position.

6.96. Residential Unit:

357. Ms Leith recommended deletion of the reference to dwelling in the first line of the notified definition, reflecting in turn, a recommendation to the Stream 6 Hearing Panel considering Chapter 7 – Low Density Residential. That Hearing Panel accepted that recommendation¹⁵⁶.
358. In her Section 42A Report, Ms Leith discussed a submission by H Leece and A Kobienia¹⁵⁷ seeking that rather than focussing on kitchen and laundry facilities, the definition should include flats, apartments and sleepouts on a site that are installed with ablution facilities that enable independent living. The purpose of this submission is to preserve, in particular, rural living amenity values.
359. Ms Leith's response¹⁵⁸ is that the 'residential unit' is the key concept to control the number and intensity of residential activities within each zone. She notes that the definition of 'residential unit' does not incorporate 'residential flats' which are intended to be a minor form of accommodation within the same ownership, but which enable self-contained living separate from the residential unit (potentially we note in a separate building). Ms Leith notes that the PDP enables 'residential flats' in order to promote housing diversity and as a result, did not agree with the submission that residential flats be included within the definition of 'residential units'.
360. Ms Leith also observes that self-contained apartments are already within the definition of 'residential units'.
361. Ms Leith discussed sleepouts, they being buildings capable of residential living that are not completely self-contained and which therefore require access to the 'residential unit'. In her

¹⁵⁶ Refer Report 9A at Section 35.11

¹⁵⁷ Submission 126

¹⁵⁸ A Leith, Section 42A Report at Section 16

view, a sleepout containing only a bathroom and no kitchen could not easily be resided in for long-term purposes without a relationship to the 'residential unit' on the site. She therefore thought that they were appropriately categorised as an accessory building.

362. We canvassed with Ms Leith whether there was a potential problem with sleepouts given that, as an accessory building, they could be located within boundary setback distances. In her reply evidence, Ms Leith discussed the point further. She pointed out that there are rules that apply to accessory buildings within normal setbacks which manage potential adverse effects and that although the ODP permits establishment of sleepouts as accessory buildings now, that has not proven to be a problem in practice. Having tested Ms Leith's reasoning, and in the absence of any evidence from the submitter, we accept her recommendation that the relief sought by the submitter should be declined and that deletion of reference to dwellings in the first line should be the only amendment we recommend. The revised version of the definition in Appendix 1 reflects that position.

6.97. Re-siting:

363. Ms Leith recommended insertion of a new definition, reflecting recommendations to the Stream 5 Hearing Panel considering Chapter 35 – Temporary Activities & Relocated Buildings, but reformatted to include reference to buildings within the defined term. We heard no evidence which would cause us to take a different view about the desirability of having a new definition from the Stream 5 Hearing Panel, which accepted the officer's recommendation¹⁵⁹. However, we recommend that the reference to buildings in the defined term be in brackets for consistency with other definitions in Chapter 2 with a limited subject matter. Appendix 1 shows the recommended end result.

6.98. Resort:

364. As discussed below, in the context of 'Urban Development', the Stream 1B Hearing Panel recommends a definition of this term be added, consequent on the changes it recommends to the definition of 'Urban Development'. Appendix 1 reflects the recommended addition.

6.99. Retail Sales/Retail/Retailing:

365. The definition of this term was the subject of extensive evidence and submissions on behalf of Bunnings Limited¹⁶⁰. The thrust of the case advanced for Bunnings was that building suppliers should be expressly excluded from the definition of 'retail'. The rationale for the Bunnings case was that the very large format enterprises operated by Bunnings do not sit comfortably within the policy framework for retail activities which seek to consolidate retail and commercial activities in town centres. As it was put to us, the result of the existing definition of 'retail' combined with the strategic direction contained in Chapter 3 is that either large-scale trade and building suppliers like Bunnings will be forced to locate in the town centres, which will undermine the objective of locating core retail activities in those areas to create vibrant centres, or alternatively, those large scale trade and building suppliers will be precluded from locating in the District entirely.

366. We discussed the issues posed by the Bunnings submission with Mr Minhinnick, counsel for Bunnings, at some length because it appeared to us that although the submitter had identified a real issue, the suggested solution of excluding trade and building suppliers from the definition of 'retail' was unsatisfactory and, indeed, might even have precisely the opposite result from that which the submitter sought.

¹⁵⁹ Refer Report 8 at Section 20.2

¹⁶⁰ Submission 746: Supported by FS1164

367. More specifically, although the evidence of Ms Davidson for Bunnings was a little coy about the percentage of Bunnings' operations represented by retail sales to the public, compared to sales to builders and other tradesmen, it was clear to us that the typical Bunnings operation has a substantial retail component. On the face of the matter, therefore, it was inappropriate to deem such operations not to be retail activities when they are retail activities¹⁶¹.
368. We also noted that so called 'big box retail' is currently already provided for by the ODP in the Three Parks Area in Wanaka. Assuming the ODP provisions are not materially changed when that part of the ODP is reviewed, if trade suppliers were to be excluded from the definition of 'retail', they would consequently be excluded from establishing within the Three Parks Zone, leaving no obvious site for them in Wanaka.
369. Moreover, Bunnings had not sought a parallel amendment to the definition of 'industrial activity' and its planning witness, Ms Panther Knight, told us that in her view it would be inappropriate to amend that definition to include a Bunnings-type operation.
370. We observed to Mr Minhinnick that the Chapter 3 approach was to avoid non-industrial activities occurring within industrial zoned areas – refer notified Policy 3.2.1.2.3 - suggesting that if a Bunnings-type operation was excluded from the definition of 'retail', and did not fall within the definition of an industrial activity, there might be nowhere within the District, in practice, for it to establish. We invited the representatives of Bunnings to consider these matters and to revert to us if they could identify a more satisfactory solution.
371. Counsel for Bunnings duly filed a memorandum suggesting that, rather than excluding building and trade suppliers from the definition of 'retail', the alternative relief sought by Bunnings was to amend the definition of 'trade supplier'. We will return to the issues raised by Bunnings in the context of our discussion of that definition. Suffice it to say that, as we think Bunnings representatives themselves came to accept, we do not consider an exclusion of building and trade suppliers from the definition of 'retail' to be appropriate. We therefore agree with the recommendation of Ms Leith¹⁶² that the submissions initially made by Bunnings to us be rejected.

6.100. Reverse Sensitivity:

372. Ms Leith recommended a new definition for this term, responding to the submissions of the Oil Companies¹⁶³ and Transpower New Zealand Limited¹⁶⁴. In her Section 42A Report¹⁶⁵, Ms Leith recorded that the Section 42A Report on Chapter 30 – Energy and Utilities reported on Transpower's submission and recommended its rejection on the basis that the term 'reverse sensitivity' has been defined by case law, and there is therefore potential that it might be further redefined. Ms Leith observes, however, that that recommendation (and consequently the Stream 5 Hearing Panel's consideration of the point) did not consider the submission of the Oil Companies seeking a somewhat less verbose definition (than that of Transpower) and the fact that the Proposed RPS has adopted a definition of 'reverse sensitivity' which is identical to that proposed by the Oil Companies. Lastly, Ms Leith observed that no appeals were lodged against the Proposed RPS as regards that definition.

¹⁶¹ Cf *Hawke's Bay and Eastern Fish and Game Councils v Hawke's Bay Regional Councils* [2014] NZHC 3191 on 'factual deeming'

¹⁶² Refer Leith Reply Evidence at 23.2

¹⁶³ Submission 768: Supported by FS1211 and FS1340

¹⁶⁴ Submission 805: Supported by FS1211; Opposed by FS1077

¹⁶⁵ Refer A Leith Section 42A Report at section 17

373. We consider that a definition of reverse sensitivity is desirable given that the term is used in a number of different contexts in the PDP. As Ms Leith observed, given that the Proposed RPS has adopted the meaning advocated by the Oil Companies and that it has not been appealed on the point, there is good reason to do likewise in the PDP context.

374. For that reason, we recommend a new definition of reverse sensitivity accepting the Oil Companies' submission.

6.101. Road Boundary:

375. Ms Leith recommended deletion of the note to this definition as notified. We agree that the note is unnecessary and recommend that it be deleted accordingly.

6.102. Sensitive Activities – Transmission Corridor:

376. Ms Leith recommended deletion of this term, reflecting in turn, the recommendation to the Stream 5 Hearing Panel considering Chapter 30 – Energy and Utilities. The Stream 5 Hearing Panel agrees with the recommendation and we heard no evidence that would give us a basis to take a different view. Accordingly, we too recommend its deletion.

6.103. Sensitive Activities:

377. X-Ray Trust Limited¹⁶⁶ sought a definition of “*sensitive activities*” is included within the PDP. The submission was cross referenced to notified Objective 21.2.4 which relates to the conflict between sensitive activities and existing and anticipated activities in the Rural Zone. The submitter did not suggest how the term might be defined. Given that, we would have difficulty inserting a definition which provided anything other than the natural and ordinary meaning of the term, for natural justice reasons. If any definition could only express the natural and ordinary meaning, one has to ask whether it serves any useful purpose.

378. Ms Leith also directed us to the objectives and policies of Chapter 21 which provide clarification as to how sensitivity might be assessed in the rural context. She noted that the specific instance of sensitivity of activities within the National Grid Corridor is addressed by a separate definition.

379. In summary, we agree with Ms Leith's recommendation¹⁶⁷ that there is no need to define the term 'sensitive activities'.

380. We note that the submitter sought also that new definitions of 'valuable ecological remnants' and 'ecological remnants' be inserted. Those terms are only used in Chapter 43 and the Stream 9 Hearing Panel considering that Chapter did not recommend inclusion of new definitions of those terms¹⁶⁸. X-Ray Trust did not provide wording to support its submission and Council has accepted the recommendations of the Stream 9 Hearing Panel (that were released in advance of the reports of other Hearing Panels). We do not consider we have any basis to recommend amendment to these definitions.

6.104. Service Station:

381. Ms Leith recommended a minor non-substantive change to this definition to separate out the exclusion in the second bullet point of the notified definition. We think that it is desirable to separate the exclusion to make the end result clearer, notwithstanding the support of the Oil

¹⁶⁶ Submission 356

¹⁶⁷ A Leith, Section 42A Report at 18.6

¹⁶⁸ Refer Millbrook Recommendation Report 1 September 2017 at 97

Companies¹⁶⁹ for the definition as notified. However, we recommend that the end result be expressed slightly differently, but still ultimately to the same effect. Appendix 1 shows our suggested revision.

6.105. SH6 Roundabout Works:

382. Ms Leith recommended acceptance of New Zealand Transport Agency¹⁷⁰ submission seeking that this definition be deleted as it is part of a notice of requirement. We have already discussed the relationship between Chapter 2 and Chapter 37 (Designations), essentially agreeing with the position underlying this submission. Accordingly, we recommend that the definition be deleted.

6.106. Sign and Signage:

383. Ms Leith's discussion of this issue in her Section 42A Report¹⁷¹ recorded that the Council's corporate submission¹⁷² sought that all definitions relating to signage be replaced with those recently made operative under Plan Change 48. Ms Leith analysed the Plan Change 48 definitions, identifying that the PDP definitions of 'sign and signage' and related terms differ from those in Plan Change 48 only by way of formatting. Ms Leith also noted that the only term related to signage used in the PDP is 'sign and signage'. She recommended that the related terms all be deleted. While we agree with that recommendation for those definitions within our jurisdiction, most of the definitions concerned are the subject of the Stage 2 Variations, and therefore, whether they remain in Chapter 2 will be determined in that process.

384. As regards the definition of 'sign and signage', Ms Leith recommended two changes that she described as non-substantive in nature.

385. The first suggested change is to remove the word "*includes*" in the third bullet point. We agree with that recommendation. Because the definition commences, "*means:...*", use of the word "*includes*" does not fit the form of the definition.

386. The second recommendation related to the notes to the definition addressing corporate colour schemes and cross referencing other terms. That recommendation has been overtaken by the Stage 2 Variations and thus we need not address it further.

387. Accordingly, we recommend that the term be amended to delete the words "*includes*" (in the third bullet point), and leave any consideration of the matters covered by the notified Notes to the Stage 2 Variation hearing process.

6.107. Site:

388. This term has been the subject of discussion at a number of hearings on the PDP. It is of particular importance to the provisions related to subdivision. The Reporting Officer in the Stream 4 hearing (Mr Nigel Bryce) deferred consideration of these issues until this hearing.

389. Ms Leith's discussion of the point¹⁷³ also noted a recommendation from the Reporting Officer in the Stream 6 Hearing Chapter 9 – High Density Residential (Ms Kim Banks) that the definition of 'site' be addressed either at this hearing, or by way of variation.

¹⁶⁹ Submission 768

¹⁷⁰ Submission 719

¹⁷¹ At Section 25

¹⁷² Submission 383

¹⁷³ A Leith, Section 42A Report at Section 19

390. The Stage 2 Variations now propose a new definition of ‘site’. We therefore need not consider it further.

6.108. Ski Area Activities:

391. Ms Leith recommended amendments to this definition, reflecting recommendations to the Stream 2 Hearing Panel considering Chapter 21 – Rural Zone. That Hearing Panel accepted those recommendations and for our part, we had no basis for taking a different view. Accordingly, we recommend that the definition be amended as shown in Appendix 1.

6.109. Sloping Site:

392. Ms Leith recommended a new definition of this term, reflecting a recommendation made to the Stream 6 Hearing Panel considering Chapter 9 – High Density Residential, but including a minor formatting change to express the new term consistently with other definitions in Chapter 2. The Stream 6 Hearing Panel agreed with the suggested definition¹⁷⁴ and we had no basis to take a different view. Accordingly, Appendix 1 shows the suggested new definition in the terms recommended by Ms Leith.

6.110. Small Cells Unit

393. Ms Leith initially recommended a new definition of the term “*small cells*”, reflecting a recommendation made to the Stream 5 Hearing Panel considering Chapter 30 – Energy & Utilities. The tabled statement of Mr McCallum-Clark on behalf of the telecommunication companies¹⁷⁵ pointed out that the National Environmental Standard for Telecommunication Facilities 2016 provides a definition of small cells (more specifically, for “*Small Cells Unit*”) and recommended that that be used in the PDP. That suggestion accords with the recommendation of the Stream 5 Hearing Panel, reflecting its recommendation that relevant rules refer to “*small cells unit*”.

394. We agree with that recommendation. Appendix 1 shows the revised definition, as per the 2016 NES.

6.111. Solar Water Heating:

395. Ms Leith recommended a minor reformatting change to this definition to make it consistent with the balance of the Chapter 2 definition. We agree with her suggested change and Appendix 1 shows the recommended revised definition.

6.112. Stand-Alone Power Systems (SAPS):

396. Again, Ms Leith recommended minor reformatting/grammatical changes to make this definition consistent with the balance of Chapter 2. We agree with her suggested changes, which are shown in Appendix 1.

6.113. Structure Plan:

397. While not the subject of submission or comment from Ms Leith, we note that the Stream 4 Hearing Panel recommends a definition of ‘Structure Plan’ be inserted into Chapter 2, to assist interpretation of rules that Hearing Panel has recommended be inserted.

398. The suggested definition is:

¹⁷⁴ Refer Report 9A at Section 37.1

¹⁷⁵ Submissions 179, 191 and 781

“Structure Plan means a plan included in the District Plan and includes Spatial Development Plans, Concept Development Plans and other similarly titled documents.”

399. We have no basis to take a different view, and accordingly recommend a new definition in those terms

6.114. Subdivision and Development:

400. At this point, we note the recommendation¹⁷⁶ of the Stream 1B Hearing Panel considering Chapter 6 that we include a definition of ‘Subdivision and Development’. We heard no evidence to suggest we should take a different view and accordingly recommend accordingly. Appendix 1 shows the suggested definition.

6.115. Support Structure:

401. Ms Leith recommended a new definition of this term reflecting a recommendation to the Stream 5 Hearing Panel considering Chapter 30 – Energy and Utilities. Mr McCallum-Clark on behalf of the telecommunication companies¹⁷⁷ suggested in his tabled statement that the new definition needed to include reference to telecommunication lines, as the term is used within the definition of ‘minor upgrading’. Ms Leith agreed with that point in the summary of her evidence presented at the hearing. The Stream 5 Hearing Panel, however, notes that the definition sought by the relevant submitter¹⁷⁸ did not include reference to telecommunication lines and concluded that it did not have jurisdiction to recommend a satisfactory definition. We agree and accordingly do not accept Ms Leith’s recommendation¹⁷⁹.

6.116. Telecommunication Facility:

402. Ms Leith recommended deletion of this term consequent on a recommendation to the Stream 5 Hearing Panel considering Chapter 30 – Energy and Utilities. The Stream 5 Hearing Panel accepts the suggested deletion¹⁸⁰ and we heard no evidence that would cause us to take a different view.

6.117. Temporary Activities:

403. Ms Leith recommended amendment to this term reflecting recommendations made to the Stream 5 Hearing Panel considering Chapter 35 – Temporary Activities & Relocated Buildings, together with minor grammatical/reformatting changes. The Stream 5 Hearing Panel largely accepts the suggested amendments. It considers, however, that there is no scope to expand the ambit of provision for informal airports and recommends that the final bullet point be amended to provide a limit on that provision¹⁸¹. We heard no evidence that would cause us to take a different view.

404. Accordingly, Appendix 1 shows the changes recommended by Ms Leith, save for the final bullet point, where we have adopted the Stream 5 Hearing Panel’s recommendation.

6.118. Temporary Events:

405. Ms Leith Recommended insertion of a note on the end of this definition, reflecting in turn a recommendation to the Stream 5 Hearing Panel considering Chapter 35 – Temporary Activities

¹⁷⁶ Refer Recommendation Report 3 at Section 8.4

¹⁷⁷ Submissions 179, 191 and 781

¹⁷⁸ Aurora Energy: submission 635

¹⁷⁹ Recommendation report 8 at Section 20.3

¹⁸⁰ Report 8 at Section 6.3

¹⁸¹ Refer Recommendation Report 8 at Section 20.3

& Relocated Buildings. The Stream 5 Hearing Panel largely accepts that recommendation¹⁸² and we had no basis on which to take a different view. Appendix 2 accordingly shows the term defined as per Ms Leith's recommendation.

6.119. Temporary Military Training Activity (TMTA):

406. Ms Leith recommended this new definition, reflecting in turn a recommendation to the Stream 5 Hearing Panel considering Chapter 35 – Temporary Activities & Relocated Buildings, subject only to a minor reformatting change to be consistent with other definitions. The Stream 5 Hearing Panel accepts the recommendation with minor wording changes¹⁸³. We heard no evidence that would cause us to take a different view. Accordingly, Appendix 1 shows the new definition.

6.120. Tourism Activity:

407. Ms Leith drew to our attention¹⁸⁴ that a number of submitters sought a definition of this term and that the Section 42A Report on Chapter 21 – Rural Zone recommended that those submissions be rejected. Four additional submissions seeking the same relief were listed for hearing as part of Stream 10 – those of D & M Columb¹⁸⁵, Cardrona Alpine Resort Limited¹⁸⁶, Amrta Land Limited¹⁸⁷ and Nga Tahu Tourism Limited¹⁸⁸, together with the relevant further submissions. None of the other submitters in question appeared to explain to us why a definition of this term would be beneficial notwithstanding the recommendation to the Stream 2 Hearing Panel, and the submissions themselves are relatively uninformative, containing a bare request for a new definition, with suggested wording, but (apart from Submission 716) no reasons. Submission 716 suggested that differentiating tourism activities from other commercial activities would provide certainty and aid effective and efficient administration of the Plan. However, it did not explain how the suggested definition would do that, and from our observation, the suggested wording is so broadly expressed that it is difficult to conceive of many commercial activities in the district that would fall outside it.

408. Accordingly, like Ms Leith, we see no reason to conclude that a definition of 'tourism activity' should be inserted into the PDP.

6.121. Trade Supplier:

409. Ms Leith recommended a new definition of this term, reflecting in turn a recommendation to the Stream 8 Hearing Panel considering Chapter 16 – Business Mixed Use Zone. The Stream 8 Hearing Panel recommends acceptance of that position.

410. As above, Bunnings Limited¹⁸⁹ suggested that its submission might appropriately be addressed by an amendment to this definition reading:

"Trade suppliers are to be treated in the Plan as both retail and industrial activities, unless trade suppliers are otherwise specifically provided for."

411. This suggestion reflected a discussion we had with counsel for Bunnings Limited and with its planning witness, Ms Panther Knight to the effect that part of the problem Bunnings had was

¹⁸² Report 8 at Section 20.4

¹⁸³ Ibid

¹⁸⁴ Section 42A Report at Section 21

¹⁸⁵ Submission 624: Supported by FS1097

¹⁸⁶ Submission 615: Supported by FS1097, FS1105, FS1117, FS1137, FS1153, and FS1187

¹⁸⁷ Submission 677: Supported by FS1097, and FS1117; Opposed by FS1035, FS1074, FS1312 and FS1364

¹⁸⁸ Submission 716: Supported by FS1097 and FS1117

¹⁸⁹ Submission 746

that its large format operations were something of a hybrid, partly retail and partly industrial in nature.

412. Bunnings also suggested that the word “*wholly*” should be deleted from the definition recommended to the Stream 8 Hearing Panel.
413. Ms Leith considered this suggestion in her reply evidence. While she supported deletion of the word “*wholly*” in order to allow for some flexibility, she did not support the substantive change at the end of the definition, considering that that would pre-empt the content of the review of the Industrial Zone provisions that is yet to come, and indeed the review of any other chapter that might be suitable for a trade supplier, such as the Three Parks Special Zone. She also noted that the Business Mixed Zone already specifically provides for ‘Trade Suppliers’ and so the amendment is not required.
414. Ms Leith’s concerns have some validity. While we think there is merit in the suggestion that the non-retailing component of Bunnings-type operations should be recognised, the suggested amendment to the definition reads like a rule rather than a definition. On reflection, we are also uncomfortable with defining trade suppliers to be, in part, industrial activities. On the basis of the evidence we heard from Ms Davidson for Bunnings, we think that the large format operations that Bunnings and its principal competitor (Mitre 10 – Mega) undertake are more correctly described as a mixture of retailing and wholesaling. Whether it is appropriate for such operations to be provided for in Industrial Zones is a different question that needs to be addressed in a subsequent stage of the PDP review process. Relevant to that consideration, the Stream 1B Hearing Panel has recommended that what was Policy 3.2.1.2.3 be softened so that it now provides for non-industrial activities ancillary to industrial activities occurring within Industrial Zones.
415. In summary, therefore, we accept that some amendment to the definition of ‘Trade Supplier’ is desirable from that recommended by the Stream 8 Hearing Panel, but suggest it be limited to altering it to read:
“Means a business that is a mixture of wholesaling and retailing goods in one or more of the following categories...”

6.122. Trail:

416. While not the subject of submission or consideration by Ms Leith, the Stream 1B Hearing Panel recommends¹⁹⁰ a minor non-substantive change to this definition. We have no reason to take a different view to that Hearing Panel and accordingly Appendix 1 shows the recommended amendment.

6.123. Urban Development:

417. Ms Leith recommended a substantial amendment to this definition, reflecting recommendations to the Stream 1B Hearing Panel considering Chapter 3 – Strategic Direction. The Stream 1B Hearing Panel recommends further changes to the definition of ‘urban development’ and insertion of a new term ‘resort’.
418. The Hearing Panel’s Report contains a lengthy discussion of the rationale for the suggested changes¹⁹¹.

¹⁹⁰ See Report 3 at Section 8.7

¹⁹¹ Refer Report 3 at Section 3.5

419. Ms Leith referred us to the submission of MacTodd¹⁹² which sought that the definition of ‘urban development’ be amended in accordance with the Environment Court’s decision in *Monk v Queenstown Lakes District Council*¹⁹³. MacTodd did not appear before us to explain how exactly it thought that the definition should be amended, but the Stream 1B Hearing Report considers the Environment Court’s decision at some length, as well as MacTodd’s submission, before arriving at its recommendation. Further consideration of MacTodd’s submission does not cause us to come to a different view to the Stream 1B Hearing Panel.
420. Mr Goldsmith appeared at the Stream 10 Hearing on behalf of Ayrburn Farm Estate Limited¹⁹⁴ and took issue with the recommended exclusion of Millbrook and Waterfall Park Special Zones from the definition of urban development. Mr Goldsmith made it clear when he appeared before us that he was not seeking to debate the merits but wished to alert the Hearing Panel to the relevance of this point to the argument he was yet to make in the context of the Wakatipu Basin Mapping Hearing as to the location of the Arrowtown Urban Growth Boundary. He also queried the jurisdiction for excluding Millbrook and Waterfall Park.
421. The Stream 1B Hearing Report addresses both the jurisdictional issues¹⁹⁵ and the merits of how ‘urban development’ should be defined for the purposes of the PDP. Mr Goldsmith did not present us with any arguments that suggested to us that the logic of the Stream 1B Hearing Panel’s recommendations is unsound and we adopt those recommendations. Accordingly, Appendix 1 has both a new definition of ‘resort’ and a revised definition of ‘urban development’.

6.124. Urban Growth Boundary:

422. MacTodd¹⁹⁶ sought that this definition be amended in accordance with the Environment Court’s decision in *Monk v Queenstown Lakes District Council* referred to in the context of the definition of ‘urban development’. We have reviewed the *Monk* decision and while the Environment Court discusses the interrelationship between the definitions of ‘urban development’ and ‘urban growth boundary’ it does not appear to us to offer any guidance as to what the definition of the latter term should be, if it is to be amended.
423. MacTodd did not appear before us to assist us in that regard. Accordingly, we recommend that MacTodd’s submission be rejected.
424. Ms Leith, however, recommended a minor change to the definition to remove the repetitive reference to boundaries in the notified definition, together with a minor grammatical change. We agree that the recommended objective reads more simply and clearly and, accordingly, adopt Ms Leith’s suggestion in Appendix 1.

6.125. Utility:

425. Ms Leith recommended two changes to this definition, both arising out of recommendations to the Stream 5 Hearing Panel considering Chapter 30 – Energy and Utilities. The first is to refer to substations in the context of other infrastructure related to the transmission and distribution of electricity and the second to add reference to flood protection works. The Stream 5 Hearing Panel agrees with both recommendations and we did not hear any evidence that would cause us to take a different view.

¹⁹² Submission 192

¹⁹³ [2013] NZEnvC 12

¹⁹⁴ Submission 430

¹⁹⁵ The submission of Millbrook Country Club (696) clearly provides jurisdiction

¹⁹⁶ Submission 192

426. We note the tabled memorandum of Ms Irving for Aurora Energy Ltd¹⁹⁷ on this point. Ms Irving suggested that the term ‘utility’ needed to be amended to catch a wider range of electricity distribution infrastructure. Ms Irving’s point has largely been overtaken by our recommendation to insert a separate definition of ‘electricity distribution’ and in any event, we note that the definition has a catchall referring back to the Act’s definition of ‘network utility operation’, which would include all of Aurora’s network.
427. We do not believe therefore that further amendments are required to address Ms Irving’s concerns.
428. We do suggest, however, that the words “but not limited to” be deleted as unnecessary verbiage, and that the cross reference to the definition of telecommunication facilities should be deleted, consequent on removal of that definition.
429. Accordingly, with the addition of correction of a typographical error (the first bullet point should refer to transmission singular of electricity) and the deletions just referred to, we recommend the amendments to this term endorsed by the Stream 5 Hearing Panel.

6.126. Visitor Accommodation:

430. This definition was the subject of a number of submissions. However, consideration of the issues raised by those submissions has been overtaken by the Stage 2 Variations, which propose an amended definition. We need not, therefore, consider it further.

6.127. Waste:

431. H W Richardson Group¹⁹⁸ sought that this definition be amended to specify that ‘waste’ does not include cleanfill. Ms Leith recommended that that submission be accepted as a helpful amendment to the definition¹⁹⁹. We agree with that recommendation and Appendix 1 reflects the suggested change.

6.128. Waste Management Facility:

432. Ms Leith noted that this definition differs from that in Plan Change 49, related to earthworks, but considered that there was no scope to recommend substantive amendments to the PDP definition on this basis²⁰⁰. She did, however, recommend non-substantive amendments to correct typographical errors and clarify the relationship between the specified exclusions. We agree with those suggested amendments, which are shown in Appendix 1.

6.129. Wetland:

433. Ms Leith recommended deletion of the cross reference to the definition in the Act given that the balance of the notified definition in fact already sets out the Act’s definition of this term. We agree that the deleted text is unnecessary and that it should therefore be deleted.

6.130. Wholesaling:

434. In her Section 42A Report, Ms Leith recommended that this definition be referenced to the Airport Zone (as well as Three Parks and Industrial B Zones as notified), consequent on a recommendation to the Stream 8 Hearing Panel. The Stream 8 Hearing Panel refers the matter to us, so that it might be considered in the context of the whole Plan.

¹⁹⁷ Submission 635

¹⁹⁸ Submission 252

¹⁹⁹ A Leith, Section 42A Report at 24.8

²⁰⁰ Refer A Leith, Section 42A Report at 24.9

435. Reference to the Three Parks and Industrial B Zone should be deleted, given that those zones are not part of the PDP. The reporting officer on Stream 8 (Ms Holden) identified scope for the definition to apply in the Airport Zone²⁰¹.
436. We discussed with Ms Leith whether there was a case for the definition to apply beyond the three nominated zones. In her reply evidence, she acknowledged there is merit in a broader application, but expressed the opinion that there is no scope for amending the definition further.
437. We accept Ms Leith's conclusion that there is no scope to expand the application of the definition beyond the Airport Zone, and recommend that Council consider the desirability of a variation on the point.
438. In the interim, we recommend that the definition just be referenced to the Airport Zone, as Ms Holden recommended.

6.131. Wind Electricity Generation:

439. Ms Leith recommended a minor non-substantive amendment to this definition which promotes consistency with the formatting of the other definitions in Chapter 2. We agree that that consistency is desirable. Appendix 1 therefore sets out the change suggested by Ms Leith.

7. ACRONYMS:

440. Ms Leith suggested insertion of a new Section 2.2 in Chapter 2 collecting together all of the acronyms used in the PDP. We think that this is helpful for readers of the PDP. She considered that this was a non-substantive change simply providing clarification to Plan users (and therefore within Clause 16(2)). We agree and Appendix 1 includes a new Section 2.2 with a brief opening explanation as to what it includes.
441. In the list of acronyms, the acronyms currently referring to Heritage Landscapes²⁰² each need to be amended consequent on the recommendation of the Stream 3 Hearing Panel that these areas be described as Heritage Overlay Areas.
442. For similar reasons, RCL should be 'Rural Character Landscape', consequent on the recommendations of the Stream 1B Panel.
443. Lastly, the acronym 'R' suggested by Ms Leith is not required, given that it is only used in the Jacks Point Structure Plan.

8. SUMMARY OF RECOMMENDATIONS ON CHAPTER 2:

444. Our recommended amendments to Chapter 2 are set out in Appendix 1 to this Report.
445. In our detailed discussion of the definitions in Chapter 2, and those that might be added to it, we have recommended that Council consider variations to the PDP to insert new/amended definitions of a number of defined terms, as follows:
- a. Community Activity;

²⁰¹ Submission 433

²⁰² GH, MHL, SHL, SMHL

- b. Domestic Livestock/Livestock;
- c. Ground Level;
- d. MASL;
- e. Mineral prospecting
- f. Recession Lines/Recession Plane;
- g. Wholesaling.

446. Attached as Appendix 4 is a suggested basis for an amended definition/explanation of 'Recession Line/Recession Plane' should Council agree with our recommendation that the existing definition would benefit from clarification.
447. 'The need for Council to insert the relevant date into the definition of *'partial demolition'* before release of the Council's decisions on our recommendations is also noted.
448. As previously noted, Appendix 3 to this report contains a summary of our recommendations in relation to each submission before us.

