**Appendix C -** A copy of the relevant parts of the decision; and

# 21 RURAL

QUEENSTOWN LAKES DISTRICT COUNCIL

# 21.1 Zone Purpose

There are four rural zones in the District. The Rural Zone is the most extensive of these. The Gibbston Valley is recognised as a special character area for viticulture production and the management of this area is provided for in Chapter 23: Gibbston Character Zone. Opportunities for rural living activities are provided for in the Rural-Residential and Rural Lifestyle Zones (Chapter 22).

The purpose of the Rural Zone is to enable farming activities and provide for appropriate other activities that rely on rural resources while protecting, maintaining and enhancing landscape values, ecosystem services, nature conservation values, the soil and water resource and rural amenity.

A wide range of productive activities occur in the Rural Zone and because the majority of the District's distinctive landscapes comprising open spaces, lakes and rivers with high visual quality and cultural value are located in the Rural Zone, there also exists a wide range of living, recreation, commercial and tourism activities and the desire for further opportunities for these activities.

Ski Area Sub-Zones are located within the Rural Zone. These Sub-Zones recognise the contribution tourism infrastructure makes to the economic and recreational values of the District. The purpose of the Ski Area Sub-Zones is to enable the continued development of Ski Areas as year round destinations for ski area, tourism and recreational activities within the identified Sub-Zones where the effects of the development are cumulatively minor.

In addition, the Rural Industrial Sub-Zone includes established industrial activities that are based on rural resources or support farming and rural productive activities.

A substantial proportion of the Outstanding Natural Landscapes of the district comprises private land managed in traditional pastoral farming systems. Rural land values tend to be driven by the high landscape and amenity values in the district. The long term sustainability of pastoral farming will depend upon farmers being able to achieve economic returns from utilising the natural and physical resources of their properties. For this reason, it is important to acknowledge the potential for a range of alternative uses of rural properties that utilise the qualities that make them so valuable.

The Rural Zone is divided into two areas. The first being the area for Outstanding Natural Landscapes and Outstanding Natural Features. The second area being the Rural Character Landscape. These areas give effect to Chapter 3 – Strategic Direction: Objectives 3.2.5.1 and 3.2.5.2, and the policies in Chapters 3 and 6 that implement those objectives.

# 21.2 Objectives and Policies

## 21.2.1 Objective - A range of land uses, including farming and established activities, are enabled while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.

Policies

21.2.1.1 Enable farming activities while protecting, maintaining and enhancing the values of indigenous biodiversity, ecosystem services, recreational values, the landscape and surface of lakes and rivers and their margins.

21.2.1.2 Allow Farm Buildings associated with landholdings of 100 hectares or more in area while managing effects of the location, scale and colour of the buildings on landscape values.

21.2.1.3 Require buildings to be set back a minimum distance from internal boundaries and road boundaries in order to mitigate potential adverse effects on landscape character, visual amenity, outlook from neighbouring properties and to avoid adverse effects on established and anticipated activities.

21.2.1.4 Minimise the dust, visual, noise and odour effects of activities by requiring them to locate a greater distance from formed roads, neighbouring properties, waterbodies and zones that are likely to contain residential and commercial activity.

21.2.1.5 Have regard to the location and direction of lights so they do not cause glare to other properties, roads, public places or views of the night sky.

21.2.1.6 Avoid adverse cumulative impacts on ecosystem services and nature conservation values.

21.2.1.7 Have regard to the spiritual beliefs, cultural traditions and practices of Tangata whenua.

21.2.1.8 Have regard to fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision and development in the Rural Zone.

21.2.1.9 Provide adequate firefighting water and fire service vehicle access to ensure an efficient and effective emergency response.

21.2.1.10 Commercial activities in the Rural Zone should have a genuine link with the rural land or water resource, farming, horticulture or viticulture activities, or recreation activities associated with resources located within the Rural Zone.

21.2.1.11 Provide for the establishment of commercial, retail and industrial activities only where these would protect, maintain or enhance rural character, amenity values and landscape values.

21.2.1.12 Encourage production forestry to be consistent with topography and vegetation patterns, to locate outside of the Outstanding Natural Features and Landscapes and outside of significant natural areas, and ensure production forestry does not degrade the landscape character or visual amenity values of the Rural Character Landscape.

21.2.1.13 Ensure forestry harvesting avoids adverse effects with regards to siltation and erosion and sites are rehabilitated to minimise runoff, erosion and effects on landscape values.

21.2.1.14 Limit exotic forestry to species that do not have potential to spread and naturalise.

21.2.1.15 Ensure traffic from new commercial activities does not diminish rural amenity or affect the safe and efficient operation of the roading and trail network, or access to public places.

21.2.1.16 Provide for a range of activities that support the vitality, use and enjoyment of the Queenstown Trail and Upper Clutha Tracks networks on the basis that landscape and rural amenity is protected, maintained or enhanced and established activities are not compromised.

## 21.2.2 Objective - The life supporting capacity of soils is sustained.

Policies

21.2.2.1 Allow for the establishment of a range of activities that utilise the soil resource in a sustainable manner.

21.2.2.2 Maintain the productive potential and soil resource of Rural Zoned land and encourage land management practices and activities that benefit soil and vegetation cover.

21.2.2.3 Protect the soil resource by controlling activities including earthworks, indigenous vegetation clearance and prohibit the planting and establishment of identified wilding exotic trees with the potential to spread and naturalise.

## 21.2.3 Objective - The life supporting capacity of water is safeguarded through the integrated management of the effects of activities.

21.2.3.1 In conjunction with the Otago Regional Council, regional plans and strategies:

a. encourage activities that use water efficiently, thereby conserving water quality and quantity;

b. discourage activities that adversely affect the potable quality and life supporting capacity of water and associated ecosystems.

## 21.2.4 Objective - Situations where sensitive activities conflict with existing and anticipated activities are managed to minimise conflict between incompatible land uses.

Policies

21.2.4.1 New activities must recognise that permitted and established activities in the Rural Zone may result in effects such as odour, noise, dust and traffic generation that are reasonably expected to occur and will be noticeable to residents and visitors in rural areas.

21.2.4.2 Control the location and type of non-farming activities in the Rural Zone, so as to minimise conflict between permitted and established activities and those that may not be compatible with such activities.

## 21.2.5 Objective - Mineral extraction opportunities are provided for on the basis the location, scale and effects would not degrade amenity, water, wetlands, landscape and indigenous biodiversity values.

Policies

21.2.5.1 Have regard to the importance and economic value of locally mined high-quality gravel, rock and other minerals including gold and tungsten.

21.2.5.2 Provide for prospecting and small scale mineral exploration and recreational gold mining as activities with limited environmental impact.

21.2.5.3 Ensure that during and following the conclusion of mineral extractive activities, sites are progressively rehabilitated in a planned and co-ordinated manner, to enable the establishment of a land use appropriate to the area.

21.2.5.4 Ensure potentially significant adverse effects of extractive activities (including mineral exploration) are avoided, or remedied particularly where those activities have potential to degrade landscape quality, character and visual amenity, indigenous biodiversity, lakes and rivers, potable water quality and the life supporting capacity of water.

21.2.5.5 Avoid or mitigate the potential for other land uses, including development of other resources above, or in close proximity to mineral deposits, to adversely affect the extraction of known mineral deposits.

21.2.5.6 Encourage use of environmental compensation as a means to address unavoidable residual adverse effects from mineral extraction.

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## 21.2.6 Objective - The future growth, development and consolidation of Ski Areas Activities within identified Ski Area Sub-Zones, is provided for, while adverse effects on the environment are avoided, remedied or mitigated.

Policies

21.2.6.1 Identify Ski Area Sub-Zones and encourage Ski Area Activities and complementary tourism activities to locate and consolidate within the Sub-Zones.

21.2.6.2 Control the visual impact of roads, buildings and infrastructure associated with Ski Area Activities.

21.2.6.3 Provide for the continuation of existing vehicle testing facilities within the Waiorau Snow Farm Ski Area Sub-Zone on the basis that the landscape and indigenous biodiversity values are not further degraded.

21.2.6.4 Provide for appropriate alternative (non-road) means of transport to and within Ski Area Sub-Zones, by way of passenger lift systems and ancillary structures and facilities.

21.2.6.5 Provide for Ski Area Sub-Zone Accommodation activities within Ski Area Sub-Zones, which are complementary to outdoor recreation activities within the Ski Area Sub-Zone, that can realise landscape and conservation benefits and that avoid, remedy or mitigate adverse effects on the environment.

21.2.7 Objective - An area that excludes activities which are sensitive to aircraft noise, is retained within an airport's Outer Control Boundary, to act as a buffer between airports and Activities Sensitive to Aircraft Noise.

Policies

21.2.7.1 Prohibit all new activities sensitive to aircraft noise on Rural Zoned land within the Outer Control Boundary at Queenstown Airport and Wanaka Airport to avoid adverse effects arising from aircraft operations on future activities sensitive to aircraft noise.

21.2.7.2 Identify and maintain areas containing activities that are not sensitive to aircraft noise, within an airport's outer control boundary, to act as a buffer between the airport and activities sensitive to aircraft noise.

21.2.7.3 Retain open space within the outer control boundary of airports in order to provide a buffer, particularly for safety and noise purposes, between the airport and other activities.

21.2.7.4 Require as necessary mechanical ventilation for any alterations or additions to Critical Listening Environment within any existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary and require sound insulation and mechanical ventilation for any alterations or additions to Critical Listening Environment within any existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary.

21.2.8 Objective - Subdivision, use and development in areas that are unsuitable due to identified constraints not addressed by other provisions of this Plan, is avoided, or the effects of those constraints are remedied or mitigated.

Policies

21.2.8.1 Prevent subdivision and development within the building restriction areas identified on the District Plan maps, in particular:

a. in the Glenorchy area, protect the heritage value of the visually sensitive Bible Face landform from building and development and to maintain the rural backdrop that the Bible Face provides to the Glenorchy Township;

b. in Ferry Hill, within the building line restriction identified on the planning maps.

## 21.2.9 Objective - Provision for diversification of farming and other rural activities that protect landscape and natural resource values and maintains the character of rural landscapes.

| | | |
|---|---|---|
| | 21.2.9.1 | Encourage revenue producing activities that can support the long-term sustainability of the rural areas of the district and that maintain or enhance landscape values and rural amenity. |
| | 21.2.9.2 | Ensure that revenue producing activities utilise natural and physical resources (including existing buildings) in a way that maintains and enhances landscape quality, character, rural amenity, and natural resources |
| | 21.2.9.3 | Provide for the establishment of activities such as tourism, commercial recreation or visitor accommodation located within farms where these enable landscape values and indigenous biodiversity to be sustained in the longer term. |

## 21.2.10 Objective – Commercial Recreation in the Rural Zone is of a nature and scale that is commensurate to the amenity values of the location.

| | | |
|---|---|---|
| Policies | 21.2.10.1 | The group size of commercial recreation activities will be managed so as to be consistent with the level of amenity anticipated in the surrounding environment. |
| | 21.2.10.2 | To manage the adverse effects of commercial recreation activities so as not to degrade rural quality or character or visual amenities and landscape values. |
| | 21.2.10.3 | To avoid, remedy or mitigate any adverse effects commercial activities may have on the range of recreational activities available in the District and the quality of the experience of the people partaking of these opportunities. |
| | 21.2.10.4 | To ensure the scale and location of buildings, noise and lighting associated with commercial recreation activities are consistent with the level of amenity existing and anticipated in the surrounding environment. |

## 21.2.11 Objective - The location, scale and intensity of informal airports is managed to maintain amenity values while protecting informal airports from incompatible land uses.

| | | |
|---|---|---|
| Policies | 21.2.11.1 | Ensure informal airports are located, operated and managed so as to maintain the surrounding rural amenity. |
| | 21.2.11.2 | Protect rural amenity values, and amenity of other zones from the adverse effects that can arise from informal airports. |
| | 21.2.11.3 | Protect lawfully established and anticipated permitted informal airports from the establishment of incompatible activities in the immediate vicinity. |

## 21.2.12 Objective - The natural character of lakes and rivers and their margins is protected, maintained or enhanced, while providing for appropriate activities on the surface of lakes and rivers, including recreation, commercial recreation and public transport.

Policies

21.2.12.1 Have regard to statutory obligations, wāhi Tūpuna and the spiritual beliefs, and cultural traditions of tangata whenua where activities are undertaken on the surface of lakes and rivers and their margins.

21.2.12.2 Enable people to have access to a wide range of recreational experiences on the lakes and rivers, based on the identified characteristics and environmental limits of the various parts of each lake and river.

21.2.12.3 Avoid or mitigate the adverse effects of frequent, large-scale or intrusive commercial activities such as those with high levels of noise, vibration, speed and wash, in particular motorised craft, in areas of high passive recreational use, significant nature conservation values and wildlife habitat.

21.2.12.4 Have regard to the whitewater values of the District's rivers and, in particular, the values of parts of the Kawarau, Nevis and Shotover Rivers as three of the few remaining major unmodified whitewater rivers in New Zealand, and to support measures to protect this characteristic of rivers.

21.2.12.5 Protect, maintain or enhance the natural character and nature conservation values of lakes, rivers and their margins from inappropriate activities with particular regard to nesting and spawning areas, the intrinsic value of ecosystem services and areas of indigenous fauna habitat and recreational values.

21.2.12.6 Recognise and provide for the maintenance and enhancement of public access to and enjoyment of the margins of the lakes and rivers.

21.2.12.7 Ensure that the location, design and use of structures and facilities are such that any adverse effects on visual qualities, safety and conflicts with recreational and other activities on the lakes and rivers are avoided, remedied or mitigated.

21.2.12.8 Encourage development and use of water based public ferry systems including necessary infrastructure and marinas, in a way that avoids adverse effects on the environment as far as possible, or where avoidance is not practicable, remedies and mitigates such adverse effects.

21.2.12.9 Take into account the potential adverse effects on nature conservation values from the boat wake of commercial boating activities, having specific regard to the intensity and nature of commercial jet boat activities and the potential for turbidity and erosion.

21.2.12.10 Ensure that the nature, scale and number of commercial boating operators and/or commercial boats on waterbodies do not exceed levels such that the safety of passengers and other users of the water body cannot be assured.

21.2.13 Objective - Rural industrial activities and infrastructure within the Rural Industrial Sub-Zones will support farming and rural productive activities, while protecting, maintaining and enhancing rural character, amenity and landscape values.

Policies

21.2.13.1 Provide for rural industrial activities and buildings within established nodes of industrial development while protecting, maintaining and enhancing landscape and amenity values.

21.2.13.2 Provide for limited retail and administrative activities within the Rural Industrial Sub-Zone on the basis it is directly associated with and ancillary to the Rural Industrial Activity on the site.

# 21.3 Other Provisions and Rules

## 21.3.1 District Wide

Attention is drawn to the following District Wide chapters.

| | | | | | |
|---|---|---|---|---|---|
| 1 | Introduction | 2 | Definitions | 3 | Strategic Direction |
| 4 | Urban Development | 5 | Tangata Whenua | 6 | Landscapes and Rural Character |
| 25 | Earthworks | 26 | Historic Heritage | 27 | Subdivision |
| 28 | Natural Hazards | 29 | Transport | 30 | Energy and Utilities |
| 31 | Signs | 32 | Protected Trees | 33 | Indigenous Vegetation |
| 34 | Wilding Exotic Trees | 35 | Temporary Activities and Relocated Buildings | 36 | Noise |
| 37 | Designations | | Planning Maps | | |

## 21.3.2 Interpreting and Applying the Rules

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

21.3.2.2 Where an activity does not comply with a Standard listed in the Standards tables, the activity status identified by the 'Non-Compliance Status' column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.

21.3.2.3 For controlled and restricted discretionary activities, the Council shall restrict the exercise of its control or discretion to the matters listed in the rule.

21.3.2.4 Development and building activities are undertaken in accordance with the conditions of resource subdivision consent and may be subject to monitoring by the Council.

21.3.3.5 The existence of a farm building either permitted or approved by resource consent under Rule 21.4.2 or Table 5 – Standards for Farm Buildings shall not be considered the permitted baseline for residential or other non-farming activity development within the Rural Zone.

21.3.3.6 The Ski Area and Rural Industrial Sub-Zones, being Sub-Zones of the Rural Zone, require that all rules applicable to the Rural Zone apply unless stated to the contrary.

21.3.2.7 Building platforms identified on a site's computer freehold register shall have been registered as part of a resource consent approval by the Council.

21.3.2.8 The surface and bed of lakes and rivers are zoned Rural, unless otherwise stated.

21.3.2.9 Internal alterations to buildings including the replacement of joinery is permitted.

21.3.2.10 These abbreviations are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

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

## 21.3.3 Advice Notes

21.3.3.1 Compliance with any of the following standards, in particular the permitted standards, does not absolve any commitment to the conditions of any relevant resource consent, consent notice or covenant registered on the computer freehold register of any property.

21.3.3.2 In addition to any rules for mining, the Otago Regional Plan: Water, also has rules related to suction dredge mining.

21.3.3.3 Applications for building consent for permitted activities shall include information to demonstrate compliance with the following standards, and any conditions of the applicable resource consent conditions.

# 21.4 Rules - Activities

All activities, including any listed permitted activities shall be subject to the rules and standards contained in Tables 1 to 15.

Table 1 – Activities Generally

Table 2 – Standards Applying Generally in the Zone

Table 3 – Standards for Farm Activities (additional to those in Table 2)

Table 4 – Standards for Structures and Buildings (other than Farm Buildings) (additional to those in Table 2)

Table 5 – Standards for Farm Buildings (additional to those in Table 2)

Table 6 – Standards for Commercial Activities (additional to those in Table 2)

Table 7– Standards for Informal Airports (additional to those in Table 2)

Table 8 – Standards for Mining and Extraction Activities (additional to those in Table 2)

Table 9 – Activities in the Ski Area Sub-Zone (additional to those listed in Table 1)

Table 10 - Activities in Rural Industrial Sub-Zone (additional to those listed in Table 1)

Table 11 – Standards for Rural Industrial Sub-Zone

Table 12– Activities on the Surface of Lakes and Rivers

Table 13 – Standards for Activities on the Surface of Lakes and Rivers

Table 14 – Closeburn Station Activities

Table 15 – Closeburn Station: Standards for Buildings and Structures

| | Table 1 - Activities - Rural Zone | Activity Status |
|---|---|---|
| | Farming Activities | |
| 21.4.1 | Farming Activity that complies with the standards in Table 2 and Table 3. | P |
| 21.4.2 | Construction of or addition to farm buildings that comply with the standards in Table 5. | P |
| 21.4.3 | Factory Farming limited to factory farming of pigs or poultry that complies with the standards in Table 2 and Table 3. | P |
| 21.4.4 | Factory Farming animals other than pigs or poultry. | NC |
| | Residential Activities | |
| 21.4.5 | One residential unit, which includes a single residential flat for each residential unit and any other accessory buildings, within any building platform approved by resource consent. | P |
| 21.4.6 | The construction and exterior alteration of buildings located within a building platform approved by resource consent, or registered on the applicable computer freehold register, subject to compliance with the standards in Table 2 and Table 4. | P |
| 21.4.7 | The exterior alteration of any lawfully established building where there is not an approved building platform on the site, subject to compliance with the standards in Table 2 and Table 4. | P |

| | Table 1 - Activities - Rural Zone | Activity Status |
|---|---|---|
| 21.4.8 | Domestic Livestock. | P |
| 21.4.9 | The use of land or buildings for residential activity except as provided for in any other rule. | D |
| 21.4.10 | The identification of a building platform not less than 70m$^2$ and not greater than 1000m$^2$. | D |
| 21.4.11 | The construction of any building including the physical activity associated with buildings including roading, access, lighting, landscaping and earthworks, not provided for by any other rule. | D |
| | Commercial Activities | |
| 21.4.12 | Home Occupation that complies with the standards in Table 6. | P |
| 21.4.13 | Commercial recreational activities that comply with the standards in Table 6. | P |
| 21.4.14 | Roadside stalls that meet the standards in Table 6. | P |
| 21.4.15 | | |
| 21.4.16 | Retail sales of farm and garden produce and wine grown, reared or produced on-site or handicrafts produced on the site and that comply with the standards in Table 6, not undertaken through a roadside stall under Rule 21.4.14.<br>Control is reserved to:<br>a. the location of the activity and buildings;<br>b. vehicle crossing location, car parking;<br>c. rural amenity and landscape character. | C |
| 21.4.17 | Commercial activities ancillary to and located on the same site as commercial recreational or recreational activities. | D |
| 21.4.18 | Cafes and restaurants located in a winery complex within a vineyard. | D |
| 21.4.19 | Visitor Accommodation outside of a Ski Area Sub-Zone. | D |
| 21.4.20 | Forestry Activities within the Rural Character Landscapes. | D |
| 21.4.21 | Retail Sales<br>Retail sales where the access is onto a State Highway, with the exception of the activities provided for by Rule 21.4.14 or Rule 21.4.16. | NC |
| | Other Activities | |
| 21.4.22 | Recreation and/or Recreational Activity. | P |
| 21.4.23 | Informal Airports that comply with Table 7. | P |

| | Table 1 - Activities - Rural Zone | Activity Status |
|---|---|---|
| 21.4.24 | Passenger Lift Systems not located within a Ski Area Sub-Zone<br>Discretion is restricted to:<br>a. the impact on landscape values from any alignment, earthworks, design and surface treatment, including measures to mitigate landscape effects including visual quality and amenity values;<br>b. the route alignment and the whether any system or access breaks the line and form of skylines, ridges, hills and prominent slopes;<br>c. earthworks associated with construction of the Passenger Lift System;<br>d. the materials used, colours, lighting and light reflectance;<br>e. geotechnical matters;<br>f. ecological values and any proposed ecological mitigation works.;<br>g. balancing environmental considerations with operational requirements of Ski Area Activities;<br>h. the positive effects arising from providing alternative non-vehicular access and linking Ski Area Sub-Zones to the roading network. | RD |
| 21.4.25 | Ski Area Activities not located within a Ski Area Sub-Zone, with the exception of:<br>a. non-commercial skiing which is permitted as recreation activity under Rule 21.4.22;<br>b. commercial heli skiing not located within a Ski Area Sub-Zone is a commercial recreation activity and Rule 21.4.13 applies;<br>c. Passenger Lift Systems to which Rule 21.4.24 applies. | NC |
| 21.4.26 | Any building within a Building Restriction Area identified on the Planning Maps. | NC |
| | Activities within the Outer Control Boundary at Queenstown Airport and Wanaka Airport | |
| 21.4.27 | New Building Platforms and Activities Sensitive to Aircraft Noise within the Outer Control Boundary - Wanaka Airport<br>On any site located within the Outer Control Boundary, any new activity sensitive to aircraft noise or new building platform to be used for an activity sensitive to aircraft noise (except an activity sensitive to aircraft noise located on a building platform approved before 20 October 2010). | PR |
| 21.4.28 | Activities Sensitive to Aircraft Noise within the Outer Control Boundary - Queenstown Airport<br>On any site located within the Outer Control Boundary, which includes the Air Noise Boundary, as indicated on the District Plan Maps, any new Activity Sensitive to Aircraft Noise. | PR |
| | Mining Activities | |
| 21.4.29 | The following mining and extraction activities that comply with the standards in Table 8 are permitted:<br>a. mineral prospecting;<br>b. mining by means of hand-held, non-motorised equipment and suction dredging, where the total motive power of any dredge does not exceed 10 horsepower (7.5 kilowatt); and<br>c. the mining of aggregate for farming activities provided the total volume does not exceed 1000$m^3$ in any one year. | P |

| | Table 1 - Activities - Rural Zone | Activity Status |
|---|---|---|
| 21.4.30 | Mineral exploration that does not involve more than $20m^3$ in volume in any one hectare<br>Control is reserved to:<br>a. the adverse effects on landscape, nature conservation values and water quality;<br>b. ensuring rehabilitation of the site is completed that ensures:<br>i. the long-term stability of the site;<br>ii. that the landforms or vegetation on finished areas are visually integrated into the landscape;<br>iii. water quality is maintained;<br>iv. that the land is returned to its original productive capacity;<br>c. that the land is rehabilitated to indigenous vegetation where the pre-existing land cover immediately prior to the exploration, comprised indigenous vegetation as determined utilising Section 33.3.3 of Chapter 33. | C |
| 21.4.31 | Any mining activity or mineral prospecting other than provided for in Rules 21.4.29 and 21.4.30. | D |
| | Industrial Activities outside the Rural Industrial Sub-Zone | |
| 21.4.32 | Industrial Activities directly associated with wineries and underground cellars within a vineyard. | D |
| 21.4.33 | Industrial Activities outside the Rural Industrial Sub-Zone other than those provided for by Rule 21.4.32. | NC |
| | Default Activity Status When Not Listed | |
| 21.4.34 | Any activity not otherwise provided for in Tables 1, 9, 10, 12 or 14. | NC |