PART D: NATURAL HAZARDS:

9. PRELIMINARY MATTERS

9.1. Background:

449. Both the Operative RPS and the Proposed RPS have a particular focus on management of natural hazards. Given the role of both documents in the decision-making process²⁰³, we need to discuss the direction provided by those documents in some detail.

450. In her Section 42A Report Ms Bowbyes drew our attention to four objectives of the Operative RPS as follows:

11.4.1 To recognise and understand the significant natural hazards that threaten Otago communities and features.

11.4.2 To avoid or mitigate the adverse effects of natural hazards within Otago to acceptable levels.

11.4.3 To effectively and efficiently respond to natural hazards occurring within Otago.

11.4.4 To avoid, remedy or mitigate the adverse effects of hazard mitigation measures on natural and physical resources.”

451. Supporting these objectives, Ms Bowbyes drew our attention to the following policies:

“11.5.1 To recognise and provide for Kai Tahu values in natural hazard planning and mitigation.

11.5.2 To take action necessary to avoid or mitigate the unacceptable adverse effect of natural hazards and the responses to natural hazards on:

- (a) Human life; and*
- (b) Infrastructure and property; and*
- (c) Otago’s natural environment; and*
- (d) Otago’s heritage sites.*

11.5.3 To restrict development on sites or areas restricted as being prone to significant hazards, unless adequate mitigation can be provided.

11.5.4 To avoid or mitigate the adverse effects of natural hazards within Otago through:

- (a) Analysing Otago’s natural hazards and identifying their location and potential risk; and*
- (b) Promoting and encouraging means to avoid or mitigate natural hazards; and*
- (c) Identifying and providing structures or services to avoid or mitigate the natural hazard; and*
- (d) Promoting and encouraging the use of natural processes where practicable to avoid or mitigate the natural hazard.*

11.5.5 To provide a response, recovery and restoration capability to natural hazard events through:

- (a) Providing civil defence capabilities;*

²⁰³ Refer Sections 75(3)(c) and 64(2)(a) of the Act respectively

- (b) *Establishing procedures and responsibility to ensure quick responses to any natural hazard event; and*
- (c) *Identifying agency responsibilities for assisting recovery during and after events; and*
- (d) *Developing recovery measures incorporated into civil defence plans.*

11.5.6 *To establish the level of natural hazard risk that threatened communities are willing to accept, through a consultative process.*

11.5.7 *To encourage and where practicable support community-based responses to natural hazard situations.”*

452. The Proposed RPS provides even more detailed guidance than did its predecessor. Ms Bowbyes drew our attention to Objective 4.1 which reads:

“Risk that natural hazards pose to Otago’s communities are minimised.”

453. This objective is supported by no fewer than 13 policies that we need to have regard to:

*“Policy 4.1.1 Identifying natural hazards
Identify natural hazards that may adversely affect Otago’s communities, including hazards of low likelihood and high consequence by considering all of the following:*

- a) Hazard type and characteristics;*
- b) Multiple and cascading hazards;*
- c) Cumulative effects, including from multiple hazards with different risks;*
- d) Effects of climate change;*
- e) Using the best available information for calculating likelihood;*
- f) Exacerbating factors.*

*Policy 4.1.2 Natural hazard likelihood
Using the best available information, assess the likelihood of natural hazard events occurring, over no less than 100 years.*

*Policy 4.1.3 Natural hazard consequence
Assess the consequences of natural hazard events, by considering all of the following:*

- a) The nature of activities in the area;*
- b) Individual and community vulnerability;*
- c) Impacts on individual and community health and safety;*
- d) Impacts on social, cultural and economic well being;*
- e) Impacts on infrastructure and property, including access and services;*
- f) Risk reduction and hazard mitigation measures;*
- g) Lifeline utilities, essential and emergency services, and their co-dependence;*
- h) Implications for civil defence agencies and emergency services;*
- i) Cumulative effects;*
- j) Factors that may exacerbate a hazard event.*

*Policy 4.1.4 Assessing activities for natural hazard risk:
Assess activities for natural hazard risk to people in communities, by considering all the following:*

- a) *The natural hazard risk identified, including residual risk;*
- b) *Any measures to avoid, remedy or mitigate those risks, including relocation and recovery methods;*
- c) *The longterm viability and affordability of those measures;*
- d) *Flow on effects of the risk to other activities, individuals and communities;*
- e) *The availability of and ability to provide, lifeline utilities, and essential and emergency services, during ‘and’ after a natural hazard event.*

Policy 4.1.5

Natural hazard risk

Manage natural hazard risk to people and communities, with particular regard to all of the following:

- a) *The risk posed, considering the likelihood and consequences of natural hazard events;*
- b) *The implications of residual risk, including the risk remaining after implementing or undertaking risk reduction and hazard mitigation measures;*
- c) *The community’s tolerance of that risk, now and in the future, including the community’s ability and willingness to prepare for and adapt to that risk, and respond to an event;*
- d) *The changing nature of tolerance to risk;*
- e) *Sensitivity of activities to risk.*

Policy 4.1.6

Avoiding increased natural hazard risk

Manage natural hazard risk to people and communities by both:

- a) *Avoiding activities that significantly increase risk including displacement of risk off-site; and*
- b) *Avoiding activities that increase risk in areas potentially affected by coastal hazards over at least the next 100 years.*

Policy 4.1.7

Reducing existing natural hazard risk

Reduce existing natural hazard risk to people and communities, including by all of the following:

- a) *Encouraging activities that:*
 - i. *Reduce risk; or*
 - ii. *Reduce community vulnerability;*
- b) *Discourage activities that:*
 - i. *Increase risk; or*
 - ii. *Increase community vulnerability;*
- c) *Considering the use of exit strategies for areas of significant risk to people and communities;*
- d) *Encouraging design that facilitates:*
 - i. *Recovery from natural hazard events;*
 - ii. *Relocation to areas of lower risk;*
- e) *Relocating lifeline utilities, and facilities for essential and emergency service, to areas of reduced risk, where appropriate and practicable;*
- f) *Enabling development, upgrade, maintenance and operation of lifeline utilities and facilities for essential and emergency services;*
- g) *Reassessing natural hazard risk to people and communities, and community tolerance of that risk, following significant natural hazard events.*

- Policy 4.1.8 Precautionary approach to natural hazard risk
Where natural hazard risk to people and communities is uncertain or unknown, but potentially significant or irreversible, apply a precautionary approach to identifying, assessing and managing that risk.*
- Policy 4.1.9 Protection features and systems that provide hazard mitigation
Avoid, remedy or mitigate adverse effects on natural or modified features and systems, which contribute to mitigating the effects of both natural hazards and climate change.*
- Policy 4.1.10 Mitigating natural hazards
Give preference to risk management approaches that reduce the need of hard protection structures or similar engineering interventions, and provide for hard protection structures only when all of the following apply:*
- a) Those measures are essential to reduce risk to a level the community is able to tolerate;*
 - b) There are no reasonable alternatives;*
 - c) It would not result in an increase in risk to people and communities, including displacement of risk off-site;*
 - d) The adverse effects can be adequately managed;*
 - e) The mitigation is viable in the reasonably foreseeable long term.*
- Policy 4.1.11 Hard protection structures
Enable the location of hard protection structures and similar engineering interventions on public land only when either or both the following apply:*
- a) There is significant public or environmental benefit in doing so;*
 - b) The work relates to the functioning ability of a lifeline utility, or a facility for essential or emergency services.*
- Policy 4.1.12 Lifeline utilities and facilities for essential or emergency services
Locate and design the lifeline utilities and facilities for essential or emergency services to:*
- a) Maintain their ability to function to the fullest extent possible, during and after natural hazard events; and*
 - b) Take into account their operational co-dependence with other lifeline utilities and essential services to ensure their effective operation.*
- Policy 4.1.13 Hazard mitigation measures, lifeline utilities, and essential and emergency services*
- Protect the functional and operational requirements of hazard mitigation measures, lifeline utilities, and essential or emergency services, including by all of the following:*
- a) Restricting the establishment of those activities that may result in reverse sensitivity effects;*
 - b) Avoiding significant adverse effects on those measures, utilities or services;*
 - c) Avoiding, remedying or mitigating other adverse effects on those measures, utilities or services;*
 - d) Maintaining access to those measures, utilities or services for maintenance and operational purposes;*

Managing other activities in a way that does not restrict the ability of those mitigation measures, utilities or services to continue functioning.”

454. Ms Bowbyes also drew our attention to Policy 4.5.1 of the Proposed RPS, that, relevantly reads: “Policy 4.5.1 *Managing for urban growth and development*

Managing urban growth and development in a strategic and co-ordinated way, by all of the following...:

- c) *Identifying future growth areas and managing the subdivision, use and development of rural land outside these areas to achieve all of the following:....*
- v) *Avoid land with significant risk from natural hazards.”*

455. The evidence of Mr Henderson for Otago Regional Council (adopting the pre-circulated Brief of Evidence of Mr Warren Hanley) was that the Proposed RPS had been developed against a background where, to use his words, “*the national importance placed on managing natural hazard risk has increased substantially since Otago’s first RPS became operative*”. Discussing the point with Mr Henderson, he confirmed our impression that it is not a matter of the natural hazard risk having changed materially, but rather one of the perception of that risk having been heightened as a result of very visible hazard events such as the Christchurch and Kaikoura earthquakes. As Mr Henderson observed, in general, hazards have always existed.
456. Be that as it may, the Proposed RPS gives a much greater degree of direction, as well as a much more explicit focus on natural hazard risk. Classically, risk is the combination of the likelihood of an event coming to pass, and its consequence(s)²⁰⁴. The operative RPS, by contrast, appears to focus solely on the consequences of natural hazards.
457. Ms Bowbyes noted in her Section 42A Report²⁰⁵ that the Proposed RPS advocates for a “*more definitive and cautious approach*” with regard to natural hazard risk than that proposed in the notified PDP provisions on natural hazards.
458. Ms Bowbyes, however, noted that as at the date of hearing, the Proposed RPS was the subject of numerous appeals to the Environment Court with almost all of the provisions quoted above the subject of challenge. Ms Bowbyes drew our attention specifically to appeals focussing on the extent to which an avoidance policy is pursued in the Proposed RPS. However, when we discussed the nature and scope of the appeals on the Proposed RPS with counsel for the Council, Ms Scott confirmed our own impression (having reviewed the various notices of appeal that had been filed), that the direction the appeals seek to take the Proposed RPS provisions on natural hazards is not uniform. In particular, while the effect of the appeals Ms Bowbyes drew to our attention might be to reduce the restriction on future development posed by these provisions, if successful, other appeals might push the Proposed RPS provisions in the opposite direction. That is to say, to a more restrictive position. That suggests, among other things, that while remaining true to our statutory obligation to take the Proposed RPS into account, we also need to be alive to the potential for it to change in ways that cannot currently be predicted.
459. Having emphasised the differences between the Operative RPS and the Proposed RPS, it is also appropriate to note the areas of commonality. Specifically, both acknowledge the relevance

²⁰⁴ See *Orica Mining Services New Zealand Limited v Franklin District Council* W032/2009 at [18]

²⁰⁵ At paragraph 5.20

of community opinion, although the language used is different. The Operative RPS speaks in terms of acceptability, whereas the Proposed RPS focuses on tolerability. We asked counsel for the Council whether these were the same thing in a natural hazard context. Her initial response was that the ordinary and natural meanings of the two terms are different. If correct, that would pose somewhat of a conundrum for us. As a matter of law, we are bound to give effect to the Operative RPS and while that does not mean that the PDP must use identical language to the Operative RPS, if there were indeed a meaningful difference between the terminology of the two documents, we would necessarily have to adopt the approach of the Operative RPS.

460. For ourselves, we are not at all sure that counsel's initial response (that there is a difference in the ordinary dictionary meaning) is correct and, having reflected on it, she agreed that if the relevant policies of the Operative RPS substituted "*tolerable*" for "*acceptable*" and "*intolerable*" for "*unacceptable*" in each case, the meaning would not change.
461. That was also the view of Mr Henderson, giving evidence for Otago Regional Council. He thought that they were similar concepts, but supported use of the language in the Proposed RPS because tolerability was now the term used in the planning literature.
462. We accept that there is no material difference between the terminology, and take the view that it is preferable to align the wording of the PDP with the Proposed RPS given that that represents Otago Regional Council's current thinking.
463. We also discussed with Mr Henderson an apparent contradiction in his evidence which stated at one point²⁰⁶ that tolerance for risk might vary from community to community, depending on the nature of the risk profile and the resources of the community to manage it, and at another,²⁰⁷ that he would be concerned if the PDP suggested different criteria for natural hazard risk management might be employed in Queenstown Lakes District to that in the balance of the Otago Region.
464. Mr Henderson sought to reconcile the two positions by stating a general desire that hazard response be "*relatively consistent*" within a range. However, he accepted that where a district has few options to meet development demand, that might drive choices that other districts with a greater range of options might not take. More specifically, Mr Henderson agreed that if Queenstown Lakes District has high demand for development and few choices as to how to accommodate that demand (manifestly an accurate statement of the position) the District's community might make choices as to what natural hazards have to be tolerated, and those choices might be different to another district with lower levels of development demand and greater options as to how demand might be accommodated.
465. We have approached our consideration of submissions and further submissions on Chapter 28 on that basis.
466. We will return to both the Operative RPS and the Proposed RPS provisions in the context of our more detailed discussion of the objectives and policies of Chapter 28 that follows. The last point of general background, however, that we need to note relates to the potential relevance of iwi management plans to our consideration of submissions and further submissions on Chapter 28. As Report 1 notes, any relevant planning document recognised by an iwi authority and lodged with the Council must be taken into account under Section 74(2A) of the Act.

²⁰⁶ Paragraph 22

²⁰⁷ Paragraph 24

467. In her reply evidence, Ms Bowbyes drew our attention to provisions in two such iwi management plans. Specifically, in *“The Cry of the People, Te Tangi Tauria: Ngai Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008*, Policy 12 of Section 3.1.1. supports development and improvement of contingency measures to recognise increased natural hazard risk, among other things, as a result of unpredictable weather patterns. Ms Bowbyes drew to our attention the link between this policy and the provisions of Chapter 28 relating to flood hazards and recommended changes she had suggested regarding the impacts of climate change.
468. Ms Bowbyes also drew our attention to section 3.5.7 of this Plan emphasising the relevance of natural hazards to determination of the appropriateness of subdivision at particular locations.
469. Secondly, Ms Bowbyes drew our attention general policy 54 in section 5.3.4 of *Kai Tahu ki Otago Natural Resource Management Plan 2005* which has a similar emphasis on aligning land uses to the type of land and climatic conditions.
470. Policy 43 of that document further seeks to discourage activities on riverbanks that have the potential to cause or increase bank erosion. More generally, Policy 10 promotes sustainable land use within the Clutha/Mata-au Catchment, which encompasses the entire district.
471. Ms Bowbyes was of the view that Chapter 28 already accounts for these various provisions in its objectives and policies. We agree with that view, although obviously, any suggested amendments need to be weighed with these provisions in mind, along with the other higher order documents and considerations that have to be factored in.
472. In addition to the matters that are relevant to the decision-making process external to the PDP, our consideration of submissions and further submissions also needs to take account of the recommendations of the Stream 1B Hearing Panel that considered the extent of strategic direction provided in Chapters 3 and 4 relevant to natural hazards.
473. We note in particular, that that Hearing Panel’s recommendation that renumbered Objective 3.2.1 promotes as an outcome that urban development among other things, *“minimise[s] the natural hazard risk, taking into account the predicted effects of climate change”*.
474. We also note recommended Policy 4.2.2.2 which links allocation of land within urban growth boundaries to *“any risk of natural hazards, taking into account the effects of climate change”*.
475. Our ability to respond appropriately to both the legislative directions of the Act and to the direction provided in Chapters 3 and 4 is dependent, of course, on the notified provisions of Chapter 28, and the scope provided for amendment of those provisions by the submissions lodged in accordance with the provisions of the First Schedule. It is therefore, to those detailed provisions that we now turn.

9.2. Natural Hazard Provisions – General Submissions:

476. Ms Bowbyes drew our attention to five submission points regarding the treatment of particular hazards in the PDP²⁰⁸. The first of these submissions is that of J & E Russell and ML Stiassny²⁰⁹ which sought the inclusion of new provisions acknowledging the presence of the Cardrona Gravel Aquifer, including a rule framework for earthworks and residential

²⁰⁸ Refer Section 42A Report at Section 10

²⁰⁹ Submission 42: Opposed by FS1300

development on land potentially affected by the aquifer. Ms Bowbyes confirmed in a discussion with us that the concern the submission is targeting is one of flood hazards.

477. Ms Bowbyes analysed the provisions of the earthworks chapter of the ODP, introduced by way of Plan Change 49. Her view was that those provisions are appropriate to address the matters raised in the submission and that no amendments are necessary to Chapter 28. We agree. To the extent the submitters may have a different view, they will be free to pursue the issue further when the earthworks provisions of the PDP are considered as part of the Stage 2 Variation hearing process. The submitter did not appear before us to take the matter further.
478. The second submission Ms Bowbyes drew to our attention is that of the Glenorchy Community Association Committee²¹⁰ which sought that Otago Regional Council and the Council update the natural hazards database with flooding information on the Bible Stream and remove any flood classification that is incorrect. Ms Bowbyes noted that the natural hazards database is held outside the PDP. We agree that it follows that this submission does not relate to the provisions of the PDP and the submission is accordingly not within the scope of the District Plan review.
479. Next, Ms Bowbyes drew our attention to three submissions relating to fire risk: those of Otago Rural Fire Authority²¹¹ (two submissions) and of Leigh Overton²¹².
480. As regards the first Otago Rural Fire Authority submission, this relates to a request that the PDP permit residents to remove flammable vegetation within the “priority zones” identified in a specified homeowners manual to address the high fire danger associated with living in areas such as Mount Iron and the Queenstown Red Zone. Ms Bowbyes clarified that the Red Zone relates to parts of the district where fires and fireworks are strictly prohibited.
481. Ms Bowbyes advised us²¹³ that the possible changes to provisions in the Rural Chapters balancing the need for vegetation retention versus managing fire risk were considered in the context of Hearing Stream 2. Insofar as the flammable vegetation in question is indigenous in nature, these issues overlap with the matters the Stream 2 Hearing Panel has considered in relation to Chapter 33. We believe that the issue is one more properly dealt with in that context. We do not regard it is appropriate that Chapter 28 address it further.
482. The second Rural Fire Authority submission and the submission of Mr Overton, however, are a different category. Both seek greater recognition for identification and mitigation of vegetation fire risk in the planning process. Mr Overton appeared in support of his submission and we think there is merit in some of the points he made. We will return to it in the context of the detailed provisions of Chapter 28.
483. Ms Bowbyes also drew our attention to some 33 submission points from a number of submitters²¹⁴ all expressed in identical terms, and seeking:

“Reconsider the extensive number of hazard related policies, remove unnecessary tautology and ensure they are focussed on significant hazards only.”

²¹⁰ Submission 564

²¹¹ Submission 849

²¹² Submission 465::Supported by FS1125

²¹³ Section 42A Report at 10.17

²¹⁴ Refer Submissions 632, 633, 636, 643, 672, 688, 693, 694, 696, 700, 702 and 724: Supported by FS1097; Opposed by FS1139, FS1191, FS1219, FS1252, FS1275, FS1277, FS1283, FS1316 and FS1319

484. The reasons provided in support of these submissions focus on the extent to which the Council’s hazard database identifies natural hazard risk, and the inefficiency of requiring all resource consents to assess natural hazard risk, irrespective of the nature and scale of that risk. A focus on significant natural hazard risk is suggested as being more practicable
485. Ms Bowbyes discusses the significantly enlarged treatment of natural hazard issues in Chapter 28 compared to the comparable ODP provisions, concluding that the notified suite of policies is both necessary and appropriate. We agree with that assessment. The considerations that have prompted the significantly enlarged treatment of natural hazards in the Proposed RPS apply equally to the PDP. It is also significant that none of the submitters in question appeared to support the generalised criticisms of the Chapter 28 provisions.
486. Considering the third point, Ms Bowbyes drew our attention to the absence of any mapping or classification of the significance of risk that would enable provisions focussing on significant natural hazard risks only to be implemented.
487. It is also material that neither the Operative nor the Proposed RPS focus solely on significant natural hazards and while there is a need to ensure that any requirements to assess natural hazard risk are proportionate to the level of risk, Ms Bowbyes has recommended specific provisions to address that concern.
488. Accordingly, we recommend rejection of these submissions at the very general level at which they are pitched. We will return to the requirements to assess natural hazard risk as part of our more detailed commentary on submissions on the objectives and policies that follows.

10. CHAPTER 28: PROVISION SPECIFIC SUBMISSIONS:

10.1. Section 28.1: Purpose:

489. The sole submission on Section 28.1 was that of Transpower New Zealand Limited²¹⁵ seeking that where the existing text refers to “tolerable” levels and “intolerable” risk, that be substituted with “acceptable” and “unacceptable” respectively. As Ms Bowbyes noted in her Section 42A Report²¹⁶, the reasons given for this submission did not explain the relief sought. Those reasons focus on provision for mitigation of risk, which the suggested amendments would not provide.
490. As discussed earlier, we do not regard the difference in terminology to be material and given that the Proposed RPS focuses on tolerability and intolerability, we believe it preferable to align the PDP with that terminology. In summary, therefore, we recommend that this submission not be accepted.
491. We have, however, identified a minor amendment that might usefully be made to Section 28.1, to aid the reader. This is to explain the role of the chapter given that it has no rules – namely to provide policy guidance on natural hazards that might be considered in the implementation of the rules in other chapters. Appendix 2 shows the suggested amendment. We consider this falls within clause 16(2).

²¹⁵ Submission 805

²¹⁶ At 12.2 and 12.3

10.2. Section 28.2 Natural Hazard Identification:

492. There are two submissions on this section of Chapter 28. The first, that of Otago Regional Council²¹⁷, supported the approach flagged in this section of the Council holding information in a natural hazard's database, outside the District Plan. No amendment was sought.
493. The one amendment sought to the section arises from the Council's Corporate submission²¹⁸ that sought a reference to a likely increase in climate extremes as a result of climate change. Ms Bowbyes recommends acceptance of that submission, albeit slightly reworded, and we agree. The recommended provisions already noted related to natural hazards in both Chapters 3 and 4 acknowledge the relevance of climate change to natural hazard management. In addition, Policy 4.2.2 of the Proposed RPS draws attention to the need to take into account the effects of climate change so as to ensure people in communities are able to adapt to or mitigate its effects.
494. Accordingly, we recommend that the Council's corporate submission be accepted and a new sentence be inserted on the end of the second paragraph of this section as shown in Appendix 2 to this Report.
495. We also recommend that in the list of natural hazards, subsidence be listed separately from alluvion and avulsion with which it has little or nothing in common, other than that they are all ground movements. We consider this a minor change within Clause 16(2).
496. Section 28.2 is also worthy of note by reason of the fact that fire is specifically listed as a relevant natural hazard. We will return to that when we discuss Mr Overton's submission further.

10.3. Objective 28.3.1:

497. There are three objectives in this section of Chapter 28. The first, Objective 28.3.1 read as notified:
- "The effects of natural hazards on the community and the built environment are minimised to tolerable levels."*
498. In her Section 42A Report, Ms Bowbyes drew our attention to two submissions specifically on this objective. Both sought to amend the reference to minimisation. Thus, QAC²¹⁹ sought that rather than natural hazard effects being minimised to tolerable levels, that they are
- "appropriately managed"*.
499. The Oil Companies²²⁰ suggested retention of a reference to tolerable levels but sought amendment to the objective to state that natural hazard effects *"are avoided, remedied or mitigated"*.
500. The more general submission of Otago Regional Council²²¹ seeking that provisions of the Proposed RPS are reflected in this chapter by provision for avoiding natural hazard risk,

²¹⁷ Submission 798

²¹⁸ Submission 383

²¹⁹ Submission 433: Supported by FS1097 and FS1117

²²⁰ Submission 768

²²¹ Submission 798: Opposed by FS1182

reducing natural hazard risk and applying a precautionary approach to natural hazard risk also needs to be noted.

501. The stated rationale for the Oil Companies' submission was that 'minimise' means to reduce to the smallest level (of effect) possible, when the intention is to address effects to tolerable levels, which may or may not be the same thing. Ms Bowbyes records that the QAC submission did not provide any specific rationale for removing the term "*minimise*" other than a general statement that the notified provisions are too vague and require greater clarity and certainty. QAC did, however, comment in its submission regarding a focus on tolerance, suggesting that it is difficult to quantify and depends on the circumstances.
502. Ms Bowbyes recommended in response to those submissions that the objective be amended to refer to natural hazard risk rather than effects (for consistency within the chapter and with the Proposed RPS) and that rather than minimising risk, it "*is avoided or managed to a tolerable level*".
503. For our part, we think that the Oil Companies' submission has a point. Minimisation of risk is an outcome in itself and adding reference to what is or is not tolerable blurs the picture, because they are not necessarily the same thing. A tolerable level of risk may be somewhat greater than the minimum level of risk. Similarly, the minimum achievable level of risk may still be intolerable.
504. We found the stated rationale for the QAC submission somewhat ironic, because substituting reference to appropriate management without any indication as to what that might involve would, in our view, reduce certainty and clarity rather than improve it.
505. We did have some concerns, however, how in practice an objective focussing on tolerable levels would be applied. Among other things, tolerable to whom?
506. Because the concept of tolerability originates from the Proposed RPS, we sought to discuss these matters with Mr Henderson. His evidence was that reference to tolerability related to the community's view, as expressed primarily through the zoning of particular land. He acknowledged that there are issues about the reliability of any assessment of community tolerance obtained through the resource consent process given that the ability to make submission is not a reliable guide to community opinion, and neither Council staff nor Commissioners hearing and determining applications could purport as a matter of fact to represent the views of the community at large.
507. Ms Bowbyes also addressed this point in her reply evidence. Her view was that the person tasked with issuing a consent under delegated authority is representing the community's views in the Council's capacity as a decision-maker under the RMA. While as a matter of constitutional law, that may be the case, it does not solve the problem to us of how an individual decision-maker can satisfy themselves as to what is or is not tolerated by the community. Ms Bowbyes posed the example of flooding risk in the Queenstown town centre as well known and tolerated risk. We don't disagree about that specific risk. The lurking concern we have is with the application of the objectives and policies focussing on tolerability in less well known and obvious cases. We wonder, for instance, whether some risks are tolerated, because they are not known and/or well understood²²²

²²² Compare the risks of building on liquefaction prone land in eastern Christchurch prior to 2010.

508. Ultimately, we think the best answer was the one that Mr Henderson gave us, that tolerability has to be determined in the zoning applied to land, which will necessarily occur through a public process in which the community has the opportunity to participate.
509. Given Mr Henderson’s evidence, however, we think it is important to be clear that the tolerability referred to in this objective relates to what is tolerable to the community, as opposed to what individual landowners might tolerate (particularly where those landowners are effectively making choices for their successors in title). To that extent, we accept QAC’s submission. An amendment to that effect would mean, however, two references in the same objective to the “community”. To improve the English without changing the meaning, we suggest the first reference be to “people”.
510. We agree with Ms Bowbyes that management of natural hazards does not lend itself to remediation as an option (as the Oil Companies suggest). While, as Ms Bowbyes identified, Section 31 of the Act includes the avoidance or mitigation of natural hazards as a council function we also think that inserting reference to avoidance or mitigation in this context raises similar issues to those raised by the Oil Companies. If the natural hazard risk is tolerable, neither avoidance nor mitigation may be required.
511. We consider the answer to that concern is to substitute “managed” for “minimised”. Certainty is provided by continued reference to what is tolerable. We think that that can be sharpened further by referring to what is tolerable to the community.
512. We agree, however, that the reference point should be natural hazard “risk” given the consistent approach of the Proposed RPS. We consider that the Otago Regional Council’s submission noted above provides jurisdiction for an amendment to that effect. Ms Bowbyes considered that Policy 28.3.2.3 already gave effect to the emphasis in the Proposed RPS on the precautionary principle, because it put the onus on the applicant to produce an adequate assessment of hazard risk. We agree and note that the evidence for the Regional Council did not advance the point as an outstanding issue.
513. In summary, therefore, we recommend that the objective be amended to read:
- “The risk to people and the built environment posed by natural hazards is managed to a level tolerable to the community”.*
514. We consider that of the alternatives available to us, this formulation most appropriately achieves the purpose of the Act.
- 10.4. Policy 28.3.1.1**
515. As notified, this read:
- 28.3.1.1 Policy*
Ensure assets or infrastructure are constructed and located so as to avoid or mitigate the potential risk of damage to human life, property, infrastructure networks and other parts of the environment.
516. Ms Bowbyes drew our attention to four submissions on this policy:
- a. QAC²²³ sought specific reference to the adverse effects of natural hazards;

²²³ Submission 433: Supported by FS1097; Opposed by FS1117

- b. NZTA²²⁴ sought insertion of a practicability qualification on the operation of the policy;
 - c. Transpower New Zealand Limited²²⁵ sought an enlarged practicability qualification that also acknowledges the requirements of regionally significant infrastructure;
 - d. Queenstown Park Limited²²⁶ sought either deletion of reference to “*other parts of the environment*” or better definition of what parts were being referred to.
517. Ms Bowbyes did not recommend acceptance of the QAC submission. We agree with that position. While the submission is understandable given the form in which Objective 28.3.1 was notified, our recommended amendment to that objective would mean that amending the policy to refer to the effects of natural hazards would now be out of step with it.
518. We discussed with Ms Bowbyes, however, whether there needed to be some reference to natural hazards in the policy, given the context. Otherwise the policy might be read more widely than intended. In her reply evidence, she agreed that it would be desirable to be clear that it is natural hazard risk that is being referred to. We concur. To that extent therefore, we accept QAC’s submission.
519. Ms Bowbyes accepted a point made by Mr Tim Williams on behalf of Queenstown Park Limited that reference in the notified policy to “*damage*” to human life was somewhat inapt, prompting a need to reconfigure the form of the policy to separate out risks to human life from other risks.
520. However, we think that some tweaking of the language is required to make it clear that the focus is on construction and location of assets and infrastructure to avoid exacerbating natural hazard risk to human life. The reality is that natural hazards pose an existing risk to human life and the focus needs to be on management of activities that increase that risk²²⁷.
521. Ms Bowbyes recommended also acceptance of the relief sought by Transpower (and consequently the more limited relief of NZTA). In her view, the importance of regionally significant infrastructure meant that recognition of the limitations it operates under was appropriate. We agree. While it is probably not strictly necessary to make specific reference to the locational, technical and operational requirements of regionally significant infrastructure if a general practicability qualification is inserted (those requirements are on one view just examples of why it may not be practicable to avoid or mitigate a potential hazard risk), the role of regionally significant infrastructure means that it is worth being clear that that is the policy intent
522. However, we have some issues with framing that recognition in terms of an acknowledgement, because of the lack of clarity as to what that means. We think that it would be more clearly expressed if it referred to consideration of those requirements.
523. Ms Bowbyes also recommended acceptance of the Queenstown Park Limited submission on the basis that the generalised reference to “*other parts*” of the environment lacks definition and creates uncertainty. We agree with that position also.

²²⁴ Submission 719: Supported by FS1097, FS1341 and FS1342

²²⁵ Submission 805

²²⁶ Submission 806

²²⁷ Compare Policy 4.1.6 of the Proposed RPS

524. In summary, we largely accept Ms Bowbyes' recommendations with amendments to address the points made above. The end result is, therefore, that we recommend that Policy 28.3.1.1 be amended to read:

"Ensure assets or infrastructure are constructed and located so as to avoid or mitigate:

- a. The potential for natural hazard risk to human life to be exacerbated; and*
- b. The potential risk of damage to property and infrastructure networks from natural hazards to the extent practicable, including consideration of the locational, technical and operational requirements of regionally significant infrastructure."*

10.5. Policy 28.3.1.2

525. As notified, this read:

28.3.1.2 Policy

Restrict the establishment of activities which have the potential to increase natural hazard risk, or may have an impact on the community and built environment.

526. Ms Bowbyes drew our attention to five submissions on this policy, as follows:

- a. Real Journeys Limited²²⁸, Cook Adam Trustees Limited, C&M Burgess²²⁹, and Bobs Cove Developments Limited²³⁰ who all sought qualification of the level of risk (to refer to "significant natural hazard risk") and linking of the second part of the policy so that it relates to the first part, rather than establishes a separate and discrete restriction;
- b. The Oil Companies²³¹ sought deletion of reference to potential risks (so the policy would refer to actual increases in risk) and insertion of reference to tolerability as a criterion for both natural hazard risk increases and impacts on the community.

527. Queenstown Park Limited²³² sought qualification of a second half of the policy so it relates to "adverse and significant" impacts.

528. Addressing the first submission point, Ms Bowbyes noted that the approach of the Proposed RPS at Policy 4.1.6 is to focus on significant increases in natural hazard risk and, accordingly, she recommended qualification of the policy in the manner sought. That suggestion also addresses the first part of the Oil Companies' submission, although we do not consider the deletion of reference to potential increases in natural hazard risk to be material given that, as discussed above, natural hazard risk inherently incorporates concepts of probability/likelihood within it.

529. Ms Bowbyes also recommended acceptance of the second part of the relief sought by the Oil Companies by inserting an intolerability criterion for impacts on the community and the built environment, on the basis that this would increase alignment with the Proposed RPS. We agree with both points. We also note that the wording suggested by the Oil Companies would create the linkage between the two aspects of the policy that the submissions of Real Journeys and others sought.

530. We think that this is preferable to the relief sought by Queenstown Park Limited, which sought to limit the extent of the restriction the second half of the policy creates. We note that

²²⁸ Submission 621

²²⁹ Submission 669

²³⁰ Submission 712

²³¹ Submission 768: Supported by FS1287

²³² Submission 806

although Queenstown Park Limited appeared before us, the evidence of Mr Tim Williams did not address this policy or take issue with the relief recommended by Ms Bowbyes.

531. Accordingly, we recommend that Policy 28.3.1.2 be amended to read:

“Restrict the establishment of activities which significantly increase natural hazard risk, including where they will have an intolerable impact upon the community and built environment.”

10.6. Policy 28.3.1.3:

532. As notified, this policy read:

“Recognise that some areas that are already developed are now known to be at risk from natural hazards and minimise such risk as far as possible while acknowledging that landowners may be prepared to accept a level of risk.”

533. The only submission seeking a material change to this policy was that of the Oil Companies²³³ who sought that reference be inserted to “the effects” of natural hazards and substitution of a practicability test for what is “possible”.

534. Ms Bowbyes supported the suggested amendment to refer to practicable minimisation of risk to avoid any unintended implication that risk has to be reduced to the point where it is negligible. We agree with her reasoning in that regard.

535. Ms Bowbyes recommended that rather than refer to the effects of natural hazards, as the Oil Companies sought, the initial reference to risk be redrafted. We agree that her suggested rewording is an improvement, as well as being consistent with the recommended objective.

536. Responding to the evidence of Mr Henderson for Otago Regional Council, Ms Bowbyes also recommended that the policy should refer to what the community is prepared to accept, rather than what landowners are prepared to accept. This is consistent with the discussion we had with Mr Henderson, referred to above. We agree with Mr Henderson’s essential point, that it is inappropriate to rely on an existing landowner’s readiness to accept natural hazard risks on behalf of their successors in title. We note that while Otago Regional Council did not seek amendment of this Policy specifically, it did state a clear position that it is not appropriate to have new development occurring where natural hazard risks are intolerable to the community. We therefore regard the suggested amendment as being within scope but, consistent with the general desire to promote alignment of language with the Proposed RPS, we recommend that that policy talk in terms of what the community will tolerate, rather than what it will accept.

537. In summary, therefore, we recommend that Policy 28.3.1.3 be revised to read:

“Recognise that some areas that are already developed are now known to be subject to natural hazard risk and minimise such risk as far as practicable while acknowledging that the community may be prepared to tolerate a level of risk.”

10.7. Policy 28.3.1.4,

538. As notified, this policy read:

²³³ Submission 768: Supported by FS1287

“Allow Public Bodies exercising their statutory powers to carry out natural hazard mitigation activities.”

539. The only submission on this policy was from Queenstown Park Limited²³⁴, which sought that reference to “Public Bodies” be limited to the Regional and District Council and that the Policy be qualified to acknowledge the need to mitigate potential adverse effects resulting from hazard protection works. Ms Bowbyes recommended acceptance of both aspects of the submission. In her view, referring specifically to the Regional and District Council provided greater clarity and certainty, and that it was appropriate to acknowledge adverse effects that might result from hazard protection works. She also recommended replacing the word “allow” with “enable”, as more accurately articulating the role of the District Plan. She considered that to be a minor non-substantive change (and therefore within Clause 16(2)).
540. We were somewhat puzzled by the intent of this policy. At one level, if a public body is exercising a statutory power to undertake natural hazard mitigation activities, particularly in an emergency situation, the provisions of the District Plan are largely academic.
541. We also wondered about the restriction of the ambit of the policy, from initially referring to public bodies, to referring only to the Regional and District Council. We disagree with Ms Bowbyes’ comment²³⁵ that the ambit of the term “public body” is unclear and we were concerned that organisations like the Fire Service Commission and the Director of Civil Defence Emergency Management have important roles in managing civil defence emergencies that ought to be acknowledged.
542. Having reflected on our queries, Ms Bowbyes advised in her reply evidence²³⁶ that the intent of the Policy is to address planned mitigation works undertaken by the Regional and District Councils that require a resource consent, rather than emergency mitigation works. This was helpful, because if the focus is on planned hazard mitigation works, there is then a ready case for limiting the parties who may be involved to just the Regional and District Council (as Queenstown Park Ltd suggests). Amending the policy, as Ms Bowbyes suggests, to ‘enabling’ the Councils to undertake activities also reinforces the point that this is in the context of resource consent applications for such works. However, Ms Bowbyes continued to recommend reference to “natural hazard mitigation activities” which would capture both emergency and unplanned works. We think the policy intent, as explained to us, needs to be expressed more clearly.
543. We also think that rather than a generalised reference to “the Regional and District Council”, Otago Regional Council should be referred to in full (there being no other relevant Regional Council) and the defined term for the District Council be used.
544. In summary, therefore, we agree with Ms Bowbyes’ suggestions and recommend that policy 28.3.1.4 be amended to read:

“Enable Otago Regional Council and the Council exercising their statutory powers to undertake permanent physical works for the purposes of natural hazard mitigation while recognising the need to mitigate potential adverse effects that may result from those works.”

²³⁴ Submission 806

²³⁵ Section 42A Report at 12.36

²³⁶ At 7.1

545. We note that the only submission on Policy 28.3.1.5 was from the Oil Companies²³⁷, seeking that it be retained without further modification. However, it is evident to us that this policy is now entirely subsumed within Policy 28.3.1.3 as we have recommended it be amended. We therefore recommend it be deleted as a minor non-substantive change.
546. Having reviewed the policies in Section 28.3.1 collectively, we consider that with the amendments set out above and given the alternatives open to us, the resulting policies are the most appropriate means to achieve Objective 28.3.1.

10.8. Objective 28.3.2

547. Turning to Objective 28.3.2, as notified, it read:
“Development on land subject to natural hazards only occurs where the risks to the community and the built environment are avoided or appropriately managed or mitigated.”
548. Ms Bowbyes drew our attention to four submissions on this objective. The first three (Real Journeys Limited²³⁸, Cook Adam Trustees Limited, C&M Burgess²³⁹ and Bobs Cove Developments Limited²⁴⁰) all sought that the objective refer to *“a significant natural hazard”* and that it provide that risks are *“satisfactorily avoided”*.
549. Queenstown Park Limited²⁴¹ sought that the objective be replaced with Objective 4.8.3 of the ODP which reads:
“Avoid or mitigate loss of life, damage to assets or infrastructure, or disruption to the community of the District, from natural hazards.”
550. Ms Bowbyes considered Objective 28.3.2 an improvement on the ODP objective that Queenstown Park Limited’s submission sought to substitute, partly because of the former’s focus on natural hazard risk and partly because of the lack of clarity as to what the term *“disruption”* meant in the context of the ODP objective. We agree and note that when Queenstown Park Limited appeared before us, its planning witness, Mr Tim Williams, generally supported the existing wording of the objective.
551. Ms Bowbyes likewise did not support qualification of the reference to natural hazards, so that the objective would refer only to development on land the subject of a significant natural hazard. She pointed to the lack of evidential support for the submission and the lack of clarity as to what significant natural hazards encompass. She also suggested that limiting the objective to significant natural hazards would leave both the objective and underlying policies silent on the treatment of proposals subject to lower levels of natural hazard risk. We agree with these points. While there is merit in the observation in Submissions 669 and 712 that large areas in the District²⁴² are subject to some recorded natural hazard risk, the objective is framed sufficiently broadly to avoid overly restrictive policies applying to areas of low hazard risk.
552. Ms Bowbyes did recommend an amendment to delete the *“or mitigated”* from the end of the objective, accepting in this regard Mr Tim Williams evidence that *“management”* would

²³⁷ Submission 768

²³⁸ Submission 621

²³⁹ Submission 669

²⁴⁰ Submission 712

²⁴¹ Submission 806

²⁴² It may be, given the proximity of the Alpine Fault, as well as other localised earthquake faults, that the whole District would fall within that general description

necessarily include mitigation. While we agree the notified wording is clumsy, this suggested amendment prompted us to discuss with Mr Williams whether “avoidance” of hazard risk would similarly be an aspect of risk management. Mr Williams had reservations about the extent of overlap. In his view, reference to management of risk had implications of enabling the activity in question and he also thought that tolerability had to be considered. Having said that, he agreed that so long as the word “appropriate” was retained, that would enable those considerations to be brought to the fore.

553. Ms Bowbyes agreed with Mr Williams suggestions in her reply evidence. She expressed the opinion that *“avoidance is absolute whereas management provides flexibility for a range of options to be considered, including mitigation”*.
554. We do not disagree. Indeed, it is precisely because of the absolute nature of an avoidance objective that the suggestion that it be qualified to refer to risks being *“satisfactorily avoided”* is something of a contradiction in terms to us.
555. Stepping back, precisely because the initial reference to natural hazards has such wide application, the outcome sought similarly needs to be flexible. In addition, while we think that Mr Williams may well be right that talking about managing an activity implies that it may occur, the focus of the objective is on the management of risks and we think that the objective should be expressed more simply to say that, leaving it to the policies to flesh out what appropriate management entails. This provides less direction as to the outcome sought than we would normally regard as desirable, but the breadth of the subject matter (and the ambit of the submissions on it) leaves us with little alternative in our view.
556. In summary, we consider that the most appropriate objective to achieve the purpose of the Act in this context given the alternatives open to us, is:

“Development on land subject to natural hazards only occurs where the risks to the community and the built environment are appropriately managed.”

10.9. Policy 28.3.2.1:

557. As notified, Policy 28.3.2.1 stated:

28.3.2.1 Policy

Seek to avoid intolerable natural hazard risk, acknowledging that this will not always be practicable in developed urban areas.”

558. This policy was the subject of three submissions:
- QAC²⁴³ sought that it should be expressed more simply: *“Avoid significant natural hazard risk, acknowledging that this will not always be practicable in developed urban areas.”*
 - The Oil Companies²⁴⁴ sought that reference be to intolerable effects from natural hazards and that the acknowledgement apply to all developed areas, not just urban areas.
 - Otago Regional Council²⁴⁵ opposed the policy insofar as it left open the possibility for development in areas of intolerable hazard risk.

²⁴³ Submission 433: Supported by FS1097 and FS1117

²⁴⁴ Submission 768: Supported by FS1287

²⁴⁵ Submission 798

559. In her Section 42A Report, Ms Bowbyes drew attention to Proposed RPS Policies 4.1.6 and 4.5.1 quoted above, that seek variously avoidance of activities that significantly increase risk and avoidance of development on land with a significant natural hazard risk. In her view, these provisions supported QACs submission that reference should be to significant natural hazard risk, rather than intolerable risk. We agree that it is desirable for this policy to flesh out what might be considered an intolerable risk rather than leaving that for future decisionmakers to determine, with limited ability to ascertain the community's views. She also expressed the view that there was merit in the Oil Companies' argument that the focus should not just be on urban areas.
560. The evidence for Otago Regional Council suggested that the Policy was trying to be "*all things to all situations*" and that the focus should be on significant increases in risk. Mr Henderson suggested that if that were accepted, the acknowledgement in the second half of the policy might then be deleted. Mr Henderson's evidence reflected the general submission for Otago Regional Council already noted that new development should not occur where natural hazard risks are intolerable for the community, even if managed or mitigated.
561. Ms Bowbyes recommended acceptance of Mr Henderson's position.
562. We agree that this is a practicable way forward. The Oil Companies²⁴⁶ make the valid point that major natural hazards (like an earthquake along the Alpine fault) cannot be prevented at source. Similarly, to the extent that there is already a significant natural hazard risk in developed areas, that risk might be mitigated, but it is difficult to imagine how it can be avoided, whereas clearly choices are able to be made when new development is proposed in areas of significant natural hazard risk.
563. In summary, while the end result overlaps with recommended Policy 28.3.1.2, we recommend that Policy 28.3.2.1 be amended to the form suggested by Ms Bowbyes:
'Avoid significantly increasing natural hazard risk.'

10.10. Policy 28.3.2.2

564. As notified this policy read:
Allow subdivision and development of land subject to natural hazards where the proposed activity does not:
- *Accelerate or worsen the natural hazard and/or its potential impacts;*
 - *Expose vulnerable activities to intolerable natural hazard risk;*
 - *Create an unacceptable risk to human life;*
 - *Increase the natural hazard risk to other properties;*
 - *Require additional works and costs that would be borne by the community.*
565. Ms Bowbyes drew our attention to the following submissions on this policy:
- a. The Oil Companies²⁴⁷ sought that the first word of the policy be "*enable*", that the first bullet point refer to risks associated with the natural hazard and/or its potential impacts, the second bullet point refer to the consequences from natural hazards rather than natural hazard risk and that the fourth bullet point refer to an unacceptable level of natural hazard risk;

²⁴⁶ Refer the tabled evidence of Mr Laurenson

²⁴⁷ Submission 768: Supported by FS1287

- b. Real Journey's Limited²⁴⁸, Cook Adam Trustees Limited, C&M Burgess²⁴⁹ and Bobs Cove Developments Limited²⁵⁰ sought that the initial reference be to land subject to "significant" natural hazards, the word "it" be substituted for "the proposed activity", the first bullet point refer to natural hazard risk and delete reference to potential impacts, the fourth bullet point be deleted, and the fifth bullet point refer to the "public" rather than the "community".
- c. Queenstown Park Limited²⁵¹ sought that the first bullet point refer to acceleration of hazards and impacts "to an unacceptable level" and the fourth bullet point refer to increases in natural hazard risk "to an intolerable level".

566. In her Section 42A Report, Ms Bowbyes agreed with many of these suggestions. She did not, however, accept that reference should be made to significant natural hazards in the opening line of the policy, for the reasons discussed above²⁵². Similarly, she did not agree with the suggestion that the fourth bullet point, related to increasing risk to other properties be deleted, referring us to Proposed RPS Policies 4.1.6 and 4.1.10(c) that focus on displacement of risk off-site. We agree with her reasoning on both points. We note, in particular, that focussing the policy on significant natural hazards would leave a policy gap where land is subject to non-significant natural hazards, which is the very situation it needs to address.

567. As regards Ms Bowbyes' recommendations that the balance of the submissions be accepted (subject to rewording the addition to the fourth bullet to refer to "intolerable" levels, for consistency with the Proposed RPS), we had a concern about this policy adopting an overtly enabling focus because it is necessarily limited in scope to natural hazard issues. There may be many other non-hazard related issues that mean that an enabling approach is not appropriate.

568. In her reply evidence Ms Bowbyes expressed the view, having reflected on the point, that an enabling policy in this context would not prevail over more restrictive policies in other chapters addressing those other issues. While we agree that that would be the sensible outcome, we are reluctant to leave the point open for an enthusiastic applicant to test. In any event, Ms Bowbyes agreed that an enabling focus in Policy 28.3.2.2 would leave gap between that and policy 28.3.2.1. She therefore recommended that it would be preferable to commence the policy "not preclude...", as we had suggested to her.

569. We are therefore happy to adopt her reasoning. Accordingly, we recommend that Policy 28.3.2.2 be amended to read:

- 28.3.2.2. *"Not preclude subdivision and development of land subject to natural hazards where the proposed activity does not:*
- a. Accelerate or worsen the natural hazard risk to an intolerable level;*
 - b. Expose vulnerable activities to intolerable natural hazard risk;*
 - c. Create an intolerable risk to human life;*
 - d. Increase the natural hazard risk to other properties to an intolerable level;*
 - e. Require additional works and costs, including remedial works, that would be borne by the public."*

²⁴⁸ Submission 621: Supported by FS1097

²⁴⁹ Submission 669

²⁵⁰ Submission 712

²⁵¹ Submission 806

²⁵² Refer Sections 10.5 and 10.9 above

10.11. Policy 28.3.2.3

570. As notified, this policy read:

“Ensure all proposals to subdivide or develop land that is subject to natural hazards provide an assessment covering:

- *The time, frequency and scale of the natural hazards;*
- *The type of activity being undertaken and its vulnerability to natural hazards;*
- *The effects of a natural hazard event on the subject land;*
- *The potential for the activity to exacerbate natural hazard risk both in and off the subject land;*
- *The potential for any structures on the subject land to be relocated;*
- *The design and construction of buildings and structures to mitigate the effects of natural hazards, such as the raising of floor levels;*
- *Site layout and management to avoid the adverse effects of natural hazards, including access and egress during a hazard event.”*

571. Ms Bowbyes noted the following specific submissions:

- a. Queenstown Park Limited²⁵³ sought an amendment to recognise that the level of assessment should be commensurate with the level of potential risk.
- b. The Oil Companies²⁵⁴ sought that the last bullet point be amended to provide for management and mitigation (rather than avoidance) and a criterion referring to a tolerable level of risk. This submission also sought a minor grammatical change;
- c. Real Journeys Limited²⁵⁵, Cook Adam Trustees Limited, C&M Burgess²⁵⁶ and Bob’s Cove Developments Limited²⁵⁷ suggested a range of amendments, which would result in the Policy reading as follows:

“Ensure new subdivision or land development at threat from a significant natural hazard risk (identified on the District Plan Maps) is assessed in terms of:

- a. *The type, frequency and scale of the natural hazard and the effects of a natural hazard event on the subject land;*
 - b. *The vulnerability of the activity in relation to the natural hazard;*
 - c. *The potential for the activity to exacerbate the natural hazard risk;*
 - d. *The location, design and construction of buildings and structures to mitigate the effects of natural hazards;*
 - e. *Management techniques that avoid or minimise the adverse effects of natural hazards.”*
- d. Otago Regional Council²⁵⁸ sought amendment to recognise that development in hazard areas had ongoing management costs that should not be met by the community;

572. Ms Bowbyes agreed with the suggestion of the Oil Companies that the policy provide for a varying standard of assessment. We agree that if, as we accept, the net should be spread wider than significant natural hazards, the extent of the assessment needs to be flexible to ensure that the costs and benefits of the requirement are properly aligned.

573. It follows that like Ms Bowbyes, we do not accept the submissions of Real Journeys Ltd and others seeking that the only natural hazards assessed are those significant natural hazards noted on the planning maps.

²⁵³ Submission 806

²⁵⁴ Submission 768: Supported by FS1287

²⁵⁵ Submission 621

²⁵⁶ Submission 669

²⁵⁷ Submission 712

²⁵⁸ Submission 798

574. Quite apart from the considerations already discussed regarding similar requests in relation to other policies, if accepted, that would gut the policy of any effect unless and until the planning maps had been varied to identify such hazards.
575. We also agree with Ms Bowbyes that effects beyond the subject site need to be addressed, consistent with the focus of the Proposed RPS on displacement of hazard risk off-site and that the previous policy (28.3.2.2.) already addresses the Regional Council's point.
576. Ms Bowbyes recommended we accept most of the balance of submitters' suggestions. We agree that they improve the clarity and expression of the policy.
577. Ms Bowbyes also recommended additional bullet points inserted to refer to a 100 year time horizon, consistent with the Proposed RPS (thereby responding to the more general submission of Otago Regional Council) and to the effects of climate change, to make it clear that natural hazard assessment is prospective and should not just rely on historical hazard data. We agree with both suggestions. While, as Ms Bowbyes noted in discussions with us, the existing reference to frequency and scale of natural hazards should pick up changes in hazard risk over time resulting from climate change (and for that reason, this is not a substantive change), this is a case where in our view, it is wise to explicitly acknowledge the likelihood that climatic extremes will increase with climate change (as sought in the Council's Corporate submission²⁵⁹, albeit in another context).
578. Lastly, in relation to this policy, we should note the evidence of Mr Overton in relation to management of fire risk. Mr Overton advised us that there are areas of the district that are subject to fire risk and that are inaccessible to emergency services. We agree that this is a concern that requires assessment in future. Accordingly, we recommend amendment to the final bullet point to refer to ingress and egress of both residents and emergency services.
579. Given the breadth of Policy 28.3.2.3, however, and the fact that (unlike the ODP) the PDP clearly classifies fire as a natural hazard, we do not consider that fire risk needs more explicit reference either in this policy or elsewhere²⁶⁰.
580. We do note, however, Ms Bowbyes' advice in her reply evidence that Council's Natural Hazard Database does not currently record areas of known vegetation fire risk, and that it needs to do so. We agree, and draw the point to Council's attention for action if it deems appropriate.
581. In summary, we recommend that Policy 28.3.2.3 be amended to read:
- “Ensure all proposals to subdivide or develop land that is subject to natural hazard risk provide an assessment that meets the following information requirements, ensuring that the level of detail of the assessment is commensurate with the level of natural hazard risk:*
- a. The likelihood of the natural hazard event occurring over no less than a 100 year period;*
 - b. The type and scale of the natural hazard and the effects of a natural hazard on the subject land;*
 - c. The effects of climate change on the frequency and scale of the natural hazard;*
 - d. The vulnerability of the activity in relation to the natural hazard;*
 - e. The potential for the activity to exacerbate the natural hazard risk both within and beyond the subject land;*
 - f. The potential for any structures on the subject land to be relocated;*

²⁵⁹ Submission 383

²⁶⁰ Refer the submissions of Mr Overton and of Otago Rural Fire Authority discussed at Section 9.2 above

- g. *The location, design and construction of buildings and structures to mitigate the effects of natural hazards, such as the raising of floor levels.*
- h. *Management techniques that avoid or manage natural hazard risk to a tolerable level, including with respect of ingress and egress of both residents and emergency services during a natural hazard event."*

10.12. Policy 28.3.2.4:

582. As notified, this policy read:

28.3.2.4 Policy

"Promote the use of natural features, buffers and appropriate risk management approaches in preference to hard engineering solutions in mitigating natural hazard risk."

583. Ms Bowbyes noted the submission of the Oil Companies²⁶¹ on this point, seeking deletion of this policy. The submitters suggest that the policy might have unintended consequences for mitigation measures that are widely employed across the District and which, in the submitters view, should be supported. Ms Bowbyes did not support deletion of the policy. As she observed in her Section 42A Report²⁶² the policy promotes alternatives to hard engineering solutions. It does not require them. She suggested a minor amendment to make that clearer, so that the policy would commence *"where practicable, promote...."*. We note Mr Laurenson's support for that suggested change in his tabled statement for the submitters.
584. The evidence of Mr Henderson for Otago Regional Council was that this policy is not consistent with Proposed RPS Policy 4.1.10, which is much more directive regarding the circumstances in which hard protection structures might be provided for. Ms Bowbyes could not, however, find any scope to recommend this change, which would (as she observed) have the opposite effect to the relief sought by the only submitters on the policy. We asked Mr Henderson whether he could point to any submission either by Otago Regional Council, or any other party, that would support greater alignment with the Proposed RPS in this regard and he could not.
585. We consider, therefore, that Ms Bowbyes is correct, and there is no jurisdiction to move this aspect of Chapter 28 into line with the Proposed RPS. In the event that Policy 4.1.10 of the Proposed RPS remains substantively in the same form as at present, the Council would necessarily have to consider a variation to the Plan to incorporate and thereby implement the Proposed RPS, once operative.
586. In the interim, we agree with Ms Bowbyes recommended amendment, accepting the Oil Companies' submission in part. Appendix 2 reflects that change.

10.13. Policy 28.3.2.5:

587. As notified, this policy read:

"Recognise that some infrastructure will need to be located on land subject to natural hazard risk."

588. The only submissions on this policy sought its retention. However, the notified policy has been overtaken by the amendments we have recommended to Policy 28.3.1.1, which provide more explicit recognition of the impracticality of avoiding location of all activities on land subject to natural hazard risk, particularly regionally significant infrastructure. Accordingly, we

²⁶¹ Submission 768

²⁶² At 12.65

recommend that Policy 28.3.2.5 be deleted, as a consequential change, to avoid any confusion as between the role of the two policies.

589. Having reviewed the policies in Section 28.3.2 collectively, taking account of the alternatives open to us and the policies recommended in Section 28.3.1, we consider that those policies are the most appropriate means to achieve Objective 28.3.2.

10.14. Objective 28.3.3. and Policies supporting it

590. Objective 28.3.3. was not the subject of any submission seeking it be changed, and Ms Bowbyes did not recommend any amendment to it. We need consider it no further. She did, however, recommend an amendment to Policy 28.3.3.1. As notified, that policy read:

28.3.3.1 Policy

Continually develop and refine a natural hazards database in conjunction with the Otago Regional Council, (as a basis for Council decisions on resource consent applications or plan changes and for the assessment of building consents).

591. The Oil Companies²⁶³ sought deletion of this policy on the basis that the ongoing changes to the natural hazards database will have statutory effect and, consequentially, should be undertaken by way of Plan Change.
592. The Oil Companies also suggested that the database should not itself be a basis for decision, but should rather be a consideration of the decision-making process.
593. Ms Bowbyes agreed with the last point. As she noted, the role of the database is to provide an initial flag for the presence of a natural hazard which is then the subject of assessment under Policy 28.3.2.3. She therefore thought it was more appropriate to refer to the database as a consideration in the decision-making process.
594. We agree, and consider that such an amendment also better reflects the role of the database sitting outside the District Plan. Further, Ms Bowbyes advised us in her reply evidence that there is no process currently in place that provides a formal avenue for the public to influence the information uploaded to the database. She also noted that the information requirements of notified Section 28.5 highlighted that the database contains information that has been developed at different scales and advises Plan users that further detailed analysis may be required. Again, this supports a much less formal role for the database in the decision making process.
595. Having said that, we think it is valuable that the Council can signal that the database is the subject of continual development and refinement, that being a course of action within its control.
596. We note, however, that there are actually two elements to this policy. The first relates to the Council's actions developing and refining the database. The second point relates to how the database will be used by Council. We think it would be clearer if these two elements were separated into two policies. We also consider that reference to the assessment of building consents should be deleted. This occurs under separate legislation (the Building Act 2004) and the PDP should not purport to constrain how the powers conferred by that legislation will be

²⁶³ Submission 768

exercised. Given the Oil Companies sought deletion of the policy, deletion of this aspect is clearly within scope.

597. We therefore recommend that Policy 28.3.3.1 be separated into two policies and amended to read:

“Continually develop and refine a natural hazards database in conjunction with the Otago Regional Council.

When considering resource consent applications or plan changes, the Council will have regard to the natural hazards database.”

598. Ms Bowbyes recommended minor non-substantive changes to the balance of the policies supporting Objective 28.3.3 including substitution of “intolerable” for “unacceptable” in Policy 28.3.3.4. We support the suggested amendments, the content of which are set out in our Appendix 2.

599. Having reviewed the policies in Section 28.3.3. collectively, we consider that given the alternatives open to us, they are the most appropriate policies to achieve the relevant objective.

10.15. Section 28.4 – Other Relevant Provisions:

600. This is a standard provision that is reproduced throughout the PDP. The Hearing Panels considering earlier chapters have recommended amendments to it to more correctly reflect the content of the PDP and the fact that once the First Schedule process is concluded, it will form part of the ODP. We recommend like amendments for the same reasons. The fact that some chapters have been inserted by the Stage 2 Variations is reflected in those chapters being in italics. Appendix 2 sets out the suggested changes.

10.16. Section 28.5 – Information Requirements:

601. As notified, this section purported to state a requirement for an assessment of natural hazard effects as part of development proposals. We discussed with Ms Bowbyes whether it was consistent with Policy 28.3.2.3. She addressed this point in Section 8 of her reply evidence. In summary, Ms Bowbyes concluded that a consequential amendment was required to Section 28.5 to make it clearer that the database is not a trigger for the need to provide a natural hazards assessment. She referred us to the Oil Companies’ submission²⁶⁴ as providing scope for the recommended change.

602. We agree with Ms Bowbyes assessment. Accordingly, we recommend that the text read as follows:

“The Councils natural hazards database identifies land that is affected by, or potentially affected by, natural hazards. The database contains natural hazard information that has been developed at different scales and this should be taken into account when assessing the potential natural hazard risk. It is highly likely that for those hazards that have been identified at a ‘district wide’ level, further detailed analysis will be required.”

603. As amended, this is no longer true to label (it is no longer a statement of information requirements). We consider it now assists that reader in understanding the inter-relationship of the database with the operation of Policy 28.3.2.3. As such, we recommend that the

²⁶⁴ Submission 768

amended text be shifted in order that it sits as an Advice Note to that policy. We regard this as a non-substantive formatting change.

11. SUMMARY OF RECOMMENDATIONS:

604. Appendix 2 to this report sets out our recommended amendments to Chapter 28.
605. In addition to those amendments, we note Policy 28.3.2.4 is not currently consistent with Proposed RPS Policy 4.1.10. We have no jurisdiction to recommend a substantive amendment that would align the two. Accordingly, we recommend that should Policy 4.1.10 be finalised as part of appeals on the Proposed RPS in a form that continues to be inconsistent with Policy 28.3.2.4, Council promulgate a variation to align the two.
606. We also draw Council's attention to the desirability of updating its hazards database to include areas of known vegetation fire risk²⁶⁵.
607. Lastly, Appendix 3 sets out a summary of our recommendations in relation to submissions on Chapter 28.