# 21.5 Rules - General Standards

| Table 2 | Table 2 - Standards Applying Generally in the Zone.<br>The following standards apply to any of the activities described in Tables 1, 9, 10, 12 and 14 in addition to the specific standards in Tables 3- 8, 11, 13 and 15 unless otherwise stated. | Non- compliance Status |
|---|---|---|
| 21.5.1 | Setback from Internal Boundaries<br>The setback of any building from internal boundaries shall be 15m.<br>Except this rule shall not apply within the Rural Industrial Sub-Zone. Refer to Table 11. | RD<br>Discretion is restricted to:<br>a. rural amenity and landscape character;<br>b. privacy, outlook and amenity from adjoining properties. |
| 21.5.2 | Setback from Roads<br>The setback of any building from a road boundary shall be 20m, except, the minimum setback of any building from State Highway 6 between Lake Hayes and the Shotover River shall be 50m. The minimum setback of any building for other sections of State Highway 6 where the speed limit is 70 km/hr or greater shall be 40m. | RD<br>Discretion is restricted to:<br>a. rural Amenity and landscape character;<br>b. open space;<br>c. the adverse effects on the proposed activity from noise, glare and vibration from the established road. |
| 21.5.3 | Setback from Neighbours of Buildings Housing Animals<br>The setback from internal boundaries for any building housing animals shall be 30m. | RD<br>Discretion is restricted to:<br>a. odour;<br>b. noise;<br>c. dust;<br>d. vehicle movements. |
| 21.5.4 | Setback of buildings from Water bodies<br>The minimum setback of any building from the bed of a wetland, river or lake shall be 20m. | RD<br>Discretion is restricted to:<br>a. indigenous biodiversity values;<br>b. visual amenity values;<br>c. landscape and natural character;<br>d. open space;<br>e. whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the adverse effects of the location of the building. |

| Table 2 | Table 2 - Standards Applying Generally in the Zone.<br>The following standards apply to any of the activities described in Tables 1, 9, 10, 12 and 14 in addition to the specific standards in Tables 3- 8, 11, 13 and 15 unless otherwise stated. | Non- compliance Status |
|---|---|---|
| 21.5.5 | Airport Noise – Wanaka Airport<br>Alterations or additions to existing buildings, or construction of a building on a building platform approved before 20 October 2010, that contain an Activity Sensitive to Aircraft Noise and are within the Outer Control Boundary, must be designed to achieve an internal design sound level of 40 dB Ldn, based on the 2036 noise contours, at the same time as meeting the ventilation requirements in Rule 36.6.2, Chapter 36. Compliance can either be demonstrated by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the internal design sound level, or by installation of mechanical ventilation to achieve the requirements in Rule 36.6.2, Chapter 36. | NC |
| 21.5.6 | Airport Noise – Alteration or Addition to Existing Buildings (excluding any alterations of additions to any non-critical listening environment) within the Queenstown Airport Noise Boundaries<br>a. Within the Queenstown Airport Air Noise Boundary (ANB) - Alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise must be designed to achieve an Indoor Design Sound Level of 40 dB Ldn, within any Critical Listening Environment, based on the 2037 Noise Contours. Compliance must be demonstrated by either adhering to the sound insulation requirements in Rule 36.6.1 of Chapter 36 and installation of mechanical ventilation to achieve the requirements in Rule 36.6.2 of Chapter 36, or by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level with the windows open.<br>b. Between the Queenstown Airport Outer Control Boundary and the ANB – Alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise must be designed to achieve an Indoor Design Sound Level of 40 dB Ldn within any Critical Listening Environment, based on the 2037 Noise Contours. Compliance must be demonstrated by either installation of mechanical ventilation to achieve the requirements in Rule 36.6.2 of Chapter 36 or by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level with the windows open.<br>Standards (a) and (b) exclude any alterations or additions to any non-critical listening environment. | NC |
| 21.5.7 | Lighting and Glare<br>21.5.7.1 All fixed exterior lighting must be directed away from adjoining sites and roads; and<br>21.5.7.2 No activity on any site will result in greater than a 3.0 lux spill (horizontal and vertical) of light onto any other site measured at any point inside the boundary of the other site, provided that this rule shall not apply where it can be demonstrated that the design of adjacent buildings adequately mitigates such effects.<br>21.5.7.3 There must be no upward light spill. | NC |

# 21.6 Rule - Standards for Farm Activities

| | Table 3 – Standards for Farm Activities.<br><br>The following standards apply to Farm Activities. | Non-Compliance Status |
|---|---|---|
| 21.6.1 | Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing)<br><br>All effluent holding tanks, effluent treatment and effluent storage ponds, must be located at least 300 metres from any formed road or adjoining property. | RD<br><br>Discretion is restricted to:<br><br>a. odour;<br><br>b. visual prominence;<br><br>c. landscape character;<br><br>d. effects on surrounding properties. |
| 21.6.2 | Factory Farming (excluding the boarding of animals)<br><br>Factory farming (excluding the boarding of animals) must be located at least 2 kilometres from a Residential, Rural Residential, Rural Lifestyle, Town Centre, Local Shopping Centre Zone, Millbrook Resort Zone, Waterfall Park Zone or Jacks Point Zone. | D |
| 21.6.3 | Factory Farming of Pigs<br><br>21.6.3.1 The number of housed pigs must not exceed 50 sows or 500 pigs of mixed ages;<br><br>21.6.3.2 Housed pigs must not be located closer than 500m from a property boundary;<br><br>21.6.3.4 The number of outdoor pigs must not exceed 100 pigs and their progeny up to weaner stage;<br><br>21.6.3.5 Outdoor sows must be ringed at all times; and/or<br><br>21.6.3.6 The stocking rate of outdoor pigs must not exceed 15 pigs per hectare, excluding progeny up to weaner stage. | NC |
| 21.6.4 | Factory farming of poultry<br><br>21.6.4.1 The number of birds must not exceed 10,000 birds.<br><br>21.6.4.2 Birds must be housed at least 300m from a site boundary. | NC |

# 21.7 Rules - Standards for Buildings

| | Table 4 – Standards for Structures and Buildings<br>The following standards apply to structures and buildings, other than Farm Buildings. | Non-Compliance Status |
|---|---|---|
| 21.7.1 | Structures<br>Any structure which is greater than 5 metres in length, and between 1 metre and 2 metres in height must be located a minimum distance of 10 metres from a road boundary, except for:<br>21.7.1.1 Post and rail, post and wire and post and mesh fences, including deer fences;<br>21.7.1.2 Any structure associated with farming activities as defined in this plan. | RD<br>Discretion is restricted to:<br>a. effects on landscape character, views and amenity, particularly from public roads;<br>b. the materials used, including their colour, reflectivity and permeability;<br>c. whether the structure will be consistent with traditional rural elements. |
| 21.7.2 | Buildings<br>Any building, including any structure larger than 5m$^2$, that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building, are subject to the following:<br>All exterior surfaces* must be coloured in the range of browns, greens or greys, including;<br>21.7.2.1 Pre-painted steel and all roofs must have a light reflectance value not greater than 20%; and<br>21.7.2.2 All other surface ** finishes except for schist, must have a light reflectance value of not greater than 30%.<br>21.7.2.3 In the case of alterations to an existing building not located within a building platform, it does not increase the ground floor area by more than 30% in any ten year period.<br>Except this rule does not apply within the Ski Area Sub-Zones.<br>* Excludes soffits, windows and skylights (but not glass balustrades).<br>** Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed by the Council to be suitably recessive and have the same effect as achieving a light reflectance value of 30%. | RD<br>Discretion is restricted to:<br>a. external appearance;<br>b. visual prominence from both public places and private locations;<br>c. landscape character;<br>d. visual amenity. |

| | Table 4 – Standards for Structures and Buildings<br>The following standards apply to structures and buildings, other than Farm Buildings. | Non-Compliance Status |
|---|---|---|
| 21.7.3 | Building size<br>The ground floor area of any building must not exceed 500m$^2$.<br>Except this rule does not apply to buildings specifically provided for within the Ski Area Sub-Zones. | RD<br>Discretion is restricted to:<br>a. external appearance;<br>b. visual prominence from both public places and private locations;<br>c. landscape character;<br>d. visual amenity;<br>e. privacy, outlook and amenity from adjoining properties. |
| 21.7.4 | Building Height<br>The maximum height shall be 8m. | RD<br>Discretion is restricted to:<br>a. rural amenity and landscape character;<br>b. privacy, outlook and amenity from adjoining properties;<br>c. visual prominence from both public places and private locations. |
| 21.7.5 | Fire Fighting water and access<br>All new buildings, where there is no reticulated water supply or any reticulated water supply is not sufficient for fire-fighting water supply, must make the following provision for fire-fighting:<br>21.7.5.1 A water supply of 45,000 litres and any necessary couplings.<br>21.7.5.2 A hardstand area adjacent to the firefighting water supply capable of supporting fire service vehicles.<br>21.7.5.3 Firefighting water connection point within 6m of the hardstand, and 90m of the dwelling.<br>21.7.5.4 Access from the property boundary to the firefighting water connection capable of accommodating and supporting fire service vehicles. | RD<br>Discretion is restricted to:<br>a. the extent to which SNZ PAS 4509: 2008 can be met including the adequacy of the water supply;<br>b. the accessibility of the firefighting water connection point for fire service vehicles;<br>c. whether and the extent to which the building is assessed as a low fire risk. |

# 21.8 Rules - Standards for Farm Buildings

| | Table 5 - Standards for Farm Buildings<br>The following standards apply to Farm Buildings. | Non-compliance Status |
|---|---|---|
| 21.8.1 | Construction, Extension or Replacement of a Farm Building<br>The construction, replacement or extension of a farm building is a permitted activity subject to the following standards:<br>21.8.1.1 The landholding the farm building is located within must be greater than 100ha; and<br>21.8.1.2 The density of all buildings on the landholding, inclusive of the proposed building(s) must not exceed one farm building per 50 hectares; and<br>21.8.1.3 The farm building must not be located within or on an Outstanding Natural Feature (ONF); and<br>21.8.1.4 If located within the Outstanding Natural Landscape (ONL) the farm building must not exceed 4 metres in height and the ground floor area must not exceed 100m$^2$; and<br>21.8.1.5 The farm building must not be located at an elevation exceeding 600 masl; and<br>21.8.1.6 If located within the Rural Character Landscape (RCL), the farm building must not exceed 5m in height and the ground floor area must not exceed 300m$^2$; and<br>21.8.1.7 Farm buildings must not protrude onto a skyline or above a terrace edge when viewed from adjoining sites, or formed roads within 2km of the location of the proposed building. | RD<br>Discretion is restricted to:<br>a. the extent to which the scale and location of the Farm Building is appropriate in terms of:<br>i. rural amenity values;<br>ii. landscape character;<br>iii. privacy, outlook and rural amenity from adjoining properties;<br>iv. visibility, including lighting. |
| 21.8.2 | Exterior colours of farm buildings<br>21.8.2.1 All exterior surfaces, except for schist, must be coloured in the range of browns, greens or greys (except soffits).<br>21.8.2.2 Pre-painted steel, and all roofs must have a reflectance value not greater than 20%.<br>21.8.2.3 Surface finishes, except for schist, must have a reflectance value of not greater than 30%. | RD<br>Discretion is restricted to:<br>a. external appearance;<br>b. visual prominence from both public places and private locations;<br>c. landscape character.;<br>d. visual amenity. |

| | Table 5 - Standards for Farm Buildings<br>The following standards apply to Farm Buildings. | Non-compliance Status |
|---|---|---|
| 21.8.3 | Building Height<br>The height of any farm building must not exceed 10m. | RD<br>Discretion is restricted to:<br>a. rural amenity values;<br>b. landscape character;<br>c. privacy, outlook and amenity from adjoining properties. |
| 21.8.4 | Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing)<br>All milking sheds or buildings used to house, or feed milking stock must be located at least 300 metres from any adjoining property, lake, river or formed road. | D |

# 21.9 Rules - Standards for Commercial Activities

| | Table 6 - Standards for Commercial Activities | Non-compliance Status |
|---|---|---|
| 21.9.1 | Commercial recreational activities must be undertaken on land, outdoors and must not involve more than 12 persons in any one group. | D |
| 21.9.2 | Home Occupation<br>21.9.2.1 The maximum net floor area of home occupation activities must not exceed 150m$^2$.<br>21.9.2.2 Goods materials or equipment must not be stored outside a building.<br>21.9.2.3 All manufacturing, altering, repairing, dismantling or processing of any goods or articles must be carried out within a building. | RD<br>Discretion is restricted to:<br>a. the nature, scale and intensity of the activity in the context of the surrounding rural area;<br>b. visual amenity from neighbouring properties and public places;<br>c. noise, odour and dust;<br>d. the extent to which the activity requires a rural location because of its link to any rural resource in the Rural Zone;<br>e. access safety and transportation effects. |

| | Table 6 - Standards for Commercial Activities | Non-compliance Status |
|---|---|---|
| 21.9.3 | Roadside Stalls<br><br>21.9.3.1 The ground floor area of the roadside stall must not exceed 5m$^2$;<br><br>21.9.3.2 The height must not exceed 2m$^2$;<br><br>21.9.3.3 The minimum sight distance from the roadside stall access must be at least 200m;<br><br>21.9.3.4 The roadside stall must not be located on legal road reserve. | D |
| 21.9.4 | Retail Sales<br><br>Buildings that have a gross floor area that is greater than 25m$^2$ to be used for retail sales identified in Table 1 must be setback from road boundaries by at least 30m. | RD<br><br>Discretion is restricted to:<br><br>a. landscape character and visual amenity;<br><br>b. access safety and transportation effects;<br><br>c. on-site parking. |

# 21.10 Rules - Standards for Informal Airports

| | Table 7 - Standards for Informal Airports | Non-compliance Status |
|---|---|---|
| 21.10.1 | Informal Airports Located on Public Conservation and Crown Pastoral Land<br><br>Informal airports that comply with the following standards shall be permitted activities:<br><br>21.10.1.1 Informal airports located on Public Conservation Land where the operator of the aircraft is operating in accordance with a Concession issued pursuant to Section 17 of the Conservation Act 1987.<br><br>21.10.1.2 Informal airports located on Crown Pastoral Land where the operator of the aircraft is operating in accordance with a Recreation Permit issued pursuant to Section 66A of the Land Act 1948.<br><br>21.10.1.3 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities, or the Department of Conservation or its agents.<br><br>21.10.1.4 In relation to Rules 21.10.1.1 and 21.10.1.2, the informal airport shall be located a minimum distance of 500 metres from any other zone or the notional boundary of any residential unit or approved building platform not located on the same site. | D |

| | Table 7 - Standards for Informal Airports | Non-compliance Status |
|---|---|---|
| 21.10.2 | Informal Airports Located on other Rural Zoned Land<br>Informal Airports that comply with the following standards shall be permitted activities:<br>21.10.2.1 Informal airports on any site that do not exceed a frequency of use of 2 flights* per day;<br>21.10.2.2 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities;<br>21.10.2.3 In relation to point Rule 21.10.2.1, the informal airport shall be located a minimum distance of 500 metres from any other zone or the notional boundary of any residential unit of building platform not located on the same site.<br>* note for the purposes of this Rule a flight includes two aircraft movements i.e. an arrival and departure. | D |

# 21.11 Rules - Standards for Mining

| | Table 8 – Standards for Mining and Extraction Activities | non-compliance Status |
|---|---|---|
| 21.11.1 | 21.11.1.1 The activity will not be undertaken on an Outstanding Natural Feature.<br>21.11.1.2 The activity will not be undertaken in the bed of a lake or river. | NC |

# 21.12 Rules - Ski Area and Sub-Zone

| | Table 9 - Activities in the Ski Area Sub-Zone<br>Additional to those activities listed in Table 1. | Activity Status |
|---|---|---|
| 21.12.1 | Ski Area Activities | P |
| 21.12.2 | Construction, relocation, addition or alteration of a building<br>Control is reserved to:<br>a. location, external appearance and size, colour, visual dominance;<br>b. associated earthworks, access and landscaping;<br>c. provision of water supply, sewage treatment and disposal, electricity and communication services (where necessary);<br>d. lighting. | C |

| | Table 9 - Activities in the Ski Area Sub-Zone<br>Additional to those activities listed in Table 1. | Activity Status |
|---|---|---|
| 21.12.3 | Passenger Lift Systems<br>Control is reserved to:<br>a. the extent to which the passenger lift system breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes;<br>b. whether the materials and colour to be used are consistent with the rural landscape of which passenger lift system will form a part;<br>c. the extent of any earthworks required to construct the passenger lift system, in terms of the limitations set out in Chapter 25 Earthworks;<br>d. balancing environmental considerations with operational characteristics. | C |
| 21.12.4 | Night lighting<br>Control is reserved to:<br>a. hours of operation;<br>b. duration and intensity;<br>c. impact on surrounding properties. | C |
| 21.12.5 | Vehicle Testing<br>In the Waiorau Snow Farm Ski Area Activity Sub-Zone; the construction of access ways and tracks associated with the testing of vehicles, their parts and accessories.<br>Control is reserved to:<br>a. gravel and silt run off;<br>b. stormwater, erosion and siltation;<br>c. the sprawl of tracks and the extent to which earthworks modify the landform;<br>d. stability of over-steepened embankments. | C |
| 21.12.6 | Retail activities ancillary to Ski Area Activities<br>Control is reserved to:<br>a. location;<br>b. hours of operation with regard to consistency with ski-area activities;<br>c. amenity effects, including loss of remoteness or isolation;<br>d. traffic congestion, access and safety;<br>e. waste disposal;<br>f. cumulative effects. | C |

| | Table 9 - Activities in the Ski Area Sub-Zone<br>Additional to those activities listed in Table 1. | Activity Status |
|---|---|---|
| 21.12.7 | Ski Area Sub-Zone Accommodation<br>Comprising a duration of stay of up to 6 months in any 12-month period and including worker accommodation.<br>Discretion is restricted to:<br>a. scale and intensity and whether these would have adverse effects on amenity, including loss of remoteness or isolation;<br>b. location, including whether that because of the scale and intensity the visitor accommodation should be located near the base building area (if any);<br>c. parking;<br>d. provision of water supply, sewage treatment and disposal;<br>e. cumulative effects;<br>f. natural hazards. | RD |
| 21.12.8 | Earthworks, buildings and infrastructure within the No Building and Earthworks Line in the Remarkables Ski Area Sub-Zone | PR |

# 21.13 Rules - Activities in Rural Industrial Sub-Zone

| | Table 10 – Activities in Rural Industrial Sub-Zone<br>Additional to those activities listed in Table 1. | Activity Status |
|---|---|---|
| 21.13.1 | Retail activities within the Rural Industrial Sub-Zone that involve the sale of goods produced, processed or manufactured on site or ancillary to Rural Industrial activities that comply with Table 11. | P |
| 21.13.2 | Administrative offices ancillary to and located on the same site as Rural Industrial activities being undertaken within the Rural Industrial Sub-Zone that comply with Table 11. | P |
| 21.13.3 | Rural Industrial Activities within a Rural Industrial Sub-Zone that comply with Table 11. | P |
| 21.13.4 | Buildings for Rural Industrial Activities within the Rural Industrial Sub-Zone that comply with Table 11. | P |

# 21.14 Rules - Standards for Activities within Rural Industrial Sub-Zone

| | Table 11 – Standards for activities within the Rural Industrial Sub Zone<br>These Standards apply to activities listed in Table 1 and Table 10. | Non-Compliance Status |
|---|---|---|
| 21.14.1 | Buildings<br>Any building, including any structure larger than 5m², that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building are subject to the following:<br>All exterior surface must be coloured in the range of browns, greens or greys (except soffits), including;<br>21.15.1.1 Pre-painted steel and all roofs must have a reflectance value not greater than 20%; and,<br>21.15.1.2 All other surface finishes must have a reflectance value of not greater than 30%. | RD<br>Discretion is restricted to:<br>a. external appearance;<br>b. visual prominence from both public places and private locations;<br>c. landscape character. |
| 21.14.2 | Building size<br>The ground floor area of any building must not exceed 500m². | RD<br>Discretion is restricted to:<br>a. external appearance;<br>b. visual prominence from both public places and private locations;<br>c. visual amenity;<br>d. privacy, outlook and amenity from adjoining properties. |
| 21.14.3 | Building Height<br>The height for of any industrial building must not exceed 10m. | RD<br>Discretion is restricted to:<br>a. rural amenity and landscape character;<br>b. privacy, outlook and amenity from adjoining properties. |

| | Table 11 – Standards for activities within the Rural Industrial Sub Zone<br>These Standards apply to activities listed in Table 1 and Table 10. | Non-Compliance Status |
|---|---|---|
| 21.14.4 | Setback from Sub-Zone Boundaries<br>The minimum setback of any building within the Rural Industrial Sub-Zone shall be 10m from the Sub-Zone boundaries. | RD<br>Discretion is restricted to:<br>a. the requirement for landscaping to act as a buffer between the Rural Industrial Sub-Zone and neighbouring properties and whether there is adequate room for landscaping within the reduced setback;<br>b. rural amenity and landscape character;<br>c. Privacy, outlook and amenity from adjoining properties. |
| 21.14.5 | Retail Activities<br>Retail activities including the display of items for sale must be undertaken within a building and must not exceed 10% of the building's total floor area. | NC |

# 21.15 Rules - Activities on the Surface of Lakes and Rivers

| | Table 12 - Activities on the Surface of Lakes and Rivers | Activity Status |
|---|---|---|
| 21.15.1 | Activities on the surface of lakes and river not otherwise controlled or restricted by rules in Table 14. | P |
| 21.15.2 | Motorised Recreational and Commercial Boating Activities<br>The use of motorised craft for the purpose of emergency search and rescue, hydrological survey, public scientific research, resource management monitoring or water weed control, or for access to adjoining land for farming activities. | P |

| | Table 12 - Activities on the Surface of Lakes and Rivers | Activity Status |
|---|---|---|
| 21.15.3 | Motorised Recreational Boating Activities<br>Hawea River, motorised recreational boating activities on no more than six (6) days in each year subject to the following conditions:<br>a. at least four (4) days of such activity are to be in the months January to April, November and December;<br>b. the Jet Boat Association of New Zealand ("JBANZ") (JBANZ or one of the Otago and Southland Branches as its delegate) administers the activity on each day;<br>c. the prior written approval of Central Otago Whitewater Inc is obtained if that organisation is satisfied that none of its member user groups are organising activities on the relevant days; and<br>d. JBANZ gives two (2) calendar months written notice to the Council's Harbour-Master of both the proposed dates and the proposed operating schedule;<br>e. the Council's Harbour-Master satisfies himself that none of the regular kayaking, rafting or other whitewater (non-motorised) river user groups or institutions (not members of Central Otago Whitewater Inc) were intending to use the Hawea River on that day, and issues an approved operating schedule;<br>f. JBANZ carries out, as its expense, public notification on two occasions 14 and 7 days before the proposed jet boating;<br>g. public notification for the purposes of (f) means a public notice with double-size font heading in both the Otago Daily Times and the Southland Times, and written notices posted at the regular entry points to the Hawea River. | P |
| 21.15.4 | Jetboat Race Events<br>Jetboat Race Events on the Clutha River, between the Lake Outlet boat ramp and the Albert Town road bridge not exceeding 6 race days in any calendar year.<br>Control is reserved to:<br>a. the date, time, duration and scale of the jetboat race event, including its proximity to other such events, such as to avoid or mitigate adverse effects on residential and recreational activities in the vicinity;<br>b. the adequacy of public notice of the event;<br>c. public safety. | C |
| 21.15.5 | | |

| | Table 12 - Activities on the Surface of Lakes and Rivers | Activity Status |
|---|---|---|
| 21.15.6 | Jetties and Moorings in the Frankton Arm<br><br>Jetties and moorings in the Frankton Arm, identified as the area located to the east of the Outstanding Natural Landscape line as shown on the District Plan Maps.<br><br>Discretion is restricted to:<br><br>a. whether they are dominant or obtrusive elements in the shore scape or lake view, particularly when viewed from any public place, including whether they are situated in natural bays and not headlands;<br><br>b. whether the structure causes an impediment to craft manoeuvring and using shore waters.<br><br>c. the degree to which the structure will diminish the recreational experience of people using public areas around the shoreline;<br><br>d. the effects associated with congestion and clutter around the shoreline. Including whether the structure contributes to an adverse cumulative effect;<br><br>e. whether the structure will be used by a number and range of people and craft, including the general public;<br><br>f. the degree to which the structure would be compatible with landscape and amenity values, including colour, materials, design. | RD |
| 21.15.7 | Structures and Moorings<br><br>Subject to Rule 21.15.8 any structure or mooring that passes across or through the surface of any lake or river or is attached to the bank of any lake and river, other than where fences cross lakes and rivers. | D |
| 21.15.8 | Structures and Moorings<br><br>Any structures or mooring that passes across or through the surface of any lake or river or attached to the bank or any lake or river in those locations on the District Plan Maps where such structures or moorings are shown as being non-complying. | NC |
| 21.15.9 | Motorised and non-motorised Commercial Boating Activities<br><br>Except where otherwise limited by a rule in Table 12.<br><br>Note: Any person wishing to commence commercial boating activities could require a concession under the QLDC Navigation Safety Bylaw. There is an exclusive concession currently granted to a commercial boating operator on the Shotover River between Edith Cavell Bridge and Tucker Beach until 1 April 2009 with four rights of renewal of five years each. | D |

| | Table 12 - Activities on the Surface of Lakes and Rivers | Activity Status |
|---|---|---|
| 21.15.10 | Motorised Recreational and Commercial Boating Activities<br>The use of motorised craft on the following lakes and rivers is prohibited except as provided for under Rules 21.15.2 or 21.15.3.<br>21.15.10.1 Hawea River.<br>21.15.10.2 Lake Hayes - Commercial boating activities only.<br>21.15.10.3 Any tributary of the Dart and Rees rivers (except the Beansburn and Rockburn tributaries of the Dart River) or upstream of Muddy Creek on the Rees River.<br>21.15.10.4 Young River or any tributary of the Young or Wilkin Rivers and any other tributaries of the Makarora River.<br>21.15.10.5 Dingle Burn and Timaru Creek.<br>21.15.10.6 The tributaries of the Hunter River.<br>21.15.10.7 Hunter River during the months of May to October inclusive.<br>21.15.10.8 Motatapu River.<br>21.15.10.9 Any tributary of the Matukituki River.<br>21.15.10.10 Clutha River - More than six jet boat race days per year as allowed by Rule 21.15.4. | PR |