For the Hearing Panel



Denis Nugent, Chair
Dated: 31 March 2018

²⁶⁵ Discussed at Section 10.11 above

Appendix 1: Chapter 2 Definitions as Recommended

2 DEFINITIONS

2.1 Definitions

Notes:

- a. Unless the context otherwise requires, the definitions in this chapter apply throughout the plan whenever the defined term is used. The reverse applies to the designations in Chapter 37. The definitions in Chapter 2 only apply to designations where the relevant designation says they apply.
- b. Where a term is not defined within the plan, reliance will be placed on the definition in the Act, where there is such a definition.
- c. Chapter 5: Tangata Whenua (Glossary) supplements the definitions within this chapter by providing English translations-explanations of Maori words and terms used in the plan
- d. Acoustic terms not defined in this chapter are intended to be used with reference to NZS 6801:2008 Acoustics - Measurement of environmental sound and NZS 6802:2008 Acoustics - Environmental noise.
- e. Any defined term includes both the singular and the plural.
- f. Any notes included within the definitions listed below are purely for information or guidance purposes only and do not form part of the definition.
- g. Where a definition title is followed by a zone or specific notation, the intention is that the application of the definition is limited to the specific zone or scenario described.

D

Definitions

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Access	Means that area of land over which a site or lot obtains legal vehicular and/or pedestrian access to a legal road. This land may include an access leg, a private way, common land as defined on a cross-lease or company-lease, or common property (as defined in section 2 of the Unit Titles Act 2010).
Access Leg (Rear Lot or rear site)	Means the strip of land, which is included in the ownership of that lot or site, and which provides the legal, physical access from the frontage legal road to the net area of the lot or site.
Access Lot	Means a lot which provides the legal access or part of the legal access to one or more lots, and which is held in the same ownership or by tenancy-in-common in the same ownership as the lot(s) to which it provides legal access.
Accessory Building	Means any detached building the use of which is incidental to the principal building, use or activity on a site, and for residential activities includes a sleep out, garage or carport, garden shed, glasshouse, swimming pool, mast, shed used solely as a storage area, or other similar structure, provided that any garage or carport which is attached to or a part of any building shall be deemed to be an accessory building.
Accessway	Means any passage way, laid out or constructed by the authority of the council or the Minister of Works and Development or, on or after 1 April 1988, the Minister of Lands for the purposes of providing the public with a convenient route for pedestrians from any road, service lane, or reserve to another, or to any public place or to any railway station, or from one public place to another public place, or from one part of any road, service lane, or reserve to another part of that same road, service lane, or reserve ¹ .
Act	Means the Resource Management Act 1991.
Activity Sensitive To Aircraft Noise (ASAN) / Activity Sensitive to Road Noise	Means any residential activity, visitor accommodation activity, community activity and day care facility activity as defined in this District Plan including all outdoor spaces associated with any education activity, but excludes activity in police stations, fire stations, courthouses, probation and detention centres, government and local government offices.
Adjoining Land (Subdivision)	Includes land separated from other land only by a road, railway, drain, water race, river or stream.
Aerodrome	Means a defined area of land used wholly or partly for the landing, departure, and surface movement of aircraft including any buildings, installations and equipment on or adjacent to any such area used in connection with the aerodrome or its administration.
Aircraft	Means any machine that can derive support in the atmosphere from the reactions of the air otherwise than by reactions of the air against the surface of the earth. Excludes remotely piloted aircraft that weigh less than 15 kilograms.

¹. From section 315 of the Local Government Act 1974

D

Definitions

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Aircraft Operations	Means the operation of aircraft during landing, take-off and taxiing but excludes: <ul style="list-style-type: none"> a. aircraft operating in an emergency; b. aircraft using the Airport as an alternative to landing at a scheduled airport; c. military aircraft movements; and d. engine testing.
Air Noise Boundary Queenstown (ANB)	Means a boundary as shown on the District Plan Maps, the location of which is based on the predicted day/night sound level of 65 dB L _{dn} from airport operations in 2037.
Airport Activity	Means land used wholly or partly for the landing, departure, and surface movement of aircraft, including: <ul style="list-style-type: none"> a. aircraft operations which include private aircraft traffic, domestic and international aircraft traffic, rotary wing operations; b. aircraft servicing, general aviation, airport or aircraft training facilities and associated offices; c. runways, taxiways, aprons, and other aircraft movement areas; d. terminal buildings, hangars, air traffic control facilities, flight information services, navigation and safety aids, rescue facilities, lighting, car parking, maintenance and service facilities, fuel storage and fuelling facilities and facilities for the handling and storage of hazardous substances.
Airport Related Activity	Means an ancillary activity or service that provides support to the airport. This includes: <ul style="list-style-type: none"> a. land transport activities; b. buildings and structures; c. servicing and infrastructure; d. police stations, fire stations, medical facilities and education facilities provided they serve an aviation related purpose; e. retail and commercial services and industry associated with the needs of Airport passengers, visitors and employees and/or aircraft movements and Airport businesses; f. catering facilities; g. quarantine and incineration facilities; h. border control and immigration facilities; i. administrative offices (provided they are ancillary to an airport or airport related activity).
All Weather Standard	Means a pavement which has been excavated to a sound subgrade, backfilled and compacted to properly designed drainage gradients with screened and graded aggregate and is usable by motor vehicles under all weather conditions, and includes metallised and sealed surfaces.

D

Definitions

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Amenity Or Amenity Values	Means those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes ² .
Antenna	Means telecommunications apparatus, being metal rod, wire or other structure, by which signals are transmitted or received, including any bracket or attachment but not any support mast or similar structure.
Archaeological Site	Means, subject to section 42(3) of the Heritage New Zealand Pouhere Taonga Act 2014: <ul style="list-style-type: none"> a. any place in New Zealand, including any building or structure (or part of a building or structure), that – <ul style="list-style-type: none"> i. was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and ii. provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and b. includes a site for which a declaration is made under section 43(1) of the Heritage New Zealand Pouhere Taonga Act 2014.
Area Median Income (AMI)	Means the median household income for the Queenstown Lakes District as published by Statistics New Zealand following each census, and adjusted annually by the Consumer Price Index (CPI).
Bar (Hotel or Tavern)	Means any part of a hotel or tavern which is used principally for the sale, supply or consumption of liquor on the premises. Bar area shall exclude areas used for storage, toilets or like facilities and space.
Biodiversity Offsets	Means measurable conservation outcomes resulting from actions designed to compensate for residual adverse biodiversity impacts arising from project development after appropriate avoidance, minimisation, remediation and mitigation measures have been taken. The goal of biodiversity offsets is to achieve no net loss and preferably a net gain of biodiversity on the ground.
Biomass Electricity Generation	Means electricity generation derived from biomass systems being recently living organisms such as wood, wood waste, by products of agricultural processes and waste.
Boat	Means any vessel, appliance or equipment used or designed to be used for flotation and navigation on or through the surface of water, other than a wetsuit or lifejacket, and includes any aircraft whilst such aircraft is on the surface of the water. Craft or boating craft shall have the same meaning. Boating activities shall mean activities involving the use of boats on the surface of water.
Boundary	Means any boundary of the net area of a site and includes any road boundary or internal boundary. Site boundary shall have the same meaning as boundary.

² From section 2 of the Act

D

Definitions

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Building	<p>Shall have the same meaning as the Building Act 2004, with the following exemptions in addition to those set out in the Building Act 2004:</p> <ul style="list-style-type: none"> a. fences and walls not exceeding 2m in height; b. retaining walls that support no more than 2 vertical metres of earthworks; c. structures less than 5m² in area and in addition less than 2m in height above ground level; d. 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; e. uncovered terraces or decks that are no greater than 1m above ground level; f. 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; g. flagpoles not exceeding 7m in height; h. building profile poles, required as part of the notification of Resource Consent applications; i. public outdoor art installations sited on Council owned land; j. pergolas less than 2.5 metres in height either attached or detached to a building; <p>Notwithstanding the definition set out in the Building Act 2004, and the above exemptions a building shall include:</p> <ul style="list-style-type: none"> a. any vehicle, trailer, tent, marquee, shipping container, caravan or boat, whether fixed or moveable, used on a site for a residential accommodation unit for a period exceeding 2 months.
Building Coverage	<p>Means that portion of the net area of a site which is covered by buildings or parts of buildings, including overhanging or cantilevered parts of buildings, expressed as a percentage or area. Building coverage shall only apply to buildings at ground, or above ground level. The following shall not be included in building coverage:</p> <ul style="list-style-type: none"> a. pergolas; b. that part of eaves and/or spouting, fire aprons or bay or box windows projecting 600mm or less horizontally from any exterior wall; c. uncovered terraces or decks which are not more than 1m above ground level; d. uncovered swimming pools no higher than 1m above ground level; e. fences, walls and retaining walls; f. driveways and outdoor paved surfaces.
Building Line Restriction	<p>Means a restriction imposed on a site to ensure when new buildings are erected or existing buildings re-erected, altered or substantially rebuilt, no part of any such building shall stand within the area between the building line and the adjacent site boundary.</p>

D

Definitions

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Building Supplier	<p>Means a business primarily engaged in selling goods for consumption or use in the construction, modification, cladding, fixed decoration or outfitting of buildings and without limiting the generality of this term, includes suppliers of:</p> <ol style="list-style-type: none"> glazing; awnings and window coverings; bathroom, toilet and sauna installations; electrical materials and plumbing supplies; heating, cooling and ventilation installations; kitchen and laundry installations, excluding standalone appliances; paint, varnish and wall coverings; permanent floor coverings; power tools and equipment; locks, safes and security installations; and timber and building materials.
Camping Ground	Means camping ground as defined in the Camping Ground Regulations 1985 ³ .
Carriageway	Means the portion of a road devoted particularly to the use of motor vehicles.
Clearance Of Vegetation	<p>Means the removal, trimming, felling, or modification of any vegetation and includes cutting, crushing, cultivation, soil disturbance including direct drilling, spraying with herbicide or burning.</p> <p>Clearance of vegetation includes, the deliberate application of water or oversowing where it would change the ecological conditions such that the resident indigenous plant(s) are killed by competitive exclusion. Includes dryland cushion field species.</p>
Commercial	Means involving payment, exchange or other consideration.
Commercial Activity	Means the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment or services, and includes shops, postal services, markets, showrooms, restaurants, takeaway food bars, professional, commercial and administrative offices, service stations, motor vehicle sales, the sale of liquor and associated parking areas. Excludes recreational, community and service activities, home occupations, visitor accommodation, registered holiday homes and registered homestays.
Commercial Livestock	Means livestock bred, reared and/or kept on a property for the purpose of commercial gain, but excludes domestic livestock.
Commercial Recreational Activities	Means the commercial guiding, training, instructing, transportation or provision of recreation facilities to clients for recreational purposes including the use of any building or land associated with the activity, excluding ski area activities.

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

D

Definitions

A B **C D** E F G H I J K L M N O P Q R S T U V W X Y Z

Common Property	Means: a. all the land and associated fixtures that are part of the unit title development but are not contained in a principal unit, accessory unit, or future development unit; and b. in the case of a subsidiary unit title development, means that part of the principal unit subdivided to create the subsidiary unit title development that is not contained in a principal unit, accessory unit, or future development unit ⁴ .
Community Activity	Means the use of land and buildings for the primary purpose of health, welfare, care, safety, education, culture and/or spiritual well being. Excludes recreational activities. A community activity includes day care facilities, education activities, hospitals, doctors surgeries and other health professionals, churches, halls, libraries, community centres, police purposes, fire stations, courthouses, probation and detention centres, government and local government offices.
Community Housing	Means residential activity that maintains long term affordability for existing and future generations through the use of a retention mechanism, and whose cost to rent or own is within the reasonable means of low and moderate income households.
Comprehensive Development (For the purpose of Chapters 12 and 13 only)	Means the construction of a building or buildings on a site or across a number of sites with a total land area greater than 1400m ² .
Contributory Buildings (For the purpose of Chapter 26 only)	Means buildings within a heritage precinct that contribute to the significance of a heritage precinct some of which may be listed for individual protection in the Inventory under Rule 26.8. They may contain elements of heritage fabric, architecture or positioning that adds value to the heritage precinct. They have been identified within a heritage precinct because any future development of the site containing a contributory building may impact on the heritage values of heritage features, or the heritage precinct itself. Contributory buildings are identified on the plans under Section 26.7 'Heritage Precincts'. (Refer also to the definition of Non-Contributory Buildings).
Council	Means the Queenstown Lakes District Council or any Committee, Sub Committee, Community Board, Commissioner or person to whom any of the Council's powers, duties or discretions under this Plan have been lawfully delegated pursuant to the provisions of the Act. District council shall have the same meaning.
Critical Listening Environment	Means any space that is regularly used for high quality listening or communication for example principle living areas, bedrooms and classrooms but excludes non-critical listening environments.
Day Care Facility	Means land and/or buildings used for the care during the day of elderly persons with disabilities and/or children, other than those residing on the site.
Design Sound Level	Means 40 dB L _{dn} in all critical listening environments.
District	Means Queenstown Lakes District

⁴From the Unit Titles Act 2010

D

Definitions

A B C **D** E F G H I J K L M N O P Q R S T U V W X Y Z

<p>Domestic Livestock</p>	<p>Means livestock bred, reared and/or kept on a property, excluding that which is for the purpose of commercial gain.</p> <ol style="list-style-type: none"> In all zones, other than the Rural, Rural Lifestyle and Rural Residential Zones, it is limited to 5 adult poultry per site, and does not include adult roosters or peacocks; and In the Rural, Rural Lifestyle and Rural Residential Zones it includes any number of livestock bred, reared and/or kept on a site for family consumption, as pets, or for hobby purposes and from which no financial gain is derived, except that in the Rural Residential Zone it is limited to only one adult rooster and peacock per site. <p>Note: Domestic livestock not complying with this definition shall be deemed to be commercial livestock and a farming activity.</p>
<p>Earthworks</p>	<p>Means the disturbance of land surfaces by the removal or depositing of material, excavation, filling or the formation of roads, banks, and tracks. Excludes the cultivation of land and the digging of holes for offal pits and the erection of posts or poles or the planting of trees⁵.</p>
<p>Ecosystem Services</p>	<p>Means the resources and processes the environment provides that people benefit from e.g. purification of water and air, pollination of plants and decomposition of waste.</p>
<p>Education Activity</p>	<p>Means the use of land and buildings for the primary purpose of regular instruction or training including early childhood education, primary, intermediate and secondary schools, tertiary education. It also includes ancillary administrative, cultural, recreational, health, social and medical services (including dental clinics and sick bays) and commercial facilities.</p>
<p>Electricity Distribution</p>	<p>Means the conveyance of electricity via electricity distribution lines, cables, support structures, substations, transformers, switching stations, kiosks, cabinets and ancillary buildings and structures, including communication equipment, by a network utility operator.</p>
<p>Energy Activities</p>	<p>Means the following activities:</p> <ol style="list-style-type: none"> small and community-scale distributed electricity generation and solar water heating; renewable electricity generation; non-renewable electricity generation; wind electricity generation; solar electricity generation; stand-alone power systems (SAPS); biomass electricity generation; hydro generation activity; mini and micro hydro electricity generation.
<p>Environmental Compensation</p>	<p>Means actions offered as a means to address residual adverse effects to the environment arising from project development that are not intended to result in no net loss or a net gain of biodiversity on the ground, includes residual adverse effects to other components of the environment including landscape, the habitat of trout and salmon, open space, recreational and heritage values.</p>

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

D

Definitions

A | B | C | D | **E** | F | G | H | I | J | K | L | M | N | O | P | Q | R | S | T | U | V | W | X | Y | Z

Exotic (Trees and Plants)	Means species which are not indigenous to that part of New Zealand.
Extent of Place (For the purpose of Chapter 26 only)	Means the area around and/or adjacent to a heritage feature listed in the Inventory under Section 26.8 and which is contained in the same legal title as a heritage feature listed in the Inventory, the extent of which is identified in Section 26.8.1. (Refer also to the definition of Setting).
External Alterations and Additions (For the purpose of Chapter 26 only)	Means undertaking works affecting the external heritage fabric of heritage features, but excludes repairs and maintenance, and partial demolition. External additions includes signs and lighting.
External Appearance (Buildings)	Means the bulk and shape of the building including roof pitches, the materials of construction and the colour of exterior walls, joinery, roofs and any external fixtures.
Factory Farming	Includes: a. the use of land and/or buildings for the production of commercial livestock where the regular feed source for such livestock is substantially provided other than from grazing the site concerned; b. boarding of animals; c. mushroom farming.
Farming Activity	Means the use of land and buildings for the primary purpose of the production of vegetative matters and/or commercial livestock. Excludes residential activity, home occupations, factory farming and forestry activity. Means the use of lakes and rivers for access for farming activities.
Farm Building	Means a building (as defined) necessary for the exercise of farming activities (as defined) and excludes: a. buildings for the purposes of residential activities, home occupations, factory farming and forestry activities; b. visitor accommodation and temporary accommodation.
Flatboard	Means a portable sign that is not self-supporting ⁶ .
Flat site	Means a site where the ground slope is equal to or less than 6 degrees (i.e equal to or less than 1 in 9.5). Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation. Where all elevations indicate a ground slope of less than 6 degrees (i.e equal to or less than 1 in 9.5), rules applicable to flat sites will apply.
Flood Protection Work	Means works, structures and plantings for the protection of property and people from flood fairways or lakes, the clearance of vegetation and debris from flood fairways, stopbanks, access tracks, rockwork, anchored trees, wire rope and other structures.

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

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Definitions

A B C D E **F G** H I J K L M N O P Q R S T U V W X Y Z

Forestry Activity	Means the use of land primarily for the purpose of planting, tending, managing and harvesting of trees for timber or wood production in excess of 0.5ha in area.
Formed Road	Means a road with a carriageway constructed to an all-weather standard with a minimum width of 3m.
Free Standing Sign	Means a self supporting sign not attached to a building and includes a sign on a fence and a sandwich board ⁷ .
Frontage	Means the road boundary of any site.
Full-Time Equivalent Person	Means the engagement of a person or persons in an activity on a site for an average of 8 hours per day assessed over any 14 day period.
Garage	Is included within the meaning of residential unit, and means a building or part of a building principally used for housing motor vehicles and other ancillary miscellaneous items.
Gross Floor Area (GFA)	Means the sum of the gross area of the several floors of all buildings on a site, measured from the exterior faces of the exterior walls, or from the centre lines of walls separating two buildings.
Ground Floor Area (For Signs)	<p>Shall be measured:</p> <ol style="list-style-type: none"> horizontally by the length of the building along the road, footpath, access way or service lane to which it has frontage. vertically by the height from the surface of the road, footpath, access way or service land or as the case may be to the point at which the verandah, if any, meets the wall of the building or to a height of 3m above the surface of the road, footpath, access way or service lane, whichever is less⁸.
Ground Floor Area	Means any areas covered by the building or parts of the buildings and includes overhanging or cantilevered parts but does not include pergolas (unroofed), projections not greater than 800mm including eaves, bay or box windows, and uncovered terraces or decks less than 1m above ground level.

^{7,8} Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

D

Definitions

A B C D E F **G H** I J K L M N O P Q R S T U V W X Y Z

Ground Level	<p>Means:</p> <p>The surface of the ground prior to any earthworks on the site, except that where the surface of the ground has been altered through earthworks carried out as part of a subdivision under the Resource Management Act 1991 or Local Government Act 1974 “ground level” means the finished surface of the ground following completion of works associated with the most recently completed subdivision.</p> <ol style="list-style-type: none"> a. “earthworks” has the meaning given in the definition of that term in this Plan and includes earthworks carried out at any time in the past; b. “completed subdivision” means a subdivision in respect of which a certificate pursuant to section 224(c) of the Resource Management Act 1991 or a completion certificate under the Local Government Act 1974 has been issued; c. “earthworks carried out as part of a subdivision” does not include earthworks that are authorized under any land use consent for earthworks, separate from earthworks approved as part of a subdivision consent after 29 April 2016; d. ground level interpretations are to be based on credible evidence including existing topographical information, site specific topography, adjoining topography and known site history; e. changes to the surface of the ground as a result of earthworks associated with building activity do not affect the “ground level” of a site; f. subdivision that does not involve earthworks has no effect on “ground level”; <p>Notes:</p> <ol style="list-style-type: none"> a. See interpretive diagrams in the definition of Height; b. Special height rules apply in the Queenstown town centre, where “metres above sea level” is used. This is not affected by the definition of “ground level” above, which applies elsewhere.
Handicrafts	Means goods produced by the use of hand tools or the use of mechanical appliances where such appliances do not produce the goods in a repetitive manner according to a predetermined pattern for production run purpose.
Hangar	Means a structure used to store aircraft, including for maintenance, servicing and/or repair purposes.
Hard Surfacing	<p>Means any part of that site which is impermeable and includes:</p> <ol style="list-style-type: none"> a. concrete, bitumen or similar driveways, paths or other areas paved with a continuous surface or with open jointed slabs, bricks, gobi or similar blocks; or hardfill driveways that effectively put a physical barrier on the surface of any part of a site; b. any area used for parking, manoeuvring, access or loading of motor vehicles; c. any area paved either with a continuous surface or with open jointed slabs, bricks, gobi or similar blocks; <p>The following shall not be included in hard surfacing:</p> <ol style="list-style-type: none"> a. paths of less than 1m in width; b. shade houses, glasshouses and tunnel houses not having solid floors.

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Definitions

A B C D E F G **H** I J K L M N O P Q R S T U V W X Y Z

<p>Hazardous Substance</p>	<p>Means any substance with one or more of the following characteristics:</p> <ul style="list-style-type: none"> a <ul style="list-style-type: none"> i explosives ii flammability iii a capacity to oxidise iv corrosiveness v toxicity (both acute and chronic) vi ecotoxicity, with or without bio-accumulation; or b which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph a to this definition.
<p>Health Care Facility</p>	<p>Means land and/or buildings used for the provision of services relating to the physical and mental health of people and animals but excludes facilities used for the promotion of physical fitness or beauty such as gymnasias, weight control clinics or beauticians.</p>
<p>Heavy Vehicle</p>	<p>Means a motor vehicle, other than a motor car that is not used, kept or available for the carriage of passengers for hire or reward, the gross laden weight of which exceeds 3500kg; but does not include a traction engine or vehicle designed solely or principally for the use of fire brigades in attendance at fires. (The Heavy Motor Vehicle Regulation 1974).</p>

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Definitions

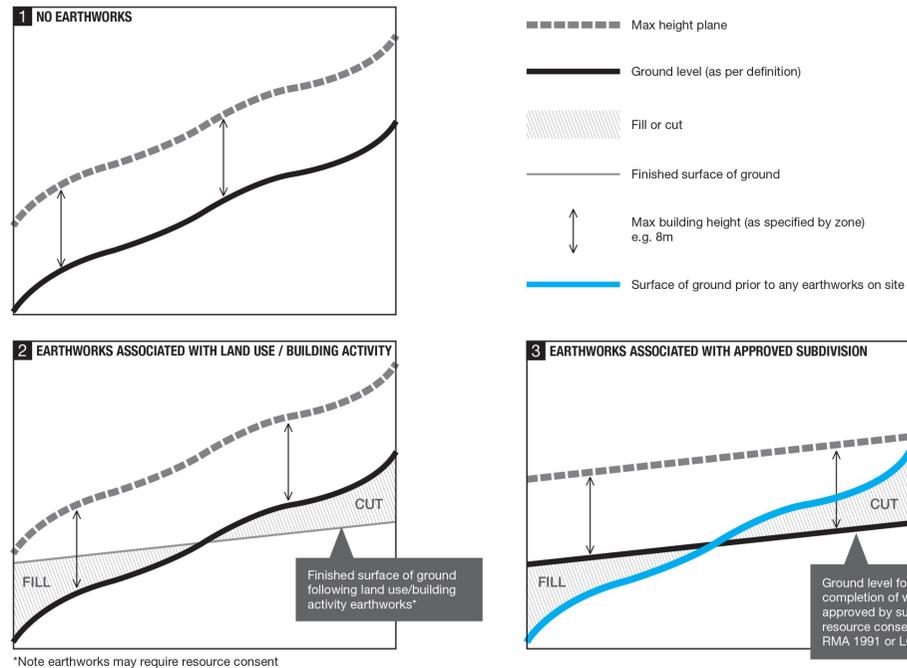
A B C D E F G **H** I J K L M N O P Q R S T U V W X Y Z

Height (Building)

Means the vertical distance between ground level (as defined), unless otherwise specified in a District Plan rule, at any point and the highest part of the building immediately above that point. For the purpose of calculating height in all zones, account shall be taken of parapets, but not of:

- a. aerials and/or antennas, mounting fixtures, mast caps, lightning rods or similar appendages for the purpose of telecommunications but not including dish antennae which are attached to a mast or building, provided that the maximum height normally permitted by the rules is not exceeded by more than 2.5m; and
- b. chimneys or finials (not exceeding 1.1m in any direction); provided that the maximum height normally permitted by the rules is not exceeded by more than 1.5m.

See interpretive diagrams below and definition of GROUND LEVEL.



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A B C D E F G **H** I J K L M N O P Q R S T U V W X Y Z

<p>Heritage Fabric (For the purpose of Chapter 26 only)</p>	<p>Means any physical aspect of a heritage feature which contributes to its heritage values as assessed with the criteria contained in section 26.5. Where a heritage assessment is available on the Council’s records this will provide a good indication of what constitutes the heritage fabric of that heritage feature. Where such an assessment is not available, heritage fabric may include, but is not limited to:</p> <ol style="list-style-type: none"> a. original and later material and detailing which forms part of, or is attached to, the interior or exterior of a heritage feature; b. the patina of age resulting from the weathering and wear of construction material over time; c. fixtures and fittings that form part of the design or significance of a heritage feature but excludes inbuilt museum and art work exhibitions and displays, and movable items not attached to a building, unless specifically listed. d. heritage features which may require analysis by archaeological means, which may also include features dating from after 1900.
<p>Heritage Feature or Features (For the purpose of Chapter 26 only)</p>	<p>Means the collective terms used to describe all heritage features listed in the Inventory of Heritage Features under Section 26.8.</p>
<p>Heritage Significance (For the purpose of Chapter 26 only)</p>	<p>Means the significance of a heritage feature (identified in this Chapter as Category 1, 2, or 3) as evaluated in accordance with the criteria listed in section 26.5. A reduction in heritage significance means where a proposed activity would have adverse effects which would reduce the category that has been attributed to that heritage feature.</p>

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A B C D E F G **H** I J K L M N O P Q R S T U V W X Y Z

Historic Heritage	<p>Means those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures, deriving from any of the following qualities:</p> <ul style="list-style-type: none"> a. archaeological; b. architectural; c. cultural; d. historic; e. scientific; f. technological; and <p>And includes:</p> <ul style="list-style-type: none"> a. historic sites, structures, places, and areas; and b. archaeological sites; and c. sites of significance to Maori, including wāhi tapu; and d. surroundings associated with natural and physical resources. e. heritage features (including where relevant their settings or extent of place), heritage areas, heritage precincts, and sites of significance to Maori.
Holding	Means an area of land in one ownership and may include a number of lots and/or titles.
Home Occupation	Means the use of a site for an occupation, business, trade or profession in addition to the use of that site for a residential activity and which is undertaken by person(s) living permanently on the site, but excludes homestay.
Homestay	Means a residential activity where an occupied residential unit is also used by paying guests ⁹ .
Hospital	Means any building in which two or more persons are maintained for the purposes of receiving medical treatment; and where there are two or more buildings in the occupation of the same person and situated on the same piece of land they shall be deemed to constitute a single building.
Hotel	Means any premises used or intended to be in the course of business principally for the provision to the public of: <ul style="list-style-type: none"> a. lodging; b. liquor, meals and refreshments for consumption on the premises.
Household	Means a single individual or group of people, and their dependents who normally occupy the same primary residence.
Household Income	Means all income earned from any source, by all household members.

⁹ Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

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Definitions

A B C D E F G **H I J K L** M N O P Q R S T U V W X Y Z

Hydro Generation Activity	Means activities associated with the generation of hydro electricity and includes the operation, maintenance, refurbishment, enhancement and upgrade of hydro generation facilities.
Indigenous Vegetation	Means vegetation that occurs naturally in New Zealand, or arrived in New Zealand without human assistance , including both vascular and non-vascular plants.
Indoor Design Sound Level	Means 40 dB L _{dn} in all critical listening environments.
Industrial Activity	Means the use of land and buildings for the primary purpose of manufacturing, fabricating, processing, packing, or associated storage of goods
Informal Airport	Means any defined area of land or water intended or designed to be used for the landing, departure movement or servicing of aircraft and specifically excludes the designated 'Aerodromes', shown as designations 2, 64, and 239 in the District Plan. This excludes the airspace above land or water located on any adjacent site over which an aircraft may transit when arriving and departing from an informal airport.
Internal Boundary	Means any boundary of the net area of a site other than a road boundary.
Internal Alterations (For the purpose of Chapter 26 only)	Means undertaking works affecting the internal heritage fabric of heritage features, but excludes repairs and maintenance. Internal alterations includes the partial removal and replacement of decoration, windows, ceilings, floors or roofs that only affect the interior of the building.
Kitchen Facility	Means any space, facilities and surfaces for the storage, rinsing preparation and/or cooking of food, the washing of utensils and the disposal of waste water, including a food preparation bench, sink, oven, stove, hot-plate or separate hob, refrigerator, dish-washer and other kitchen appliances.
L_{Aeq} (15min)	Means the A frequency weighted time average sound level over 15 minutes, in decibels (dB).
L_{AFmax}	Means the maximum A frequency weighted fast time weighted sound level, in decibels (dB), recorded in a given measuring period.
L_{dn}	Means the day/night level, which is the A frequency weighted time average sound level, in decibels (dB), over a 24-hour period obtained after the addition of 10 decibels to the sound levels measured during the night (2200 to 0700 hours).
Lake	Means a body of fresh water which is entirely or nearly surrounded by land ¹⁰ .
Landfill	Means a site used for the deposit of solid wastes onto or into land ¹¹ .
Landmark Building (For the purposes of Chapter 12 only)	Means the provision of tree and/or shrub plantings and may include any ancillary lawn, water, rocks, paved areas or amenity features, the whole of such provision being so arranged as to improve visual amenity, human use and enjoyment and/or to partially or wholly screen activities or buildings, and/or to provide protection from climate.

¹⁰ From section 2 of the Act

¹¹ Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

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Landscaping	Means the provision of tree and/or shrub plantings and may include any ancillary lawn, water, rocks, paved areas or amenity features, the whole of such provision being so arranged as to improve visual amenity, human use and enjoyment and/or to partially or wholly screen activities or buildings, and/or to provide protection from climate.
Landside	Means an area of an airport and buildings to which the public has unrestricted access.
Laundry Facilities	Means facilities for the rinsing, washing and drying of clothes and household linen, and the disposal of waste water, and includes either a washing machine, tub or clothes dryer.
Licensed Premises	Means any premises or part of any premises, in which liquor may be sold pursuant to a licence, and includes any conveyance, or part of any conveyance on which liquor may be sold pursuant to the licence.
Lift Tower	Means a structure used for housing lift machinery and includes both the lift shaft and machinery room.
Liquor	Shall have the same meaning as alcohol as defined in the Sale and Supply of Alcohol Act 2012.
Living Area	Means any room in a residential unit other than a room used principally as a bedroom, laundry or bathroom.
Loading Space	Means a portion of a site, whether covered or not, clear of any road or service lane upon which a vehicle can stand while being loaded or unloaded.
Lot (Subdivision)	Means a lot, two or more adjoining lots to be held together in the same ownership, or any balance area, shown on a subdivision consent plan, except that in the case of land being subdivided under the cross lease or company lease systems or the Unit Titles Act 2010, lot shall have the same meaning as site.
Low Income	Means household income below 80% of the area median Income.
Manoeuvre Area	Means that part of a site used by vehicles to move from the vehicle crossing to any parking, garage or loading space and includes all driveways and aisles, and may be part of an access strip.
MASL	Means “metres above sea level”.
Mast	Means any pole, tower or similar structured designed to carry antennas or dish antennas or otherwise to facilitate telecommunications.
Mineral	Means a naturally occurring inorganic substance beneath or at the surface of the earth, whether or not under water and includes all metallic minerals, non metallic minerals, fuel minerals, precious stones, industrial rocks and building stones and a prescribed substance within the meaning of the Atomic Energy Act 1945.
Mineral Exploration	Means any activity undertaken for the purpose of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of 1 or more minerals; and includes any drilling, dredging, or excavations (whether surface or subsurface) that are reasonably necessary to determine the nature and size of a mineral deposit or occurrence; and to explore has a corresponding meaning.
Mineral Prospecting	Means any activity undertaken for the purpose of identifying land likely to contain mineral deposits or occurrences; and includes the following activities: <ul style="list-style-type: none"> a. geological, geochemical, and geophysical surveys; b. the taking of samples by hand or hand held methods; c. aerial surveys.

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A B C D E F G H I J K L **M** N O P Q R S T U V W X Y Z

Mini and Micro Hydro Electricity Generation	Means conversion of the energy of falling water into electricity. Mini and micro generation may utilise impulse or reaction turbines and include intake or diversion structures, small weir, headrace, penstock, channel, pipes and generator.
Mining	Means to take, win or extract, by whatever means: <ul style="list-style-type: none"> a. a mineral existing in its natural state in land; or b. a chemical substance from a mineral existing in its natural state in land.
Mining Activity	Means the use of land and buildings for the primary purpose of the extraction, winning, quarrying, excavation, taking and associated processing of minerals and includes prospecting and exploration ¹² .
Minor Alterations and Additions to a Building (For the purposes of Chapter 10 only)	Means the following: <ul style="list-style-type: none"> a. constructing an uncovered deck; b. replacing windows or doors in an existing building that have the same profile, trims and external reveal depth as the existing; c. changing existing materials or cladding with other materials or cladding of the same texture, profile and colour.
Minor Repairs and Maintenance (For the purpose of Chapter 26 only)	Means repair of building materials and includes replacement of minor components such as individual bricks, cut stone, timber sections, roofing and glazing. The replacement items shall be of the original or closely matching material, colour, texture, form and design, except that there shall be no replacement of any products containing asbestos, but a closely matching product may be used instead. Repairs and maintenance works that do not fall within this definition will be assessed as alterations.
Minor Trimming (For the purpose of Chapter 32 only)	Means the removal of not more than 10% of the live foliage from the canopy of the tree or structural scaffold branches within a single calendar year.
Minor Trimming of a Hedgerow (For the purpose of Chapter 32 only)	Means the removal of not more than 50% of the live foliage within a single five year period.

¹² Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

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A B C D E F G H I J K L **M N** O P Q R S T U V W X Y Z

Minor Upgrading (For the purpose of Chapter 30 only)	<p>Means an increase in the carrying capacity, efficiency or security of electricity transmission and distribution or telecommunication lines utilising the existing support structures or structures of similar character, intensity and scale and includes the following:</p> <ol style="list-style-type: none"> a. addition of lines, circuits and conductors; b. reconducting of the line with higher capacity conductors; c. re-sagging of conductors; d. bonding of conductors; e. addition or replacement of longer or more efficient insulators; f. addition of electrical fittings or ancillary telecommunications equipment; g. addition of earth-wires which may contain lightning rods, and earth-peaks; h. support structure replacement within the same location as the support structure that is to be replaced; i. addition or replacement of existing cross-arms with cross-arms of an alternative design; j. replacement of existing support structure poles provided they are less or similar in height, diameter and are located within 2 metres of the base of the support pole being replaced; k. addition of a single service support structure for the purpose of providing a service connection to a site, except in the Rural zone; l. the addition of up to three new support structures extending the length of an existing line provided the line has not been lengthened in the preceding five year period.
Moderate Income	Means household income between 80% and 120% of the area median income.
Motorised Craft	Means any boat powered by an engine.
National Grid	<p>Means the network that transmits high-voltage electricity in New Zealand and that, at the notification of this Plan, was owned and operated by Transpower New Zealand Limited, including:</p> <ol style="list-style-type: none"> a. transmission lines; and b. electricity substations¹³.
National Grid Corridor	<p>Means the area measured either side of the centreline of above ground national grid line as follows:</p> <ol style="list-style-type: none"> a. 16m for the 110kV lines on pi poles b. 32m for 110kV lines on towers c. 37m for the 220kV transmission lines. <p>Excludes any transmission lines (or sections of line) that are designated.</p>

¹³ Adapted from the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009

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Definitions

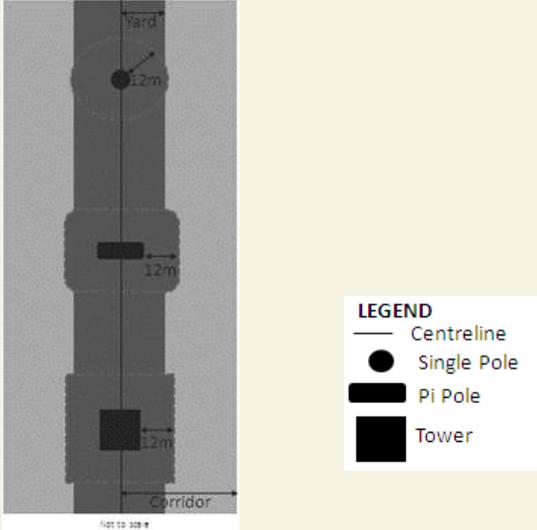
A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

National Grid Sensitive Activities	<p>Means those activities within the national grid corridor that are particularly sensitive to risks associated with electricity transmission lines because of either the potential for prolonged exposure to the risk, or the vulnerability of the equipment or population that is exposed to the risk. Such activities include buildings or parts of buildings used for, or able to be used for the following purposes:</p> <ul style="list-style-type: none">a. child day care activity;b. day care facility activity;c. educational activity;d. home stay;e. healthcare facility;f. papakainga;g. any residential activity;h. visitor accommodation.
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Definitions

A B C D E F G H I J K L M **N** O P Q R S T U V W X Y Z

<p>National Grid Yard</p>	<p>Means:</p> <ol style="list-style-type: none"> the area located 12 metres in any direction from the outer edge of a national grid support structure; and the area located 12 metres either side of the centreline of any overhead national grid line; <p>(as shown in dark grey in diagram below)</p>  <p>Excludes any transmission lines (or sections of line) that are designated.</p>
<p>Nature Conservation Values</p>	<p>Means the collective and interconnected intrinsic value of indigenous flora and fauna, natural ecosystems (including ecosystem services), and their habitats.</p>
<p>Navigation Infrastructure</p>	<p>Means any permanent or temporary device or structure constructed and operated for the purpose of facilitating navigation by aircraft.</p>
<p>Net Area (Site or Lot)</p>	<p>Means the total area of the site or lot less any area subject to a designation for any purpose, and/or any area contained in the access to any site or lot, and/or any strip of land less than 6m in width.</p>

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Definitions

A B C D E F G H I J K L M **N O** P Q R S T U V W X Y Z

Net Floor Area	<p>Means the sum of the floor areas, each measured to the inside of the exterior walls of the building, and shall include the net floor area of any accessory building, but it shall exclude any floor area used for:</p> <ol style="list-style-type: none"> lift wells, including the assembly area immediately outside the lift doors for a maximum depth of 2m; stairwells; tank rooms, boiler and heating rooms, machine rooms, bank vaults; those parts of any basement not used for residential, retail, office or industrial uses; toilets and bathrooms, provided that in the case of any visitor accommodation the maximum area permitted to be excluded for each visitor unit or room shall be 3m²; 50% of any pedestrian arcade, or ground floor foyer, which is available for public thoroughfare; parking areas required by the Plan for, or accessory to permitted uses in the building.
Noise Event	<p>Means an event, or any particular part of an event, whereby amplified sound, music, vocals or similar noise is emitted by the activity, but excludes people noise.</p> <p>Where amplified noise ceases during a particular event, the event is no longer considered a noise event.</p>
Noise Limit	Means a $L_{Aeq(15\text{ min})}$ or L_{AFmax} sound level in decibels that is not to be exceeded.
Non-Contributory Buildings (For the purpose of Chapter 26 only)	Means buildings within a heritage precinct that have no identified heritage significance or fabric and have not been listed for individual protection in the Inventory under Rule 26.8. They have been identified within a heritage precinct because any future development of a site containing a non-contributory building may impact on the heritage values of heritage features or contributory buildings within the heritage precinct. Non-Contributory Buildings are identified on the plans under Section 26.7 'Heritage Precincts'.
Non Critical Listening Environment	Means any space that is not regularly used for high quality listening or communication including bathroom, laundry, toilet, pantry, walk-in-wardrobe, corridor, hallway, lobby, cloth drying room, or other space of a specialised nature occupied neither frequently nor for extended periods.
No net loss	Means no overall reduction in biodiversity as measured by the type, amount and condition.
Notional Boundary	Means a line 20m from any side of residential unit or the legal boundary whichever is closer to the residential unit.
Office	<p>Means any of the following:</p> <ol style="list-style-type: none"> administrative offices where the administration of any entity, whether trading or not, and whether incorporated or not, is conducted; commercial offices being place where trade, other than that involving the immediately exchange for goods or the display or production of goods, is transacted; professional offices.
Open Space	Means any land or space which is not substantially occupied by buildings and which provides benefits to the general public as an area of visual, cultural, educational, or recreational amenity values.

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Definitions

A B C D E F G H I J K L M N **O P** Q R S T U V W X Y Z

Outdoor Living Space	Means an area of open space to be provided for the exclusive use of the occupants of the residential unit to which the space is allocated.
Outdoor Recreation Activity	Means a recreation activity undertaken entirely outdoors with buildings limited to use for public shelter, toilet facilities, information and ticketing.
Outdoor Storage	Means land used for the purpose of storing vehicles, equipment, machinery, natural and processed products and wastes, outside a fully enclosed building for periods in excess of 4 weeks in any one year.
Outer Control Boundary (OCB)	Means a boundary, as shown on district plan maps, the location of which is based on the predicted day/night sound levels of 55 dBA L _{dn} from airport operations in 2036 for Wanaka Airport and 2037 for Queenstown Airport.
Park and Ride Facility	Means an area to leave vehicles and transfer to public transport or car pool to complete the rest of a journey into an urban area. Park and Ride Facilities include car parking areas, public transport interchange and associated security measures, fencing, lighting, ticketing systems, shelter and ticketing structures, landscape planting and earthworks ¹⁴ .
Parking Area	Means that part of a site within which vehicle parking spaces are accommodated, and includes all parking spaces, manoeuvre areas and required landscape areas.
Parking Space	Means a space on a site available at any time for accommodating one stationary motor vehicle.
Partial Demolition (For the purpose of Chapter 26 only)	Means the demolition of the heritage fabric of a heritage feature exceeding 30% but less than 70% by volume or area whichever is the greater. Volume is measured from the outermost surface of the heritage feature (including any surfaces below ground) and the area is measured by the footprint of the heritage feature. Partial demolition shall be determined as the cumulative or incremental demolition of the heritage fabric as from the date that the decision [specify] on Chapter 26 of the District Plan is publicly notified.
Passenger Lift Systems	Means any mechanical system used to convey or transport passengers and other goods within or to a Ski Area Sub-Zone, including chairlifts, gondolas, T-bars and rope tows, and including all moving, fixed and ancillary components of such systems such as towers, pylons, cross arms, pulleys, cables, chairs, cabins, and structures to enable the embarking and disembarking of passengers. Excludes base and terminal buildings.
Photovoltaics (PV)	Means a device that converts the energy in light (photons) into electricity, through the photovoltaic effect. A PV cell is the basic building block of a PV system, and cells are connected together to create a single PV module (sometimes called a 'panel'). PV modules can be connected together to form a larger PV array.
Potable Water Supply	Means a water supply that meets the criteria of the Ministry of Health 'Drinking Water Standards for New Zealand 2005 (revised 2008)'.
Principal Building	Means a building, buildings or part of a building accommodating the activity for which the site is primarily used.
Private Way	Means any way or passage whatsoever over private land within a district, the right to use which is confined or intended to be confined to certain persons or classes of persons, and which is not thrown open or intended to be open to the use of the public generally; and includes any such way or passage as aforesaid which at the commencement of this Part exists within any district ¹⁵ .
Projected Annual Aircraft Noise Contour (AANC)	Means the projected annual aircraft noise contours calculated as specified by the Aerodrome Purposes Designation 2, Condition 13.

¹⁴ Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

¹⁵ From the Local Government Act 1974.

D

Definitions

A B C D E F G H I J K L M N O **P** Q **R** S T U V W X Y Z

Protected Feature (For the purpose of Chapter 26 only)	Means the collective terms used to explain all buildings, features, and structures listed in the Inventory of protected features (26.9).
Public Area	Means any part(s) of a building open to the public, but excluding any service or access areas of the building.
Public Place	Means every public thoroughfare, park, reserve, lake, river to place to which the public has access with or without the payment of a fee, and which is under the control of the council, or other agencies. Excludes any trail as defined in this Plan.
Public Space (For the purposes of Chapter 32 only)	Means the parts of the district that are owned and managed by the Queenstown Lakes District Council, are accessible to the public within the Residential Arrowtown Historic Management Zone including roads, parks and reserves.
Radio Communication Facility	Means any transmitting/receiving devices such as aerials, dishes, antennas, cables, lines, wires and associated equipment/apparatus, as well as support structures such as towers, masts and poles, and ancillary buildings.
Rear Site	Means a site which is situated generally to the rear of another site, both sites having access to the same road or private road, and includes sites which have no frontage to a road or private road of 6m or more.

D

Definitions

A B C D E F G H I J K L M N O P Q **R** S T U V W X Y Z

<p>Recession Lines/Recession Plane</p>	<p>Means the lines constructed from points or above a boundary surface or a road surface, the angle of inclination of which is measured from the horizontal, at right angles to a site boundary and in towards the site. See interpretive diagrams below.</p> <div style="display: flex; justify-content: space-around;"> <div data-bbox="725 464 1173 1015"> <p>1 RECESSION LINE APPLICATION</p> </div> <div data-bbox="1189 464 1637 1015"> <p>2 RECESSION LINE INDICATOR</p> <p>Place outside of circle to inside of site boundary</p> <p>NOTE: North is True North. Bearings on the circle increase in a clockwise direction. Where a boundary is on a line between two directions, the more restrictive recession plane shall apply.</p> </div> </div>
<p>Recreation</p>	<p>Means activities which give personal enjoyment, satisfaction and a sense of well being.</p>
<p>Recreational Activity</p>	<p>Means the use of land and/or buildings for the primary purpose of recreation and/or entertainment. Excludes any recreational activity within the meaning of residential activity.</p>
<p>Regionally Significant Infrastructure</p>	<p>Means:</p> <ul style="list-style-type: none"> a. renewable electricity generation activities undertaken by an electricity operator; and b. the national grid; and c. telecommunication and radio communication facilities; and d. state highways; and e. Queenstown and Wanaka airports and associated navigation infrastructure.

D

Definitions

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

<p>Registered Holiday Home</p>	<p>Means a stand-alone or duplex residential unit which has been registered with the Council as a Registered Holiday Home. For the purpose of this definition:</p> <ul style="list-style-type: none"> a. a stand-alone residential unit shall mean a residential unit contained wholly within a site and not connected to any other building; b. a duplex residential unit shall mean a residential unit which is attached to another residential unit by way of a common or party wall, provided the total number of residential units attached in the group of buildings does not exceed two residential units; c. where the residential unit contains a residential flat, the registration as a Registered Holiday Home shall apply to either the letting of the residential unit or the residential flat but not to both. <p>Advice Notes:</p> <ul style="list-style-type: none"> a. a formal application must be made to the Council for a property to become a Registered Holiday Home. b. there is no requirement to obtain registration for the non-commercial use of a residential unit by other people (for example making a home available to family and/or friends at no charge)¹⁶.
<p>Registered Homestay</p>	<p>Means a Homestay used by up to 5 paying guests which has been registered with the Council as a Registered Homestay.</p> <p>Advice Note:</p> <p>A formal application must be made to the Council for a property to become a Registered Homestay¹⁷.</p>
<p>Relocated/Relocatable Building</p>	<p>Means a building which is removed and re-erected on another site, but excludes any newly pre-fabricated building which is delivered dismantled to a site for erection on that site. This definition excludes removal and re-siting.</p>
<p>Relocation (For the purpose of Chapter 26 only)</p>	<p>Means the relocation of heritage features, both within, or beyond the site. The definition of Relocation (Buildings) in Chapter 2 (which means the removal of a building from any site to another site) shall not apply to chapter 26.</p>
<p>Relocation (Building)</p>	<p>Means the removal of any building from any site to another site.</p>
<p>Remotely Piloted Aircraft</p>	<p>Means an unmanned aircraft that is piloted from a remote station.</p>
<p>Removal (Building)</p>	<p>Means the shifting of a building off a site and excludes demolition of a building.</p>
<p>Renewable Electricity Generation (REG)</p>	<p>Means generation of electricity from solar, wind, hydro-electricity, geothermal and biomass energy sources.</p>

^{16, 17} Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

D

Definitions

A B C D E F G H I J K L M N O P Q **R** S T U V W X Y Z

Renewable Electricity Generation Activities	Means the construction, operation and maintenance of structures associated with renewable electricity generation. This includes small and community-scale distributed renewable generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity. Includes research and exploratory scale investigations into technologies, methods and sites, such as masts, drilling and water monitoring. This definition includes renewable electricity generation (REG), solar water heating, wind electricity generation, and mini and micro hydro electricity generation (as separately defined).
Renewable Energy	Means energy that comes from a resource that is naturally replenished, including solar, hydro, wind, and biomass energy.
Reserve	Means a reserve in terms of the Reserves Act 1977.
Residential Activity	Means the use of land and buildings by people for the purpose of permanent residential accommodation, including all associated accessory buildings, recreational activities and the keeping of domestic livestock. For the purposes of this definition, residential activity shall include Community Housing, emergency, refuge accommodation and the non-commercial use of holiday homes. Excludes visitor accommodation ¹⁸ .
Residential Flat	Means a residential activity that comprises a self-contained flat that is ancillary to a residential unit and meets all of the following criteria: <ul style="list-style-type: none"> a. the total floor area does not exceed; <ul style="list-style-type: none"> i. 150m² in the Rural Zone and the Rural Lifestyle Zone; ii. 70m² in any other zone; not including in either case 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. <p>Note: A proposal that fails to meet any of the above criteria will be considered as a residential unit.</p>
Residential Unit	Means a residential activity which consists of a single self contained household unit, whether of one or more persons, and includes accessory buildings. Where more than one kitchen and/or laundry facility is provided on the site, other than a kitchen and/or laundry facility in a residential flat, there shall be deemed to be more than one residential unit.
Re-siting (Building)	Means shifting a building within a site.
Resort	Means an integrated and planned development involving low average density of residential development (as a proportion of the developed area) principally providing temporary visitor accommodation and forming part of an overall development focused on onsite visitor activities.
Restaurant	Means any land and/or buildings, or part of a building, in which meals are supplied for sale to the general public for consumption on the premises, including such premises which a licence has been granted pursuant to the Sale and Supply of Alcohol Act 2012.

¹⁸ Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

D

Definitions

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Retail Sales / Retail / Retailing	Means the direct sale or hire to the public from any site, and/or the display or offering for sale or hire to the public on any site of goods, merchandise or equipment, but excludes recreational activities.
Retirement Village	Means the residential units (either detached or attached) and associated facilities for the purpose of accommodating retired persons. This use includes as accessory to the principal use any services or amenities provided on the site such as shops, restaurants, medical facilities, swimming pools and recreational facilities and the like which are to be used exclusively by the retired persons using such accommodation.
Reverse Sensitivity	Means the potential for the operation of an existing lawfully established activity to be constrained or curtailed by the more recent establishment or intensification of other activities which are sensitive to the established activity.
Right of Way	Means an area of land over which there is registered a legal document giving rights to pass over that land to the owners and occupiers of other land.
River	Means a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal) ¹⁹ .
Road	Means a road as defined in section 315 of the Local Government Act 1974.
Road Boundary	Means any boundary of a site abutting a legal road (other than an accessway or service land) or contiguous to a boundary of a road designation. Frontage or road frontage shall have the same meaning as road boundary.
Root Protection Zone (For the purposes of Chapter 32 only)	<p>Means for a tree with a spreading canopy, the area beneath the canopy spread of a tree, measured at ground level from the surface of the trunk, with a radius to the outer most extent of the spread of the tree's branches, and for a columnar tree, means the area beneath the canopy extending to a radius half the height of the tree. As demonstrated by the diagrams below.</p> <div style="text-align: center;"> </div>

¹⁹ From section 2 of the Act.

D

Definitions

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Rural Industrial Activity	Means the use of land and buildings for the purpose of manufacturing, fabricating, processing, packing and/or storage of goods and materials grown or sourced within the Rural Zone and the storage of goods, materials and machinery associated with commercial contracting undertaken within the Rural Zone.
Sense of Place (For the purpose of Chapter 12 only)	Means the unique collection of visual, cultural, social, and environmental qualities and characteristics that provide meaning to a location and make it distinctly different from another. Defining, maintaining, and enhancing the distinct characteristics and quirks that make a town centre unique fosters community pride and gives the town a competitive advantage over others as it provides a reason to visit and a positive and engaging experience. Elements of the Queenstown town centre that contribute to its sense of place are the core of low rise character buildings and narrow streets and laneways at its centre, the pedestrian links, the small block size of the street grid, and its location adjacent to the lake and surrounded by the ever-present mountainous landscape.
Service Activity	Means the use of land and buildings for the primary purpose of the transport, storage, maintenance or repair of goods.
Service Lane	Means any lane laid out or constructed either by the authority of the council or the Minister of Works and Development or, on or after 1 April 1988, the Minister of Lands for the purpose of providing the public with a side or rear access for vehicular traffic to any land ²⁰ .
Service Station	Means any site where the dominant activity is the retail sale of motor vehicle fuels, including petrol, LPG, CNG, and diesel, and may also include any one or more of the following: <ul style="list-style-type: none"> a. the sale of kerosene, alcohol based fuels, lubricating oils, tyres, batteries, vehicle spare parts and other accessories normally associated with motor vehicles; b. mechanical repair and servicing of motor vehicles, including motor cycles, caravans, boat motors, trailers, except in any Residential, Town Centre or Township Zone; c. inspection and/or certification of vehicles; d. the sale of other merchandise where this is an ancillary activity to the main use of the site. Excludes: <ul style="list-style-type: none"> i. panel beating, spray painting and heavy engineering such as engine reboring and crankshaft grinding, which are not included within mechanical repairs of motor vehicles and domestic garden equipment for the purposes of b. above.
Setback	Means the distance between a building and the boundary of its site. Where any building is required to be set back from any site boundary, no part of that building shall be closer to the site boundary than the minimum distance specified. Where any road widening is required by this Plan, the setback shall be calculated from the proposed final site boundary. The setback distance shall only apply to buildings at ground, or above ground level.

²⁰. From section 315 of the Local Government Act 1974

D

Definitions

A B C D E F G H I J K L M N O P Q R **S** T U V W X Y Z

Setting (For the purpose of Chapter 26 only)	Means the area around and/or adjacent to a heritage feature listed under the Inventory in Section 26.8 and defined under 26.8.1, which is integral to its function, meaning, and relationships, and which is contained in the same legal title as the heritage feature listed on the Inventory. (Refer also to the definition of 'Extent of Place').
Showroom	Means any defined area of land or a building given over solely to the display of goods. No retailing is permitted unless otherwise specifically provided for in the zone in which the land or building is located.
Sign and Signage	Means: <ul style="list-style-type: none"> a. any external name, figure, character, outline, display, delineation, announcement, design, logo, mural or other artwork, poster, handbill, banner, captive balloon, flag, flashing sign, flatboard, free-standing sign, illuminated sign, moving signs, roof sign, sandwich board, streamer, hoarding or any other thing of a similar nature which is: i) intended to attract attention; and ii) visible from a road or any public place; b. all material and components comprising the sign, its frame, background, structure, any support and any means by which the sign is attached to any other thing; c. any sign written vehicle/trailer or any advertising media attached to a vehicle/trailer. Notes: <ul style="list-style-type: none"> i. This does include corporate colour schemes. ii. See definitions of SIGN AREA and SIGN TYPES²¹.
Sign Area	The area of a sign means the surface area of a sign and the area of a sign includes all the area actually or normally enclosed, as the case may be, by the outside of a line drawn around the sign and enclosing the sign ²² .

^{21, 22} Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

D

Definitions

A B C D E F G H I J K L M N O P Q R **S** T U V W X Y Z

Sign Types	<p>Above Ground Floor Sign: means a sign attached to a building above the verandah or above 3 metres in height from the ground.</p> <p>Arcade Directory Sign: means an externally located sign which identifies commercial activities that are accessed internally within a building or arcade</p> <p>Banner: means any sign made of flexible material, suspended in the air and supported on more than one side by poles or cables.</p> <p>Flag: means any sign made of flexible material attached by one edge to a staff or halyard and includes a flagpole.</p> <p>Flashing Sign: means an intermittently illuminated sign.</p> <p>Flat Board Sign: means a portable flat board sign which is not self-supporting.</p> <p>Free Standing Sign: means any sign which has a structural support or frame that is directly connected to the ground and which is independent of any other building or structure for its support; and includes a sign on a fence²³.</p>
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²³ Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

D

Definitions

A B C D E F G H I J K L M N O P Q R **S** T U V W X Y Z

	<p>Hoarding: means any sign that is for purely commercial brand awareness purposes and which does not relate to land use activity conducted on the site.</p> <p>Moving Sign: means a sign other than a flag or a banner that is intended to move or change whether by reflection or otherwise.</p> <p>Off-Site Sign: means a sign which does not relate to goods or services available at the site where the sign is located and excludes a Hoarding.</p> <p>Roof Sign: means any sign painted on or attached to a roof and any sign projecting above the roof line of the building to which it is attached.</p> <p>Sandwich Board: means a self-supporting and portable sign.</p> <p>Signage Platform: means a physical area identified for the purpose of signage.</p> <p>Temporary Event Sign: means any sign established for the purpose of advertising or announcing a single forthcoming temporary event, function or occurrence including carnivals, fairs, galas, market days, meetings exhibitions, parades, rallies, filming, sporting and cultural events, concerts, shows, musical and theatrical festivals and entertainment; but does not include Electioneering Signs, Real Estate Signs, Construction Signs, a Land Development Sign, Off-Site Sign or Temporary Sale Sign.</p> <p>Temporary Sale Sign: means any sign established for the purpose of advertising or announcing the sale of products at special prices.</p> <p>Under Verandah Sign: means a sign attached to the underside of a verandah.</p> <p>Upstairs Entrance Sign: means a sign which identifies commercial activities that are located upstairs within a building.</p> <p>Wall Sign: means a sign attached to the wall of a building²⁴.</p>
<p>Significant Trimming (For the purposes of Chapter 32 only)</p>	<p>Means the removal of more than 10% of the live foliage from the canopy of the tree or structural scaffold branches.</p>

²⁴ Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

D

Definitions

A B C D E F G H I J K L M N O P Q R **S** T U V W X Y Z

Site	<p>Means:</p> <ul style="list-style-type: none"> a. an area of land which is: <ul style="list-style-type: none"> i. comprised in a single lot or other legally defined parcel of land and held in a single Certificate of Title; or ii. comprised in a single lot or legally defined parcel of land for which a separate certificate of title could be issued without further consent of the Council. <p>Being in any case the smaller land area of i or ii, or</p> <ul style="list-style-type: none"> b. an area of land which is comprised in two or more adjoining lots or other legally defined parcels of land, held together in one certificate of title in such a way that the lots/parcels cannot be dealt with separately without the prior consent of the Council; or c. an area of land which is comprised in two or more adjoining certificates of title where such titles are: <ul style="list-style-type: none"> i. subject to a condition imposed under section 37 of the Building Act 2004 or section 643 of the Local Government Act 1974; or ii. held together in such a way that they cannot be dealt with separately without the prior consent of the Council; or d. in the case of land not subject to the Land Transfer Act 1952, the whole parcel of land last acquired under one instrument of conveyance; <p>Except:</p> <ul style="list-style-type: none"> a. in the case of land subdivided under the cross lease of company lease systems, other than strata titles, site shall mean an area of land containing: <ul style="list-style-type: none"> i. a building or buildings for residential or business purposes with any accessory buildings(s), plus any land exclusively restricted to the users of that/those building(s), plus an equal share of common property; or ii. a remaining share or shares in the fee simple creating a vacant part(s) of the whole for future cross lease or company lease purposes; and b. in the case of land subdivided under Unit Titles Act 1972 and 2010 (other than strata titles), site shall mean an area of land containing a principal unit or proposed unit on a unit plan together with its accessory units and an equal share of common property; and c. in the case of strata titles, site shall mean the underlying certificate of title of the entire land containing the strata titles, immediately prior to subdivision. <p>In addition to the above.</p> <ul style="list-style-type: none"> a. A site includes the airspace above the land. b. If any site is crossed by a zone boundary under this Plan, the site is deemed to be divided into two or more sites by that zone boundary. c. Where a site is situated partly within the District and partly in an adjoining District, then the part situated in the District shall be deemed to be one site²⁵.
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²⁵ Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

D

Definitions

A B C D E F G H I J K L M N O P Q R **S** T U V W X Y Z

<p>Ski Area Activities</p>	<p>Means the use of natural and physical resources for the purpose of establishing, operating and maintaining the following activities and structures:</p> <ol style="list-style-type: none"> recreational activities either commercial or non-commercial; passenger lift systems; use of snowgroomers, snowmobiles and 4WD vehicles for support or operational activities; activities ancillary to commercial recreational activities including avalanche safety, ski patrol, formation of snow trails and terrain; installation and operation of snow making infrastructure including reservoirs, pumps and snow makers; and in the 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.
<p>Ski Area Sub-Zone Accommodation</p>	<p>Means the use of land or buildings for short-term living accommodation for visitor, guest, worker, and</p> <ol style="list-style-type: none"> includes such accommodation as hotels, motels, guest houses, bunkhouses, lodges and the commercial letting of a residential unit; and may include some centralised services or facilities such as food preparation, dining and sanitary facilities, conference, bar and recreational facilities if such facilities are ancillary to the accommodation facilities; and is limited to visitors, guests or workers, visiting and or working in the respective Ski Area Sub-Zone.
<p>Sloping Site</p>	<p>Means a site where the ground slope is greater than 6 degrees (i.e greater than 1 in 9.5). Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation. Where any elevation indicates a ground slope of greater than 6 degrees (i.e greater than 1 in 9.5), rules applicable to sloping sites will apply.</p>
<p>Small and Community-Scale Distributed Electricity Generation</p>	<p>Means renewable electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network.</p>
<p>Small Cells Unit</p>	<p>Means a device:</p> <ol style="list-style-type: none"> that receives or transmits radiocommunication or telecommunication signals; and the volume of which (including any ancillary equipment, but not including any cabling) is not more than 0.11m³.
<p>Solar Electricity Generation</p>	<p>Means the conversion of the sun's energy directly into electrical energy. The most common device used to generate electricity from the sun is photovoltaics (PV). This may include free standing arrays, solar arrays attached to buildings or building integrated panels.</p>
<p>Solar Water Heating</p>	<p>Means devices that heat water by capturing the sun's energy as heat and transferring it directly to the water or indirectly using an intermediate heat transfer fluid. Solar water heaters may include a solar thermal collector, a water storage tank or cylinder, pipes, and a transfer system to move the heat from the collector to the tank.</p>

D

Definitions

A B C D E F G H I J K L M N O P Q R **S T** U V W X Y Z

Stand-Alone Power Systems (SAPS)	Means off-grid generation for activities including residential, visitor and farming activities, on remote sites that do not have connection to the local distribution network. SAP's will usually include battery storage, a backup generator, an inverter and controllers etc, as well as generation technologies such as solar, mini or micro hydro, wind electricity generation or a combination thereof.
Structure	Means any building, equipment device or other facility made by people and which is fixed to land and includes any raft.
Structure Plan	Means a plan included in the district plan, and includes spatial development plans, concept development plans and other similarly titled documents.
Subdivision	Means: <ul style="list-style-type: none"> a. the division of an allotment: <ul style="list-style-type: none"> i. by an application to the Registrar-General of Land for the issue of a separate certificate of title for any part of the allotment; or ii. by the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or iii. by a lease of part of the allotment which, including renewals, is or could be for a term of more than 35 years; or iv. by the grant of a company lease or cross lease in respect of any part of the allotment; or v. by the deposit of a unit plan, or an application to the Registrar-General of Land for the issue of a separate certificate of title for any part of a unit on a unit plan; or b. an application to the Registrar-General of Land for the issue of a separate certificate of title in circumstances where the issue of that certificate of title is prohibited by section 226²⁶.
Subdivision and Development	Includes subdivision, identification of building platforms, any buildings and associated activities such as roading, earthworks, lighting, landscaping, planting and boundary fencing and access/gateway structures.
Tavern	Means any premises used or intended to be used in the course of business principally for the provision to the public of liquor and other refreshments but does not include an airport bar.
Technical Arborist (For the purposes of Chapter 32 only)	Means a person who: <ul style="list-style-type: none"> a. by possession of a recognised arboricultural degree or diploma and on-the-job experience is familiar with the tasks, equipment and hazards involved in arboricultural operations; and b. has demonstrated proficiency in tree inspection and evaluating and treating hazardous trees; and c. has demonstrated competency to Level 6 NZQA Diploma in Arboriculture standard or Level 4 NZQA Certificate in Horticulture (Arboriculture) standard (or be of an equivalent arboricultural standard).