# 21.16 Rules - Standards for Surface of Lakes and Rivers

| | Table 13 - Standards for Surface of Lakes and Rivers<br>These Standards apply to the Activities listed in Table 12. | Non-Compliance Status |
|---|---|---|
| 21.16.1 | Boating craft used for Accommodation<br>Boating craft on the surface of the lakes and rivers may be used for accommodation, providing that:<br>21.16.1.1 The craft must only be used for overnight recreational accommodation; and<br>21.16.1.2 The craft must not be used as part of any commercial activity; and<br>21.16.1.3 All effluent must be contained on board the craft and removed ensuring that no effluent is discharged into the lake or river. | NC |

| | Table 13 - Standards for Surface of Lakes and Rivers<br>These Standards apply to the Activities listed in Table 12. | Non-Compliance Status |
|---|---|---|
| 21.16.2 | Jetties and Moorings in the Frankton Arm<br>Jetties and moorings in the Frankton Arm, identified as the area located to the east of the Outstanding Natural Landscape line as shown on the District Plan Maps.<br>No new jetty within the Frankton Arm identified as the area east of the Outstanding Natural Landscape Line shall:<br>21.16.2.1 Be closer than 200 metres to any existing jetty;<br>21.16.2.2 Exceed 20 metres in length;<br>21.16.2.3 Exceed four berths per jetty, of which at least one berth is available to the public at all times;<br>21.16.2.4 Be constructed further than 200 metres from a property in which at least one of the registered owners of the jetty resides. | NC |
| 21.16.3 | The following activities are subject to compliance with the following standards:<br>21.16.3.1 Kawarau River, Lower Shotover River downstream of Tucker Beach and Lake Wakatipu within Frankton Arm - Commercial motorised craft, other than public transport ferry activities, may only operate between the hours of 0800 to 2000.<br>21.16.3.2 Lake Wanaka, Lake Hawea and Lake Wakatipu - Commercial jetski operations must only be undertaken between the hours of 0800 to 2100 on Lakes Wanaka and Hawea and 0800 and 2000 on Lake Wakatipu.<br>21.16.3.3 Dart and Rees Rivers - Commercial motorised craft must only operate between the hours of 0800 to 1800, except that above the confluence with the Beansburn on the Dart River commercial motorised craft must only operate between the hours of 1000 to 1700.<br>21.16.3.4 Dart River – The total number of commercial motorised boating activities must not exceed 26 trips in any one day. No more than two commercial jet boat operators may operate upstream of the confluence of the Beansburn, other than for tramper and angler access only. | NC |

# 21.17 Rules - Closeburn Station Activities

| | Table 14 - Closeburn Station: Activities | Activity |
|---|---|---|
| 21.17.1 | The construction of a single residential unit and any accessory building(s) within lots 1 to 6, 8 to 21 DP 26634 located at Closeburn Station.<br>Control is reserved to:<br>a. external appearances and landscaping, with regard to conditions 2.2(a), (b), (e) and (f) of resource consent RM950829;<br>b. associated earthworks, lighting, access and landscaping;<br>c. provision of water supply, sewage treatment and disposal, electricity and telecommunications services. | C |

# 21.18 Rules - Closeburn Station Standards

| | Table 15 - Closeburn Station: Standards for Buildings and Structures | Non-compliance Status |
|---|---|---|
| 21.18.1 | Setback from Internal Boundaries<br>21.18.1.1 The minimum setback from internal boundaries for buildings within lots 1 to 6 and 8 to 21 DP 26634 at Closeburn Station shall be 2 metres.<br>21.18.1.2 There shall be no minimum setback from internal boundaries within lots 7 and 22 to 27 DP300573 at Closeburn Station. | D |
| 21.18.2 | Building Height<br>21.18.2.1 The maximum height of any building, other than accessory buildings, within Lots 1 and 6 and 8 to 21 DP 26634 at Closeburn Station shall be 7m.<br>21.18.2.2 The maximum height of any accessory building within Lots 1 to 6 and 8 to 21 DP 26634 at Closeburn Station shall be 5m.<br>21.18.2.4 The maximum height of any building within Lot 23 DP 300573 at Closeburn Station shall be 5.5m.<br>21.18.2.5 The maximum height of any building within Lot 24 DP 300573 at Closeburn Station shall be 5m. | NC |

| | Table 15 - Closeburn Station: Standards for Buildings and Structures | Non-compliance Status |
|---|---|---|
| 21.18.3 | Residential Density<br><br>In the Rural Zone at Closeburn Station, there shall be no more than one residential unit per allotment (being lots 1-27 DP 26634); excluding the large rural lots (being lots 100 and 101 DP 26634) held in common ownership. | NC |
| 21.18.4 | Building Coverage<br><br>In lots 1-27 at Closeburn Station, the maximum residential building coverage of all activities on any site shall be 35%. | NC |

## 21.19

## 21.20 Rules Non-Notification of Applications

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

21.20.1 Controlled activity retail sales of farm and garden produce and handicrafts grown or produced on site (Rule 21.4.16), except where the access is onto a State highway.

21.20.2 Controlled activity mineral exploration (Rule 21.4.30).

21.20.3 Controlled activity buildings at Closeburn Station (Rule 21.17.1).

# 21.21 Assessment Matters (Landscape)

## 21.21.1 Outstanding Natural Features and Outstanding Natural Landscapes (ONF and ONL).

The assessment matters set out below are derived from Policies 3.3.30, 6.3.10 and 6.3.12 to 6.3.18 inclusive. Applications shall be considered with regard to the following assessment matters:

21.21.1.1 In applying the assessment matters, the Council will work from the presumption that in or on Outstanding Natural Features and Landscapes, the applicable activities are inappropriate in almost all locations and that successful applications will be exceptional cases where the landscape or feature can absorb the change and where the buildings and structures and associated roading and boundary changes are reasonably difficult to see from beyond the boundary of the site the subject of application.

21.21.1.2 Existing vegetation that:

a. was either planted after, or, self-seeded and less than 1 metre in height at 28 September 2002; and,

b. obstructs or substantially interferes with views of the proposed development from roads or other public places, shall not be considered:

i. as beneficial under any of the following assessment matters unless the Council considers the vegetation (or some of it) is appropriate for the location in the context of the proposed development; and

ii. as part of the permitted baseline.

21.21.1.3 Effects on landscape quality and character

In considering whether the proposed development will maintain or enhance the quality and character of Outstanding Natural Features and Landscapes, the Council shall be satisfied of the extent to which the proposed development will affect landscape quality and character, taking into account the following elements:

a. physical attributes:

i. geological, topographical, geographic elements in the context of whether these formative processes have a profound influence on landscape character;

ii. vegetation (exotic and indigenous);

iii. the presence of waterbodies including lakes, rivers, streams, wetlands.

b. visual attributes:

    i. legibility or expressiveness – how obviously the feature or landscape demonstrates its formative processes;

    ii. aesthetic values including memorability and naturalness;

    iii. transient values including values at certain times of the day or year;

    iv. human influence and management – settlements, land management patterns, buildings, roads.

c. Appreciation and cultural attributes:

    i. Whether the elements identified in (a) and (b) are shared and recognised;

    ii. Cultural and spiritual values for tangata whenua;

    iii. Historical and heritage associations.

    The Council acknowledges that Tangata Whenua beliefs and values for a specific location may not be known without input from iwi.

d. In the context of (a) to (c) above, the degree to which the proposed development will affect the existing landscape quality and character, including whether the proposed development accords with or degrades landscape quality and character, and to what degree.

e. any proposed new boundaries will not give rise to artificial or unnatural lines (such as planting and fence lines) or otherwise degrade the landscape character.

21.21.1.4 Effects on visual amenity

In considering whether the potential visibility of the proposed development will maintain and enhance visual amenity, values the Council shall be satisfied that:

a. the extent to which the proposed development will not be visible or will be reasonably difficult to see when viewed from public roads and other public places. In the case of proposed development in the vicinity of unformed legal roads, the Council shall also consider present use and the practicalities and likelihood of potential use of unformed legal roads for vehicular and/or pedestrian, cycling, equestrian and other means of access;

b. the proposed development will not be visually prominent such that it detracts from public or private views of and within Outstanding Natural Features and Landscapes;

c. the proposal will be appropriately screened or hidden from view by elements that are in keeping with the character of the landscape;

d. the proposed development will not reduce the visual amenity values of the wider landscape (not just the immediate landscape);

e. structures will not be located where they will break the line and form of any ridges, hills and slopes;

f. any roads, access, lighting, earthworks and landscaping will not reduce the visual amenity of the landscape.

21.21.1.5 Design and density of Development

In considering the appropriateness of the design and density of the proposed development, whether and to what extent:

a. opportunity has been taken to aggregate built development to utilise common access ways including roads, pedestrian linkages, services and open space (i.e. open space held in one title whether jointly or otherwise);

b. there is merit in clustering the proposed building(s) or building platform(s) within areas that are least sensitive to change;

c. development, including access, is located within the parts of the site where it would be least visible from public and private locations;

d. development, including access, is located in the parts of the site where it has the least impact on landscape character.

21.21.1.6 Cumulative effects of subdivision and development on the landscape

Taking into account whether and to what extent existing, consented or permitted development (including unimplemented but existing resource consent or zoning) may already have degraded:

a. the landscape quality or character; or,

b. the visual amenity values of the landscape.

The Council shall be satisfied the proposed development, in combination with these factors will not further adversely affect the landscape quality, character, or visual amenity values.

## 21.21.2 Rural Character Landscape (RCL)

The assessment matters below have been derived from Policies 3.3.32, 6.3.10 and 6.3.19 to 6.3.29 inclusive. Applications shall be considered with regard to the following assessment matters because in the Rural Character Landscapes the applicable activities are unsuitable in many locations.

21.21.2.1 Existing vegetation that:

a. was either planted after, or, self seeded and less than 1 metre in height at 28 September 2002; and,

b. obstructs or substantially interferes with views of the proposed development from roads or other public places, shall not be considered:

i. as beneficial under any of the following assessment matters unless the Council considers the vegetation (or some of it) is appropriate for the location in the context of the proposed development; and

ii. as part of the permitted baseline.

21.21.2.2 Effects on landscape quality and character:

The following shall be taken into account:

a. where the site is adjacent to an Outstanding Natural Feature or Landscape, whether and the extent to which the proposed development will adversely affect the quality and character of the adjacent Outstanding Natural Feature or Landscape;

b. whether and the extent to which the scale and nature of the proposed development will degrade the quality and character of the surrounding Rural Character Landscape;

c. whether the design and any landscaping would be compatible with or would enhance the quality and character of the Rural Character Landscape.

21.21.2.3 Effects on visual amenity:

Whether the development will result in a loss of the visual amenity of the Rural Character Landscape, having regard to whether and the extent to which:

a. the visual prominence of the proposed development from any public places will reduce the visual amenity of the Rural Character Landscape. In the case of proposed development which is visible from unformed legal roads, regard shall be had to the frequency and intensity of the present use and, the practicalities and likelihood of potential use of these unformed legal roads as access;

b. the proposed development is likely to be visually prominent such that it detracts from private views;

c. any screening or other mitigation by any proposed method such as earthworks and/or new planting will detract from or obstruct views of the Rural Character Landscape from both public and private locations;

d. the proposed development is enclosed by any confining elements of topography and/or vegetation and the ability of these elements to reduce visibility from public and private locations;

e. any proposed roads, boundaries and associated planting, lighting, earthworks and landscaping will reduce visual amenity, with particular regard to elements which are inconsistent with the existing natural topography and patterns;

f. boundaries follow, wherever reasonably possible and practicable, the natural lines of the landscape or landscape units.

21.21.2.4 Design and density of development:

In considering the appropriateness of the design and density of the proposed development, whether and to what extent:

a. opportunity has been taken to aggregate built development to utilise common access ways including roads, pedestrian linkages, services and open space (i.e. open space held in one title whether jointly or otherwise);

b. there is merit in clustering the proposed building(s) or building platform(s) having regard to the overall density and intensity of the proposed development and whether this would exceed the ability of the landscape to absorb change;

c. development, including access, is located within the parts of the site where they will be least visible from public and private locations;

d. development, including access, is located in the parts of the site where they will have the least impact on landscape character.

21.21.2.5 Tangata Whenua, biodiversity and geological values:

a. whether and to what extent the proposed development will degrade Tangata Whenua values including Töpuni or nohoanga, indigenous biodiversity, geological or geomorphological values or features and, the positive effects any proposed or existing protection or regeneration of these values or features will have.

The Council acknowledges that Tangata Whenua beliefs and values for a specific location may not be known without input from iwi.

21.21.2.6 Cumulative effects of development on the landscape:

Taking into account whether and to what extent any existing, consented or permitted development (including unimplemented but existing resource consent or zoning) has degraded landscape quality, character, and visual amenity values. The Council shall be satisfied;

a. the proposed development will not further degrade landscape quality, character and visual amenity values, with particular regard to situations that would result in a loss of valued quality, character and openness due to the prevalence of residential or non-farming activity within the Rural Landscape.

b. where in the case resource consent may be granted to the proposed development but it represents a threshold to which the landscape could absorb any further development, whether any further cumulative adverse effects would be avoided by way of imposing a covenant, consent notice or other legal instrument that maintains open space.

## 21.21.3 Other factors and positive effects, applicable in all the landscape categories (ONF, ONL and RCL)

21.21.3.1 In the case of a proposed residential activity or specific development, whether a specific building design, rather than nominating a building platform, helps demonstrate whether the proposed development is appropriate.

21.21.3.2 Other than where the proposed development is a subdivision and/or residential activity, whether the proposed development, including any buildings and the activity itself, are consistent with rural activities or the rural resource and would maintain or enhance the quality and character of the landscape.

21.21.3.3 In considering whether there are any positive effects in relation to the proposed development, or remedying or mitigating the continuing adverse effects of past subdivision or development, the Council shall take the following matters into account:

a. whether the proposed subdivision or development provides an opportunity to protect the landscape from further development and may include open space covenants or esplanade reserves;

b. whether the proposed subdivision or development would enhance the character of the landscape, or protects and enhances indigenous biodiversity values, in particular the habitat of any threatened species, or land environment identified as chronically or acutely threatened on the Land Environments New Zealand (LENZ) threatened environment status;

c. any positive effects including environmental compensation, easements for public access such as walking, cycling or bridleways or access to lakes, rivers or conservation areas;

d. any opportunities to retire marginal farming land and revert it to indigenous vegetation;

e. where adverse effects cannot be avoided, mitigated or remedied, the merits of any compensation;

f. whether the proposed development assists in retaining the land use in low intensity farming where that activity maintains the valued landscape character.

# QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Report 4A

Report and Recommendations of Independent Commissioners Regarding
Chapter 21, Chapter 22, Chapter 23, Chapter 33 and Chapter 34


Commissioners
Denis Nugent (Chair)
Brad Coombs
Mark St Clair

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# PART A: INTRODUCTORY MATTERS

## 1 PRELIMINARY

### 1.1 Terminology in this Report

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

| | |
|---|---|
| Act | Resource Management Act 1991 as it was prior to the enactment of the Resource Legislation Amendment Act 2017, unless otherwise stated |
| ASAN | Activity Sensitive to Aircraft Noise |
| BRA | Building Restriction Area |
| CARL | Cardrona Alpine Resort Limited |
| Clause 16(2) | Clause 16(2) of the First Schedule to the Act |
| CMA | Crown Minerals Act |
| Council | Queenstown Lakes District Council |
| DoC | Director-General of Conservation and/or Department of Conservation |
| Forest & Bird | Royal Forest and Bird Protection Society |
| JBNZ | Jet Boating New Zealand Incorporated |
| NPSET 2008 | National Policy Statement for Electricity Transmission 2008 |
| NPSFM 2011 | National Policy Statement for Freshwater Management 2011 |
| NPSFM 2014 | National Policy Statement for Freshwater Management 2014 |
| NPSREG 2011 | National Policy Statement for Renewable Electricity Generation 2011 |
| NPSUDC 2016 | National Policy Statement on Urban Development Capacity 2016 |
| NZFSC | New Zealand Fire Service Commission |
| NZIA | NZIA Southern and Architecture + Women Southern |
| NZTM | New Zealand Tungsten Mining Limited |
| OCB | Outer Control Boundary |
| ODP | The Operative District Plan for the Queenstown Lakes District as at the date of this report |

| | |
|---|---|
| ONF | Outstanding Natural Feature(s) |
| ONL | Outstanding Natural Landscape(s) |
| PDP | Stage 1 of the Proposed District Plan for Queenstown Lakes District as publicly notified on 26 August 2015 |
| Proposed RPS | The Proposed Regional Policy Statement for the Otago Region Decisions Version dated 1 October 2016 |
| QAC | Queenstown Airport Corporation Limited |
| QPL | Queenstown Park Limited |
| QRL | Queenstown Rafting Limited |
| REPA | Runway End Protection Area |
| RJL | Real Journeys Limited |
| RMA | Resource Management Act 1991 as it was prior to the enactment of the Resource Legislation Amendment Act 2017, unless otherwise stated |
| RPS | The Operative Regional Policy Statement for the Otago Region dated October 1998 |
| Rural Chapters | Chapters 21, 22 and 23 of the Proposed District Plan for Queenstown Lakes District as publicly notified on 26 August 2015 |
| SNA | Significant Natural Area |
| Stage 2 Variations | the variations, including changes to the existing text of the PDP, notified by the Council on 23 November 2017. |
| UCES | Upper Clutha Environmental Society |
| UGB | Urban Growth Boundary |
| WCO | Water Conservation Order |

## 1.2 Topics Considered

2. The subject matter of this hearing was the submissions and further submissions made on Chapters 21, 22, 23, 33 and 34 of the PDP (Hearing Stream 2).

3. Chapter 21 Rural Zone, enables farming and also provides for other activities that rely on rural resources. As such, the zone includes Ski Area subzones, and the Rural Industry subzone. These activities are provided for within the context of protecting, maintaining and enhancing landscape values including ONLs/ONFs, nature conservation values, the soil and water resource and rural amenity.

4. Chapter 22 Rural Residential and Rural Lifestyle sets out objectives and policies for managing the spatial location and layout of rural living within the District. It seeks to maintain the character and quality of the zones and address their fit within the wider open space, rural environment and natural landscape values.

5. Chapter 23 Gibbston Character Zone relates to the provision of the viticultural activities and associated commercial activities within a defined area of the Gibbston Valley.

6. Chapter 33 Indigenous Vegetation and Biodiversity provides for the maintenance of biodiversity throughout the district and the protection of significant indigenous vegetation and significant habitats of significant indigenous fauna.

7. Chapter 34 Wilding Exotic Trees sets out provisions to prevent the spreading of wilding exotic trees.

8. These five chapters sit within the strategic framework provided by Chapters 3, 4, 5 and 6 of the PDP.

9. We have set out our recommended versions of each of the chapters in Appendices to this report as follows:
Appendix 1 – Chapter 21;
Appendix 2 – Chapter 22;
Appendix 3 – Chapter 23;
Appendix 4 – Chapter 33; and
Appendix 5 – Chapter 34.

10. In Appendix 6 we set out our recommendations on the submissions on these chapters.

### 1.3 Hearing Arrangements

11. Stream 2 matters were heard on 2-6 May 2016 inclusive in Hawea, and then, on 17-18 May and 23-27 May 2016, in Queenstown.

12. The parties heard from on Stream 2 Rural Chapters matters were:

**Council**

- James Winchester and Sarah Scott (Counsel)
- Dr Stephen Chiles
- Dr Marion Read
- Philip Osborne
- Glenn Davis
- Craig Barr

**Hawea Community Association**[1]

- Dennis Hughes and Paul Cunningham

**Longview Environmental Trust and Just One Life Ltd**[2]

- Scott Edgar

[1] Submission 771
[2] Submission 659

The Alpine Group Ltd[3]

- Jonathon Wallis

Lakes Landcare Group[4]

- Tim Burdon

Laura and Jan Solbak[5]

Jude Battson[6]

Gaye Robinson[7]

Lake McKay Station[8]

- Colin Harvey
- Mike Kelly

Sam Kane[9]

Heather Pennycook[10]

Federated Farmers of New Zealand[11]

- Phil Hunt
- Barry Cooper

UCES[12]

- Julian Haworth
- James Hadley[13]

Otago Fish and Game Council[14]

- Peter Wilson
- Clive Manners Wood[15]
- Stewart Mahon[16]

Jeremy Bell Investments Limited[17]

- Phil Page (Counsel)
- Dr Peter Espie

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3 Submission 315
4 Submissions 791, 794
5 Submissions 118, 816
6 Submission 461
7 Submission 188
8 Submission 439
9 Submission 590
10 Submission 585
11 Submission 600
12 Submission 145
13 Submission 675
14 Submission 788
15 Submissions 213, 220
16 Submissions 38
17 Submission 782, 784

- Mandy Bell
- Allan Cubitt

Wakatipu Wilding Conifer Group[18]
- Peter Williamson

NZ Transport Agency[19]:
- Tony MacColl

Queenstown Rafting Limited[20]:
- Jayne Macdonald (Counsel)
- Vance Boyd

Aircraft Owners and Pilots Association[21]
- Vance Boyd

Bungy New Zealand and Van Asch[22], Hadley[23], Broomfield[24], Temple Peak Station[25], Woodlot Properties Limited[26]
- Carey Vivian
- Phillip Bunn[27]
- Steven Bunn[28]

Hutchinson[29], Gallagher[30], Sim[31], McDonald Family Trust[32], McDonald & Associates[33]
- Neil McDonald
- Nick Geddes

Arcadian Triangle Limited[34]
- Warwick Goldsmith

Director-General of Conservation[35]
- Susan Newell (Counsel)
- Brian Rance
- Laurence Barea

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18 Submission 740
19 Submission 719
20 Submission 167
21 Submission 211
22 Submission 489
23 Submission 674
24 Submission 500
25 Submission 486
26 Submission 501
27 Submission 265
28 Submission 294
29 Submission 228
30 Submission 233
31 Submission 235
32 Submisison 411
33 Submission 414
34 Submissions 497, 836
35 Submission 373

- Geoffrey Deavoll

Glentui Heights Limited[36], Bobs Cove Developments Limited[37]
- Dan Wells

QAC[38]
- Rebecca Wolt (Counsel)
- Kirsty O'Sullivan

Skydive Queenstown Limited[39]
- Jayne Macdonald (Counsel)
- Christopher Day
- Jeff Brown

NZTM[40]
- Maree Baker-Galloway (Counsel)
- Gary Grey
- Carey Vivian

RJL[41], Te Anau Developments[42]
- Fiona Black
- Ben Farrell

CARL[43]
- Ben Farrell

NZFS[44]
- Emma Manohar (Counsel)
- Donald McIntosh
- Ainsley McLeod

Rachel Brown[45]

Ngai Tahu Tourism[46]
- John Edmonds

Susan Cleaver[47] and Carol Bunn[48]
- Phillip Bunn

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36 Submission 694
37 Submission 712
38 Submission 433
39 Submission 122
40 Submission 519
41 Submission 621
42 Submission 607
43 Submission 615
44 Submission 438
45 Submission 332
46 Submission 716
47 Submission 221
48 Submission 423

Deborah MacColl[49] and Barnhill Corporate Trustee Ltd[50]

- Deborah MacColl

Jules Tapper[51]

Carlton Campbell[52]

Totally Tourism Ltd[53] and Skyline Enterprises Ltd[54]

- Sean Dent

Darby Planning LP[55]

- Hamish McCrostie
- Richard Tyler
- Yvonne Pflüger
- Michael Copeland
- Chris Ferguson

NZSki Limited[56]

- Jane Macdonald (Counsel)
- Sean Dent

Ayrburn Farm Estate Ltd[57]; Allenby Farms Ltd[58]; Ashford Trust[59]; Wakatipu Equities[60]; Robert and Elvena Heyward[61]; Byron Ballan[62]; Crosshill Farms Ltd[63]; Bill & Jan Walker Family Trust[64]; GW Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain[65]; Slopehill Joint Venture[66]; Hansen Family Partnership[67]; Roger and Carol Wilkinson[68].