²⁶ From section 218 of the Act

D

Definitions

A B C D E F G H I J K L M N O P Q R S **T** U V W X Y Z

Temporary Activities	<p>Means the use of land, buildings, vehicles and structures for the following listed activities of short duration, limited frequency and outside the regular day-to-day use of a site:</p> <ul style="list-style-type: none">a. temporary events;b. temporary filming;c. temporary activities related to building and construction;d. temporary military training;e. temporary storage;f. temporary utilities;g. temporary use of a site as an informal airport as part of a temporary event.
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Definitions

A B C D E F G H I J K L M N O P Q R S **T** U V W X Y Z

Temporary Events	<p>Means the use of land, buildings, tents and marquees, vehicles and structures for the following activities:</p> <ul style="list-style-type: none"> a. carnivals; b. fairs; c. festivals; d. fundraisers; e. galas; f. market days; g. meetings; h. exhibitions; i. parades; j. rallies; k. cultural and sporting events; l. concerts; m. shows; n. weddings; o. funerals; p. musical and theatrical entertainment, and q. uses similar in character. <p>Note: The following activities associated with Temporary Events are not regulated by the PDP:</p> <ul style="list-style-type: none"> a. Food and Beverage; b. Sale of Alcohol.
Temporary Filming Activity	Means the temporary use of land and buildings for the purpose of commercial video and film production and includes the setting up and dismantling of film sets, and associated facilities for staff.
Temporary Military Training Activity (TMTA)	Means means a temporary military activity undertaken for defence purposes. Defence purposes are those in accordance with the Defence Act 1990.
Total Demolition (For the purposes of Chapter 26 only)	Means the demolition of the heritage fabric of a heritage feature equal to or exceeding 70% by volume or area whichever is greater. Volume is measured from the outermost surface of the heritage feature (including any surfaces below ground) and the area is measured by the footprint of the heritage feature.

D

Definitions

A B C D E F G H I J K L M N O P Q R S **T U** V W X Y Z

Trade Supplier	Means a business that is a mixture of wholesaling and retailing goods in one or more of the following categories: <ul style="list-style-type: none"> a. automotive and marine suppliers; b. building suppliers; c. catering equipment suppliers; d. farming and agricultural suppliers; e. garden and patio suppliers f. hire services (except hire or loan of books, video, DVD and other similar home entertainment items); g. industrial clothing and safety equipment suppliers; and h. office furniture, equipment and systems suppliers.
Trade Wastes	Means any water that is used in a commercial or industrial process, and is then discharged to the Council's waste water system.
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: <ul style="list-style-type: none"> a. roads, including road reserves; b. public access easements created by the process of tenure review under the Crown Pastoral Land Act; and c. public access routes over any reserve administered by Queenstown Lakes District Council, the Crown or any of its entities.
Under Verandah Sign	Means a sign attached to the under side of a verandah ²⁷ .
Unit	Means any residential unit, or visitor accommodation unit of any type.
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.
Urban Growth Boundary	Means a boundary shown on the planning maps which provides for and contains existing and future urban development within an urban area.

²⁷ Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

D

Definitions

A B C D E F G H I J K L M N O P Q R S T **U** V W X Y Z

<p>Utility</p>	<p>Means the systems, services, structures and networks necessary for operating and supplying essential utilities and services to the community including:</p> <ul style="list-style-type: none"> a. substations, transformers, lines and necessary and incidental structures and equipment for the transmissions and distribution of electricity; b. pipes and necessary incidental structures and equipment for transmitting and distributing gas; c. storage facilities, pipes and necessary incidental structures and equipment for the supply and drainage of water or sewage; d. water and irrigation races, drains, channels, pipes and necessary incidental structures and equipment (excluding water tanks); e. structures, facilities, plant and equipment for the treatment of water; f. structures, facilities, plant, equipment and associated works for receiving and transmitting telecommunications and radio communications; g. structures, facilities, plant, equipment and associated works for monitoring and observation of meteorological activities and natural hazards; h. structures, facilities, plant, equipment and associated works for the protection of the community from natural hazards; i. structures, facilities, plant and equipment necessary for navigation by water or air; j. waste management facilities; k. flood protection works; and l. anything described as a network utility operation in s166 of the Resource Management act 1991. <p>Utility does not include structures or facilities used for electricity generation, the manufacture and storage of gas, or the treatment of sewage.</p>
<p>Vehicle Crossing</p>	<p>Means the formed and constructed vehicle entry/exit from the carriageway of any road up to and including that portion of the road boundary of any site across which vehicle entry or exit is obtained to and from the site, and includes any culvert, bridge or kerbing.</p>
<p>Verandah</p>	<p>Means a roof of any kind which extends out from a face of a building and continues along the whole of that face of the building.</p>

D

Definitions

A B C D E F G H I J K L M N O P Q R S T U **V** W X Y Z

<p>Visitor Accommodation</p>	<p>Means the use of land or buildings for short-term, fee paying, living accommodation where the length of stay for any visitor/guest is less than 3 months; and</p> <ol style="list-style-type: none"> i. Includes such accommodation as camping grounds, motor parks, hotels, motels, boarding houses, guest houses, backpackers' accommodation, bunkhouses, tourist houses, lodges, homestays, and the commercial letting of a residential unit; and ii. May include some centralised services or facilities, such as food preparation, dining and sanitary facilities, conference, bar and recreational facilities if such facilities are associated with the visitor accommodation activity. <p>For the purpose of this definition:</p> <ol style="list-style-type: none"> a. The commercial letting of a residential unit in (i) excludes: <ul style="list-style-type: none"> • A single annual let for one or two nights. • Homestay accommodation for up to 5 guests in a Registered Homestay. • Accommodation for one household of visitors (meaning a group which functions as one household) for a minimum stay of 3 consecutive nights up to a maximum (ie: single let or cumulative multiple lets) of 90 nights per calendar year as a Registered Holiday Home. <p>(Refer to respective definitions).</p> b. "Commercial letting" means fee paying letting and includes the advertising for that purpose of any land or buildings. c. Where the provisions above are otherwise altered by Zone Rules, the Zone Rules shall apply²⁸.
<p>Wall Sign</p>	<p>Means a sign attached to a wall within the ground floor area²⁹.</p>
<p>Waste</p>	<p>Means any contaminant, whether liquid solid, gaseous, or radioactive, which is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an adverse effect on the environment, and which includes all unwanted and economically unusable by-products at any given place and time, and any other matters which may be discharged accidentally or otherwise, to the environment. Excludes cleanfill.</p>
<p>Waste Management Facility</p>	<p>Means a site used for the deposit of solid wastes onto or into land, but excludes:</p> <ol style="list-style-type: none"> a. sites situated on production land in which the disposal of waste generated from that land takes place, not including any dead animal material or wastes generated from any industrial trade or process on that productive land; b. sites used for the disposal of vegetative material. The material may include soil that is attached to plant roots and shall be free of hazardous substances and wastes; and c. sites for the disposal of clean fill.

^{28, 29} Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

D

Definitions

A B C D E F G H I J K L M N O P Q R S T U V **W** X Y Z

Waterbody	Means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area ³⁰ .
Wetland	Includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions ³¹ .
Wholesaling (Airport Zones)	Means a business engaged in the storage and distribution of goods to businesses (including retail activities) and institutional customers.
Wind Electricity Generation	Means the conversion of the energy from wind into electricity, through the use of the rotational motion. A wind turbine may be attached to a building or freestanding. Wind turbine components may include blades, nacelle, tower and foundation. This definition shall include masts for wind monitoring.
Works Within the Root Protection Zone (For the Purpose of Chapter 32 only)	Means works including paving, excavation, trenching, ground level changes, storage of materials or chemicals, vehicle traffic, vehicle parking, soil compaction, construction activity, whether on the same site or not as the tree.
2037 Noise Contours	Means the predicted airport noise contours for Queenstown airport for the year 2037 in 1dB increments from 70dB L _{dn} to 55dB L _{dn} inclusive. Note: These contours shall be available from the council and included in the airport noise management plan.
2037 60 dB Noise Contours	Means the predicted 60 dB L _{dn} noise contour for Queenstown airport for 2037 based on the 2037 noise contours.

^{30, 31} From Section 2 of the Act

2.2

Acronyms Used in this Plan

Listed below are acronyms used within the plan. They do not include the acronyms of names of activity areas identified within structure plans adopted under the PDP.

AANC	Projected annual aircraft noise contour
AMI	Area median income
ANB	Air noise boundary
ASAN	Activity sensitive to aircraft noise
C	Controlled
CPI	Consumer price index
CPTED	Crime prevention through environmental design
dB	Decibels
D	Discretionary
GFA	Gross floor area
GHOA	Glenorchy Heritage Overlay Area
HD	Hanley Downs
LAR	Limited access roads
LENZ	Land Environments New Zealand
MHOA	Macetown Heritage Overlay Area
NC	Non-complying
NES	National Environmental Standard
NESETA	Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009
NOR	Notice of requirement
NZTA	New Zealand Transport Agency
OCB	Outer control boundary
ONF	Outstanding natural feature
ONL	Outstanding natural landscape
P	Permitted
PR	Prohibited
PV	Photovoltaics
RCL	Rural character landscape

RD	Restricted discretionary
REG	Renewable electricity generation
RMA	Resource Management Act 1991
SAPS	Stand-alone power systems
SEL	Sound exposure level
SHOA	Skippers Heritage Overlay Area
SMLHOA	Sefferton and Moke Lake Heritage Overlay Area
SNA	Significant natural areas
UGB	Urban growth boundary

Appendix 2: Chapter 28 Natural Hazards as Recommended

28 NATURAL HAZARDS



28.1

Purpose

The purpose of this chapter is to provide a policy framework to address natural hazards throughout the District. The District is recognised as being subject to multiple hazards and as such, a key issue is ensuring that when development is proposed on land potentially subject to natural hazards, the risk is managed or mitigated to tolerable levels. In instances where the risk is intolerable¹, natural hazards will be required to be avoided. Council has a responsibility to address the developed parts of the District that are subject to natural hazard risk through a combination of mitigation measures and education, to lessen the impacts of natural hazards.

There are no rules in this chapter. It is intended to provide policy guidance on natural hazards that is factored into the consideration of land use and subdivision applications made under the rules in other chapters.

28.2

Natural Hazard Identification

Natural Hazards that exist in the District include:

- Flooding and inundation
- Erosion and deposition (including landslip and rockfall)
- Land instability
- Earthquakes and liquefaction
- Avalanche
- Alluvion², avulsion³
- Subsidence
- Tsunami / seiche⁴
- Fire

The District is located in an inland mountainous environment and as such can also be exposed to climatic extremes in terms of temperature, rain and heavy snowfall. This is likely to increase as a result of climate change.

Council holds information in a natural hazards database which has been accumulated over a long period of time by both the Council and the Otago Regional Council. The database is continually being updated and refined as new information is gathered. Given the ongoing updates occurring, with the exception of flooding information, which has historically been mapped, Council has decided not to map natural hazards as part of the District Plan. This decision has been made due to the fact the maps may quickly become out of date as new information becomes available. Council will rely upon the hazards database in the consideration of resource consents and building consents.

¹ The concept of risk 'tolerability' is derived from the Otago Regional Council's Regional Policy Statement, which provides additional guidance as to the management of natural hazards.

² Increase in the size of a piece of land due to deposits by a river.

³ Abandonment of a river channel and the formation of a new channel.

⁴ Oscillation of water due to earthquake shaking

The database is readily available to the public through the Council website and at Council Offices.

Additional to the Resource Management Act, Council has obligations to address hazards under other legislation such as the Building Act 2004, the Civil Defence and Emergency Management Act 2002 and the Local Government Act 2002. In particular the provisions of the Building Act provide Council with the ability to refuse to issue a building consent in certain circumstances where a property is subject to natural hazards. As such, Council uses the provisions in the District Plan as just one tool to address natural hazard risk.

28.3

Objectives and Policies

28.3.1 Objective - The risk to people and the built environment posed by natural hazards is managed to a level tolerable to the community.

- Policies
- 28.3.1.1** Ensure assets or infrastructure are constructed and located so as to avoid or mitigate:
 - a. the potential for natural hazard risk to human life to be exacerbated; and
 - b. the potential risk of damage to property and infrastructural networks from natural hazards to the extent practicable, including consideration of the locational, technical and operational requirements of regionally significant infrastructure.
 - 28.3.1.2** Restrict the establishment of activities which significantly increase natural hazard risk, including where they will have an intolerable impact upon the community and built environment.
 - 28.3.1.3** Recognise that some areas that are already developed are now known to be subject to natural hazard risk and minimise such risk as far as practicable while acknowledging that the community may be prepared to tolerate a level of risk.
 - 28.3.1.4** Enable Otago Regional Council and the Council exercising their statutory powers to undertake permanent physical works for the purposes of natural hazard mitigation while recognising the need to mitigate potential adverse effects that may result from those works.

28.3.2 Objective - Development on land subject to natural hazards only occurs where the risks to the community and the built environment are appropriately managed.

- Policies
- 28.3.2.1** Avoid significantly increasing natural hazard risk.

- 28.3.2.2** Not preclude subdivision and development of land subject to natural hazards where the proposed activity does not:
- a. accelerate or worsen the natural hazard risk to an intolerable level;
 - b. expose vulnerable activities to intolerable natural hazard risk;
 - c. create an intolerable risk to human life;
 - d. increase the natural hazard risk to other properties to an intolerable level;
 - e. require additional works and costs including remedial works, that would be borne by the public.

- 28.3.2.3** Ensure all proposals to subdivide or develop land that is subject to natural hazard risk provide an assessment that meets the following information requirements, ensuring that the level of detail of the assessment is commensurate with the level of natural hazard risk:
- a. the likelihood of the natural hazard event occurring over no less than a 100 year period;
 - b. the type and scale of the natural hazard and the effects of a natural hazard on the subject land;
 - c. the effects of climate change on the frequency and scale of the natural hazard;
 - d. the vulnerability of the activity in relation to the natural hazard;
 - e. the potential for the activity to exacerbate the natural hazard risk both within and beyond the subject land;
 - f. the potential for any structures on the subject land to be relocated;
 - g. the location, design and construction of buildings and structures to mitigate the effects of natural hazards, such as the raising of floor levels;
 - h. management techniques that avoid or manage natural hazard risk to a tolerable level, including with respect to ingress and egress of both residents and emergency services during a natural hazard event.

Advice Note:

Council's natural hazards database identifies land that is affected by, or potentially affected by, natural hazards. The database contains natural hazard information that has been developed at different scales and this should be taken into account when assessing potential natural hazard risk. It is highly likely that for those hazards that have been identified at a 'district wide' level, further detailed analysis will be required.

- 28.3.2.4** Where practicable, promote the use of natural features, buffers and appropriate risk management approaches in preference to hard engineering solutions in mitigating natural hazard risk.

28.3.3 Objective - The community’s awareness and understanding of the natural hazard risk in the District is continually enhanced.

- Policies
- 28.3.3.1** Continually develop and refine a natural hazards database in conjunction with the Otago Regional Council.
 - 28.3.3.2** When considering resource consent applications or plan changes, the Council will have regard to the natural hazards database.
 - 28.3.3.3** Ensure the community has access to the most up-to-date natural hazard information available.
 - 28.3.3.4** Increase the community awareness of the potential risk of natural hazards, and the necessary emergency responses to natural hazard events.
 - 28.3.3.5** Monitor natural hazard trends and changes in risk and consider action should natural hazard risk become intolerable.

28.4

Other Relevant Provisions

28.4.1 District Wide Rules

Attention is drawn to the following District Wide chapters.

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes and Rural Character
25 <i>Earthworks</i>	26 Historic Heritage	27 Subdivision
29 <i>Transport</i>	30 Energy and Utilities	31 <i>Signs</i>
32 Protected Trees	33 Indigenous Vegetation	34 Wilding Exotic Trees
35 Temporary Activities and Relocated Buildings	36 Noise	37 Designations
Planning Maps		

Appendix 3: Recommendations of this Panel on Submissions and Further Submissions

Part A: Submissions

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
9.9	Terry Drayron	Reject	2
19.1	Kain Fround	Accept in part	General
19.27	Kain Fround	Accept in part	Plan maps
19.27	Kain Fround	Accept in part	Mapping reports
38.1	Stewart Mahon	Accept in Part	General
42.3	J, E & ML Russell & Stiassny	Reject	9.2
68.1	Nigel Sadlier	Accept in part	6.41
110.1	Alan Cutler	Reject	6.82
124.1	Bruce & Alison Hebbard	Accept in Part	General
126.8	Hunter Leece / Anne Kobienia	Reject	6.96
145.23	Upper Clutha Environmental Society (Inc)	Reject	2
145.24	Upper Clutha Environmental Society (Inc)	Reject	2
145.26	Upper Clutha Environmental Society (Inc)	Reject	3.1
145.26	Upper Clutha Environmental Society (Inc)	Reject	2
145.28	Upper Clutha Environmental Society (Inc)	Reject	2
145.31	Upper Clutha Environmental Society (Inc)	Reject	3.9
145.34	Upper Clutha Environmental Society (Inc)	Reject	2
145.6	Upper Clutha Environmental Society (Inc)	Reject	3.9
153.1	Christopher Horan	Accept in Part	Reports 2, 3 and 9A
159.3	Karen Boulay	Reject	2
159.4	Karen Boulay	Reject	2
177.11	Duncan Fea	Reject	2
179.1	Vodafone NZ	Accept in Part	Reports 3 and 8
179.2	Vodafone NZ	Accept	All reports
183.1	James & Jeanette Cullen	Reject	2
191.1	Spark Trading NZ Limited	Accept in Part	Reports 3 and 8
192.1	Mactodd	Accept in part	6.123 and 6.124
208.1	Pounamu Body Corporate Committee	Reject	2
222.1	Louise & Alfred Bell	Reject	2
225.1	Quentin Smith	Accept in part	Reports 9A and 11
238.11	NZIA Southern and Architecture + Women Southern	No relief sought	N/A

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
238.11	NZIA Southern and Architecture + Women Southern	Accept in part	Report 3
243.1	Christine Byrch	Reject	2, 3.4
243.35	Christine Byrch	Accept in part	6.26
243.36	Christine Byrch	Reject	6.29
243.38	Christine Byrch	Accept in part	6.47
243.42	Christine Byrch	Accept in part	6.95
249.1	Willowridge Developments Limited	Reject	3.2
252.1	HW Richardson Group	Accept	5
252.3	HW Richardson Group	Accept	5
252.5	HW Richardson Group	Accept	5
252.6	HW Richardson Group	Accept in part	6.128
252.7	HW Richardson Group	Accept	6.127
252.8	HW Richardson Group	Reject	6.2
252.9	HW Richardson Group	Accept	5
256.1	Te Wanaka Lodge / Wanaka Selection	Reject	2
271.1	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	Reports 3 and 9A
289.21	A Brown	Reject	2
295.1	John Coe	Reject	2
296.3	Royal New Zealand Aero Club Inc/Flying NZ	Reject	2
324.1	Nevis Jones	Reject	2
338.1	Middleton Family Trust	Reject	3.1
	Middleton Family Trust	Reject	2
350.1	Dalefield Trustee Ltd	Accept in part	6.95
356.1	X-Ray Trust Limited	N/A	Section 6.70, 6.103, Chapter 43 (Millbrook) Report
361.4	Grant Hylton Hensman, Sharyn Hensman & Bruce Herbert Robertson, Scope Resources Ltd, Granty Hylton Hensman & Noel Thomas van Wichen, Trojan Holdings Ltd	Reject	3.1, 3.2
366.3	Robins Road Limited	Reject	2
383.1	Queenstown Lakes District Council	Accept in part	10.2
383.107	Queenstown Lakes District Council	N/A	2
383.107	Queenstown Lakes District Council	N/A	2
383.108	Queenstown Lakes District Council	N/A	2
383.108	Queenstown Lakes District Council	N/A	2
383.109	Queenstown Lakes District Council	N/A	2
383.110	Queenstown Lakes District Council	N/A	2
383.110	Queenstown Lakes District Council	N/A	2
383.5	Queenstown Lakes District Council	Reject	6.29
383.8	Queenstown Lakes District Council	Accept	4

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
400.5	James Cooper	Reject	2
410.3	Alps Investment Limited	Reject	2
414.1	Clark Fortune McDonald & Associates Ltd	Reject	3.1, 3.2
420.4	Lynn Campbell	Reject	2
420.5	Lynn Campbell	Reject	2
420.6	Lynn Campbell	Reject	2
421.1	Two Degrees Mobile Limited	Accept in part	Reports 3 and 8
426.36	Heritage New Zealand	Accept in part	Reports 2, 3, 4A, 8, 9A and 11
433.100	Queenstown Airport Corporation	Accept in part	10.3
433.101	Queenstown Airport Corporation	Reject	10.4
433.102	Queenstown Airport Corporation	Accept in part	10.9
433.103	Queenstown Airport Corporation	Reject	10.13
433.16	Queenstown Airport Corporation	Accept	5
433.31	Queenstown Airport Corporation	Reject	6.95
438.1	New Zealand Fire Service	Accept in part	Reports 3, 7 and 9A
465.1	Leigh Overton	Accept in part	9.2, 10.11
509.1	Lewis Grant	Reject	2
514.7	Duncan Fea	Reject	2
524.46	Ministry of Education	Accept in part	10.3
524.47	Ministry of Education	Accept in part	10.8
524.48	Ministry of Education	Accept	10.14
564.1	Glenorchy Community Association Committee	Reject	9.2
566.2	Airways Corporation of New Zealand	Accept in part	6.71, 6.85
568.9	Grant Laurie Bissett	Accept in part	6.95
580.1	Contact Energy Limited	Accept in Part	All reports
584.2	Air new Zealand Limited (ANZL)	Accept in part	Reports 4A and 11
592.1	Wanaka Kiwi Holiday Park & Motels Ltd	Reject	3.2
600.1	Federated Farmers of New Zealand	Accept in part	All reports
600.106	Federated Farmers of New Zealand	Accept in part	10.3
600.107	Federated Farmers of New Zealand	Accept in part	10.8
600.2	Federated Farmers of New Zealand	Accept in part	Relevant reports
600.9	Federated Farmers of New Zealand	Reject	Section 6.40
607.1	Te Anau Developments Limited	Reject	2
607.2	Te Anau Developments Limited	Accept in part	All reports
607.24	Te Anau Developments Limited	Accept in part	Report 4B
607.25	Te Anau Developments Limited	Reject	2
607.3	Te Anau Developments Limited	Accept in part	All reports
607.4	Te Anau Developments Limited	Accept in part	3.5
607.9	Te Anau Developments Limited	Reject	2
615.1	Cardrona Alpine Resort Limited	Reject	2
615.2	Cardrona Alpine Resort Limited	Accept in part	All reports
615.3	Cardrona Alpine Resort Limited	Accept in part	All reports

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
615.4	Cardrona Alpine Resort Limited	Accept in part	3.5
615.9	Cardrona Alpine Resort Limited	Reject	2
621.107	Real Journeys Limited	Accept in part	10.5
621.108	Real Journeys Limited	Accept in part	10.8
621.109	Real Journeys Limited	Accept in part	Section 10.10
621.110	Real Journeys Limited	Accept in part	10.11
621.2	Real Journeys Limited	Accept in part	All reports
621.3	Real Journeys Limited	Accept in part	All reports
621.4	Real Journeys Limited	Accept in part	3.5
621.80	Real Journeys Limited	Reject	2
621.81	Real Journeys Limited	Reject	2
621.82	Real Journeys Limited	Reject	3.7
621.89	Real Journeys Limited	Reject	2
621.89	Real Journeys Limited	Reject	2
621.9	Real Journeys Limited	Reject	2
623.1	John W Mclvor	Reject	2
624.1	D & M Columb	Reject	2
	D & M Columb	Accept in part	All reports
624.3	D & M Columb	Accept in part	3.5
624.5	D & M Columb	Reject	Section 6.120
624.9	D & M Columb	Reject	2
625.5	Upper Clutha Track Trust	Accept in part	Report 7
626.4	Barnhill Corporate Trustee Limited & DE, ME Bunn & LA Green	Accept in part	Reports 3 and 4A
626.5	Barnhill Corporate Trustee Limited & DE, ME Bunn & LA Green	Accept in part	Report 7
627.1	HW Holdings Ltd	Reject	2
627.3	HW Holdings Ltd	Reject	2
629.4	Morven Ferry Limited	Accept in part	Reports 3 and 4A
629.5	Morven Ferry Limited	Accept in part	Report 7
632.1	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Reject	2
632.67	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Reject	9.2
635.43	Aurora Energy Limited	Accept in part	10.4
635.44	Aurora Energy Limited	Accept in part	10.6
635.45	Aurora Energy Limited	Accept in part	10.8
635.46	Aurora Energy Limited	Accept in part	10.9
635.86	Aurora Energy Limited	See Report 8	Report 8
635.86	Aurora Energy Limited	Accept in part	Report 8
636.13	Crown Range Holdings Ltd	Reject	9.2
640.5	John Wellington	Reject	2
641.3	Aws Trustees No 31 Limited	Reject	2
643.1	Crown Range Enterprises	Reject	2
643.17	Crown Range Enterprises	Reject	9.2
643.18	Crown Range Enterprises	Reject	9.2
643.19	Crown Range Enterprises	Reject	9.2

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
643.20	Crown Range Enterprises	Reject	9.2
655.3	Bridesdale Farm Developments Limited	Reject	2
660.1	Andrew Fairfax	Reject	2
662.1	I and P Macauley	Reject	2
663.1	IHG Queenstown Ltd and Carter Queenstown Ltd	Reject	2
663.21	IHG Queenstown Ltd and Carter Queenstown Ltd	Reject	9.2
667.1	Cedric Hockey	Reject	2
669.1	Cook Adam Trustees Limited, C & M Burgess	Reject	2
669.2	Cook Adam Trustees Limited, C & M Burgess	Accept in part	All reports
669.21	Cook Adam Trustees Limited, C & M Burgess	Accept in part	10.5
669.22	Cook Adam Trustees Limited, C & M Burgess	Accept in part	10.8
669.23	Cook Adam Trustees Limited, C & M Burgess	Accept in part	Section 10.10
669.24	Cook Adam Trustees Limited, C & M Burgess	Accept in part	10.11
670.1	Lynette Joy Hamilton	Reject	3.1
672.35	Watertight Investments Ltd	Reject	9.2
677.10	Amrta Land Ltd	Reject	2
677.10	Amrta Land Ltd	Reject	2
677.1	Amrta Land Ltd	Reject	Section 6.120
677.5	Amrta Land Ltd	Reject	2
681.1	Gerard Auckram	Reject	2
684.3	Michael Ramsay	Reject	2
684.5	Michael Ramsay	Reject	2
685.1	Tony Moran	Reject	2
686.1	Garth Makowski	Reject	2
688.1	Justin Crane and Kirsty Mactaggart	Reject	2
688.12	Justin Crane and Kirsty Mactaggart	Reject	9.2
688.13	Justin Crane and Kirsty Mactaggart	Reject	9.2
688.14	Justin Crane and Kirsty Mactaggart	Reject	9.2
688.15	Justin Crane and Kirsty Mactaggart	Reject	9.2
689.3	Kingston Lifestyle Family Trust	Reject	2
691.4	Aaron and Rebecca Moody	Reject	2
693.18	Private Property Limited	Reject	9.2
693.19	Private Property Limited	Reject	9.2
693.20	Private Property Limited	Reject	9.2
693.21	Private Property Limited	Reject	9.2
694.1	Glentui Heights Ltd	Reject	2
694.26	Glentui Heights Ltd	Reject	9.2
694.27	Glentui Heights Ltd	Reject	9.2
694.28	Glentui Heights Ltd	Reject	9.2

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
694.29	Glentui Heights Ltd	Reject	9.2
696.35	Millbrook Country Club Ltd	Reject	9.2
696.36	Millbrook Country Club Ltd	Reject	9.2
696.37	Millbrook Country Club Ltd	Reject	9.2
696.38	Millbrook Country Club Ltd	Reject	9.2
696.40	Millbrook Country Club Ltd	Reject	2
698.1	Spence Farms Ltd	Reject	2
700.4	Ledge Properties Ltd and Edge Properties Ltd	Reject	9.2
700.5	Ledge Properties Ltd and Edge Properties Ltd	Reject	9.2
700.6	Ledge Properties Ltd and Edge Properties Ltd	Reject	9.2
700.7	Ledge Properties Ltd and Edge Properties Ltd	Reject	9.2
702.15	Lake Wakatipu Stations Limited	Reject	9.2
702.16	Lake Wakatipu Stations Limited	Reject	9.2
702.17	Lake Wakatipu Stations Limited	Reject	9.2
702.18	Lake Wakatipu Stations Limited	Reject	9.2
712.1	Bobs Cove Developments Limited	Reject	2
712.1	Bobs Cove Developments Limited	Reject	2
712.15	Bobs Cove Developments Limited	Accept in part	10.5
712.16	Bobs Cove Developments Limited	Accept in part	10.8
712.17	Bobs Cove Developments Limited	Accept in part	Section 10.10
712.18	Bobs Cove Developments Limited	Accept in part	10.11
712.2	Bobs Cove Developments Limited	Accept in part	All reports
712.2	Bobs Cove Developments Limited	Accept in part	All reports
713.1	Heli Tours Limited	Reject	2
713.1	Heli Tours Limited	Reject	2
715.1	Jardine Family Trust and Remarkables Station Limited	Reject	3.1
716.1	Ngai Tahu Tourism Ltd	Reject	2
716.1	Ngai Tahu Tourism Ltd	Reject	2
716.2	Ngai Tahu Tourism Ltd	Accept in part	All reports
716.2	Ngai Tahu Tourism Ltd	Accept in part	All reports
716.3	Ngai Tahu Tourism Ltd	Reject	Section 6.120
716.7	Ngai Tahu Tourism Ltd	Reject	2
717.2	The Jandel Trust	Reject	2
718.1	Allium Trustees Limited	Reject	2
718.1	Allium Trustees Limited	Reject	2
719.145	NZ Transport Agency	Accept in part	10.4
719.146	NZ Transport Agency	Reject	10.13
719.163	NZ Transport Agency	N/A	2
719.164	NZ Transport Agency	N/A	2
719.165	NZ Transport Agency	N/A	2
719.2	NZ Transport Agency	Accept	6.105
723.1	Wakatipu Aero Club	Accept in part	Report 4A

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
724.3	Queenstown Gold Ltd	Reject	9.2
730.1	Adrian Snow	Accept in part	Report 4A
732.1	Revell William Buckham	Accept in part	Report 4A
734.1	Kerry Connor	Accept in part	Report 4A
736.1	Southern Lakes Learn to Fly Limited	Accept in part	Report 4A
738.1	Hank Sproull	Accept in part	Report 4A
739.1	Southern Lakes Learn to Fly Limited	Accept in part	Report 4A
746.8	Bunnings Limited	Reject	2
754.2	Bruce Patton	Accept	Report 3
759.1	Shaping our Future	Accept in part	Reports 3, 7, 8 and 11
760.1	Southern Lakes Aviation Limited	Accept in part	Report 4A
768.1	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	4
768.2	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	5, 6.11, 6.18, 6.104
768.25	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	10.3
768.26	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	10.4
768.27	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	10.5
768.28	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	10.6
768.29	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Reject	10.7
768.30	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	10.8
768.31	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	10.9
768.32	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	Section 10.10
768.33	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	10.11
768.34	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	10.12
768.35	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Reject	10.13
768.36	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in part	10.14
768.4	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept	Section 6.100
773.13	John & Jill Blennerhassett	Accept	Report 9A
776.5	Hawthenden Limited	Accept in part	Reports 3 and 4A
780.1	Rogers Francis Monk	Reject	2
781.1	Chorus New Zealand Limited	Accept in part	Reports 3 and 8
781.2	Chorus New Zealand Limited	Accept	All reports
788.4	Otago Fish and Game Council	Accept in part	Report 4A

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
797.1	Marjorie Goodger	Reject	2
798.12	Otago Regional Council	Accept	10.1
798.13	Otago Regional Council	Accept in part	10.3
798.14	Otago Regional Council	Accept in part	10.3
798.15	Otago Regional Council	Accept	10.2
798.16	Otago Regional Council	Accept	Sections 9-10
798.18	Otago Regional Council	Accept in part	Section 10.10
798.19	Otago Regional Council	Accept in part	10.9
798.20	Otago Regional Council	Reject	10.11
798.26	Otago Regional Council	Accept in part	Report 7
798.48	Otago Regional Council	Reject part, balance considered in Mapping Stream reports	2
799.1	Brian & Sheila McCaughan	Reject	2
805.17	Transpower New Zealand Limited	Accept in part	Section 6.100
805.66	Transpower New Zealand Limited	Reject	10.1
805.67	Transpower New Zealand Limited	Accept in part	10.4
805.68	Transpower New Zealand Limited	Reject	10.13
806.194	Queenstown Park Limited	Accept	10.4
806.195	Queenstown Park Limited	Accept in part	10.5
806.196	Queenstown Park Limited	Accept in part	10.7
806.197	Queenstown Park Limited	Reject	10.8
806.199	Queenstown Park Limited	Accept in part	Section 10.10
806.200	Queenstown Park Limited	Accept in part	10.11
806.201	Queenstown Park Limited	Accept in part	10.12
806.202	Queenstown Park Limited	Reject	10.13
806.203	Queenstown Park Limited	Accept in part	10.16
806.3	Queenstown Park Limited	Accept in part	Reports 3, 4A, 7 and 8
806.6	Queenstown Park Limited	Reject	6.18
807.1	Remarkables Park Limited	Accept in part	Report 3
807.2	Remarkables Park Limited	Reject	2
807.3	Remarkables Park Limited	Reject	2
807.4	Remarkables Park Limited	Accept	Reports 3 and 7
807.5	Remarkables Park Limited	Reject	3.3
807.8	Remarkables Park Limited	Accept	3.5
809.14	Queenstown Lakes District Council	Accept in part	3.5
809.8	Queenstown Lakes District Council	Accept in part	3.5
809.9	Queenstown Lakes District Council	Accept in part	3.5
811.14	Marc Scaife	Reject	3.4
819.1	Mark McGuinness	Accept in part	Reports 3 and 11
823.1	B J Gan	Accept	Report 12
834.1	Helen McPhail	Reject	2
836.12	Arcadian Triangle Limited	Accept in part	6.95
836.13	Arcadian Triangle Limited	Accept in part	4
836.14	Arcadian Triangle Limited	Accept	4

Original Point No	Submitter	Commissioners' Recommendation	Report Reference
836.23	Arcadian Triangle Limited	Reject	3.6
836.4	Arcadian Triangle Limited	Accept	6.26
836.6	Arcadian Triangle Limited	Accept	6.41
836.7	Arcadian Triangle Limited	Accept in part	6.41
845.1	Simon Hayes	Accept in part	All reports
849.1	Otago Rural Fire Authority	Reject	9.2
849.2	Otago Rural Fire Authority	Accept in part	9.2, 10.11
850.2	R & R Jones	Reject	3.1
854.1	Slopehill Properties Limited	Reject	2
854.2	Slopehill Properties Limited	Accept in part	All reports
145.22,	Upper Clutha Environmental Society (Inc)	Reject	3.9
687.1,	Lynden Cleugh	Accept in part	All reports

Part B: Further Submissions

Further Submission No	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1029.8	717.2	Universal Developments Limited	Accept	2
FS1034.1	600.1	Upper Clutha Environmental Society (Inc.)	Accept in part	All reports
FS1034.106	600.106	Upper Clutha Environmental Society (Inc.)	Accept in part	10.3
FS1034.107	600.107	Upper Clutha Environmental Society (Inc.)	Accept in part	10.8
FS1034.2	600.2	Upper Clutha Environmental Society (Inc.)	Accept in part	Relevant reports
FS1034.9	600.9	Upper Clutha Environmental Society (Inc.)	Accept	Section 6.40
FS1035.1	677.1	Mark Crook	Accept	Section 6.120
FS1035.5	677.5	Mark Crook	Accept	2
FS1040.40	600.9	Forest and Bird	Accept	Section 6.40
FS1059.77	366.3	Erna Spijkerbosch	Reject	2
FS1059.78	366.3	Erna Spijkerbosch	Reject	2
FS1059.79	420.5	Erna Spijkerbosch	Accept	2
FS1059.8	68.1	Erna Spijkerbosch	Reject	6.41
FS1061.32	655.3	Otago Foundation Trust Board	Reject	2
FS1061.42	717.2	Otago Foundation Trust Board	Accept	2
FS1064.3	655.3	Martin MacDonald	Accept in part	2
FS1066.1	730.1	Aircraft Owners and Pilots Associates (NZ) Inc	Accept in part	Report 4A
FS1070.4	626.4	Lyn Hamilton	Accept in part	Reports 3 and 4A
FS1070.5	626.5	Lyn Hamilton	Accept in part	Report 7

Further Submission No	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1071.104	414.1	Lake Hayes Estate Community Association	Accept	3.1, 3.2
FS1071.112	850.2	Lake Hayes Estate Community Association	Accept	3.1
FS1071.4	655.3	Lake Hayes Estate Community Association	Accept in part	2
FS1072.4	626.4	Jay Berriman	Accept in part	Reports 3 and 4A
FS1072.5	626.5	Jay Berriman	Accept in part	Report 7
FS1073.57	715.1	Greig Garthwaite	Accept	3.1
FS1074.1	677.1	Alistair Angus	Accept	Section 6.120
FS1074.10	677.10	Alistair Angus	Accept	2
FS1074.10	677.10	Alistair Angus	Accept	2
FS1074.5	677.5	Alistair Angus	Accept	2
FS1077.54	584.2	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	Reports 4A and 11
FS1077.65	805.17	Board of Airline Representatives of New Zealand (BARNZ)	Reject	Section 6.100
FS1083.1	807.3	Clark Fortune McDonald	Accept in part	Report 3
FS1089.18	819.1	Mark McGuinness	Accept in part	Reports 3 and 11
FS1090.1	145.6	Jardine Family Trust and Remarkables Station Limited	Accept	3.9
FS1090.6	249.1	Jardine Family Trust and Remarkables Station Limited	Accept	3.2
FS1096.22	715.1	Peter & Carol Haythornthwaite	Accept	3.1
FS1097.104	271.1	Queenstown Park Limited	Accept in part	Reports 3 and 9A
FS1097.137	295.1	Queenstown Park Limited	Accept	2
FS1097.146	324.1	Queenstown Park Limited	Reject	2
FS1097.256	400.5	Queenstown Park Limited	Accept	2
FS1097.276	414.1	Queenstown Park Limited	Reject	3.1, 3.2
FS1097.28	145.6	Queenstown Park Limited	Accept	3.9
FS1097.302	433.16	Queenstown Park Limited	Reject	5
FS1097.317	433.31	Queenstown Park Limited	Accept	6.95
FS1097.386	433.100	Queenstown Park Limited	Accept in part	10.3
FS1097.387	433.101	Queenstown Park Limited	Reject	10.4
FS1097.388	433.102	Queenstown Park Limited	Accept in part	10.9
FS1097.389	433.103	Queenstown Park Limited	Accept	10.13
FS1097.39	145.22	Queenstown Park Limited	Accept	3.9
FS1097.41	145.26	Queenstown Park Limited	Accept	3.1
FS1097.41	145.26	Queenstown Park Limited	Accept	2
FS1097.419	438.1	Queenstown Park Limited	Accept in part	Reports 3, 7 and 9A
FS1097.44	145.31	Queenstown Park Limited	Accept	3.9
FS1097.534	600.1	Queenstown Park Limited	Accept in part	All reports

Further Submission No	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1097.547	607.9	Queenstown Park Limited	Reject	2
FS1097.596	615.5	Queenstown Park Limited	Reject	Section 6.120
FS1097.600	615.9	Queenstown Park Limited	Reject	2
FS1097.606	621.9	Queenstown Park Limited	Reject	2
FS1097.615	621.109	Queenstown Park Limited	Accept in part	Section 10.10
FS1097.619	621.89	Queenstown Park Limited	Accept	2
FS1097.619	621.89	Queenstown Park Limited	Reject	2
FS1097.621	624.5	Queenstown Park Limited	Reject	Section 6.120
FS1097.631	626.4	Queenstown Park Limited	Accept in part	Reports 3 and 4A
FS1097.632	626.5	Queenstown Park Limited	Accept in part	Report 7
FS1097.634	629.4	Queenstown Park Limited	Accept in part	Reports 3 and 4A
FS1097.639	632.67	Queenstown Park Limited	Reject	9.2
FS1097.651	677.1	Queenstown Park Limited	Reject	Section 6.120
FS1097.655	677.5	Queenstown Park Limited	Reject	2
FS1097.685	716.3	Queenstown Park Limited	Reject	Section 6.120
FS1097.689	716.7	Queenstown Park Limited	Reject	2
FS1097.697	719.145	Queenstown Park Limited	Accept in part	10.4
FS1097.701	759.1	Queenstown Park Limited	Reject	2
FS1097.723	836.13	Queenstown Park Limited	Accept in part	4
FS1097.728	836.23	Queenstown Park Limited	Reject	3.6
FS1098.3	383.109	Heritage New Zealand Pouhere Taonga	N/A	2
FS1103.57	715.1	Ben and Catherine Hudson	Accept	3.1
FS1105.1	615.1	Cardrona Valley Residents and Ratepayers Society Inc	Reject	2
FS1105.2	615.2	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	All reports
FS1105.3	615.3	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	All reports
FS1105.4	615.4	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	3.5
FS1105.9	615.9	Cardrona Valley Residents and Ratepayers Society Inc	Reject	2
FS1106.9	566.2	Chorus New Zealand Limited	Accept in part	6.71, 6.85
FS1108.57	715.1	Christine and Neville Cunningham	Accept	3.1
FS1114.57	715.1	Lingasen and Janet Moodley	Accept	3.1
FS1115.10	621.89	Queenstown Wharves Limited	Reject	2
FS1115.10	621.89	Queenstown Wharves Limited	Reject	2
FS1115.11	759.1	Queenstown Wharves Limited	Reject	2
FS1116.57	715.1	Stephen and Karen Pearson	Accept	3.1

Further Submission No	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1117.148	433.101	Remarkables Park Limited	Accept in part	10.4
FS1117.149	433.103	Remarkables Park Limited	Accept	10.13
FS1117.16	243.1	Remarkables Park Limited	Accept	3.4
FS1117.187	433.100	Remarkables Park Limited	Accept in part	10.3
FS1117.188	433.102	Remarkables Park Limited	Accept in part	10.9
FS1117.21	271.1	Remarkables Park Limited	Accept in part	Reports 3 and 9A
FS1117.226	584.2	Remarkables Park Limited	Accept in part	Reports 4A and 11
FS1117.234	600.1	Remarkables Park Limited	Accept in part	All reports
FS1117.242	607.9	Remarkables Park Limited	Reject	2
FS1117.248	615.5	Remarkables Park Limited	Reject	Section 6.120
FS1117.252	615.9	Remarkables Park Limited	Reject	2
FS1117.259	621.9	Remarkables Park Limited	Reject	2
FS1117.265	677.1	Remarkables Park Limited	Reject	Section 6.120
FS1117.269	677.5	Remarkables Park Limited	Reject	2
FS1117.273	716.3	Remarkables Park Limited	Reject	Section 6.120
FS1117.277	716.7	Remarkables Park Limited	Reject	2
FS1117.283	836.7	Remarkables Park Limited	Accept	6.41
FS1117.285	845.1	Remarkables Park Limited	Accept in part	All reports
FS1117.42	324.1	Remarkables Park Limited	Reject	2
FS1117.52	400.5	Remarkables Park Limited	Accept	2
FS1117.72	433.16	Remarkables Park Limited	Reject	5
FS1117.87	433.31	Remarkables Park Limited	Accept	6.95
FS1118.4	361.4	Robins Road Limited	Reject	3.1, 3.2
FS1121.44	809.8	Aurora Energy Limited	Accept in part	3.5
FS1121.45	809.9	Aurora Energy Limited	Accept in part	3.5
FS1124.4	626.4	Dennis Rogers	Accept in part	Reports 3 and 4A
FS1124.5	626.5	Dennis Rogers	Accept in part	Report 7
FS1125.1	849.1	New Zealand Fire Service	Reject	9.2
FS1125.2	465.1	New Zealand Fire Service	Accept in part	9.2, 10.11
FS1132.34	625.5	Federated Farmers of New Zealand	Accept in part	Report 7
FS1136.1	249.1	Ian Percy	Accept	3.2
FS1137.10	615.9	Kay Curtis	Reject	2
FS1137.2	615.1	Kay Curtis	Reject	2
FS1137.3	615.2	Kay Curtis	Accept in part	All relevant reports
FS1137.4	615.3	Kay Curtis	Accept in part	All reports
FS1137.5	615.4	Kay Curtis	Accept in part	3.5
FS1139.2	663.1	Carl & Lorraine Holt	Accept	2
FS1139.22	663.21	Carl & Lorraine Holt	Accept in part	9.2

Further Submission No	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1145.1	715.1	John Martin Management Company Limited	Reject	3.1
FS1152.10	621.80	Kawarau Jet Services Holdings Ltd	Accept	2
FS1152.5	621.9	Kawarau Jet Services Holdings Ltd	Reject	2
FS1155.1	145.26	Mt Rosa Wines Ltd	Accept	3.1
FS1155.1	145.26	Mt Rosa Wines Ltd	Accept	2
FS1159.4	805.68	PowerNet Ltd	Reject	10.13
FS1160.1	9.9	Otago Regional Council	Accept	2
FS1160.3	438.1	Otago Regional Council	Accept in part	Reports 3, 7 and 9A
FS1160.5	600.1	Otago Regional Council	Accept in part	All reports
FS1160.6	607.4	Otago Regional Council	Accept in part	3.5
FS1162.22	145.22	James Wilson Cooper	Accept	3.9
FS1162.23	145.23	James Wilson Cooper	Accept	2
FS1162.24	145.24	James Wilson Cooper	Accept	2
FS1162.26	145.26	James Wilson Cooper	Accept	3.1
FS1162.26	145.26	James Wilson Cooper	Accept	2
FS1162.28	145.28	James Wilson Cooper	Accept	2
FS1162.31	145.31	James Wilson Cooper	Accept	3.9
FS1162.34	145.34	James Wilson Cooper	Accept	2
FS1162.6	145.6	James Wilson Cooper	Accept	3.9
FS1182.1	798.13	Z-Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd	Accept in part	10.3
FS1182.2	798.14	Z-Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd	Accept in part	10.3
FS1191.1	663.1	Adam & Kirsten Zaki	Accept	2
FS1191.21	663.21	Adam & Kirsten Zaki	Accept in part	9.2
FS1192.132	715.1	Murray and Jennifer Butler	Accept	3.1
FS1192.57	715.1	Murray and Jennifer Butler	Accept	3.1
FS1208.9	566.2	Vodafone New Zealand Limited	Accept in part	6.71, 6.85
FS1209.1	600.1	Richard Burdon	Accept in part	All reports
FS1209.106	600.106	Richard Burdon	Accept in part	10.3
FS1209.107	600.107	Richard Burdon	Accept in part	10.8
FS1209.2	600.2	Richard Burdon	Accept in part	Relevant reports
FS1209.9	600.9	Richard Burdon	Reject	Section 6.40
FS1211.20	805.17	New Zealand Defence Force	Accept in part	Section 6.100
FS1211.34	271.1	New Zealand Defence Force	Accept in part	Reports 3 and 9A
FS1211.36	768.4	New Zealand Defence Force	Accept	Section 6.100
FS1218.57	715.1	Grant and Cathy Boyd	Accept	3.1
FS1219.2	632.1	Bravo Trustee Company	Accept	2
FS1219.68	632.67	Bravo Trustee Company	Accept in part	9.2
FS1219.93	715.1	Bravo Trustee Company	Accept	3.1
FS1224.1	243.1	Matakauri Lodge Limited	Accept	3.4

Further Submission No	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1224.35	243.35	Matakauri Lodge Limited	Accept in part	6.26
FS1224.36	243.36	Matakauri Lodge Limited	Accept	6.29
FS1224.38	243.38	Matakauri Lodge Limited	Reject	6.47
FS1224.42	243.42	Matakauri Lodge Limited	Accept in part	6.95
FS1224.61	811.14	Matakauri Lodge Limited	Accept	3.4
FS1225.57	715.1	David Martin and Margaret Poppleton	Accept	3.1
FS1227.57	715.1	James and Elisabeth Ford	Accept	3.1
FS1229.4	361.4	NXSki Limited	Reject	3.1, 3.2
FS1235.19	621.89	Jet Boating New Zealand	Accept	2
FS1235.19	621.89	Jet Boating New Zealand	Accept in part	2
FS1237.57	715.1	Kristi and Jonathan Howley	Accept	3.1
FS1242.2	208.1	Antony & Ruth Stokes	Accept	2
FS1247.57	715.1	Mark and Katherine Davies	Accept	3.1
FS1250.57	715.1	Sonia and Grant Voldseth and McDonald	Accept	3.1
FS1252.2	632.1	Tim & Paula Williams	Accept	2
FS1252.68	632.67	Tim & Paula Williams	Accept in part	9.2
FS1252.93	715.1	Tim & Paula Williams	Accept	3.1
FS1253.9	566.2	Spark New Zealand Trading Limited	Accept in part	6.71, 6.85
FS1254.123	145.26	Allenby Farms Limited	Accept	3.1
FS1254.123	145.26	Allenby Farms Limited	Accept	2
FS1255.10	414.1	Arcadian Triangle Limited	Reject	3.1, 3.2
FS1270.108	717.2	Hansen Family Partnership	Reject	2
FS1270.74	338.1	Hansen Family Partnership	Reject	3.1
FS1270.74	338.1	Hansen Family Partnership	Reject	2
FS1275.175	632.1	"Jacks Point" (Submitter number 762 and 856)	Accept	2
FS1275.241	632.67	"Jacks Point" (Submitter number 762 and 856)	Accept in part	9.2
FS1277.5	632.1	Jacks Point Residents and Owners Association	Accept	2
FS1277.71	632.67	Jacks Point Residents and Owners Association	Accept in part	9.2
FS1277.96	715.1	Jacks Point Residents and Owners Association	Reject	3.1
FS1283.115	632.1	MJ and RB Williams and Brabant	Accept	2
FS1283.181	632.67	MJ and RB Williams and Brabant	Accept in part	9.2
FS1283.212	715.1	MJ and RB Williams and Brabant	Accept	3.1
FS1286.54	854.1	Mr M and Mrs J Henry	Reject	2
FS1286.55	854.2	Mr M and Mrs J Henry	Accept in part	All reports
FS1287.138	768.27	New Zealand Tungsten Mining Limited	Accept in part	10.5
FS1287.139	768.28	New Zealand Tungsten Mining Limited	Accept in part	10.6
FS1287.140	768.32	New Zealand Tungsten Mining Limited	Accept in part	Section 10.10

Further Submission No	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1287.141	768.31	New Zealand Tungsten Mining Limited	Accept in part	10.9
FS1287.142	768.33	New Zealand Tungsten Mining Limited	Accept in part	10.11
FS1289.23	338.1	Oasis In The Basin Association	Accept	3.1
FS1289.23	338.1	Oasis In The Basin Association	Reject	2
FS1293.57	715.1	Joanna and Simon Taverner	Accept	3.1
FS1299.57	715.1	Thomas Ibbotson	Accept	3.1
FS1300.3	42.3	Wanaka Trust	Accept	9.2
FS1301.20	635.86	Transpower New Zealand Limited (Transpower)	See Report 8	Report 8
FS1301.20	635.86	Transpower New Zealand Limited (Transpower)	Accept in part	Report 8
FS1310.4	626.4	Anna-Marie Chin	Accept in part	Reports 3 and 4A
FS1310.5	626.5	Anna-Marie Chin	Accept in part	Report 7
FS1312.1	677.1	AG Angus	Accept	Section 6.120
FS1312.10	677.10	AG Angus	Accept	2
FS1312.10	677.10	AG Angus	Accept	2
FS1312.5	677.5	AG Angus	Accept	2
FS1313.65	145.6	Darby Planning LP	Accept	3.9
FS1313.72	145.28	Darby Planning LP	Accept	2
FS1313.73	145.22	Darby Planning LP	Accept	3.9
FS1313.75	145.31	Darby Planning LP	Accept	3.9
FS1313.80	145.31	Darby Planning LP	Accept	3.9
FS1316.1	632.1	Harris-Wingrove Trust	Accept	2
FS1316.67	632.67	Harris-Wingrove Trust	Accept in part	9.2
FS1316.91	715.1	Harris-Wingrove Trust	Accept	3.1
FS1321.57	715.1	John and Mary Catherine Holland	Accept	3.1
FS1327.12	629.5	Morven Ferry	Accept in part	Report 7
FS1327.6	626.5	Morven Ferry	Accept in part	Report 7
FS1329.19	621.9	Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP	Reject	2
FS1329.2	615.9	Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP	Reject	2
FS1330.12	621.9	Treble Cone Investments Limited	Reject	2
FS1330.2	615.9	Treble Cone Investments Limited	Reject	2
FS1336.2	145.23	Peninsula Bay Joint Venture	Accept	2
FS1336.3	145.34	Peninsula Bay Joint Venture	Accept	2
FS1340.5	566.2	Queenstown Airport Corporation	Accept in part	6.71, 6.85
FS1340.6	768.4	Queenstown Airport Corporation	Accept	Section 6.100
FS1341.26	719.145	Real Journeys Limited	Accept in part	10.4
FS1341.31	836.23	Real Journeys Limited	Reject	3.6
FS1342.17	719.145	Te Anau Developments Limited	Accept in part	10.4
FS1342.21	836.23	Te Anau Developments Limited	Reject	3.6

Further Submission No	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1345.12	296.3	Skydive Queenstown Limited	Reject	2
FS1347.14	145.26	Lakes Land Care	Accept	3.1
FS1347.14	145.26	Lakes Land Care	Accept	2
FS1347.15	145.28	Lakes Land Care	Accept	2
FS1347.17	145.31	Lakes Land Care	Accept	3.9
FS1347.3	145.6	Lakes Land Care	Accept	3.9
FS1347.85	625.5	Lakes Land Care	Accept in part	Report 7
FS1353.4	626.4	Phillip Vautier	Accept in part	Reports 3 and 4A
FS1353.5	626.5	Phillip Vautier	Accept in part	Report 7
FS1364.1	677.1	John and Kay Richards	Accept	Section 6.120
FS1364.10	677.10	John and Kay Richards	Accept	2
FS1364.10	677.10	John and Kay Richards	Accept	2
FS1364.5	677.5	John and Kay Richards	Accept	2

Appendix 4: Recommendations on Submissions and Further Submissions on Definitions made by other Panels

Part A: Submissions

Submission Number	Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
68.1	Nigel Sadlier	Accept in part	9A	36.9	6.41
84.1	Richard Hanson	Accept in part	4A	5.16	6.108
170.1	Cameron Steele	Reject	9A	36.2	6.18
179.3	Vodafone NZ	Reject	8	6.2	6.18
179.4	Vodafone NZ	Accept	8	6.1	6.44
179.5	Vodafone NZ	Accept in part	8	5.14	6.64
179.6	Vodafone NZ	Reject	8	6.3	6.116
179.7	Vodafone NZ	Reject	8	6.4	6.125
191.2	Spark Trading NZ Limited	Reject	8	6.2	6.18
191.3	Spark Trading NZ Limited	Accept	8	6.1	6.44
191.4	Spark Trading NZ Limited	Accept in part	8	5.14	6.64
191.5	Spark Trading NZ Limited	Reject	8	6.3	6.116
191.6	Spark Trading NZ Limited	Reject	8	6.4	6.125
208.43	Pounamu Body Corporate Committee	Accept	9A	36.8	6.39
220.1	Clive Manners Wood	Reject	4A	22	6.50
243.34	Christine Byrch		11	62	6.9
243.37	Christine Byrch	Reject	4A	22	6.26
243.39	Christine Byrch	Accept in part	4A	58	6.70
243.40	Christine Byrch	Reject	8	18.2	5
243.4	Christine Byrch	Accept in part	9A	36.1	6.5
243.41	Christine Byrch	Accept in part	9A	36.11	6.95
243.42	Christine Byrch	Accept in part	9A	36.11	6.95
243.43	Christine Byrch	Accept in part	9A	36.11	6.96
243.44	Christine Byrch	Reject	4A	5.16	6.108
243.45	Christine Byrch	Accept in part	8	12.3	6.117
243.46	Christine Byrch	Reject	8	12.4	6.118
251.32	PowerNet Limited	Accept in part	8	5.14	6.64
252.4	HW Richardson Group	Accept	4A	22	5
271.2	Board of Airline Representatives of New Zealand (BARNZ)	Reject	9A	36.1	6.6
296.1	Royal New Zealand Aero Club Inc/Flying NZ	Reject	11	62	6.8
296.2	Royal New Zealand Aero Club Inc/Flying NZ	Accept in part	4A	22	6.50
315.1	The Alpine Group Limited	Reject	4A	48.2	6.48
339.10	Evan Alty	Reject	4A	60	6.34
339.11	Evan Alty	Reject	4A	48.1	6.48
339.12	Evan Alty	Accept in part	4A	58	6.70
339.13	Evan Alty	Reject	4A	58	5
339.9	Evan Alty	Accept in part	4A	48.2	6.21
344.10	Sam Flewelling	Accept	11	48	6.19
344.11	Sam Flewelling	Accept	11	48	6.121
350.1	Dalefield Trustee Ltd	Accept in part	9A	36.11	6.95

Submission Number	Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
373.1	Department of Conservation	Accept	4A	48.2	6.21
373.2	Department of Conservation	Accept in part	4A	52.2	6.16
373.3	Department of Conservation	Accept in part	4A	52.2	6.75
376.1	Southern Hemisphere Proving Grounds Limited	Accept	4A	5.16	6.108
383.2	Queenstown Lakes District Council	Accept	8	6.5	6.32
383.3	Queenstown Lakes District Council		11	62	6.8
383.4	Queenstown Lakes District Council	Accept	8	6.4	6.125
383.6	Queenstown Lakes District Council	Accept	8	5.15	6.102
400.2	James Cooper	Reject	4A	9.1	6.18
400.7	James Cooper	Reject	4A	48	6.21
407.1	Mount Cardrona Station Limited	Accept in part	4A	5.16	6.79
408.2	Otago Foundation Trust Board	Reject	9A	36.1	6.5
421.2	Two Degrees Mobile Limited	Reject	8	6.2	6.18
421.3	Two Degrees Mobile Limited	Accept	8	6.1	6.44
421.4	Two Degrees Mobile Limited	Accept in part	8	5.14	6.64
421.5	Two Degrees Mobile Limited	Reject	8	6.3	6.116
421.6	Two Degrees Mobile Limited	Reject	8	6.4	6.125
433.1	Queenstown Airport Corporation	Accept	11	62	5
433.10	Queenstown Airport Corporation	Reject	11	62	6.11
433.11	Queenstown Airport Corporation	Transferred to Definitions	11	62	5
433.12	Queenstown Airport Corporation	Accept	11	62	6.12
433.13	Queenstown Airport Corporation	Accept in Part	11	62	6.13
433.14	Queenstown Airport Corporation	Accept in Part	11	62	6.13
433.15	Queenstown Airport Corporation	Reject	11	62	6.17
433.16	Queenstown Airport Corporation	Accept	11	62	5
433.17	Queenstown Airport Corporation	Accept	11	62	6.22
433.18	Queenstown Airport Corporation	Accept	11	62	6.25
433.19	Queenstown Airport Corporation	Accept	11	62	5
433.2	Queenstown Airport Corporation	Accept	11	62	6.5
433.20	Queenstown Airport Corporation	Accept	11	62	5
433.21	Queenstown Airport Corporation	Accept	11	62	6.30
433.23	Queenstown Airport Corporation	Accept	11	62	6.49
433.24	Queenstown Airport Corporation	Accept	4A	22	6.50
433.25	Queenstown Airport Corporation	Accept	11	62	6.53
433.26	Queenstown Airport Corporation	Accept	11	62	5
433.27	Queenstown Airport Corporation	Accept in Part	11	62	6.77
433.28	Queenstown Airport Corporation	Reject	11	62	6.78
433.29	Queenstown Airport Corporation	Accept in Part	11	62	6.83
433.30	Queenstown Airport Corporation	Accept	9A	36.11	6.95
433.3	Queenstown Airport Corporation	Accept	11	62	6.6
433.31	Queenstown Airport Corporation	Accept in part	9A	36.11	6.95
433.32	Queenstown Airport Corporation	Accept in part	9A	36.11	6.96
433.33	Queenstown Airport Corporation	Reject	8	12.3	6.117
433.34	Queenstown Airport Corporation	Accept	11	62	6.126
433.35	Queenstown Airport Corporation	Accept	11	62	5