- Warwick Goldsmith and Rosie Hill (Counsel)
- Grant Stalker
- Anthony Strain
- Doug Reid
- Patrick Baxter
- Stephen Skelton

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49 Submission 285
50 Submission 626
51 Submission 114
52 Submission 162
53 Submission 571
54 Submission 574
55 Submission 608
56 Submission 572
57 Submission 430
58 Submission 502
59 Further Submission 1256
60 Submission 515
61 Submission 523
62 Submission 530
63 Submission 531
64 Submission 532
65 Submission 535, 534
66 Submission 537
67 Submission 751
68 Further Submission 1292

- Ben Farrell
- Jeff Brown

Transpower New Zealand Limited[69]
- Natasha Garvan (Counsel)
- Andrew Renton
- Aileen Craw

Jet Boating New Zealand[70]
- Eddie McKenzie
- Luke McSoriley

Royal Forest and Bird Protection Society[71]
- Sue Maturin

Mt Cardrona Station Ltd[72]
- Warwick Goldsmith (Counsel)
- Jeff Brown

Queenstown Park Ltd[73] and Queenstown Wharves (GP) Ltd[74]
- John Young (Counsel)
- Professor Tim Hazeldine
- Rob Greenway
- Nikki Smetham
- Simon Beale
- Simon Milne
- Jeff Brown

Hogan Gully Farm[75], Kawarau Jet Holdings Limited[76], ZJV (NZ) Limited[77], Mount Rosa Station Limited[78], Dalefield Trustees Limited[79]
- Jeff Brown

69 Submission 805
70 Submission 758
71 Submission 706
72 Submission 407
73 Submission 806
74 Submission 766
75 Submission 456
76 Submission 307
77 Submission 343
78 Submission 377
79 Submission 350

Graeme Todd Family Trust[80], Leslie & Judith Nelson[81], Trilane Industries Limited[82], Hogans Gully Farming Ltd[83], Cabo Ltd[84], Morven Ferry Ltd[85], James Cooper[86]

- Graeme Todd (Counsel)

Trojan Helmet Ltd[87]

- Rebecca Wolt (Counsel)
- Jeff Brown

13. In addition, X Ray Trust[88], Ministry of Education[89] and Ms Anne Steven[90] tabled evidence but did not appear at the hearing. We have taken that evidence as read. Our inability to discuss any of the matters raised in the evidence with the submitters or their experts has limited the weight we can give that evidence.

14. Ms D Lucas, for UCES[91], was unable to attend the hearing. Ms Lucas' evidence was taken as read. In lieu of the attendance for Ms Lucas, we provided her with written questions. Ms Lucas' answers were provided to the Panel on 20 May 2016.

15. Arising out of Ms Lucas' evidence in regard to Policy 21.2.12.5, we sought a legal opinion from QLDC in-house counsel, as follows*, "Section 6(a) of the Act refers to preservation of the natural character of wetlands, and lakes and rivers and their margins. Is that different from "protect, maintain or enhance"?"*

16. We received a memorandum in response to our question from in-house Counsel for the Council dated 20 May 2016 in relation to meaning of the word *"preservation"* in Section 6 of the Act and whether that is different from *"protect"* used in Policy 21.2.12.5. The advice we received[92] was that protection, used in its ordinary context (as opposed to its use in conjunction with inappropriate subdivision, use and development), is for all intents and purposes the same as preservation.

17. Mr Ferguson, planning witness for various submitters[93], had to leave the hearing for personal reasons before we had completed questioning him. Additional questions were furnished to Mr Ferguson in writing and his response by way of supplementary evidence was received on 27 May 2016.

18. Prior to the commencement of the hearing (13 April 2016), counsel for the Council provided revised copies of the working draft chapters for this hearing stream under cover of a Memorandum that addressed concerns we raised in our Fourth Procedural Minute of 8 April 2016, regarding the wording of objectives and policies.

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80 Submission 27
81 Submission 402
82 Submission 405
83 Submission 456
84 Submission 481
85 Submission 629
86 Submission 400
87 Submission 437, 452
88 Submission 356
89 Submission 524
90 Submission 441
91 Submission 145
92 Memorandum from In House Counsel for QLDC, dated 20 May 2016
93 Submissions 608, 610, 613, 764, 767, 751

19. Again, prior to the commencement of the hearing (19 April 2016), we requested further information by way of additional maps from Council in relation to Dr Read's Evidence in Chief, seeking further detail as to the number and location of building platforms on which houses had been erected and those that had not been built on. The maps requested were supplied under cover of a Memorandum of Counsel for the Council dated 29 April 2016.

### 1.4 Procedural Steps and Issues

20. A number of procedural matters required consideration, both prior to commencement and during the Steam 2 hearing. These included:
    a. A request by Counsel for Allenby Farms[94] for deferral of ONF, BRA, and zone extension components of its submission until the Planning Map Hearings – granted by the Chair 18 April 2016;
    b. A consequential procedural Minute from the Chair, dated 19 April 2016, deferred all submissions seeking amendments to boundaries of Significant Natural Areas (SNA) to the relevant mapping hearing streams. The Minute confirmed that submissions seeking complete deletion of a SNA would be heard and determined in this Hearing Stream.

21. In addition to those Directions, the Chair granted extensions for:
    a. Filing evidence and legal synopsis of submissions for Jeremey Bell Investments Ltd[95] and for filing evidence for Mr C Day for Skydive Queenstown Ltd[96] on 21 April 2016;
    b. Filing of late evidence for Mr N Geddes and granting request for him to be heard on behalf of a number of submitters[97] on 29 April 2016.

22. On 20 May 2016, the Chair granted leave to Ms O'Sullivan on behalf of QAC to file supplementary evidence that specifically related to questions raised by us during the hearing in regard to the resource management regime applying to Wanaka airport.

23. We also record that a number of submitters and Council were given the opportunity to supply further comment and/or evidence on matters raised during the course of their appearance before us. In this way, the panel received additional material as follows:
    a. A Memorandum of Counsel for the Council dated 5 May 2016 regarding the Wilding Pine risk assessment matrix for 'Calculating Wilding Spread Risk from New Planting and copy of the matrix from Mr Davis' evidence;
    b. A Memorandum of Counsel for the Council dated 16 May 2016 regarding wording of a rule for clearance of indigenous vegetation in Skifield subzones, and providing a flow diagram of how the rules in Chapters 33 work;
    c. Memoranda of Counsel for QAC dated 30 May 2016 and 3 June 2016 regarding Runway End Protection Areas (REPA) for Wanaka Airport;
    d. A Memorandum of Counsel for NZFSC dated 7 June 2016 regarding its Fire Fighting Water Supplies Code of Practice and related matters;
    e. A Memorandum of Counsel for Queenstown Park Ltd dated 15 June 2016 identifying photo-viewpoints from Ms Smetham's landscape evidence and responding to our questions on Rule 21.3.3.6;

94 Submission 502
95 Submissions 782, 784
96 Submission 122
97 Submissions 228, 233, 235, 411, 414

24. On 21 June 2016, we received a letter from Mr C Ferguson on behalf of Island Capital Ltd[98] withdrawing its submission relating to all provisions of the new area of Rural Lifestyle Zoned land immediately east of Glenorchy Township.

25. A number of matters were also raised during the course of this hearing, which we determined were more appropriately deferred to the hearings on the Planning Maps, scheduled for next year or to the Business zone hearings. In addition to the Allenby Farms submission already noted, these included submissions by Lake Hayes Cellar Ltd[99] and Wanaka Airport[100] the minutes for which were respectively dated 17 June 2016 and 16 June 2016.

26. When we heard the submitters and deliberated on Stream 2, Commissioner Lawton was part of the Hearing Panel. In February 2017 Commissioner Lawton resigned from the Council and her role as a commissioner. She has taken no further part in the process following that resignation.

27. We also record that during the course of the hearing, Commissioner St Clair discovered that he had a conflict of interest in relation to submissions and further submissions lodged by Matakauri Lodge Limited. The legal submissions and evidence from Matakauri Lodge Limited entirely related to the issue of the Visitor Accommodation Subzone in the Rural Lifestyle Zone. Mr St Clair stepped aside from hearing any evidence from the submitters whose evidence was directed at that topic[101] and took no part in the deliberations or report drafting in relation to that topic, which is the subject of a separate report[102].

28. Ms Byrch and Mr Scaife each made submissions on a number of topics in Chapter 22 apart from the Visitor Accommodation Subzone. Mataukauri Lodge Limited lodged further submissions in opposition to those wider submissions. We heard no submissions or evidence from Matakauri Lodge Limited in respect of those other submissions. We record that while those wider submissions and further submissions are dealt with in this report, Mr St Clair did not participate in the deliberations on, or report preparation of, the relevant provisions in Chapter 22.

### 1.5 Wakatipu Basin

29. On 1 July 2016, the Chair issued a Minute noting that based on the evidence presented to us, we had reached a preliminary view that a detailed study of the Wakatipu Basin was required. The Chair's minute included the following extract *"(during the)… course of the hearing, based on the evidence from the Council and submitters, we came to the preliminary conclusion that continuation of the fully discretionary development regime of the Rural General Zone of the ODP, as proposed by the PDP, was unlikely to achieve the Strategic Direction of the PDP in the Wakatipu Basin over the life of the PDP. We are concerned that, without careful assessment, further development within the Wakatipu Basin has the potential to cumulatively and irreversibly damage the character and amenity values which attracts residents and other activities to the area."*[103]

30. We reached this position having noted that the landscape evidence put before us on behalf of submitters either focused on criticising Dr Read's work or was too general to be helpful, and

98 Submission 772
99 Submission 767
100 Submission 433
101 Matakauri Lodge Limited (Submission 595 and FS1224), Christine Byrch (Submission 243) and Marc Scaife (Submission 811)
102 Report 4B
103 Memorandum Concerning PDP provisions Affecting Wakatipu Basin dated 1 July 2016

the planning evidence on behalf of submitters focussed on rural lifestyle densities in the Wakatipu Basin without consideration of the implications for the remainder of the district. The Chair's Minute also noted that during the hearing we had canvassed this matter with parties with interests in the Wakatipu Basin and that those parties were generally receptive to the proposal. In the conclusion of the Minute, we sought Council's advice on how it would proceed in the light of the preliminary views we had expressed.

31. On 8 July 2016, Counsel for the Council, advised by way of memorandum that the Council would proceed with the Wakatipu Basin Study (WBS) and requested that we confirm the extent of the area that the study would apply to was as shown on the map attached to the memorandum,. In addition, Counsel noted that any decision on a variation to the Plan arising from the study would be a separate matter requiring a decision of Council at a later date.

32. The Chair confirmed by way of Minute dated 8 July 2016 that the area we had in mind for the study was correctly shown on the map of Council's memorandum of the same date.

33. We note that on 4 July 2016, the Chair issued a minute in regard to the Section 42A Report for Hearing Stream 4: Subdivision (Chapter 27) which was released on 1 July 2016, advising that the submissions on the minimum lot sizes for the Rural Lifestyle Zone referred to in paragraphs 14.2 to 14.18 of the Section 42A Report would be deferred so that they might be heard following the WBS if the Council agreed to undertake said study. The Stream 4 hearing had not commenced at that point.

34. As recorded in the Chair's Minute of 1 July 2016, *"we discerned that there was clear distinction between those submitters who sought fine tuning of the provisions relating to the Rural and Rural Lifestyle Zones, and those submitters who sought significant changes to the provisions of those zones specifically as they applied to land in the Wakatipu Basin. It is this latter group of submitters who have submissions linked to subdivision and map provisions."*

35. For completeness we note that on 2 July 2016, we received a memorandum from the UCES, seeking that a similar study to that recommended by us for the Wakatipu Basin be carried out for the Upper Clutha Basin. In response to that memorandum, the Chair issued a Minute in Reply, noting that the hearing was completed and there were no special circumstances for the Panel to accept additional information. In addition, the Minute in Reply noted that any such request for Council to undertake a study should be directed to the Council itself.

### 1.6 Stage 2 Variations

36. On 23 November 2017 the Council notified the Stage 2 Variations. Within this was a new zoning regime proposed for the Wakatipu Basin. In a Memorandum dated 23 November 2017[104] we were advised that, due to the operation of Clause 16B(1) of the First Schedule to the Act, a number of submissions on Stage 1 would automatically be submissions on the variation and we should not make recommendations on those. The Council listed such submissions in Appendix B of the Memorandum. In a Minute dated 27 November 2017 the Chair sought confirmation that several other submissions omitted from Appendix B, were also to be treated as submissions on the variation.. This was confirmed in a Memorandum dated 8 December 2017.

37. A consequence of the notification of the Stage 2 Variations is that we do not discuss those submissions.

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[104] Memorandum of Counsel on Behalf of the Queenstown Lakes District Council Advising Panel on Matters Relating to Stage 2 of the Queenstown Lakes Proposed District Plan

38. A further consequence of the notification of the new zoning regime for the Wakatipu Basin is that several provisions in Chapter 22 specific to zones or areas with the Wakatipu Basin[105] have been deleted from Stage 1 of the PDP due to the operation of Clause 16B(2) of the First Schedule to the Act. We make no recommendations in respect of those provisions, which we show in light grey in our recommended chapters.

39. The Stage 2 Variations propose the insertion of new provisions for visitor accommodation in Chapters 21[106], 22[107] and 23[108]. We have made allowance for those provisions in the appropriate places in each chapter by leaving spaces in the policies or rules as appropriate. While they are included as they are merged into the PDP, we have not shown them so as to avoid confusion between the provisions we are recommending to the Council and the additional Stage 2 Variation provisions.

40. Additionally, the Stage 2 Variations propose the inclusion of a new activity rule providing for public water ferry services on the surfaces of lakes and rivers in Chapter 21[109]. This has been dealt with in the same manner as the visitor accommodation provisions discussed above.

41. Finally, as noted in Report 1, we have updated the table of district wide chapters found in provision 3.1 of each chapter to include the new district wide chapters notified in the Stage 2 Variations.

42. We make no further comment on these Stage 2 Variation provisions.

## 1.7 Statutory Considerations

43. The Hearing Panel's Report 1 contains a general discussion of the statutory framework within which submissions and further submissions on the PDP have to be considered, including matters that have to be taken into account, and the weight to be given to those matters. We have had regard to that report when approaching our consideration of submissions and further submissions on the matters before us.

44. Some of the matters identified in Report 1 are either irrelevant or only have limited relevance to the objectives, policies and other provisions we had to consider. The NPSUDC 2016 is in this category. The NPSET 2008, the NPSREG 2011 and the NPSFWM 2014 do, however, have more relevance to the matters before us. We discuss those further below.

45. The Section 42A Reports on the matters before us drew our attention to objectives and policies in the RPS and proposed RPS the reporting officers considered relevant. To the extent necessary, we discuss those in the context of the particular provisions in the three Chapters.

46. The NPSET 2008 sets out objectives and policies which recognise the national benefits of the electricity transmission network, manage the environmental effects of that network, and manage the adverse effects of other activities on the transmission network. The network is

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105 Paragraphs 5 and 6 of Section 22.1, references to Tables 3 and 6 in Provision 22.3.2.10, Rule 22.5.4.3, Rules 22.5.14 to 22.5.18, Rules 22.5.33 to 22.5.37 and the Ferry Hill Sub zone Concept Development Plan in Rule 22.7.2

106 Rule 21.4.15 [notified as 21.4.37], Table 16 Rules 21.19.1 and 21.19.2 [notified as Table 11 rules 21.5.53 and 21.5.54]

107 An insertion in Policy 22.2.2.5 (recommended 22.2.2.4), Policy 22.2.2.5 [notified as 22.2.2.6], Rule 22.4.7 [notified as Rule 22.4.18], Rule 22.5.14 and Rule 22.5.15

108 Rule 23.4.21, Rule 23.5.12 and Rule 23.5.13

109 Rule 21.15.5 [notified as 21.5.43A]

owned and operated by Transpower. In this District, the network consists of a transmission line from Cromwell generally following the Kawarau River before crossing through Lake Hayes Estate, Shotover Country and Frankton Flats to Transpower's Frankton substation, which also forms part of the network.

47. Relevant to the application of the NPSET 2008 are the NESET 2009. These set standards to give effect to certain policies in the NPSET 2008.

48. The NPSGEG 2011 sets out objectives and policies to enable the sustainable management of renewable electricity generation under the Act.

49. The NPSFWM 2014 sets out objectives and policies in relation to the quality and quantity of freshwater. Objective C seeks the integrated management of land uses and freshwater, and Objective D seeks the involvement of iwi and hapu in the management of freshwater. To the extent that these are relevant, we have taken this NPS into account.

50. The NPSUDC 2016, with its focus on ensuring sufficient capacity is provided for urban development, is of little relevance when determining the management of non-urban resources and areas.

51. The tests posed in section 32 form a key part of our review of the objectives, policies, and other provisions we have considered. We refer to and adopt the discussion of section 32 in the Hearing Panel's Report 3. In particular, for the same reasons as are set out in Report 3, we have incorporated our evaluation of changes we have recommended into the report that follows, rather than provide a separate evaluation of how the requirements of section 32AA are met.

### 1.8 Hearings Panel Make-up

52. We record that Commissioner Lawton sat and heard the submissions in relation to these hearing topics and took part in deliberations. However, with Commissioner Lawton's resignation from the Council on 21 April 2017, she also resigned from the Hearing Panel and took no further part in the finalisation of this recommendation report.

# PART B: CHAPTER 21 – RURAL

## 2 PRELIMINARY

### 2.1 Over-arching Submissions and Structure of the Chapter

53. At a high level there were a number of submissions that addressed the approach and structure of Chapter 21. We deal with those submissions first.

### 2.2 Farming and other Activities relying on the Rural Resource

54. Submissions in relation to the structure of the chapter focussed on the inclusion of other activities that rely on the rural resource[110]. Addressing the Purpose of Chapter 21, Mr Brown in evidence considered that there was an over-emphasis on the importance of farming, noting that there was an inconsistency between Chapters 3 and 21 in this regard[111]. In addition, Mr Brown recommended changing the 'batting order' of the objectives and policies as set out in Chapter 21 to put other activities in the Rural Zone on an equal footing with that of farming[112].

55. Mr Barr in reply, supported a change to the purpose so that it would *"provide for **appropriate** other activities that rely on rural resources" (*our emphasis*)*, but noted that there was no hierarchy or preference in terms of the layout of the objectives and therefore he did not support the change in their order proposed by Mr Brown.[113]

56. This theme of a considered preference within the chapter of farming over non-farming activities and, more specifically a failure to provide for tourism, was also raised by a number of other submitters[114]. In evidence and presentations to us, Ms Black and Mr Farrell for RJL questioned the contribution of farming[115] to maintain the rural landscape and highlighted issues with the proposed objectives and policies making it difficult to obtain consent for tourism proposals[116].

57. Similarly, the submission from UCES[117] sought that the provisions of the ODP relating to subdivision and development in the rural area be rolled over to the PDP. The reasons expressed in the submission for this relief, were in summary because the PDP in its notified form:
    a. did not protect natural landscape values, in particular ONLs;
    b. was too permissive;
    c. was contrary to section 6 of the Act and does not have particular regard to section 7 matters; and
    d. was biased towards farming over other activities, resulting in a weakening of the protection of landscape values.

58. Mr Haworth addressed these matters in his presentation to us and considered, "Farming as a mechanism for protecting landscape values in these areas has been a spectacular failure."[118] He called evidence in support from Ms Lucas, a landscape architect, who critiqued the provisions in Chapter 6 of the PDP and, noting its deficiencies, considered that those

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110 E.g. Submissions 122, 343, 345, 375, 407, 430, 437, 456, 610, 613, 615, 806, FS 1229
111 J Brown, Evidence, Pages 3- 4, Para 2.3
112 J Brown, Evidence, Pages 5 - 6, Paras 2.8-2.9
113 C Barr, Reply, Page 2, Para 2.2
114 E.g. Submissions 607, 621, 806
115 F Black, Evidence, Page 3 - 5, Paras 3.8 – 3.16
116 F Black, Evidence, Page 5 , Para 3.17
117 Submission 145
118 J Haworth, Evidence, Page 5, Para 1

deficiencies had been carried through to Chapter 21. Ms Lucas noted that much of Rural Zone was not appropriate for farming and that the objectives and policies did not protected natural character[119].

59. In evidence on behalf of Federated Farmers[120], Mr Cooper noted the permitted activity status for farming, but considered that this came at a significant opportunity cost for farmers. That said, Mr Cooper, on balance, agreed that those costs needed to be assessed against the benefits of providing for farming as a permitted activity in the Rural Zone, including the impacts on landscape amenity.[121]

60. Mr Barr, in his Section 42A Report, accepted that farming had been singled out as a permitted land use, but he also considered that the framework of the PDP was suitable for managing the impacts of farming on natural and physical resources.[122] In relation to other activities that rely on the rural resource, Mr Barr in reply, considered that those activities were appropriately contemplated, given the importance of protecting the Rural Zone's landscape resource.[123] In reaching this conclusion, Mr Barr relied on the landscape evidence of Dr Read and the economic evidence of Mr Osborne presented as part of the Council's opening for this Hearing Stream.

61. Responding to these conflicting positions, we record that in Chapter 3 the Stream 1B Hearing Panel has already found that as an objective farming should be encouraged[124]and in Chapter 6, that policies should recognise farming and its contribution to the existing rural landscape[125]. Similarly, in relation to landscape, the Stream 1B Hearing Panel found that a suggested policy providing favourably for the visitor industry was too permissive[126] and instead recommended policy recognition for these types of activities on the basis they would protect, maintain or enhance the qualities of rural landscapes.[127]

62. Bearing this in mind, we concur that it is appropriate to provide for other activities that rely on the rural resource, but that such provision needs to be tempered by the equally important recognition of maintaining the qualities that the rural landscape provides. In reaching this conclusion, we found the presentation by Mr Hadley[128] useful in describing the known and predictable quality of the landscape under farming, while noting the reduced predictability resulting from other activities. In our view, tourism may not necessarily maintain the qualities that are important to maintenance of rural character (including openness, where it is an important characteristic) and amenity, and it is this latter point that needs to be addressed.

63. In order to achieve this we recommend:
    a. Amending the Purpose of the chapter to provide for 'appropriate other activities' that rely on rural resources;
    b. Objective 21.2.9 (as notified) be deleted and incorporated in Objective 21.2.1; and
    c. Policies under 21.2.9 (as notified) be added to policies under Objective 21.2.1.

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119 D Lucas, Evidence, Pages 5-11
120 Submission 600
121 D Cooper, Evidence, Paras 31-33
122 C Barr, Section 42A Report, Page 17, Para 8.16
123 C Barr, Reply, Page 9, Para 4.3
124 Recommendation Report 3, Section 2.3
125 Recommendation Report 3, Section 8.5
126 Recommendation Report 3, Section 3.19
127 Recommended Strategic Policy 3.3.20
128 J Hadley, Evidence, Pages 2 -3

## 2.3 Rural Zone to Provide for Rural Living

64. Mr Goldsmith, appearing as counsel for a number of submitters[129], put to us that Chapter 21 failed to provide for rural living, in particular in the Wakatipu Basin[130]. Mr J Brown[131] and Mr B Farrell[132] presented evidence in support of that position. Mr Brown recommended a new policy:

*Recognise the existing rural living character of the Wakatipu Basin Rural Landscape, and the benefits which flow from rural living development in the Wakatipu Basin, and enable further rural living development where it is consistent with the landscape character and amenity values of the locality.*[133]

65. Mr Barr, in his Reply Statement, considered that the policy framework for rural living was already provided for in Chapter 22 Rural Lifestyle and Rural Residential Zones. However, Mr Barr also opined, *"that there is merit associated with providing policies associated with rural living in the Rural Zone on the basis they do not duplicate or confuse the direction of the Landscape Chapter and assessment matters in part 21.7 that assist with implementing these policies."* [134] Mr Barr emphasised the need to avoid conflict with the Strategic Directions and Landscape Chapters and noted that he did not support singling out the Wakatipu Basin or consider that benefits that follow from rural development had been established in evidence.[135]

66. Mr Barr did recommend a policy that recognised rural living within the limits of a locality and its capacity to absorb change, but nothing further.[136] Mr Barr's recommendation for the policy was as follows;

*"Ensure that rural living is located where rural character, amenity and landscape values can be managed to ensure that over domestication of the rural landscape is avoided."*[137]

67. We consider that there are three aspects to this issue that need to be addressed. The first is, and we agree with Mr Barr in this regard, that the policy framework for rural living is already provided for in Chapter 22 Rural Lifestyle and Rural Residential Zones. That said we recommend that a description be added to the purpose of each of the Rural Chapters setting out how the chapters are linked.

68. The second aspect is that in its Recommendation Report, the Stream 1B Hearing Panel addressed the matter of rural living as follows:

*"785. In summary, we recommend the following amendments to policies 3.2.5.4.1 and 3.2.5.4.2 (renumbered 3.3.22 and 3.3.24), together with addition of a new policy 3.3.23 as follows:*

*"Provide for rural living opportunities in areas identified on the District Plan maps as appropriate for Rural Residential and Rural Lifestyle development.*

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129 Submissions 502, 1256, 430, 532, 530, 531, 535, 534, 751, 523, 537, 515,
130 W Goldsmith, Legal Submissions, Pages 3 - 4
131 J Brown, Evidence, Dated 21 April 2016
132 B Farrell, Evidence, Dated 21 April 2016
133 J Brown, Summary Statement to Primary Evidence, Pages 1 -2, Para 4
134 C Barr, Reply Statement, Page 19, para 6.8
135 C Barr, Reply Statement, Page 20, paras 6.10-6.11
136 C Barr, Reply Statement, Page 21, paras 6.14
137 C Barr, Reply Statement, Page 21, paras 6.15

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

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

*759. We consider that the combination of these policies operating in conjunction with recommended policies 3.3.29-3.3.32, are the best way in the context of high-level policies to achieve objectives 3.2.1.8, 3.2.5.1 and 3.2.5.2, as those objectives relate to rural living developments."*

69. We similarly adopt that position in recommending rural living be specifically addressed in Chapter 22.

70. Finally, with reference to the Wakatipu Basin, we record that the Council has, as noted above, already notified the Stage 2 Variations which contains specific rural living opportunities for the Wakatipu Basin.

71. Considering all these matters, we are not convinced that rural living requires specific recognition within the Rural Chapter. We agree with the reasoning of Mr Barr in relation to the potential conflict with the Strategic and Landscape chapters and that benefits that follow from rural development have not been established. We therefore recommend that the submissions seeking the inclusion of policies providing for and enabling rural living in the Rural Zone be rejected.

## 2.4 A Separate Water Chapter

72. Submissions from RJL[138] and Te Anau Developments[139] sought to "Extract provisions relating to the protection, use and development of the surface of lakes and rivers and their margins and insert them into specific chapter…". Mr Farrell addressed this matter in his evidence[140].

73. We note that the Stream 1B Hearing Panel has already considered this matter in Report 3 at Section 8.8, and agreed that there was insufficient emphasis on water issues in Chapter 6. This was addressed in that context by way of appropriate headings. That report noted Mr Farrell's summary of his position that he sought to focus attention on water as an issue, rather than seek substantive changes to the existing provisions.

74. Mr Barr, in reply, was of the view that water issues were adequately addressed in a specific objective with associated policies and the activities and associated with lakes and rivers are contained in one table[141]. We partly agree with each of Mr Farrell and Mr Barr.

75. In terms of the structure of the activities and standards tables, we recommend that tables deal with first the general activities in the Rural Zone and then second with location-specific activities such as those on the surface of lakes and rivers. In addition, we recommend a reordering and

138 Submission 621
139 Submission 607
140 B Farrell, Evidence, Pages 10-11
141 C Barr, Reply, Page 4

clarification of the activities and standards in relation to the surface of lakes and river table to better identify the activity status and relevant standards.

## 2.5 New Provisions – Wanaka Airport

76. QAC[142] sought the inclusion of new objectives and policies to recognise and provide for Wanaka Airport. The airport is zoned Rural and is subject to a Council designation but we were told that the designation does not serve the private operators with landside facilities at the airport. At the hearing, QAC explained the difficulties that this regime caused for the private operators.

77. Ms Sullivan, in evidence-in-chief, proposed provisions by way of amendments to the Rural Chapter, but following our questions of Mr Barr during Council's opening, provided supplementary evidence with a bespoke set of provisions for Wanaka as a subset of the Queenstown Airport Mixed Use Zone.

78. Having reached a preliminary conclusion that specific provisions for Wanaka Airport were appropriate, we requested that Council address this matter in reply. Mr Winchester, in reply for Council, advised that there was scope for a separate zone for the Wanaka Airport and that it could be completely separate or a component of the Queenstown Airport Mixed Use Zone in Chapter 17 of the PDP. Agreeing that further work on the particular provisions was required, we directed that the zone provisions for Wanaka Airport be transferred to Hearing Stream 7 Business Zones.

79. The Minute of the Chair, dated 16 June 2016, set out the directions detailed above. Those directions did not apply to the submissions of QAC seeking Runway End Protection Areas at Wanaka Airport. We deal with those submissions now.

80. QAC[143] sought two new policies to provide for Runway End Protection Areas (REPAs) at Wanaka Airport, worded as follows:

*Policy 21.2.X.3 Retain a buffer around Wanaka Airport to provide for the runway end protection areas at the Airport to maintain and enhance the safety of the public and those using aircraft at Wanaka Airport.*
*Policy 21.2.X.1 Avoid activities which may generate effects that compromise the safety of the operation of aircraft arriving at or departing from Wanaka Airport.*

81. The QAC submission also sought a new rule derived from these policies, being prohibited activity status for REPAs as follows:

*Within the Runway End Protection Areas, as indicated on the District Plan Maps,*

*a. Buildings except those required for aviation purposes*

*b. Activities which generate or have the potential to generate any of the following effects:*

*i. mass assembly of people*

*ii. release of any substance which would impair visibility or otherwise interfere with the operation of aircraft including the creation of smoke, dust and steam*

142 Submission 433
143 Submission 433

*iii. storage of hazardous substances*

*iv. production of direct light beams or reflective glare which could interfere with the vision of a pilot*

*v. production of radio or electrical interference which could affect aircraft communications or navigational equipment*

*vi. attraction of birds*

82. We think it is appropriate to deal with the requested new policies and new rule together, as the rule relies on the policies.

83. In opening legal submissions for Council, Mr Winchester raised jurisdictional concerns regarding the applicability of the rule as related to creation of smoke and dust; those are matters within the jurisdiction of ORC. Mr Winchester also raised a fairness issue for affected landowners arising from imposition of prohibited activity status by way of submission, noting that many permitted farming activities would be negated by the new rule. He submitted that insufficient evidence had been provided to justify the prohibited activity status[144].

84. Ms Wolt, in legal submissions for QAC[145], submitted in summary that there was no requirement under the Act for submitters to consult, that the further submission process was the opportunity for affected land owners to raise any concerns, and that they had not done so. Ms Wolt drew our attention to the fact that one potentially affected land owner had submissions on the PDP prepared by consultants and that those submissions did not raise any concerns. In conclusion, Ms Wolt submitted that the concerns about fairness were unwarranted.

85. At this point, we record that we had initial concerns about the figure (Figure 3.1) showing the extent of the REPA included in the QAC Submission[146] as that figure was not superimposed over the cadastral or planning maps to show the extent the suggested REPA extended onto private land. Rather, the figure illustrated the dimensions of the REPA from the runway. The summary of submissions referred to the Appendix, but even if Figure 3.1 had been reproduced, in our view, it would not have been apparent to the airport neighbours that the REPA covered their land. Against this background, the failure of airport neighbours to lodge further submissions on this matter does not, in our view, indicate their acquiescence.

86. In supplementary evidence for QAC, Ms O'Sullivan provided some details from the Airbiz Report dated March 2013 from which Figure 3.1 was derived[147]. Ms O'Sullivan also included a Plan prepared by AirBiz dated 17 May 2016, showing the spatial extent of the REPA on an aerial photograph with the cadastral boundaries also superimposed[148]. We also received a further memorandum from Ms Wolt dated 3 June 2016, with the relevant extracts from the AirBiz March 2013 report and which included additional Figures 3.2 and 3.3 showing the REPA superimposed on the cadastral map.

87. Given that it was only at that stage that the extent of the REPA in a spatial context was identified, we do not see how any adjoining land owner could know how this might affect them. We do

144 J Winchester, Opening legal Submissions, Page 11, Paras 4.21 – 4.22
145 R Wolt, Legal Submissions, Pages 22-24, Paras 111 - 122
146 Submission 433, Annexure 3
147 K O'Sullivan, Supplementary evidence, Pages 5 – 6, Paras 3.3 - 3.5
148 K O'Sullivan, Supplementary evidence, Appendix C

not consider QAC's submission to be valid for this reason. If the suggested prohibited activity rule fails for this reason, so must the accompanying policies that support it. Even if this were not the case, we agree with Mr Winchester's submission that QAC has supplied insufficient evidence to justify the relief that it seeks. The suggested prohibited activity rule is extraordinarily wide (on the face of it, the rule would preclude the neighbouring farmers from ploughing their land if they had not done so within the previous 12 months because of the potential for it to attract birds). To support it, we would have expected a comprehensive and detailed section 32 analysis to be provided. Ms O'Sullivan expressed the opinion that there was adequate justification in terms of section 32 of the Act for a prohibited activity rule[149]. Ms O'Sullivan, however, focused on the development of ASANs, which are controlled by other rules, rather than the incremental effect of the suggested new rule, and thus in our view, significantly understated the implications of the suggested rule for neighbouring land owners. We do not therefore accept her view that the rule has been adequately justified in terms of section 32.

88. For completeness we note that the establishment of ASANs in the Rural Zone, over which these REPA would apply, would, in the main, be prohibited activities (notified Rule 21.4.28). For the small area affected by the proposed REPA outside the OCB, ASANs would require a discretionary activity consent. Thus, the regulatory regime we are recommending would enable consideration of the type of reverse sensitivity effects raised by QAC.

89. Accordingly, we recommend that submission from QAC for two new policies and an associated rule for the REPA at Wanaka Airport be rejected.

## 3 SECTION 21.1 – ZONE PURPOSE

90. We have already addressed a number of the submissions regarding this part of Chapter 21 in Sections 3.2 and 3.3 above, as they applied to the wider planning framework for the Rural Zone Chapter. We also record that the Zone Purpose is explanatory in nature and does not contain any objectives, policies or regulatory provisions.

91. Submissions from QAC[150] and Transpower[151] sought that infrastructure in the Rural Zone needed specific recognition. Mr Barr addressed this matter in the Section 42A Report noting;

*"Infrastructure and utilities are also contemplated in the Rural Zone and while not specifically identified in the Rural Zone policy framework they are sufficiently provided for in higher order provisions in the Strategic Direction Chapter and Landscape Chapter and the Energy and Utilities Chapter."*[152]

92. Ms Craw, in evidence[153] for Transpower, agreed with that statement, provided that the Panel adopted changes to Chapter 3 Strategic Directions regarding recognition and provision of regionally significant infrastructure.

93. Ms O'Sullivan, in evidence for QAC, noted that Wanaka Airport was recognised in the ODP and suggested that it was appropriate to continue that recognition in the PDP. Her evidence was

149 K O'Sullivan, Supplementary evidence, Pages 7 - 8, Paras 3.8 – 3.10
150 Submission 433
151 Submission 805
152 C Barr, Section 42A Report, Chapter 21, Para 8.3
153 A Craw, Evidence, dated 21 April 2016, Paras 21-22

that it was also appropriate to incorporate PC35 provisions into the PDP in order to provide guidance to plan users.[154]

94. Forest & Bird[155] also sought the recognition of the loss of biodiversity on basin floors and NZTM[156] similarly sought recognition of mining. In evidence on behalf of NZTM, Mr Vivian was of the opinion that the combination of traditional rural activities, which include mining, are expected elements in a rural landscape and hence would not offend landscape character.[157]

95. In our view infrastructure and biodiversity are district wide issues that are appropriately addressed in the separate chapters, Energy and Utilities and Indigenous Vegetation and Biodiversity respectively, as well as at a higher level in the strategic chapters. Provision for Wanaka Airport has been deferred to the business hearings for the reasons set out above. We agree with Ms O'Sullivan's additional point regarding the desirability of assisting plan users as a general principle, but find that incorporating individual matters from the chapter into the Purpose section would be repetitive. We think that Mr Vivian's reasoning regarding the combination of traditional rural activities not offending rural landscape goes too far. Nonetheless, we note that mining is the subject of objectives and associated policies in this chapter. These matters do not need to be specified in the purpose statement of every chapter in which they occur. We therefore recommend that these submissions be rejected.

96. The changes we do recommend to this section are those that address the wider matters discussed in the previous section. We recommend that the opening paragraph read:

*There are four rural zones in the District. The Rural Zone is the most extensive of these. The Gibbston Valley is recognised as a special character area for viticulture production and the management of this area is provided for in Chapter 23: Gibbston Character Zone. Opportunities for rural living activities are provided for in the Rural-Residential and Rural Lifestyle Zones (Chapter 22).*

97. In the five paragraphs following, we recommend accepting the amendments recommended by Mr Barr[158]. Finally, we recommend deletion of the notified paragraph relating to the Gibbston Character Zone and the addition of the following paragraph to clarify how the landscape classifications are applied in the zone:

*The Rural Zone is divided into two ~~overlay~~ areas. The first being the ~~overlay~~ area for Outstanding Natural Landscapes and Outstanding Natural Features. The second ~~overlay~~ area being the Rural Character Landscape. These ~~overlay~~ areas give effect to Chapter 3 – Strategic Direction: Objectives 3.2.5.1 and 3.2.5.2, and the policies in Chapters 3 and 6 that implement those objectives.*

98. With those amendments, we recommend Section 21.1 be adopted as set out in Appendix 1.

## 4 SECTION 21.2 – OBJECTIVES AND POLICIES

### 4.1 Objective 21.2.1

99. Objective 21.2.1 as notified read as follows:

154 K O'Sullivan, Evidence, dated 22 April 2016, Page 9-10, Paras 4.8 – 4.13
155 Submission 706
156 Submission 519
157 C Vivian, Evidence, Page 11, Para 4.28
158 C Barr, Reply Statement, Appendix 1

*"Enable farming, permitted and established activities while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values."*

100. The submissions on this objective primarily sought inclusion of activities that relied on the rural resource[159], the addition of wording from the RMA such as "avoid, remedy or mitigate" or "from inappropriate use and development"[160] and removal of the word "protecting"[161]. Transpower sought the inclusion of 'regionally significant infrastructure'.

101. As noted in Section 2.1 above, the Council lodged amended objectives and policies, reflecting our request for outcome orientated objectives. The amended version of Objective 21.2.1 read as follows:

*"A range of land uses including farming, permitted and established activities are enabled, while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values."*

102. We record that this amended objective is broader than the objective as notified, by suggesting the range of enabled activities extends beyond farming and established activities, and circular by referring to permitted activities (which should only be permitted if giving effect to the objective). We have addressed the activities relying on the rural resource in Section 3.2 above. In addition, as we noted in Section 4, we consider infrastructure is more appropriately dealt with in Chapter 30 Energy and Utilities..

103. In his evidence for Darby Planning LP *et al*[162], which sought to remove the word *"protecting"*, Mr Ferguson was of the view that the Section 42A Report wording of Objective 21.2.1 was not sufficiently clear in, *"providing the balance between enabling appropriate rural based activities and recognising the important values in the rural environment."*[163] Mr Ferguson was also of the view that this balance needed to be continued into the associated policies. Similarly, in evidence tabled for X-Ray Trust, Ms Taylor was of the view that *"protecting"* was an inappropriately high management threshold and that it could prevent future development[164].

104. We do not agree. Consistent with the findings in the report on the Strategic Chapters, we consider that removal of the word *"protecting"* would have exactly the opposite result from that sought by Mr Ferguson and Ms Taylor by creating an imbalance in favour of other activities to the detriment of landscape values. This would be inconsistent with the Strategic Objectives 3.2.5.1 and 3.2.5.2 which seek to protect ONLs and ONFs from the adverse effects of subdivision, use and development, and maintain and enhance rural character and visual amenity values in Rural Character Landscapes.

105. We are satisfied that the objective as recommended by Mr Barr reflects both the range of landscapes in the Rural Zone, and, with minor amendment, the range of activities that are appropriate within some or all of those landscapes. The policies to implement this objective should appropriately apply the terms "protecting, maintaining and enhancing" so as to

159 Submissions 343, 345, 375, 407, 430, 437, 456, 513, 515, 522, 531, 537, 546, 608, 621, 624, 806

160 Submissions 513, 515, 522, 531, 537, 621, 624, 805

161 Submissions 356, 608 – we record that these submissions similarly sought the removal of the word protect from Policy 21.2.1.1

162 Submission 608

163 C Fergusson, EiC, dated 21 April 2016, Para 54

164 L Taylor, Evidence, Appendix A, Page 1

implement the higher order objectives and policies. Consequently, we recommend that the wording for Objective 21.2.1 be as follows:

*A range of land uses, including farming and established activities, are enabled while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.*

106. In relation to wording from the RMA such as "avoid, remedy or mitigate" or "from inappropriate use and development", Mr Brown in his evidence for Chapter 21 reiterated the view he put forward at the Strategic Chapters hearings that the, *"RMA language should be the "default" language of the PDP and any non-RMA language should be used sparingly, …"*[165], in order to avoid uncertainty and potentially litigation.

107. The Stream 1B Hearings Panel addressed this matter in detail[166] and concluded that, *"we take the view that use of the language of the Act is not a panacea, and alternative wording should be used where the wording of the Act gives little or no guidance to decision makers as to how the PDP should be implemented."* We agree with that finding for the same reasons as are set out in Recommendation Report 3 and therefore recommend rejecting those submissions seeking inclusion of such wording in the objective.

### 4.2 Policy 21.2.1.1

108. Policy 21.2.1.1 as notified read as follows:

*"Enable farming activities while protecting, maintaining and enhancing the values of indigenous biodiversity, ecosystem services, recreational values, the landscape and surface of lakes and rivers and their margins."*

109. The majority of submissions on this policy sought, in the same manner as for Objective 21.2.1, to include reference to activities that variously rely on rural resources, as well as inclusion of addition of wording from the RMA such as *"avoid, remedy or mitigate"*[167], or softening of the policy through removal of the word *"protecting"*[168], or inserting the words *"significant"* before the words indigenous biodiversity[169], or amending the reference to landscape to *"outstanding natural landscape values"*[170].

110. In evidence for RJL *et al* Mr Farrell recommended that the policy be amended as follows:

*"Enable a range of activities that rely on the rural resource while, maintaining and enhancing indigenous biodiversity, ecosystem services, recreational values, landscape character and the surface of lakes and rivers and their margins."*[171]

111. Mr Barr did not recommend any additional amendments to this policy in his Section 42A Report or in reply. We have already addressed the majority of these matters in Section 3.2 above. The additional amendments recommended by Mr Farrell in our view do not align the policy so that

165 J Brown, Evidence , Page 2, Para 1.9
166 Recommendation Report 3, Section 1.9
167 Submissions 343, 345, 375, 456, 515, 522, 531
168 Submissions 356, 608
169 Submissions 701, 784
170 Submissions 621, 624
171 B Farrell, Evidence, Page 15, Para 48

it implements Objective 21.1.1, and are also inconsistent with the Hearing Panel's findings in regard to the Strategic Chapters.

112. We therefore recommend that Policy 21.2.1.1 remain as notified.

### 4.3 Policy 21.2.1.2

113. Policy 21.2.1.2 as notified read as follows:

> *"Provide for Farm Buildings associated with larger landholdings where the location, scale and colour of the buildings will not adversely affect landscape values."*

114. Submissions to this policy variously sought;
   a. To remove the reference to "large landholdings"[172];
   b. To delete reference to farm buildings and replace with reference to buildings that support rural and tourism based land uses[173];
   c. To change the policy to not "significantly adversely affect landscape values"[174];
   d. To roll-over provisions of the ODP so that farming activities are not permitted activities.[175]

115. The Section 42A Report recommended that the policy be amended as follows;

> *"Provide for Farm Buildings associated with larger landholdings over 100 hectares in area where the location, scale and colour of the buildings will not adversely affect landscape values."*

116. In his evidence, Mr Brown for Trojan Helmet *et al* considered that the policy should apply to all properties, not just larger holdings and that the purpose of what is proposed to be managed, the effect on landscape values, should be clearer[176]. Mr Farrell in evidence for RJL *et al* was of a similar view, considering that 100 hectares was too high a threshold for the provision of farm buildings and that a range of farm buildings should be provided for and were appropriate[177]. Mr Farrell did not support the amendment sought by RJL in relation to changing the policy to not "significantly adversely affect landscape values", but rather recommended that policy be narrowed to adverse effects on the district's significant landscape values. There was no direct evidence supporting the request to widen the reference to buildings that support rural and tourism based land uses. The argument of Mr Haworth for UCES, seeking that the provisions of the ODP be rolled over so that farming activities are not permitted activities have already been addressed in Section 3.2 above. However, later in the report we address the density of farm buildings in response to UCES's submission.

117. In the Section 42A Report, Mr Barr considered that provision for farm buildings of a modest size and height, subject to standards controlling colour, density and location, is an efficient management regime that would lower transition costs for modest size buildings without compromising the landscape[178]. In evidence for Federated Farmers[179], Mr Cooper emphasised the need to ensure that the associated costs were reasonable in terms of the policy

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172 Submission 356, 437, 621, 624
173 Submission 806
174 Submission 356, 621
175 Submission 145
176 J Brown, Evidence, Para 2.11 – 2.12
177 B Farrell, Evidence, Para 51
178 C Barr, Summary of S42A Report, Para 4, Page 2
179 D Cooper, Evidence, Paras 25-26

implementation. We note that while we heard from several farmers, none of them raised an issue with this policy.

118. In reply, Mr Barr did not agree with Mr Brown and Mr Farrell's view that the policy should apply to all properties. Mr Barr's opinion was that the policy needed to both recognise the permitted activity status for buildings on 100 hectares plus sites and require resource consents for buildings on smaller properties on the basis that their scale and location are appropriate[180].

119. Mr Barr also addressed in his Reply Statement, evidence presented by Mr P Bunn[181] and Ms D MacColl[182] as to the policy and rules relating to farm buildings[183]. On a review of these submissions, we note that the submissions do not seek amendments to the farm building policy and rules and consequently, we have not considered that part of the submitters' evidence any further.

120. We concur with Mr Barr and find that the policy will provide for efficient provision of genuine farm buildings without a reduction in landscape and rural amenity values. While a 100 hectare cut-off is necessarily somewhat arbitrary, it both characterises 'genuine' farming operations and identifies properties that are of a sufficiently large scale that they can absorb additional buildings meeting the specified standards. We agree, however, with Mr Brown that the purpose of the policy needs to be made clear, that being the management of the potential adverse effects on the landscape values.