Submission Number	Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
433.36	Queenstown Airport Corporation	Accept	11	62	5
433.5	Queenstown Airport Corporation	Accept in Part	11	62	6.8
433.6	Queenstown Airport Corporation	Accept	11	62	6.9
433.7	Queenstown Airport Corporation	Accept	11	62	6.10
433.8	Queenstown Airport Corporation	Accept	11	62	6.10
433.9	Queenstown Airport Corporation	Accept in Part	11	62	6.11
438.2	New Zealand Fire Service	Accept in part	9A	36.4	6.22
496.4	House Movers Section of New Zealand Heavy Haulage Association (Inc)	Accept in part	8	12.2	6.90, 6.91, 6.93, 6.97
519.1	New Zealand Tungsten Mining Limited	Accept	4A	5.12	5
519.2	New Zealand Tungsten Mining Limited	Accept in part	4A	5.12	6.62
519.4	New Zealand Tungsten Mining Limited	Reject	4A	5.15	5
519.5	New Zealand Tungsten Mining Limited	Accept	4A	5.12	6.60
519.6	New Zealand Tungsten Mining Limited	Accept in part	4A	5.12	6.60
519.7	New Zealand Tungsten Mining Limited	Reject	8	12.3	6.117
524.1	Ministry of Education	Accept	9A	36.5	6.30
524.2	Ministry of Education	Accept in part	9A	36.4	6.22
524.3	Ministry of Education	Accept	9A	36.4	6.23
524.4	Ministry of Education	Accept in part	9A	36.5	5
566.1	Airways Corporation of New Zealand	Accept in Part	11	62	6.11
566.2	Airways Corporation of New Zealand	Transferred to Definitions	11	62	6.85
568.9	Grant Laurie Bissett	Accept in part	9A	36.11	6.95
584.3	Air new Zealand Limited (ANZL)	Reject	11	62	6.5
600.10	Federated Farmers of New Zealand	Reject	4A	48.1	6.48
600.4	Federated Farmers of New Zealand	Reject	4A	9.1	6.18
600.5	Federated Farmers of New Zealand	Reject	4A	48.2	6.21
600.6	Federated Farmers of New Zealand	Accept in part	4A	22	5
600.7	Federated Farmers of New Zealand	Reject	4A	22	6.37
600.8	Federated Farmers of New Zealand	Reject	4A	22	5
607.44	Te Anau Developments Limited	Reject	8	12.3	5
610.20	Soho Ski Area Limited and Blackmans Creek No. 1 LP	Reject	4A	5.16	6.18
610.22	Soho Ski Area Limited and Blackmans Creek No. 1 LP	Accept in part	4A	5.16	6.108
613.20	Treble Cone Investments Limited.	Reject	4A	5.16	6.18
613.21	Treble Cone Investments Limited.	Accept in part	4A	5.16	6.108
615.21	Cardrona Alpine Resort Limited	Accept in part	4A	5.16	6.108

Submission Number	Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
	Cardrona Alpine Resort Limited	Reject	8	12.3	5
	Real Journeys Limited	Reject	8	12.3	5
624.37	D & M Columb	Reject	4A	9.1	6.26
635.1	Aurora Energy Limited	Reject	8	2.2	5
635.2	Aurora Energy Limited	Accept	8	6.1	5
635.3	Aurora Energy Limited	Accept in part	8	6.1	6.31
635.4	Aurora Energy Limited	Reject	8	6.1	6.31
635.5	Aurora Energy Limited	Accept in part	8	5.14	6.64
635.6	Aurora Energy Limited	Accept in part	8	6.7	6.87
635.7	Aurora Energy Limited	Reject	8	6.8	6.115
635.8	Aurora Energy Limited	Accept in part	8	12.3	6.117
635.9	Aurora Energy Limited	Accept in part	8	6.2	6.125
649.20	Southern District Health Board	Accept	8	18.3	6.76
678.1	Southern District Health Board	Accept	9A	36.4	6.23
678.2	Southern District Health Board	Accept	9A	36.4	6.23
701.1	Paul Kane	Reject	4A	48.2	6.21
701.2	Paul Kane	Reject	4A	9.1	5
706.2	Forest and Bird NZ	Reject	4A	60	6.34
706.3	Forest and Bird NZ	Accept in part	4A	48.1	6.48
706.4	Forest and Bird NZ	Accept in part	4A	58	6.70
706.5	Forest and Bird NZ	Reject	4A	58	5
719.3	NZ Transport Agency	Reject	8	6.4	6.125
746.5	Bunnings Limited	Accept in Part	11	48	6.19
746.6	Bunnings Limited	Reject	11	48	6.99
752.2	Michael Farrier	Reject	9A	36.3	5
781.3	Chorus New Zealand Limited	Reject	8	6.2	6.18
781.4	Chorus New Zealand Limited	Accept	8	6.1	6.44
781.5	Chorus New Zealand Limited	Accept in part	8	5.14	6.64
781.6	Chorus New Zealand Limited	Reject	8	6.3	6.116
781.7	Chorus New Zealand Limited	Reject	8	6.4	6.125
784.1	Jeremy Bell Investments Limited	Reject	4A	48.2	6.21
784.2	Jeremy Bell Investments Limited	Reject	4A	9.1	6.18
791.1	Tim Burdon	Reject	4A	48.2	6.21
791.2	Tim Burdon	Reject	4A	48.1	6.48
791.3	Tim Burdon	Reject	4A	9.1	6.18
794.1	Lakes Land Care	Reject	4A	48.2	6.21
794.2	Lakes Land Care	Reject	4A	48.2	6.48
794.3	Lakes Land Care	Reject	4A	9.1	6.18
805.10	Transpower New Zealand Limited	Accept	4A	22	6.37
805.11	Transpower New Zealand Limited	Accept in part	8	6.2	6.64
805.12	Transpower New Zealand Limited	Accept	8	5.15	6.66
805.13	Transpower New Zealand Limited	Accept	8	5.15	6.67
805.14	Transpower New Zealand Limited	Accept	8	5.15	6.68
805.15	Transpower New Zealand Limited	Accept	8	5.15	6.69
805.16	Transpower New Zealand Limited	Accept in part	8	6.7	6.87
805.17	Transpower New Zealand Limited	Reject	8	6.9	6.100

Submission Number	Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
805.18	Transpower New Zealand Limited	Reject	8	5.15	5
805.19	Transpower New Zealand Limited	Accept in part	8	5.15	6.68
805.20	Transpower New Zealand Limited	Accept	8	6.1	5
805.21	Transpower New Zealand Limited	Accept in part	8	6.2	6.125
805.4	Transpower New Zealand Limited	Accept	8	6.1	5
805.5	Transpower New Zealand Limited	Reject	8	5.15	5
805.6	Transpower New Zealand Limited	Reject	8	5.15	5
805.7	Transpower New Zealand Limited	Reject	8	5.15	6.28
805.8	Transpower New Zealand Limited	Accept	4A	22	6.36
805.9	Transpower New Zealand Limited	Accept	4A	22	6.26
807.90	Remarkables Park Limited	Accept	11	62	6
836.1	Arcadian Triangle Limited	Accept in Part	11	62	6.5
836.10	Arcadian Triangle Limited	Accept in part	4A	58	6.70
836.11	Arcadian Triangle Limited	Accept in Part	11	62	6.77, 6.78
836.12	Arcadian Triangle Limited	Accept in part	9A	36.11	6.95
836.2	Arcadian Triangle Limited	Transferred to Definitions	11	62	5
836.3	Arcadian Triangle Limited	Accept	11	62	6.10
836.5	Arcadian Triangle Limited	Accept	9A	36.6	6.96
836.8	Arcadian Triangle Limited	Accept in part	9A	36.10	6.63
836.9	Arcadian Triangle Limited	Accept in part	8	5.15	6.66, 6.67, 6.68, 6.69
1365.1	New Zealand Defence Force	Accept in part	8	12.3	6.119

Appendix 4

Part B: Further Submissions

Further Submission No	Original Submission	Further Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
FS1015.37	519.1	Straterra	Accept	4A	5.12	5
FS1015.38	519.2	Straterra	Accept in part	4A	5.12	6.62
FS1015.40	519.4	Straterra	Reject	4A	5.15	5
FS1015.41	519.5	Straterra	Accept	4A	5.12	6.60
FS1015.42	519.6	Straterra	Accept in part	4A	5.12	6.60
FS1015.43	519.7	Straterra	Reject	8	12.3	6.117
FS1030.1	433.1	Jeremy Bell Investments Limited	Accept	11	62	5
FS1030.2	433.14	Jeremy Bell Investments Limited	Accept in Part	11	62	6.13
FS1034.10	600.10	Upper Clutha Environmental Society (Inc.)	Accept	4A	48.1	6.48
FS1034.4	600.4	Upper Clutha Environmental Society (Inc.)	Accept	4A	9.1	6.18
FS1034.5	600.5	Upper Clutha Environmental Society (Inc.)	Accept	4A	48.2	6.21
FS1034.6	600.6	Upper Clutha Environmental Society (Inc.)	Reject	4A	22	5
FS1034.7	600.7	Upper Clutha Environmental Society (Inc.)	Accept	4A	22	6.37
FS1034.8	600.8	Upper Clutha Environmental Society (Inc.)	Accept	4A	22	5
FS1040.22	519.1	Forest and Bird	Reject	4A	5.12	5
FS1040.3	373.1	Forest and Bird	Accept	4A	48.2	6.21
FS1040.39	600.5	Forest and Bird	Accept	4A	48.2	6.21
FS1040.4	373.2	Forest and Bird	Accept in part	4A	52.2	6.16
FS1040.41	600.10	Forest and Bird	Accept	4A	48.1	6.48

Further Submission No	Original Submission	Further Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
FS1040.5	373.3	Forest and Bird	Accept in part	4A	52.2	6.75
FS1061.33	524.2	Otago Foundation Trust Board	Accept in part	9A	36.4	6.22
FS1061.34	524.3	Otago Foundation Trust Board	Accept	9A	36.4	6.23
FS1077.16	408.2	Board of Airline Representatives of New Zealand (BARNZ)	Accept	9A	36.1	6.5
FS1077.17	408.2	Board of Airline Representatives of New Zealand (BARNZ)	Accept	9A	36.1	6.5
FS1077.18	433.1	Board of Airline Representatives of New Zealand (BARNZ)	Accept	11	62	5
FS1077.55	584.3	Board of Airline Representatives of New Zealand (BARNZ)	Reject	11	62	6.5
FS1077.56	635.6	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	8	6.7	6.87
FS1077.64	805.16	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	8	6.7	6.87
FS1077.65	805.17	Board of Airline Representatives of New Zealand (BARNZ)	Accept	8	6.9	6.100
FS1088.2	433.10	Ross and Judith Young Family Trust	Accept in Part	11	62	6.11
FS1088.3	433.14	Ross and Judith Young Family Trust	Accept in Part	11	62	6.13
FS1091.1	373.1	Jeremy Bell Investments Limited	Reject	4A	48.2	6.21
FS1091.15	600.4	Jeremy Bell Investments Limited	Reject	4A	9.1	6.18
FS1091.16	600.5	Jeremy Bell Investments Limited	Reject	4A	48.2	6.21
FS1091.29	791.1	Jeremy Bell Investments Limited	Reject	4A	48.2	6.21
FS1091.30	794.1	Jeremy Bell Investments Limited	Reject	4A	48.2	6.21

Further Submission No	Original Submission	Further Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
FS1091.9	400.7	Jeremy Bell Investments Limited	Reject	4A	48	6.21
FS1097.105	271.2	Queenstown Park Limited	Reject	11	62	6.6
FS1097.153	339.9	Queenstown Park Limited	Reject	4A	48.2	6.21
FS1097.154	339.13	Queenstown Park Limited	Accept	4A	58	5
FS1097.16	84.1	Queenstown Park Limited	Accept in part	4A	5.16	6.108
FS1097.215	373.2	Queenstown Park Limited	Reject	4A	52.2	6.16
FS1097.216	373.3	Queenstown Park Limited	Reject	4A	52.2	6.75
FS1097.261	400.2	Queenstown Park Limited	Reject	4A	9.1	6.18
FS1097.262	407.1	Queenstown Park Limited	Accept in part	4A	5.16	6.79
FS1097.274	408.2	Queenstown Park Limited	Reject	9A	36.1	6.5
FS1097.279	421.2	Queenstown Park Limited	Accept	8	6.2	6.18
FS1097.287	433.1	Queenstown Park Limited	Reject	11	62	5
FS1097.288	433.2	Queenstown Park Limited	Reject	11	62	6.5
FS1097.289	433.3	Queenstown Park Limited	Reject	11	62	6.95
FS1097.291	433.5	Queenstown Park Limited	Reject	11	62	6.8
FS1097.292	433.6	Queenstown Park Limited	Accept	11	62	6.9
FS1097.293	433.7	Queenstown Park Limited	Reject	11	62	6.10
FS1097.294	433.8	Queenstown Park Limited	Reject	11	62	6.10
FS1097.295	433.9	Queenstown Park Limited	Reject	11	62	6.11
FS1097.296	433.10	Queenstown Park Limited	Reject	11	62	6.11

Further Submission No	Original Submission	Further Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
FS1097.297	433.11	Queenstown Park Limited	Transferred to Definitions	11	62	5
FS1097.298	433.12	Queenstown Park Limited	Reject	11	62	6.12
FS1097.299	433.13	Queenstown Park Limited	Reject	11	62	6.13
FS1097.300	433.14	Queenstown Park Limited	Accept	11	62	6.13
FS1097.301	433.15	Queenstown Park Limited	Reject	11	62	6.17
FS1097.302	433.16	Queenstown Park Limited	Reject	11	62	5
FS1097.303	433.17	Queenstown Park Limited	Reject	11	62	6.22
FS1097.304	433.18	Queenstown Park Limited	Reject	11	62	6.25
FS1097.305	433.19	Queenstown Park Limited	Reject	11	62	5
FS1097.306	433.20	Queenstown Park Limited	Reject	11	62	5
FS1097.307	433.21	Queenstown Park Limited	Reject	11	62	6.30
FS1097.309	433.23	Queenstown Park Limited	Reject	11	62	6.49
FS1097.310	433.24	Queenstown Park Limited	Reject	4A	22	6.50
FS1097.311	433.25	Queenstown Park Limited	Reject	11	62	6.53
FS1097.312	433.26	Queenstown Park Limited	Reject	11	62	5
FS1097.313	433.27	Queenstown Park Limited	Reject	11	62	6.77
FS1097.314	433.28	Queenstown Park Limited	Reject	11	62	6.78
FS1097.315	433.29	Queenstown Park Limited	Reject	11	62	6.83
FS1097.316	433.30	Queenstown Park Limited	Reject	9A	36.11	6.95
FS1097.317	433.31	Queenstown Park Limited	Accept in part	9A	36.11	6.95
FS1097.318	433.32	Queenstown Park Limited	Accept in part	9A	36.11	6.96
FS1097.321	433.35	Queenstown Park Limited	Reject	11	62	5
FS1097.322	433.36	Queenstown Park Limited	Reject	11	62	5
FS1097.51	179.3	Queenstown Park Limited	Reject	8	6.2	6.18
FS1097.541	600.4	Queenstown Park Limited	Reject	4A	9.1	6.18
FS1097.542	600.7	Queenstown Park Limited	Reject	4A	22	6.37
FS1097.58	191.2	Queenstown Park Limited	Reject	8	6.2	6.18

Further Submission No	Original Submission	Further Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
FS1097.586	610.20	Queenstown Park Limited	Reject	4A	5.16	6.18
FS1097.588	610.22	Queenstown Park Limited	Accept in part	4A	5.16	6.108
FS1097.59	191.4	Queenstown Park Limited	Accept	8	5.14	6.64
FS1097.593	613.20	Queenstown Park Limited	Reject	4A	5.16	6.18
FS1097.595	613.21	Queenstown Park Limited	Accept in part	4A	5.16	6.108
FS1097.60	191.6	Queenstown Park Limited	Reject	8	6.4	6.125
FS1097.640	635.6	Queenstown Park Limited	Reject	8	6.7	6.87
FS1097.693	719.3	Queenstown Park Limited	Reject	8	6.4	6.125
FS1097.708	784.2	Queenstown Park Limited	Reject	4A	9.1	6.18
FS1097.722	836.10	Queenstown Park Limited	Accept in part	4A	58	6.70
FS1105.21	615.21	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	4A	5.16	6.108
FS1105.42	615.42	Cardrona Valley Residents and Ratepayers Society Inc	Reject	8	12.3	5
FS1106.10	805.16	Chorus New Zealand Limited	Accept in part	8	6.7	6.87
FS1106.9	566.2	Chorus New Zealand Limited	Transferred to Definitions	11	62	6.85
FS1117.15	243.44	Remarkables Park Limited	Accept in part	4A	5.16	6.108
FS1117.202	524.1	Remarkables Park Limited	Reject	9A	36.5	6.30
FS1117.203	524.2	Remarkables Park Limited	Accept in part	9A	36.4	6.22
FS1117.204	524.3	Remarkables Park Limited	Accept	9A	36.4	6.23
FS1117.205	524.4	Remarkables Park Limited	Accept in part	9A	36.5	5
FS1117.22	271.2	Remarkables Park Limited	Reject	11	62	6.6
FS1117.227	584.3	Remarkables Park Limited	Reject	11	62	6.5

Further Submission No	Original Submission	Further Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
FS1117.284	836.10	Remarkables Park Limited	Accept in part	4A	58	6.70
FS1117.55	421.2	Remarkables Park Limited	Accept	8	6.2	6.18
FS1117.57	433.1	Remarkables Park Limited	Reject	11	62	5
FS1117.58	433.2	Remarkables Park Limited	Reject	11	62	6.5
FS1117.59	433.3	Remarkables Park Limited	Reject	11	62	6.95
FS1117.61	433.5	Remarkables Park Limited	Reject	11	62	6.8
FS1117.62	433.6	Remarkables Park Limited	Accept	11	62	6.9
FS1117.63	433.7	Remarkables Park Limited	Reject	11	62	6.10
FS1117.64	433.8	Remarkables Park Limited	Reject	11	62	6.10
FS1117.65	433.9	Remarkables Park Limited	Reject	11	62	6.11
FS1117.66	433.10	Remarkables Park Limited	Reject	11	62	6.11
FS1117.67	433.11	Remarkables Park Limited	Transferred to Definitions	11	62	5
FS1117.68	433.12	Remarkables Park Limited	Reject	11	62	6.12
FS1117.69	433.13	Remarkables Park Limited	Reject	11	62	6.13
FS1117.70	433.14	Remarkables Park Limited	Accept in Part	11	62	6.13
FS1117.71	433.15	Remarkables Park Limited	Reject	11	62	6.17
FS1117.73	433.17	Remarkables Park Limited	Reject	11	62	6.22
FS1117.74	433.18	Remarkables Park Limited	Reject	11	62	6.25
FS1117.75	433.19	Remarkables Park Limited	Reject	11	62	5
FS1117.76	433.20	Remarkables Park Limited	Reject	11	62	5
FS1117.77	433.21	Remarkables Park Limited	Reject	11	62	6.30
FS1117.79	433.23	Remarkables Park Limited	Reject	11	62	6.49
FS1117.80	433.24	Remarkables Park Limited	Reject	4A	22	6.50
FS1117.81	433.25	Remarkables Park Limited	Reject	11	62	6.53
FS1117.82	433.26	Remarkables Park Limited	Reject	11	62	5
FS1117.83	433.27	Remarkables Park Limited	Reject	11	62	6.77
FS1117.84	433.28	Remarkables Park Limited	Reject	11	62	6.78
FS1117.85	433.29	Remarkables Park Limited	Reject	11	62	6.83

Further Submission No	Original Submission	Further Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
FS1117.86	433.30	Remarkables Park Limited	Reject	9A	36.11	6.95
FS1117.87	433.31	Remarkables Park Limited	Accept in part	9A	36.11	6.95
FS1117.88	433.32	Remarkables Park Limited	Accept in part	9A	36.11	6.96
FS1117.90	433.34	Remarkables Park Limited	Reject	11	62	6.126
FS1117.91	433.35	Remarkables Park Limited	Reject	11	62	5
FS1117.92	433.36	Remarkables Park Limited	Reject	11	62	5
FS1121.1	179.5	Aurora Energy Limited	Accept in part	8	5.14	6.64
FS1121.2	191.4	Aurora Energy Limited	Accept in part	8	5.14	6.64
FS1121.3	781.5	Aurora Energy Limited	Accept in part	8	5.14	6.64
FS1121.5	191.6	Aurora Energy Limited	Reject	8	6.4	6.125
FS1121.6	805.16	Aurora Energy Limited	Accept in part	8	6.7	6.87
FS1123.1	433.10	Airways New Zealand Ltd	Accept	11	62	6.11
FS1132.2	179.5	Federated Farmers of New Zealand	Reject	8	5.14	6.64
FS1132.22	373.1	Federated Farmers of New Zealand	Reject	4A	48.2	6.21
FS1132.23	373.3	Federated Farmers of New Zealand	Reject	4A	52.2	6.75
FS1132.3	179.7	Federated Farmers of New Zealand	Accept	8	6.4	6.125
FS1132.37	635.1	Federated Farmers of New Zealand	Accept	8	2.2	5
FS1132.38	635.3	Federated Farmers of New Zealand	Reject	8	6.1	6.31
FS1132.39	635.4	Federated Farmers of New Zealand	Accept	8	6.1	6.31
FS1132.40	635.5	Federated Farmers of New Zealand	Accept in part	8	5.14	6.64
FS1132.41	635.6	Federated Farmers of New Zealand	Reject	8	6.7	6.87
FS1132.42	635.7	Federated Farmers of New Zealand	Accept	8	6.8	6.115
FS1132.51	706.5	Federated Farmers of New Zealand	Accept	4A	58	5
FS1132.8	191.4	Federated Farmers of New Zealand	Reject	8	5.14	6.64
FS1132.9	191.6	Federated Farmers of New Zealand	Reject	8	6.4	6.125
FS1137.22	615.21	Kay Curtis	Accept in part	4A	5.16	6.108

Further Submission No	Original Submission	Further Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
FS1137.43	615.42	Kay Curtis	Reject	8	12.3	5
FS1153.2	610.22	Mount Cardrona Station Ltd	Accept in part	4A	5.16	6.108
FS1159.1	805.16	PowerNet Ltd	Accept in part	8	6.7	6.87
FS1162.36	701.1	James Wilson Cooper	Reject	4A	48.2	6.21
FS1162.37	701.2	James Wilson Cooper	Reject	4A	9.1	5
FS1162.56	706.2	James Wilson Cooper	Accept	4A	60	6.34
FS1162.57	706.3	James Wilson Cooper	Accept in part	4A	48.1	6.48
FS1162.58	706.4	James Wilson Cooper	Reject	4A	58	6.70
FS1162.59	706.5	James Wilson Cooper	Accept	4A	58	5
FS1164.1	344.11	Shotover Park Limited	Accept	11	48	6.121
FS1164.13	746.6	Shotover Park Limited	Reject	11	48	6.99
FS1167.5	408.2	Peter and Margaret Arnott	Accept in part	9A	36.1	6.5
FS1208.10	805.16	Vodafone New Zealand Limited	Accept in part	8	6.7	6.87
FS1208.9	566.2	Vodafone New Zealand Limited	Transferred to Definitions	11	62	6.85
FS1209.10	600.10	Richard Burdon	Reject	4A	48.1	6.48
FS1209.4	600.4	Richard Burdon	Reject	4A	9.1	6.18
FS1209.5	600.5	Richard Burdon	Reject	4A	48.2	6.21
FS1209.6	600.6	Richard Burdon	Accept in part	4A	22	5
FS1209.7	600.7	Richard Burdon	Reject	4A	22	6.37
FS1209.8	600.8	Richard Burdon	Reject	4A	22	5
FS1211.13	433.14	New Zealand Defence Force	Reject	11	62	6.13
FS1211.14	635.6	New Zealand Defence Force	Accept in part	8	6.7	6.87
FS1211.19	805.16	New Zealand Defence Force	Accept in part	8	6.7	6.87
FS1211.20	805.17	New Zealand Defence Force	Reject	8	6.9	6.100
FS1224.34	243.34	Matakauri Lodge Limited		11	62	6.9
FS1224.37	243.37	Matakauri Lodge Limited	Accept in part	4A	22	6.26
FS1224.39	243.39	Matakauri Lodge Limited	Reject	4A	58	6.70
FS1224.41	243.41	Matakauri Lodge Limited	Accept in part	9A	36.11	6.95

Further Submission No	Original Submission	Further Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
FS1224.42	243.42	Matakauri Lodge Limited	Accept in part	9A	36.11	6.95
FS1224.43	243.43	Matakauri Lodge Limited	Accept in part	9A	36.11	6.96
FS1224.44	243.44	Matakauri Lodge Limited	Accept in part	4A	5.16	6.108
FS1229.24	610.22	NXSki Limited	Accept in part	4A	5.16	6.108
FS1229.26	615.21	NXSki Limited	Accept in part	4A	5.16	6.108
FS1229.28	243.44	NXSki Limited	Accept in part	4A	5.16	6.108
FS1253.10	805.16	Spark New Zealand Trading Limited	Accept in part	8	6.7	6.87
FS1253.9	566.2	Spark New Zealand Trading Limited	Transferred to Definitions	11	62	6.85
FS1255.17	179.3	Arcadian Triangle Limited	Accept	8	6.2	6.18
FS1255.18	191.2	Arcadian Triangle Limited	Accept	8	6.2	6.18
FS1270.31	408.2	Hansen Family Partnership	Reject	9A	36.1	6.5
FS1287.1	373.2	New Zealand Tungsten Mining Limited	Reject	4A	52.2	6.16
FS1287.2	373.3	New Zealand Tungsten Mining Limited	Reject	4A	52.2	6.75
FS1301.1	635.1	Transpower New Zealand Limited (Transpower)	Accept in part	8	2.2	5
FS1301.2	635.3	Transpower New Zealand Limited (Transpower)	Accept in part	8	6.1	6.31
FS1301.3	635.4	Transpower New Zealand Limited (Transpower)	Accept in part	8	6.1	6.31
FS1301.4	635.5	Transpower New Zealand Limited (Transpower)	Accept in part	8	5.14	6.64
FS1301.5	179.5	Transpower New Zealand Limited (Transpower)	Reject	8	5.14	6.64
FS1301.6	191.4	Transpower New Zealand Limited (Transpower)	Reject	8	5.14	6.64

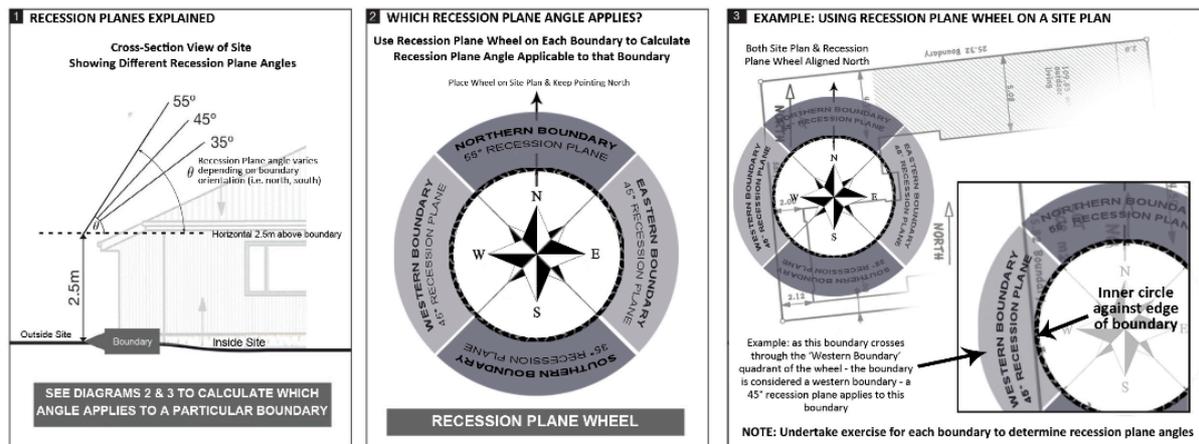
Further Submission No	Original Submission	Further Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
FS1301.7	635.9	Transpower New Zealand Limited (Transpower)	Accept in part	8	6.2	6.125
FS1301.8	635.7	Transpower New Zealand Limited (Transpower)	Reject	8	6.8	6.115
FS1313.2	373.2	Darby Planning LP	Accept in part	4A	52.2	6.16
FS1313.3	373.3	Darby Planning LP	Reject	4A	52.2	6.75
FS1314.10	344.11	Bunnings Ltd	Reject	11	48	6.121
FS1314.9	344.10	Bunnings Ltd	Accept	11	48	6.19
FS1329.8	407.1	Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP	Accept in part	4A	5.16	6.79
FS1330.4	407.1	Treble Cone Investments Limited	Accept in part	4A	5.16	6.79
FS1340.1	243.40	Queenstown Airport Corporation	Accept	8	18.2	5
FS1340.2	408.2	Queenstown Airport Corporation	Accept	9A	36.1	6.5
FS1340.3	383.3	Queenstown Airport Corporation		11	62	6.8
FS1340.4	566.1	Queenstown Airport Corporation	Accept in Part	11	62	6.11
FS1340.5	566.2	Queenstown Airport Corporation	Transferred to Definitions	11	62	6.85
FS1340.7	805.16	Queenstown Airport Corporation	Accept in part	8	6.7	6.87
FS1341.28	836.10	Real Journeys Limited	Accept in part	4A	58	6.70
FS1342.18	836.10	Te Anau Developments Limited	Accept in part	4A	58	6.70
FS1342.23	373.2	Te Anau Developments Limited	Accept in part	4A	52.2	6.16
FS1342.5	600.6	Te Anau Developments Limited	Accept in part	4A	22	5
FS1342.6	781.6	Te Anau Developments Limited	Reject	8	6.3	6.116
FS1342.7	781.5	Te Anau Developments Limited	Accept in part	8	5.14	6.64
FS1342.8	781.7	Te Anau Developments Limited	Reject	8	6.4	6.125
FS1347.18	373.1	Lakes Land Care	Reject	4A	48.2	6.21

Further Submission No	Original Submission	Further Submitter	Recommendation to Stream 10 Panel	Original Report	Original Report Reference	Reference in Report 14
FS1347.19	373.2	Lakes Land Care	Reject	4A	52.2	6.16
FS1347.20	373.3	Lakes Land Care	Reject	4A	52.2	6.75
FS1356.1	519.1	Cabo Limited	Reject	4A	5.12	5
FS1356.2	519.2	Cabo Limited	Reject	4A	5.12	6.62
FS1356.4	519.4	Cabo Limited	Accept	4A	5.15	5
FS1356.5	519.5	Cabo Limited	Reject	4A	5.12	6.60
FS1356.6	519.6	Cabo Limited	Accept in part	4A	5.12	6.60
FS1356.7	519.7	Cabo Limited	Accept	8	12.3	6.117

Appendix 5: Text that might form basis of a variation amending the definition of “Recession Lines/Recession Plane”

Recession Line/Recession Plane Definition:

Means a line drawn from a point 2.5 metres above a site boundary at right angles inward from the boundary, inclining at an angle that varies from the horizontal according to the extent to which the site is orientated to true north. The combination of recession lines drawn along the site boundary creates the recession plane. See interpretive diagrams below and use the recession plane wheel to calculate the angle of inclination relevant to each site boundary.



Instructions:

The recession plane angle is dependent on which boundary of the site (i.e. north, south, east or west) the recession plane originates from. To determine what angle applies to each boundary – use the recession plane wheel on the site plan:

Step 1: Place the wheel in the centre of the site on the site plan, with both the wheel and site plan aligned true north. Keep both aligned in this way at all times.

Step 2: Move the wheel toward a boundary until the boundary first touches the edge of the inner circle of the wheel.

Step 3: Look at which quadrant of the wheel the boundary in question primarily passes through – this will confirm the recession plane angle applicable to that boundary.

Note: If the boundary is centred on the line between two quadrants (i.e. it could be either orientation), the more restrictive (lower angle) recession plane angle will apply.