121. We therefore recommend that Policy 21.2.1.2 be worded as follows:

*"Allow Farm Buildings associated with landholdings of 100 hectares or more in area while managing the effects of the location, scale and colour of the buildings on landscape values."*

### 4.4 Policies 21.2.1.3 – 21.2.1.8

122. Policies 21.2.3 to 21.2.8 as notified read as follows:

*21.2.1.3 Require buildings to be set back a minimum distance from internal boundaries and road boundaries in order to mitigate potential adverse effects on landscape character, visual amenity, outlook from neighbouring properties and to avoid adverse effects on established and anticipated activities.*

*21.2.1.4 Minimise the dust, visual, noise and odour effects of activities by requiring facilities to locate a greater distance from formed roads, neighbouring properties, waterbodies and zones that are likely to contain residential and commercial activity.*

*21.2.1.5 Have regard to the location and direction of lights so they do not cause glare to other properties, roads, public places or the night sky.*

*21.2.1.6 Avoid adverse cumulative impacts on ecosystem services and nature conservation values.*

*21.2.1.7 Have regard to the spiritual beliefs, cultural traditions and practices of Tangata Whenua.*

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180 C Barr, Reply, Page 17, Para 5.12

181 Submission 265

182 Submission 285 and 626

183 C Barr, Reply, Pages 15 - 16, Paras 5.7 – 5.9

*21.2.1.8 Have regard to fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision and development in the Rural Zone.*

123. Submissions to these policies variously sought;

Policies

21.2.1.3 remove the reference to "avoid adverse effects on established and anticipated activities"[184] or retain the policy as notified[185];

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

21.2.1.5 retain the policy[189];

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

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

21.2.1.8 include provision for public transport[195].

124. Specific evidence presented to us by Mr MacColl supporting the NZTA submission which supported the retention of Policy 21.2.1.3[196]. In evidence tabled for X-Ray Trust, Ms Taylor considered that Policy 21.2.1.3 sought to manage aesthetic effects as well as reverse sensitivity and that Objective 21.2.4 and the associated policies sufficiently dealt with the management of reverse sensitivity effects. Hence it was her view that reference to that matter in Policy 21.2.3.1 was not required[197].

125. Mr Barr generally addressed these matters in the Section 42A Report[198] and again in his Reply Statement[199]. In the latter Mr Barr considered that the only amendment required to this suite of policies was to Policy 21.2.1.4 which he suggested be amended as follows:

184 Submissions 356, 806
185 Submissions 600, 719
186 Submissions 356, 437
187 Submission 600
188 Submission 806
189 Submission 600
190 Submissions 356, 437
191 Submissions 356, 600, 719
192 Submissions339, 706
193 Submission 806
194 Submission 810: Noting that this aspect of this submission was withdrawn by the representatives of the submitter when they appeared at the Stream1A Hearing. Refer to the discussion in Section 3.6 of Report 2. We have not referred to the point again in the balance of our report for that reason.
195 Submission 798
196 A MacColl, Evidence for NZTA, Page 5, Para 17
197 L Taylor, Evidence, Page 4, Para 5.4
198 Issue 1 – Farming Activity and non-farming activities.
199 Section 4

*"Minimise the dust, visual, noise and odour effects of activities by requiring them to locate a greater distance from formed roads, neighbouring properties, waterbodies and zones that are likely to contain residential and commercial activity."*

126. We agree with Mr Barr, that this rewording provides greater clarity as to the purpose of this policy. We have already addressed in our previous findings the use of RMA language such as *"avoid, remedy, mitigate"*. In relation to Ms Taylor's suggestion of deleting Policy 21.2.1.3, we consider that policy provides greater clarity as to the types of effects that it seeks to control. We received no evidence in relation to the other deletions and amendments sought in the submissions. We therefore recommend that Policies 21.2.1.3 and 2.2.1.5- 21.2.1.8 remain as notified and Policy 21.2.1.4 be amended as set out in the previous paragraph.

127. At this point we note that in Stream 1B Recommendation Report, the Hearing Panel did not recommend acceptance of the NZFSC submission seeking a specific objective for emergency services, but instead recommended that it be addressed in the detail of the PDP[200]. We address that matter now. In the first instance we note that Mr Barr, recommended a new policy to be inserted into Chapter 22 as follows:

*22.2.1.8 Provide adequate firefighting water and fire service vehicle access to ensure an efficient and effective emergency response.*[201]

128. Mr Barr considered this separate policy was required rather than amending Policy 22.2.1.7 which addressed separate matters and that the policy should sit under Objective 22.2.1 which addressed rural living opportunities[202].

129. Mr Barr did not consider that such a policy and any subsequent rules were required in Chapter 21 as there were no development rights for rural living provided within that Chapter[203]. In response to our questions, Mr Barr stated that his recommended rules relating to fire fighting and water supply in Chapter 22 could be applied to Chapters 21 and 23[204]. We agree and also consider an appropriate policy framework is necessary. This is particularly so in this zone with its limited range of permitted activities. We agree with Ms McLeod[205] that fire safety is an issue outside of the Rural-Residential and Rural Lifestyle Zones.

130. Accordingly, we recommend that a new policy be inserted, numbered 21.2.1.9, worded as follows:

*Provide adequate firefighting water and fire service vehicle access to ensure an efficient and effective emergency response.*

131. We address the specific rules for firefighting water and fire service vehicle access later in this report.

## 4.5 Objective 21.2.2

132. As notified, Objective 21.2.2 read as follows:

200 Recommendation Report 3, Section 2.3
201 C Barr, Chapter 22 Section 42A Report, Page 35, Para 16.13
202 C Barr, Chapter 22 Section 42A Report, Page 35, Para 16.9 – 16.14
203 C Barr, Section 42A Report, Pages 99 -100, Paras 20.1 – 20.5
204 C Barr, Reply – Chapter 22, Page 13, Para 13.1
205 Ms A McLeod, EIC, Page 13, Par 5.25

*"Sustain the life supporting capacity of soils"*

133. Submissions on the objective sought that it be retained or approved.[206] Mr Barr recommended amending the objective under the Council's memoranda on revising the objectives to be more outcome focused.[207] Mr Barr's recommended wording was as follows;

*"The life supporting capacity of soils is sustained."*

134. We agree with that wording and that the amendment is a minor change under Clause 16(2) of the First Schedule which does not alter the intent.

135. As such, we recommend that Objective 21.2.2 be reworded as Mr Barr recommended.

## 4.6 Policies 21.2.2.1 – 21.2.2.3

136. As notified policies 21.2.2.1 – 21.2.2.3 read as follows:

*21.2.2.1 Allow for the establishment of a range of activities that utilise the soil resource in a sustainable manner.*

*21.2.2.2 Maintain the productive potential and soil resource of Rural Zoned land and encourage land management practices and activities that benefit soil and vegetation cover.*

*21.2.2.3 Protect the soil resource by controlling activities including earthworks, indigenous vegetation clearance and prohibit the planting and establishment of recognised wilding exotic trees with the potential to spread and naturalise.*

137. Submissions to these policies variously sought the deletion[208] or retention[209] of particular policies, although in the main, the requests were to soften the intent of the policies through rewording so the that policies applied to "significant soils", [210] and Policy 21.2.2.3 be amended to *"Protect, enhance or maintain the soil resource …"*[211] or *"Protect, the soil resource by controlling earthworks, and appropriately managing the effects of … the planting and establishment of recognised wilding exotic trees with the potential to spread and naturalise."*.[212]

138. We heard no evidence in regard to these submission requests. Mr Barr recommended in the Section 42A Report that Policy 21.2.2.3 be amended as follows "…*and establishment of identified wilding exotic trees* …" for consistency with recommendations made to Chapter 34 on Wilding Exotic Trees.[213]

139. These policies are part of the permitted activity framework for the Chapter in relation to appropriateness of farming within the context of landscape values to be protected, maintained or enhanced. Removal of the policies or softening their wording would not provide the direction required to assist achievement of the objective. We accept, however, the need for the

206 Submissions 289, 325, 356
207 Council Memoranda dated 13 April 2016
208 Submission 806
209 Submissions 600, 806
210 Submissions 643, 693, 702
211 Submission 356
212 Submission 600
213 C Barr, Section 42A Report, Appendix 1

consequential amendment suggested by Mr Barr. We therefore recommend that the Policies 21.2.2.1 and 21.2.2.2 remain as notified and that 21.2.2.3 read as follows:

*"Protect the soil resource by controlling activities including earthworks, indigenous vegetation clearance and prohibit the planting and establishment of identified wilding exotic trees with the potential to spread and naturalise."*

### 4.7 Objective 21.2.3

140. As notified, Objective 21.2.3 read as follows:

*"Safeguard the life supporting capacity of water through the integrated management of the effects of activities."*

141. Submissions on the objective were generally supportive[214] with a specific request for inclusion of "*…capacity of water and water bodies through …".*[215] This submission was not directly addressed in the Section 42A Report or in evidence. We note that the definitions of water and water body in the RMA means that water bodies are included within 'water', and therefore consider that there is no advantage in expanding the objective.

142. Mr Barr recommended amending the objective under the Council's memoranda on revising the objectives to be more outcome focused.[216] The suggested rewording was:

*"The life supporting capacity of water is safeguarded through the integrated management of the effects of activities."*

143. We agree that this rewording captures the original intention in an appropriate outcome orientated manner and recommend that the objective be amended as such.

### 4.8 Policy 21.2.3.1

144. As notified, Policy 21.2.3.1 read as follows:

*"In conjunction with the Otago Regional Council, regional plans and strategies:*

*a. Encourage activities that use water efficiently, thereby conserving water quality and quantity*

*b. Discourage activities that adversely affect the potable quality and life supporting capacity of water and associated ecosystems."*

145. Submissions to this policy variously sought its deletion[217] or retention[218], its rewording so as to delete reference to "water quality and quantity" and/or reference to "potable quality, life-supporting capacity and ecosystems".[219]

146. There was no direct reference to these submissions in the Section 42A Report or in evidence.

147. Given that the objective under which this policy sits refers to safeguarding life-supporting capacity, then it seems to us incongruous to remove reference to *"water quality and quantity"*

214 Submissions 289, 356, 600
215 Submissions 339, 706
216 Council Memoranda dated 13 April 2016
217 Submission 590
218 Submission 339, 706, 755,
219 Submissions 600, 791, 794

or *"potable quality, life-supporting capacity and ecosystems"*, which are all relevant to achievement of that objective. We therefore, recommend that the policy as notified remains unchanged.

### 4.9 New Policy on Wetlands

148. The Forest & Bird[220] and E Atly[221] sought an additional policy to avoid the degradation of natural wetlands. The reasons set out in the submissions included that it is a national priority project to protect wetlands and that rules other than those related to vegetation clearance were needed.

149. We could not identify where this matter was addressed in the Section 42A Report. In evidence for the Forest & Bird, Ms Maturin advised that the Society would be satisfied if this matter was added to Policy 21.2.12.5.[222] We therefore address the point later in this report in the context of Policy 21.2.12.5.

### 4.10 Objective 21.2.4

150. As notified, Objective 21.2.4 read as follows:

*Manage situations where sensitive activities conflict with existing and anticipated activities in the Rural Zone.*

151. Submissions on this objective were generally in support of the wording as notified.[223] Transpower[224] sought that the Objective be amended to read as follows;

*Avoid situations where sensitive activities conflict with existing and anticipated activities and regional significant infrastructure in the Rural Zone, protecting the activities and regionally significant infrastructure from adverse effects, including reverse sensitivity effects.*

152. One other submission did not seek a specific change to the wording of the objective but wanted to "*encourage a movement away from annual scrub burning in the Wakatipu Basin*".[225] We heard no evidence on this particular matter as to the link between the objective and the issue identified. We are both unsure of the linkage between the request and the objective, and whether the issue is within the Council's jurisdiction. We therefore recommend that the submission be rejected.

153. Mr Barr recommended amending the objective under the Council's memoranda on revising the objectives to be more outcome focused.[226] His suggested rewording was:

*Situations where sensitive activities conflict with existing and anticipated activities are managed.*

154. In evidence for Transpower, Ms Craw[227]

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220 Submission 706
221 Submission 336
222 S Maturin, Evidence, Page 10, Para 62
223 Submissions 134, 433, 600, 719, 723, 730, 732, 734, 736, 738, 739, 760, 843
224 Submission 805
225 Submission 380
226 Council Memoranda dated 13 April 2016
227 A Craw, Evidence, Page 6, Para 30-33

a. Considered that Policy 3.2.8.1.1 in Council's reply addressed Policies 10 and 11 of the NPSET 2008 to safeguard the National Grid from incompatible development
b. Agreed with the Section 42A Report, that infrastructure did not need to be specifically identified within the objective
c. Considered that "avoid" provided stronger protection than "manage"
d. Suggested that if the Panel adopted Policy 3.2.8.1.1. ( Council's reply version), then the wording in the previous paragraph would be appropriate.

155. In his evidence, Mr Brown [228] recommended the following wording for the objective;

*Reverse sensitivity effects are managed.*

156. This was on the basis that the reworded objective had the same intent, but was simpler. We agree that the intent might be the same (which, if correct, would also overcome potential jurisdictional hurdles given that the submission Mr Brown was addressing [229] sought amendments to the policies under this objective, rather than to the objective itself), but this also means that it does not solve the problem we see with the original objective – that it did not specify a clear outcome in respect of which any policies might be applied in order to achieve the objective. Transpower's suggested wording would solve that problem, but in our view, a position of avoiding all conflict is unrealistic and unachievable without significant restrictions on new development that we do not believe can be justified. As is discussed in greater detail in the report on the strategic chapters, the NPSET 2008 does not require that outcome (as regards reverse sensitivity effects on the National Grid).

157. In reply, Mr Barr further revised his view on the wording of the objective as follows;

*Situations where sensitive activities conflict with existing and anticipated activities are managed to minimise conflict between incompatible land uses.*

158. Mr Barr's reasons for the further amendments included clarification as to what was being managed and to what end result, and that use of the term 'reverse sensitivity' was not desirable as it applied to new activities coming to an existing nuisance.[230] We consider this wording is the most appropriate way to achieve the purpose of the Act given the alternatives offered.

159. We therefore recommend that Objective 2.4.1 be worded as follows;

*"Situations where sensitive activities conflict with existing and anticipated activities are managed to minimise conflict between incompatible land uses."*

## 4.11 Policies 21.2.4.1 – 21.2.4.2

160. As notified, policies 21.2.4.1 – 21.2.4.2 read as follows:

*21.2.4.1 Recognise that permitted and established activities in the Rural Zone may result in effects such as odour, noise, dust and traffic generation that are reasonably expected to occur and will be noticeable to residents and visitors in rural areas.*

228 J Brown, Evidence, Page 12, Para 2.17
229 Submission 806 (Queenstown Park Ltd)
230 C Barr, Reply, Appendix 2, Page 2

*21.2.4.2 Control the location and type of non-farming activities in the Rural Zone, to minimise or avoid conflict with activities that may not be compatible with permitted or established activities.*

161. Submissions to these policies variously sought their retention[231] or deletion[232]. Queenstown Park Limited[233] sought that the two policies be replaced with effects-based policies that would enable diversification and would be forward focused. However, the submission did not specify any particular wording. RJL and D & M Columb sought that Policy 21.2.4.2 be narrowed to apply to only new non-farming and tourism activities[234], while TML and Straterra sought that the policy be amended to *"manage"* rather than *"control"* the location and type of non-farming activities and to *"manage"* conflict with activities "*that may or may not be compatible with permitted or established activities*.[235]

162. In the Section 42A Report, Mr Barr suggested an amendment to Policy 21.4.2.1 as follows;

*New activities must recognise that permitted and established activities in the Rural Zone may result in effects such as odour, noise, dust and traffic generation that are reasonably expected to occur and will be noticeable to residents and visitors in rural areas.*[236]

163. We were unable to find any reasons detailed in the Section 42A Report for this recommended amendment or a submission that sought this specific wording. That said, we do find that it clarifies the intent of the policy (as notified, it leaves open who is expected to recognise the specified matters) and consider that as such, that it is within scope.

164. In his evidence on behalf of TML, Mr Vivian[237] recommended a refinement of the policy from that sought in TML's submission, such that it read:

*To manage the location and type of non-farming activities in the Rural Zone, in order to minimise or avoid conflict with activities that may not be compatible with permitted or established activities.*

165. In his evidence, Mr Farrell on behalf of RJL Ltd, expressed the view that Policy 21.2.4.2 as notified did not give satisfactory recognition to the benefits of tourism. He supported inserting specific reference to tourism activities and to limiting the policy to new activities. [238]

166. Mr Barr, did not provide any additional comment on these matters in reply.

167. There was no evidence presented as to why these policies should be deleted and in our view their deletion would not be the most appropriate way to achieve the objective.

168. While the amendments suggested by Mr Vivian provide some clarification of the intent and purpose of Policy 21.2.4.2, we find that this is already appropriately achieved with the current wording – we do not think there is a meaningful difference between management and control

231 Submissions 433, 600, 719, 723, 730, 732, 734, 736, 738, 739, 760, 843
232 Submissions 693, 702, 806,
233 Submission 806
234 Submissions 621, 624
235 Submissions 519, 598
236 C Barr, Section 42A Report, Appendix 1
237 C Vivian, EiC, paragraphs 4.30 – 4.37
238 B Farrell, Evidence, Page 16, Paras 52 - 54

in this context. In relation to the benefits of tourism, we find that the potential effects of such activities should not be at the expense of unnecessary adverse effects on existing lawfully established activities. We consider that a policy focus on minimising conflict strikes an appropriate balance between the two given the objective it seeks to achieve. However, we consider this can be better expressed.

169. In relation to the specific wording changes recommended by Mr Farrell, we do not think it necessary to identify tourism as a non-farming type activity, but we agree that, consistently with the suggested change to Policy 21.2.4.1, that the focus of Policy 21.2.4.2 should be on new non-farming activities.

170. Lastly, we consider that the policy could be simplified to delete reference to avoiding conflict as an alternative given that minimisation includes avoidance where avoidance is possible.

171. Hence we recommend that policies 21.2.4.1 and 21.2.4.2 be worded as follows;

*21.2.4.1 New activities must recognise that permitted and established activities in the Rural Zone may result in effects such as odour, noise, dust and traffic generation that are reasonably expected to occur and will be noticeable to residents and visitors in rural areas.*

*21.2.4.2 Control the location and type of new non-farming activities in the Rural Zone, so as to minimise conflict between permitted and established activities and those that may not be compatible such activities.*

### 4.12 Definitions Relevant to Mining Objective and Policies

172. Before addressing Objective 21.2.5 and associated policies, we consider it logical to address the definitions associated with mining activities in order that the meaning of the words within the objective and associated polices is clear.

173. NZTM[239] sought replacement of the PDP definitions for "mining activity" and "prospecting", and new definitions for "exploration", "mining" and "mine building" (this latter definition we address in Section 5.15 below).

174. Stage 2 Variations have proposed a new definition of mining activity. We have been advised that the submission and further submissions relating to that definition have been transferred to the Stage 2 Variations hearings. Thus we make no recommendation on those.

175. Mr Vivian in evidence for NZTM drew attention to the need also to include separate definitions of exploration and prospecting. In reply Mr Barr agreed with Mr Vivian.[240]

176. The wording for the new definition of "Exploration" sought by NZTM[241] was as follows;

*Means any activity undertaken for the purpose of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of 1 or more minerals; and includes any drilling, dredging, or excavations (whether surface or subsurface) that are reasonably necessary to determine the nature and size of a mineral deposit or occurrence; and to explore has a corresponding meaning.*

239 Submission 519

240 C Barr, Reply, Page 37, Para 13.2

241 Submission 519, opposed by FS1040 and FS1356

177. Mr Barr did not directly address this definition except as it related to the permitted activity rules, but he did recommend the inclusion of the new definition.[242] We address the matter of permitted activity status later in the decision. Mr Vivian in evidence for NZTM was of the view that the definition was necessary to show the difference between prospecting, mining and exploration and to align the definition with the CMA.[243]

178. We do not have any issue in principle with the suggested definition, but it needs to be recognised that as defined, mineral exploration has potentially significant adverse environmental effects. Our consideration of policy and rules below reflect that possibility.

179. The wording for the definition of "Prospecting" sought by NZTM[244] (showing the revisions from the notified definition) was as follows;

*"Mineral Prospecting Means any activity undertaken for the purpose of identifying land likely to contain ~~exploitable~~ mineral deposits or occurrences; and includes the following activities:*

*a. Geological, geochemical, and geophysical surveys*

*b. The taking of samples by hand or hand held methods*

*c. Aerial surveys*

*d. Taking small samples by low impact mechanical methods."*

180. Mr Barr and Mr Vivian agreed that inclusion of reference to *"low impact mechanical methods"* was not necessary given the context in which the term is used. We disagree. Reference to prospecting in policies and rules that we discuss below, proceeds on the basis that prospecting is a low impact activity. We think that it is important that reference to mechanical sampling in the definition should reflect that position. We are also concerned that the definition is inclusive of the activities listed as bullet points. The consequence could be that activities not contemplated occur under the guise of Mineral Prospecting. We doubt that there is scope to replace the word "includes" and recommend, via the Stream 10 Hearing Panel, that the Council consider a variation to amend this definition.

181. In considering these amendments, we conclude that they are appropriate in terms of consistency and the clarity of the application of these terms within the provisions of the Plan.

182. NZTM also requested a new definition be included in the PDP for *"mining"* as it is has a different range of effects compared to exploration and prospecting, and that it should align with the CMA. The wording sought by NZTM was as follows:

Mining

a. means to take, win or extract , by whatever means, -
   i. a mineral existing in its natural state in land, or
   ii. a chemical substance from a mineral existing in its natural state in land and
b. includes –
   i. the injection of petroleum into an underground gas storage facility but

242 C Barr, Section 42A Report, Page 108, Para 21.21

243 C Vivian, Evidence, Page 10, Para 4.21

244 Submission 519, opposed by FS1040 and FS1356

c. does not include prospecting or exploration for a mineral or chemical substance referred in in paragraph (a).

183. Mr Barr did not address this submission point directly in the Section 42A Report or in reply. Mr Vivian, again for NZTM, considered it important to include such a definition for reasons of consistency with the CMA, and that while all the aspects of the definition were not necessarily applicable to the District (he acknowledged gas storage as being in this category), it was not unusual to have definitions describing an industry/use as well as an activity in a District Plan.[245]

184. While we do not see any value in referring to underground gas storage facilities when there is no evidence of that being a potential activity undertaken in the district we think that there is value in having a separate definition of mining as otherwise suggested. Among other things, that assists distinction being drawn between mining, exploration and prospecting.

185. In conclusion, we recommend to the Stream 10 Hearing Panel that the definitions pertaining to mining read as follows;

*Mining*

*Means to take, win or extract, by whatever means, -*

*a. a mineral existing in its natural state in land, or*

*b. a chemical substance from a mineral existing in its natural state in land*

*but does not include prospecting or exploration for a mineral or chemical substance.*

*Mineral Exploration*

*Means any activity undertaken for the purpose of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of 1 or more minerals; and includes any drilling, dredging, or excavations (whether surface or subsurface) that are reasonably necessary to determine the nature and size of a mineral deposit or occurrence; and to explore has a corresponding meaning.*

*Mineral Prospecting*

*Means any activity undertaken for the purpose of identifying land likely to contain mineral deposits or occurrences; and includes the following activities:*

*a. Geological, geochemical, and geophysical surveys*

*b. The taking of samples by hand or hand held methods*

*c. Aerial surveys*

*d. Taking small samples by low impact mechanical methods.*

## 4.13 Objective 21.2.5

186. As notified Objective 21.2.5 read as follows:

[245] C Vivian, Evidence, Page 10, Para 4.17

*"Recognise and provide for opportunities for mineral extraction providing location, scale and effects would not degrade amenity, water, landscape and indigenous biodiversity values."*

187. Submissions on this objective variously sought the inclusion of "wetlands" as something not to be degraded[246], replacement of the words "*providing location, scale and effects would not degrade"* with "*while avoiding, remedying, or mitiga*ting"[247], narrowing the objective to refer to *"significant"* amenity, water, landscape and indigenous biodiversity values[248] or amendment so it should apply in circumstances where the degradation would be *"significant"*.[249]

188. The submission from the Forest & Bird[250] stated that wetlands should be included within the objective as it a national priority to protect them and Mr Barr agreed with that view.[251]

189. Apart from some minor amendments, Mr Barr was otherwise of the view the objective (and associated policies which we address below) were balanced so as to recognise the economic benefits of mining operations while ensuring the PDP provisions appropriately addressed the relevant s6 and s7 RMA matters.[252] Mr Barr's recommended amendments in the Council's memoranda on revising the objectives to be more outcome focused[253] also addressed the submission points. The suggested wording was:

*Mineral extraction opportunities are provided for on the basis the location, scale and effects would not degrade amenity, water, wetlands, landscape and indigenous biodiversity values.*

190. In evidence, Mr Vivian for NZTM considered that the objective as notified did not make sense and the wording sought by NZTM (seeking that it refer to significant values) was more effects based.[254]

191. We concur with Mr Barr that his reworded objective is both balanced and appropriate in achieving the purpose of the Act. Given that most mineral extraction opportunities are likely to occur within ONL's, a high standard of environmental protection is an appropriate outcome to aspire to. We also find that inclusion of wetlands is appropriate[255] and the amended version addresses the 'sense' issues raised by Mr Vivian. We have already addressed the insertion of RMA language "avoid, remedy, mitigate" in Section 5.1 above.

192. In conclusion, we recommend that the objective be worded as follows;

*21.2.5 Mineral extraction opportunities are provided for on the basis the location, scale and effects would not degrade amenity, water, wetlands, landscape and indigenous biodiversity values.*

## 4.14 Policies 21.2.5.1 – 21.2.5.4

193. As notified Policies 21.2.5.1 – 21.2.5.4 read as follows:

246 Submissions 339, 706
247 Submissions 519, 806
248 Submission 519
249 Submission 598
250 Submission 706
251 C Barr, Section 42A Report, Page 108, Para 21.21
252 Section 42A Report, Page 105, Para 21.4
253 Council Memoranda dated 13 April 2016
254 C Vivian, Evidence, Page 13, Paras 4.42- 4.43
255 C Barr, Section 42A Report, Appendix 4, Page 1

*21.2.5.1 Recognise the importance and economic value of locally sourced high-quality gravel, rock and other minerals for road making and construction activities.*

*21.2.5.2 Recognise prospecting and small scale recreational gold mining as activities with limited environmental impact.*

*21.2.5.3 Ensure that during and following the conclusion of mineral extractive activities, sites are progressively rehabilitated in a planned and co-ordinated manner, to enable the establishment of a land use appropriate to the area.*

*21.2.5.4 Ensure potential adverse effects of large-scale extractive activities (including mineral exploration) are avoided or remedied, particularly where those activities have potential to degrade landscape quality, character and visual amenity, indigenous biodiversity, lakes and rivers, potable water quality and the life supporting capacity of water.*

194. The submissions to these policies variously sought:

Policies

21.2.5.1 replace the word "sourced" with mined, broaden the policy by recognising that the contribution of minerals is wider than just road making and construction, and insert additional wording to further emphasise the economic and export contribution of minerals.[256]

21.2.5.2 insert the word *"exploration"* after *"prospecting"*[257]

21.2.5.3 replace the word *"Ensure"* with the word *"Encourage"*[258], and provide provisions so that rehabilitation does not cause ongoing adverse effects from discharges to air and water[259]

21.2.5.4 remove reference to *"large scale"* extractive activities[260], amend the policy to relate to mineral exploration *"where applicable"*, and following *"avoided or remedied"* add *"mitigated*".[261]

195. As noted above, Mr Barr considered the policies were balanced, recognising the economic benefits while ensuring the PDP provisions addressed the relevant section 6 and section 7 RMA matters.[262] Mr Barr considered that it was appropriate to broaden Policy 21.2.5.1 rather than restrict it to road making and construction activities.[263] Mr Vivian in evidence for NZTM agreed and suggested that the policy should also reflect minerals present in the district.[264] We concur with Mr Barr and Mr Vivian that these amendments better align the policy with the objective. Therefore we recommend Policy 21.2.5.1 read:

256 Submissions 519, 598
257 Submission 598
258 Submission 519
259 Submission 798
260 Submissions 339, 706
261 Submissions 519, 598
262 Section 42A Report, Page 105, Para 21.4
263 Section 42A Report, Page 105, Para 21.5 and Pages 1-2, Appendix 4
264 C Vivian, Evidence, Page 14, Para 4.48

*Have regard to the importance and economic value of locally mined high-quality gravel, rock and other minerals including gold and tungsten.*

196. Mr Barr agreed with the inclusion of *"exploration"* into Policy 21.2.5.2.[265] We were unable to find any specific reasons for this addition other than a comment that this was in response to the submission from Straterra.[266] Consideration of this issue needs to take into account our earlier discussion on the definition of "mineral exploration". While the evidence we heard indicated that exploration would typically have a low environmental impact and therefore might appropriately be referred to in this policy, the defined term would permit much more invasive activities. Accordingly while we agree that exploration should be referred to in this context, it needs to be qualified to ensure that is indeed an activity with limited environmental impact.

197. Therefore, we recommend Policy 21.2.5.2 be worded as follows;

*Provide for prospecting and small scale mineral exploration and recreational gold mining as activities with limited environmental impact.*

198. Mr Barr did not recommend any amendments to Policy 21.2.5.3. Mr Vivian did not agree with NZTM's submission seeking the replacement of the word *"Ensure"* with the word "*Encourage*". Mr Vivian's view was that *"encourage"* implied that rehabilitation was optional, whereas *"ensured*" implied it was not. We agree with Mr Vivian in this regard.

199. Mr Vivian also suggested that:

*'…the word "progressively" is deleted and [sic] rehabilitation is already ensures [sic] in a "planned and coordinated manner".'* [267]

200. On this point, we do not agree with Mr Vivian. A reference to planned and co-ordinated rehabilitation may mean that the rehabilitation is all planned to occur at the closure of a mine. That is not the same as progressive rehabilitation, and has potentially much greater and more long-lasting effects.

201. We did not receive any evidence on the ORC submission seeking the addition of provisions so that rehabilitation does not cause ongoing adverse effects from discharges to air and water. In any case, we think this is already addressed under Objective 21.2.3 and the associated policies as far the jurisdiction of a TLA extends to these matters under the Act.

202. Therefore, we recommend Policy 21.2.5.3 be adopted as notified.

203. In relation to Policy 21.2.5.4, Mr Barr took the view in the Section 42A Report that the widening of the policy (i.e. amending the policy so that it applied to all mining activities rather than just larger scale activities) would ensure that those activities would be appropriately managed, irrespective of the scale of the activity. In addition, Mr Barr considered that the inclusion of mitigation would provide an additional option to avoidance or remediation.[268] Mr Vivian agreed with Mr Barr as regards the inclusion of the word mitigation. However, Mr Vivian was also of the view that the policy as worded, without the qualification of "where applicable' for mineral

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265 Section 42A Report, Appendix 1, Page 21-3, Policy 21.2.5.2

266 Submission 5

267 C Vivian, Evidence, Page 18, Para 4.75

268 Section 42A Report, Page 2, Appendix 4

exploration would foreclose small scale mining activities and exploration activities that are permitted activities.[269]

204. On Mr Barr's point regarding the widening of the policy to apply to all activities regardless of scale, we find that this would be in direct contradiction to Policy 21.2.5.2 which recognises that some small-scale mining operations will have a limited environmental impact, that is to say, an impact which is not avoided or (implicitly) remedied.

205. We consider that rather than focussing on the scale of the extractive activity, the better approach is to focus on the scale of effects. If the policy refers to potentially significant effects, that is consistent with Policy 21.2.5.2 and an avoidance or remediation policy response is appropriate in that instance. The alternative suggested by Mr Barr (adding reference to mitigation) removes the direction provided by the policy and leaves the end result unsatisfactorily vague and uncertain when applied to mining and exploration operations with significant effects. We also do not consider that adding the words "*where applicable"* has the beneficial effect Mr Vivian suggests. Read in context, it merely means that the policy only applies to exploration where exploration is proposed – something that we would have thought was obvious anyway.

206. Accordingly, we recommend that Policy 21.2.5.4 be worded as follows;

*Ensure potentially significant adverse effects of extractive activities (including mineral exploration) are avoided or remedied, particularly where those activities have potential to degrade landscape quality, character and visual amenity, indigenous biodiversity, lakes and rivers, potable water quality and the life supporting capacity of water.*

### 4.15 New Mining Objectives and Policies

207. NZTM sought additional objectives and policies to recognise the importance of mining[270]. The wording of those requested additions was as follows;

*Objective*

*Recognise that the Queenstown Lakes District contains mineral deposits that may be of considerable social and economic importance to the district and the nation generally, and that mining activity and associated land restoration can provide an opportunity to enhance the land resource, landscape, heritage and vegetation values.*

*Policies*

a. *Provide for Mining Buildings where the location, scale and colour of the buildings will not adversely affect landscape values*

b. *Identify the location and extent of existing or pre-existing mineral resources in the region and encourage future mining activity to be carried out in these locations*

c. *Enable mining activity, including prospecting and exploration, where they are carried out in a manner which avoids, remedies or mitigates adverse effects on the environment*

d. *Encourage the use of off-setting or environmental compensation for mining activity by considering the extent to which adverse effects can be directly offset or otherwise compensated, and consequently reducing the significance of the adverse effects*

269 C Vivian, evidence, Pages 18-19, Paras 4.78-4.79

270 Submission 519, opposed by FS1040 and FS1356

*e. Manage any waste heaps or long term stockpiles to ensure that they are compatible with the forms in the landscape*

*f. Encourage restoration to be finished to a contour sympathetic to the surrounding topography and revegetated with a cover appropriate for the site and setting*

*g. Recognise that the ability to extract mineral resources can be adversely affected by other land use, including development of other resources above or in close proximity to mineral deposits*

*h. Recognise that exploration, prospecting and small-scale recreational gold mining are activities with low environmental impact.*

208. Mr Barr, in the Section 42A Report, set out his reasons for recommending rejection of these amendments[271]. As noted in Section 5.14 above, Mr Barr was of the view that the existing objectives and policies were balanced, recognising the economic benefits while ensuring the PDP provisions addressed the relevant section 6 and section 7 RMA matters.[272]

209. Mr Vivian, for NZTM, noted that Objective 21.2.5 addressed the adverse effects of mining but considered there was no objective to recognise the importance of mineral deposits in the District. He was of the view that that result was inconsistent with the RPS.[273] Mr Vivian recommended the rewording of the new objective sought by NZTM as follows:

*Acknowledge the District contains mineral deposits that may be of considerable social and economic importance to the district and the nation generally.*

210. We also heard evidence from Mr G Gray, a director of NZTM, as to the social and economic benefits of mining[274].

211. Having considered the evidence in regard to the suggested new objective, we find that the matters raised are already included in the first part of objective 21.2.5 ("*Mineral extraction opportunities are provided for …")* and that this gives effect to both the RPS and proposed RPS.[275] That said, Mr Barr and Mr Vivian considered that it was necessary to include a policy to recognise that the ability to extract mineral resources can be adversely affected by other land uses in order to achieve the objective, as well as to be consistent with the RPS.[276] We agree with Mr Barr and Mr Vivian for the reasons set out in their evidence that a new policy on this matter needs to be added. We consider that the proposed course of action might be addressed more simply and so we recommend a new policy numbered 21.2.5.5, to read as follows:

*Avoid or mitigate the potential for other land uses, including development of other resources above, or in close proximity to mineral deposits, to adversely affect the extraction of known mineral deposits.*

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271 C Barr, Section 42A Report, Pages 105-106, Paras 21.6 – 21-10

272 Section 42A Report, Page 105, Para 21.4

273 C Vivian, Evidence Page 15, Para 4.53

274 G Gary, Evidence, Page 6-9

275 proposed RPS, Objective 5.3, Policy 5.3.5

276 C Barr, Reply, Page 37, Para 13.3, Mr C Vivian, Evidence, Page 16, Para 4.58

212. Mr Barr and Mr Vivian agreed also that the policies sought by NZTM listed as (b) and (c) above were respectively inappropriate and unnecessary and already addressed under Objective 21.2.5. We agree. We also agree with Mr Vivian that policy (f) above (in relation to restoration) is already addressed under Policy 21.2.5.3 and is therefore unnecessary. Similarly, policy (h) above duplicates Policy 21.2.5.2 and is again unnecessary. We therefore recommend that those parts of the submission be rejected.

213. In the Section 42A Report, Mr Barr was of the view that a policy specifically on mining buildings (policy (a) above) was not appropriate and overstated the importance of mining buildings in the context of the resources that require management. Mr Barr went on to opine that the mining buildings should have the same controls as other non-farming buildings.[277] In addition to this policy, NZTM also sought the inclusion of a definition for mining building apparently to avoid the need to meet the height requirements applying to other buildings. Mr Barr also recommended that this submission be rejected. Mr Barr's explained his position as follows:

*It is my preference that this request is rejected because mining is a discretionary activity, therefore creating a disjunction between removing standards for all buildings and mining buildings. In addition, the locational constraints emphasised by NZTM are likely to mean that these buildings are located in within the ONL or ONF. Therefore, I recommend that mining buildings are not provided any exemptions.*[278]

214. Mr Vivian had a contrary view, that traditional rural activities including mining were expected elements of the rural landscape and did not offend landscape character. Mr Vivian went on;

*This proposition is supported by the inclusion of Rule 21.4.30(d) which permits the mining of aggregate for farming activities provide [sic] the total volume does not exceed 1000 $m^3$ in any one year. As such, mining buildings necessary for the undertaking of mining activities do not have the same issues associated with them as other buildings, such as residential, visitor accommodation or commercial activities.*[279]

215. We do not follow Mr Vivian's reasoning. Mr Vivian sought to leverage off the limited provision for aggregate extraction in the permitted activity rules, but provided no evidence as to the nature and extent of mining buildings that would accompany such an aggregate extraction operation (if any) compared to the range of buildings that might accompany a large scale mining operation. Nor is it apparent to us that the historic evidence of mining is necessarily representative of the structures that would be required for a new mine. Mr Gray gave evidence that an underground tungsten mining operation would have minimal above ground impact, but it was not clear to us that this would be the case for all mining operations, and if it were, that it would remove the need for special recognition of *"mining buildings"*.

216. We share the concerns of Mr Barr that NZTM's proposal could lead to large mining related buildings being potentially located in ONLs/ONFs and that it is more effective to manage the effects of mining buildings within the framework for mining activities as discretionary activities. Hence, we recommend that the request for a definition and policy on mining buildings be rejected.

217. In relation to the proposed policy (e) above (*Manage any waste heaps or long term stockpiles to ensure that they are compatible with the forms in the landscape*), Mr Vivian considered this

277 C Barr, Section 42A Report, Page 105, Para 21.6

278 C Barr, Section 42A Report, Page 108, Para 21.19

279 C Vivian, Evidence, Page 11, Para 4.24

an important policy to be included under Objective 21.2.5.[280] We consider that this does not take the matter very far. Mr Barr did not directly address this proposed policy. We think that this policy is unnecessary, as the issue of waste heaps and stockpiles and their form in the landscape is only an aspect of more general issues raised by the effects of mining on natural forms and landscapes that have already been addressed by the Stream 1B Hearing Panel in the context of Chapter 6.[281]

218. On the final matter of a new policy regarding environmental compensation (policy (d) above), Mr Vivian in evidence[282] and Mr Barr in reply, agreed that such a policy was appropriate, with Mr Barr noting that it required separation from the "biodiversity offsetting" policy in Chapter 33 so as to avoid confusion.[283] Mr Barr recommending the following wording for the new policy to be numbered 21.2.5.6;

*Encourage environmental compensation where mineral extraction would have significant adverse effects.*

219. We agree with Mr Barr and Mr Vivian in part. However, we think that compensation for significant adverse effects goes too far (among other things, it implies that mineral extraction may have significant adverse effects, which would not be consistent with Objective 21.2.5) and that it should be residual effects which cannot be avoided that are addressed by compensation. We also consider that it would assist if greater direction were provided as to why environmental compensation is being encouraged.

220. Accordingly, we recommend that Policy 21.2.5.6 be worded as follows:

*Encourage use of environmental compensation as a means to address unavoidable residual adverse effects from mineral extraction.*

### 4.16 Definitions Relevant to Ski Activity Objectives and Policies

221. As with the objective and policies relating to mining addressed above; we consider it logical to address the definitions associated with ski activities in order that the meaning of the words within the objective and associated polices is clear.

222. As notified the definition of Ski Area Activities read as follows;

*Means the use of natural and physical resources for the purpose of providing for:*

*a. recreational activities either commercial or non-commercial*

*b. chairlifts, t-bars and rope tows to facilitate commercial recreational activities.*

*c. use of snow groomers, snowmobiles and 4WD vehicles for support or operational activities*
*d. activities ancillary to commercial recreational activities*

*e. in the Waiorau Snow Farm Ski Area Sub Zone vehicle and product testing activities, being activities designed to test the safety, efficiency and durability of vehicles, their parts and accessories.*

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280 C Vivian, Evidence, Page 16, Para 4.67
281 Recommendation Report 3, Section 8.6
282 C Vivian, Evidence, Pages 16-17, Paras 4.62 – 4.66
283 C Barr, Reply, Page 37, Para 13.4

223. The submissions from Soho Ski Area Ltd and Blackmans Creek No.1 LP[284], and Treble Cone Investments Ltd[285] sought more clarity in the preamble, the expansion of the definition at "(b)" to include *"passenger lift or other systems"* and the addition of the following;

a. Visitor and residential accommodation associated with ski area activities
b. Commercial activities associated with ski area activities or recreation activities
c. Guest facilities including ticketing, offices, restaurants, cafes, ski hire and retailing associated with any commercial recreation activity
d. Ski area operations, including avalanche control and ski patrol
e. Installation and operation of snow making infrastructure, including reservoirs, pumps, snow makers and associated elements
f. The formation of trails and other terrain modification necessary to operate the ski area.
g. The provision of vehicle and passenger lift or other system access and parking
h. The provisions of servicing infrastructure, including water supply, wastewater disposal, telecommunications and electricity.

224. Similarly, the submission from Mt Cardrona Station Ltd[286] sought that "(b)" be replaced with the term *"passenger lift systems"* and that buildings ancillary to ski activities be included within the definition. The Mt Cardrona Station Ltd submission also sought a new definition for *"passenger lift systems"* as follows;

*Means any mechanical system used to convey or transport passengers within or to a Ski Area Sub-Zone, including chairlifts, gondolas, T-bars and rope tows, and including all moving, fixed and ancillary components of such systems such as towers, pylons, cross arms, pulleys, cables, chairs, cabins, and structures to enable the embarking and disembarking of passengers.*

225. Also in relation to the Ski Area Activities definition, the submission from CARL[287] sought that "earthworks and vegetation clearance" be added to the ancillary activities under "(d)" in the definition as notified.

226. Mr Barr considered that amendment to the definition of Ski Area Activities for the inclusion of passenger lift systems and the new definition for passenger lift systems sought by Mt Cardrona Station Ltd were appropriate in that they captured a broad range of transport systems as well as enabling reference to the definition in the rules without having to repeat the specific type of transport system.[288] Mr Brown's evidence for Mt Cardrona Station Ltd also supported the amendment noting that the provision of such systems would significantly reduce vehicle traffic to the ski area subzone facilities, as well as the land required for car parking.[289] We agree in part with Mr Barr and Mr Brown for the reasons set out in their evidence. However, we note that there are things other than passengers that are transported on lifts, such as goods and materials, that should also be encompassed with the definition. We recommend that the definition be worded to provide for *"other goods*" to avoid such a limitation.

227. In relation to the amendment to the preamble and the matters to be added to the definition sought by Soho Ski Area Ltd and Blackmans Creek No.1 LP, and Treble Cone Investments Ltd, in general Mr Barr was of the view that those matters were addressed in other parts of the PDP.

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284 Submission 610
285 Submission 613
286 Submission 407
287 Submission 615
288 C Barr, Section 42A Report, Page 57, Para 14.18
289 J Brown, Evidence, Page 22, Para 2.37

However, Mr Barr also accepted that some of the changes were valid.[290] Mr Ferguson[291], held a different view, particularly in relation to the inclusion of residential and visitor accommodation within the definition. Relying on Mr McCrostie's evidence[292], he stated that the *"Inclusion of visitor accommodation within this definition is one of the ways by which the finite capacity of the resource can be sustained while balancing the financial viability and the diversity of experience necessary to remain internationally competitive."*[293] We address the policy issues regarding provision for residential and visitor accommodation in Ski Area Sub Zones later in the report, but for the present, we find that the additions to the definition sought by Soho Ski Area Ltd and Blackmans Creek No.1 LP, and Treble Cone Investments Ltd, beyond those recommended by Mr Barr, would have implications for the range of effects encompassed within the term and hence we recommend that those further additions be rejected.

228. We record in particular that Mr Barr in reply, noted that the potential effects of inclusion of a range of buildings (e.g. ticketing offices, base or terminal buildings) were wider than the matters of discretion put forward by Mr Brown in his summary statement[294] and hence, in his view, the definition should not be expanded to include them. We agree. We also consider that to include such buildings would be inconsistent with the overall policy approach of the Rural Zone to buildings.

229. Mr Barr, also recommended rejection of the submission regarding the inclusion of earthworks and vegetation clearance sought by CARL as earthworks were not part of this District Plan Review and vegetation was addressed in Chapter 33: Indigenous Vegetation.[295] We heard no evidence in relation to this submission on the definition itself and hence do not recommend the change sought. However, we record that we address the policy issues regarding earthworks and vegetation clearance in relation to Ski Area Activities later in this report.

230. The submissions from Soho Ski Area Ltd and Blackmans Creek No.1 LP[296], and Treble Cone Investments Ltd[297] also sought amendment to the definition of *"building"* to clarify that facilities, services and infrastructure associated with ski lifts systems were excluded from the definition. This matter is related to the submission sought by Mt Cardrona Station Ltd[298] that buildings ancillary to ski activities be included within the definition of Ski Area Activities.

231. In relation to the definition of building, Mr Barr in his Section 42A Report, was of the view that this matter was more appropriately dealt with under the definitions hearing as the submission related to gondolas generally and not specifically to Ski Area Activities or Ski Sub Zones.[299] Mr Ferguson's understanding was that section 9 of the Building Act specifically excluded ski tows and stand-alone machinery, so therefore specifically excluding that equipment would add clarity without substantively altering the position.[300]

290 C Barr, Section 42A Report, Pages 61-62, Para 14.40
291 EiC for Soho Ski Area Ltd and Blackmans Creek No.1 LP, and Treble Cone Investments Ltd
292 EiC for Soho Ski Area Ltd and Blackmans Creek No.1 LP, and Treble Cone Investments Ltd
293 C Ferguson, Evidence, Page 26, Para 104
294 C Barr, Reply, Page 39, Paras 14.6 – 14.7
295 C Barr, Section 42A Report, Page 63, Paras 14.45 – 14.47
296 Submission 610
297 Submission 613
298 Submission 407
299 C Barr, Section 42A Report, Page 61, Paras 14.38
300 C Ferguson, Evidence, Page 28, Para 109

232. In this case, we concur with Mr Barr and find that the definition of building is a wider matter that should appropriately be considered in the definitions hearing. Our findings above with respect to the effect of including buildings within the definition of "passenger lift systems" and "ski area activities" have addressed the potential issues around base and terminal buildings.

233. In conclusion, we recommend to the Stream 10 Hearing Panel that the definitions pertaining to Ski Area Activities and Passenger Lift Systems read as follows;

*Passenger Lift Systems*
*Means any mechanical system used to convey or transport passengers and other goods within or to a Ski Area Sub-Zone, including chairlifts, gondolas, T-bars and rope tows, and including all moving, fixed and ancillary components of such systems such as towers, pylons, cross arms, pulleys, cables, chairs, cabins, and structures to enable the embarking and disembarking of passengers. Excludes base and terminal buildings.*

*Ski Area Activities*
*Means the use of natural and physical resources for the purpose of establishing, operating and maintaining the following activities and structures:*

*a. recreational activities either commercial or non-commercial;*

*b. passenger lift systems;*

*c. use of snow groomers, snowmobiles and 4WD vehicles for support or operational activities;*

*d. activities ancillary to commercial recreational activities including, avalanche safety, ski patrol, formation of snow trails and terrain;*

*e. Installation and operation of snow making infrastructure including reservoirs, pumps and snow makers;*

*f. in the Waiorau Snow Farm Ski Area Sub-Zone vehicle and product testing activities, being activities designed to test the safety, efficiency and durability of vehicles, their parts and accessories.*

## 4.17 Objective 21.2.6

234. As notified, Objective 21.2.6 read as follows:

*"Encourage the future growth, development and consolidation of existing Ski Areas within identified Sub Zones, while avoiding, remedying or mitigating adverse effects on the environment."*

235. The submissions on this objective variously sought that it be retained[301], the objective be revised to reflect that Council should not be encouraging growth in ski areas and should control lighting effects[302], that the objective be broadened to apply to not just existing ski areas and be amended to provide for integration with urban zones[303], and that it provide for better

301 Submissions 610, 613
302 Submission 243
303 Submission 407

sustainable management for the Remarkables Ski Area, provide for summer and winter activities and provide for sustainable gondola access and growth.[304]

236. In the Council's memorandum on revising the objectives to be more outcome focused[305], Mr Barr's recommended rewording was as follows:

*The future growth, development and consolidation of Ski Area Activities is encouraged within identified Ski Area Sub Zones, while avoiding remedying or mitigating adverse effects on the environment.*

237. Mr Barr did not support the submission from QPL in regard to the Remarkables Ski Area as the submission provided no justification.[306] In relation to the submission from Mt Cardrona Station Ltd seeking the inclusion of the connection to urban areas, Mr Barr did not support this, opining that it would create an, *"expectation that urban zones are expected to establish where they could easily integrate and connect to the Ski Area Sub Zones."*[307] Mr Barr also considered that the submission on the objective appeared to advance the rezoning sought by Mt Cardrona Station Ltd rather than applying broadly to all Ski Area Sub-Zones.

238. In evidence for various submitters, Mr Brown supported the objective (and related policies) because of the contribution of the ski industry to the district[308], but recommended that it be reworded as follows:

*21.2.6 Objective*
*The future growth, development and consolidation of Ski Area Activities is encouraged within identified Ski Area Sub Zones, and where appropriate Ski Area Sub Zones are connected with other areas, including urban zones, while adverse effects on the environment are avoided, remedied or mitigated.*

239. Mr Brown explained the reasons for his recommended changes as including,
    a. Replacement of "*Skiing*" with "*Ski Area*" so that the terminology is internally consistent and aligns with the definitions in PDP[309]
    b. There are opportunities for better connection between ski areas and urban zones via passenger lift systems and to reduce reliance on vehicle access and effects of vehicle use, and road construction and maintenance[310]

240. In reply Mr Barr, reiterated his concerns regarding the reference to urban areas.[311]

241. We find that an objective encouraging growth in ski areas is appropriate and we agree with Mr Brown that consolidation in existing ski areas is an efficient way to minimise adverse effects.[312] However, we consider that some clarification is required as to what form that *"encouragement"* takes. In addition, and in general, we also find that connections to ski areas for access purposes is also appropriate, but agree with Mr Barr that the specific reference to urban areas goes too

304 Submission 806
305 Council Memorandum dated 13 April 2016
306 C Barr, Section 42A Report, Page 54, Para 14.6
307 C Barr, Section 42A Report, Page 58, Para 14.22
308 J Brown, Evidence, Page 19, Para 2.30
309 J Brown, Evidence, Page 21, Para2.31 (a)
310 J Brown, Evidence, Page 21, Para2.31 (c) – 2.33
311 C Barr, Reply, Page 38, Para 14.2
312 J Brown, Evidence, Page 22, Para 2.30

far. However, we also find that it more appropriate to address access as a policy rather than as part of the objective.

242. We therefore recommend that Objective 21.2.6 be reworded as follows;

*The future growth, development and consolidation of Ski Area Activities within identified Ski Area Sub-Zones, is provided for, while adverse effects on the environment are avoided, remedied or mitigated.*

### 4.18 Policies 21.2.6.1 – 21.2.6.3

243. As notified, policies 21.2.6.1 – 21.2.6.3 read as follows:

*21.2.6.1 Identify Ski Field Sub Zones and encourage Ski Area Activities to locate and consolidate within the sub zones.*

*21.2.6.2 Control the visual impact of roads, buildings and infrastructure associated with Ski Area Activities.*

*21.6.2.3 Provide for the continuation of existing vehicle testing facilities within the Waiorau Snow Farm Ski Area Sub Zone on the basis the landscape and indigenous biodiversity values are not further degraded.*

244. The submissions to these policies variously sought:

Policies

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

21.2.6.2 Retain the policy[315], or amend to replace the word "*Control"* with *"Enable and mitigate*"[316] (We note that the submission from CARL[317] merely repeated the wording of the policy and provided no indication of support/opposition or relief sought).

21.2.6.3 amend the policy to "*encourage*" continuation and "*future development"* of existing vehicle testing "*only*" within the Waiorau Snow Farm[318]

245. Mr Barr did not directly refer to Policy 21.2.6.1 in his Section 42A Report. In general Mr Barr did not support the relief sought by CARL as it did not provide substantial benefit to the Cardrona Ski Area Sub-Zone, when compared to other zones.[319] Mr Farrell, the planner giving evidence for CARL, stated that the "*the resort lends itself to the provision of four season tourism activities such as mountain biking, tramping, sightseeing, and mountain adventure activities"*, and as such the policy should be amended to insert reference to *"tourism"*[320] .

313 Submissions 610, 613
314 Submission 615
315 Submission 610, 613
316 Submission 621
317 Submission 615
318 Submission 376
319 C Barr, Section 42A Report, Page 63, Para 14.44
320 B Farrell, Evidence, Page 17, Para 56

246. This notion of Ski Areas being year-round destinations rather than just ski season destinations, was also raised by CARL and by other submitters seeking the addition of new policies to provide for such activities. We address the detail of those submissions later in this report. However, for present purposes, we find that recognising ski areas as year-round destinations and that activities outside ski seasons contribute to the viability and consolidation of activities in those areas is a valid policy position that implements Objective 21.2.6. We consider, however, that some amendment is required to the relief supported by Mr Farrell as there are many tourism activities that are not suited to location in Ski Areas and it is not realistic to seek consolidation of all tourism activities within those areas.

247. In relation to the amendments sought to Policy 21.2.6.2, Mr Brown in evidence, sought that the word control be replaced with the word manage, for the reason that manage is more consistent with "*avoid, remedy or mitigate*" as set out in the objective and is more effective.[321] On the same matter, Mr Farrell, in his evidence for CARL, did not support the replacement of the word *"Control"*, with *"Enable and mitigate"*, agreeing with the reasons of Mr Barr in the Section 42A Report. [322] We were unable to find any direct reference in the Section 42A Report to Mr Barr's reasons for recommending that the wording of the policy remain as notified. We find that the policy as notified set out what was to be controlled, but did not indicate to what end or extent. We were not able to find any submissions that would provide scope for the inclusion of a greater degree of direction. The same situation would apply if the term manage (or for that matter, "*enable and mitigate")* was used and we do not regard the change in terminology suggested by Mr Brown as a material change that might be considered to more appropriately achieve the objective than the notified wording. We therefore recommend that the policy remain as notified.

248. In the Section 42A Report, Mr Barr did not address the submission from Southern Hemisphere Proving Grounds Limited in regard to Policy 21.2.6.3. The submission itself stated the reason for the relief sought was to align the policy more precisely with the objective. We did not receive any evidence in support of the submission. We find that the encouragement of future growth and development in the policy goes beyond the intent of the policy which is balanced by reference to there being no further degradation of landscape and biodiversity values and that the other changes sought do not materially alter its effect. We therefore recommend that the submission be rejected.

249. Hence we recommend the wording of Policies 21.2.6.1 – 21.2.6.3 as follows:

*21.2.6.1 Identify Ski Area Sub-Zones and encourage Ski Area Activities and complementary tourism activities to locate and consolidate within the Sub-Zones.*

*21.2.6.2 Control the visual impact of roads, buildings and infrastructure associated with Ski Area Activities.*

*21.6.2.3 Provide for the continuation of existing vehicle testing facilities within the Waiorau Snow Farm Ski Area Sub-Zone on the basis that the landscape and indigenous biodiversity values are not further degraded.*

321 J Brown, Evidence, Page 19, Para 2.31(b), Page 21, Para 2.34

322 B Farrell, Evidence, Page 17, Paras 57 - 58

### 4.19 New Ski Area Objectives and Policies

250. QPL[323] sought additional objectives and policies specific to the Remarkables Ski Area to follow Objective 21.2.6 and Policies 21.2.6.1 – 21.2.6.3. The wording of those requested additions was as follows;

*Objective*

*Encourage the future growth and development of the Remarkables alpine recreation area and recognise the importance of providing sustainable gondola access to the alpine area while avoiding, remedying or mitigating adverse effects on the environment.*

*Policies*

*a. Recognise the importance of the Remarkables alpine recreation area to the economic wellbeing of the District, and support its growth and development.*

*b. Recognise the importance of providing efficient and sustainable gondola access to the Remarkables alpine recreation area while managing potential adverse effects on the landscape quality.*

*c. Support the construction and operation of a gondola that provides access between the Remarkables Park zone and the Remarkables alpine recreation area, recognising the benefits to the local, regional and national community.*

251. Mr Barr considered that the new objective and policies applied to the extension of the Ski Area Sub-Zone at Remarkables Park and therefore should be deferred to the mapping hearings.[324] We heard no evidence or submissions to the contrary and hence have not reached a recommendation on those submissions. However, we do address the second new policy sought in a more general sense of 'gondola access' as it applies to Ski Area Sub-Zones below.

252. CARL[325] sought an additional policy as follows;

*Provide for expansion of four season tourism and accommodation activities at the Cardrona Alpine Resort.*

253. Mr Barr did not consider that requested policy provided any additional benefit to the Cardrona Ski Area Sub-Zone over that provided by the recommended amendments to the objectives and policies included in his Section 42A Report.[326] Having heard no evidence to the contrary (Mr Farrell did not address it in his evidence for CARL), we agree with Mr Barr and recommend that the submission be rejected.

254. Mt Cardrona Station Limited sought an additional policy to be worded as follows:

*Provide for appropriate alternative (non-road) means of transport to Ski Area Sub Zones from nearby urban resort zones and facilities including by way of gondolas and associated structures and facilities.*

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323 Submission 608

324 C Barr, Section 42A Report, Page 55, Para 14.9

325 Submission 615

326 C Barr, Section 42A Report, Page 63, Para 14.44

255. Related to the above request, Soho Ski Area Limited & Blackmans Creek No.1 LP[327] and Treble Cone Investments Limited[328] sought an additional policy as follows;

*To recognise and provide for the functional dependency of ski area activities to transportation infrastructure, such as vehicle access and passenger lift based or other systems, linking on-mountain facilities to the District's road and transportation network.*

256. Mr Barr, in the Section 42A Report, considered that there was merit in the policy generally, as sought in these submissions. We agree in part with the likely potential benefits set out in Mr Brown's evidence.[329] However, we agree also with the point made by Mr Barr when he clarified in reply that he did not support the link to urban zones sought by Mt Cardrona Station Limited[330]. We do not consider that the planning merit of recognising the value of non-road transport systems to ski areas depends on their inter-relationship with urban resort zones (or any other sort of urban zone for that matter).

257. Accordingly, we recommend the wording and numbering of an additional policy, as follows:

*21.2.6.4 Provide for appropriate alternative (non-road) means of transport to and within Ski Area Sub-Zones, by way of passenger lift systems and ancillary structures and facilities.*

258. Soho Ski Area Limited & Blackmans Creek No.1 LP[331] and Treble Cone Investments Limited[332] sought an additional policy as follows;

*Enable commercial, visitor and residential accommodation activities within Ski Area Sub Zones, which are complementary to outdoor recreation activities, can realise landscape and conservation benefits and that avoid, remedy or mitigate adverse effects on the environment.*

259. Mr Barr was generally supportive of visitor accommodation, but expressed concern as to impacts on amenity of residential activity and subdivision.[333] Mr McCrostie[334] set out details of the nature of visitor and worker accommodation sought, which included seasonal use of such accommodation.[335]

260. Mr Ferguson[336] opined that the short stay accommodation for Ski Areas did not sit well with the PDP definitions of residential activity or visitor accommodation due to the length of stay component,[337] but suggested that this could be corrected by amendment to the rules.[338] Mr Barr in reply concurred that a policy to guide visitor accommodation in Ski Area Sub-Zones would assist decision making as it is a distinct activity type from visitor accommodation in the

327 Submission 610
328 Submission 613
329 J Brown, Evidence, Page 20, Para 2.31 (c)
330 C Barr, Reply, Page 38, Para 14.2
331 Submission 610
332 Submission 613
333 C Barr, Section 42A Report, Page 59, Para 14.30
334 EiC for Soho Ski Area Limited & Blackmans Creek No.1 LP and Treble Cone Investments Limited
335 H McCrostie, Evidence Pages 5 – 7, Para 5.8 and Page 10, Para 6.7
336 EiC for Soho Ski Area Limited & Blackmans Creek No.1 LP and Treble Cone Investments Limited
337 C Ferguson, Evidence, Page 30 -33, Paras 117 - 125
338 C Ferguson, Evidence, Page 29, Pars 114 - 115

Rural Zone. He preferred the wording "*provided for on the basis*", with qualifiers, rather than "*enabled*" as the requested activity status was not permitted. [339]

261. We consider that an appropriate policy needs to be established first, and then for the rules to follow from that. We agree in part with Mr Ferguson and Mr Barr as to the need for the policy, but agree that an enabling approach goes too far given the potential for adverse environmental effects. We also consider that clarification by way of a definition for Ski Area accommodation for both visitors and workers, would assist development of a more effective and efficient policy. We put this question to Mr Ferguson, who in his written response provided the following suggested definition;

*Ski Area Sub Zone Accommodation*
*Means the use of land or buildings within a Ski Area Sub Zone and associated with the operation of a Ski Area Activity for short-term living accommodation, including the payment of fees, for guests, staff, worker and custodial management accommodation where the length of stay is less than 6 months and includes:*

*a. hotels, motels, apartments, backpackers accommodation, hostels, lodges and chalets; and*

*b. centralised services or facilities such as food preparation, dining and sanitary facilities, conference, bar and recreational facilities if such facilities are associated with the visitor accommodation activity.*[340]

262. Mr Barr in reply, considered that the generic visitor accommodation definition was adequate as sub clause c of that definition provides for specific zones to alter the applicability of the definition, in this case for Ski Area Sub-Zones. We find that both suggestions do not fully address the issue. As noted above the policy needs to be determined first and we also find that there would less confusion for plan users if a separate definition is provided. Having said that, we take on board Mr Barr's point that care needs to be taken with the drafting of rules (and policies for that matter) to ensure that accommodation provided for longer than 6 month stays does not fall into a regulatory 'hole' or create internal contradictions through references to visitor accommodation that is for longer than 6 months.

263. We are broadly comfortable with Mr Ferguson's suggested wording with the exception of two matters. First, we consider greater clarity is required around the extent of associated services or facilities. The second matter is that including the 6 month stay presents the issue of what would be 'the activity' if the length of stay was longer? To avoid this situation we think that the length of stay is more appropriately contained within the rule, rather than the definition.

264. We therefore recommend to the Stream 10 Hearing Panel that a new definition be included in Chapter 2 which reads as follows:

*Ski Area Sub Zone Accommodation*
*Means the use of land or buildings for short-term living accommodation for visitor, guest, worker, and*

*a. Includes such accommodation as hotels, motels, guest houses, bunkhouses, lodges and the commercial letting of a residential unit: and*

339 C Barr, Reply, Page 40 , Para 14.11
340 C Ferguson, Written Response To Commissioners Questions, 27 May 2016, Page 10, Para 6

*b. May include some centralised services or facilities such as food preparation, dining and sanitary facilities, conference, bar and recreational facilities if such facilities are ancillary to the accommodation facilities: and*

*c. Is limited to visitors, guests or workers, visiting and or working in the respective Ski Area Sub Zone.*

265. Taking all of the above into account, we recommend a new policy and numbering as follows;

*21.2.6.5 Provide for Ski Area Sub Zone Accommodation activities within Ski Area Sub Zones, which are complementary to outdoor recreation activities within the Ski Area Sub Zone, that can realise landscape and conservation benefits and that avoid, remedy or mitigate adverse effects on the environment.*

## 4.20 Objective 21.2.7

266. As notified Objective 21.2.7 read as follows:

*Objective*
*Separate activities sensitive to aircraft noise from existing airports through:*

*a. The retention of an undeveloped open area; or*

*b. at Queenstown Airport an area for Airport related activities; or*

*c. where appropriate an area for activities not sensitive to aircraft noise*

*d. within an airport's Outer Control Boundary to act as a buffer between airports and other land use activities.*

267. Two submissions supported this objective[341] and one submission from QAC sought that the objective be deleted and replaced with the following:

*Retention of an area containing activities that are not sensitive to aircraft noise, within an airport's Outer Control Boundary, to act as a buffer between airports and Activities sensitive to Aircraft Noise.*[342]

268. In the Council's memorandum on revising the objectives to be more outcome focused[343], Mr Barr's recommended rewording was as follows:

*An area to contain activities that are not sensitive to aircraft noise is retained within an airport's Outer Control Boundary, to act as a buffer between airports and Activities Sensitive to Aircraft Noise.*

269. Ms O'Sullivan in evidence for QAC, suggested "*further refinement to remove repetition and ensure the objective is more in in keeping with PC26 and PC35*"[344] and Mr Barr in reply agreed.[345] That wording being:

341 Submissions 271, 649
342 Submission 433
343 Council Memorandum dated 13 April 2016
344 K O'Sullivan, Evidence, Page 8, Para 4.5
345 C Barr, Reply, Page 24, Para 8.3

*An area that excludes activities which are sensitive to aircraft noise, is retained within an airport's Outer Control Boundary, to act as a buffer between airports and Activities Sensitive to Aircraft Noise.*

270. We accept the recommendation of Ms O'Sullivan and Mr Barr, and recommend that Objective 21.2.7 be worded as set out in the previous paragraph.

### 4.21 Policies 21.2.7.1 – 21.2.7.4

271. As notified Policy 21.2.7.1 read as follows:

> *21.2.7.1 Prohibit all new activity sensitive to aircraft noise on any Rural Zoned land within the Outer Control Boundary at Wanaka Airport and Queenstown Airport to avoid adverse effects arising from aircraft operations on future activities sensitive to aircraft noise.*

272. Submissions on this policy sought that it be retained[346], deleted[347], or reworded[348] as follows:

> *Prohibit any new [non-existing] activity sensitive to aircraft noise on any rural zoned land within the outer Control Boundaries of Queenstown airport and Wanaka airport, Glenorchy, Makarora area and all other existing informal airports including private airstrips with the QLDC, used for fixed wing aircraft.*

273. Mr Barr did not address this policy directly in the Section 42A Report apart from in Appendix 1, where Mr Barr recommended that the notified policy be retained. The only additional evidence we received was from was Ms O'Sullivan, supporting Mr Barr's recommendation.[349]

274. In relation to the submission by Mr Wright (Submission 385) suggesting rewording, we note that this would require mapping of an outer control boundary for all airports/ informal airports identified. We do not have the evidence before us to undertake that task (Mr Wright did not include that information with his submission and did not appear at the hearing). As a result, we do not know what areas the Outer Control Boundaries of airports other than Wanaka and Queenstown could encompass or the existing and potential future uses of those areas. Nor do we have any evidence of the extent of aircraft use of those other airports. Consequently, we have no means to assess the costs and benefits (either qualitatively of quantitatively) if the relief sought were granted as required by section 32.

275. We do not consider that deletion of the policy would be the most appropriate means to achieve the relevant objective either – it would largely deprive the Council of the means to achieve that outcome. Accordingly, we recommend the policy be retained as notified subject to minor amendments to make "activity" plural.

276. As notified, Policy 21.2.7.2 read as follows:

> *21.2.7.2 Identify and maintain areas containing activities that are not sensitive to aircraft noise, within an airport's outer control boundary, to act as a buffer between the airport and activities sensitive to aircraft noise.*

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346 Submission 443
347 Submission 806
348 Submission 385
349 K O'Sullivan, Evidence , Page 7, Para 4.3

277. The submission from QAC sought that this policy be deleted[350] as it was redundant in light of Policies 21.2.7.1 and 21.2.7.3.

278. Mr Barr did not address this policy directly in the Section 42A Report apart from in Appendix 1, where Mr Barr recommended that the policy be retained. The only additional evidence we received was from was Ms O'Sullivan supporting Mr Barr's recommendation.[351] We consider that Policy 21.2.7.2 serves a useful purpose, distinct from Policies 21.1.7.1 and 21.2.7.3, by providing for activities that are neither ASANs nor open space. Accordingly, we recommend the policy be retained as notified.

279. Policies 21.2.7.3 and 21.2.7.4 as notified read as follows:

*21.2.7.3 Retain open space within the outer control boundary of airports in order to provide a buffer, particularly for safety and noise purposes, between the airport and other activities.*

*21.2.7.4 Require as necessary mechanical ventilation for any alterations or additions to Critical Listening Environment within any existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary and require sound insulation and mechanical ventilation for any alterations or additions to Critical Listening Environment within any existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary.*

280. The submission from QAC sought that these policies be retained[352]. There were no submissions seeking amendments to these policies[353] Again Mr Barr and Ms O'Sullivan were in agreement that they should be retained as notified.

281. In conclusion, we recommend that Policies 21.2.7.1 – 21.2.7.4 be retained as notified.

## 4.22 Objective 21.2.8

282. As notified, Objective 21.2.8 read as follows:

*Avoid subdivision and development in areas that are identified as being unsuitable for development.*

283. Submissions on this objective ranged from support[354], seeking its deletion[355], to its amendment[356] as follows:

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

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350 Submission 806

351 K O'Sullivan, Evidence , Page 7, Para 4.3

352 Submission 806

353 Although there were further submissions opposing QAC's submissions, those further submissions do not provide jurisdiction to amend the policies – refer discussion of this point in the context of the Strategic Chapters – Report 3 at Section 1.7.

354 Submission 339, 380, 706

355 Submissions 356, 806

356 Submissions 636, 643, 688, 693, 702

284. In the Section 42A Report, Mr Barr described the intention of the objective as being to manage development (usually rural living or commercial developments) from constraints such as hazards, noxious land uses, or identified landscape or rural amenity reasons. He noted that the ODP contained a number of building line restrictions or similar constraints. Taking account of the submissions, he reached the view that the objective could be rephrased so as not to be so absolute and better framed[357]. Responding to the submission from X Ray Trust[358] that the purpose of the objective was unclear as to what was trying to be protected, Mr Barr's view was that the policies would better define the areas in question. Mr Barr recommended rewording as follows;

*Subdivision, use and development is avoided, remedied or mitigated in areas that are unsuitable due to identified constraints for development.*

285. In the Council's memorandum on revising the objectives to be more outcome focused[359], Mr Barr recommended further rewording as follows;

*Subdivision, use and development in areas that are unsuitable due to identified constraints is avoided, remedied or mitigated.*

286. Ms Taylor's evidence for X Ray Trust agreed with this suggested rewording[360]. We agree that the absolute nature of the objective as notified could be problematic in regard to development proposals in the rural area. We also consider that the overlap between this objectives and the objectives in other parts of the plan dealing with constraints such as natural hazards and landscape needs to be addressed. We do not think that limiting the objective to areas identified on the planning maps is appropriate. That would still include notations such as ONL lines, the significance of which is addressed in Chapters 3 and 6. We regard the purpose of this objective as being to provide for constraints not addressed in other parts of the plan and we think the objective needs to say that. In effect it is operating as a catch all and in that context an avoid remedy or mitigate position is appropriate to preserve flexibility. However, we consider that a minor wording change is necessary to clarify that it is the effects of the constraints that are remedied or mitigated.

287. In summary, therefore, we recommend that Objective 21.2.8 be reworded to read;

*Subdivision, use and development in areas that are unsuitable due to identified constraints not addressed by other provisions of this Plan, is avoided, or the effects of those constraints are remedied or mitigated.*

### 4.23 Policies 21.2.8.1 – 21.2.8.2

288. As notified Policy 21.2.8.1 read as follows:

*Assess subdivision and development proposals against the applicable District Wide chapters, in particular, the objectives and policies of the Natural Hazards and Landscape chapters.*

357 C Barr, Section 42A Report, Page 102, Para 20.13
358 Submission 356
359 Council Memorandum dated 13 April 2016
360 L Taylor, Evidence, Appendix A, Page 5

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

290. In the Section 42A Report, Mr Barr accepted that proposals were required to be assessed anyway against the District Wide chapters, but considered that a separate policy was needed to provide direction for proposals where the suitability of land had not been predetermined.[366] Mr Barr recommended further amendment to the policy such that it read as follows;

*To ensure that any subdivision, use and development is undertaken on land that is appropriate in terms of the anticipated use, having regard to potential constraints including hazards and landscape.*

291. Mr Farrell, in evidence for various submitters agreed with Mr Barr's reasons and resulting amendment to the policy[367].

292. We agree that as notified this policy is unnecessary. Mr Barr's suggested amendment addresses that issue, but we are concerned that there is no submission we could identify that would provide jurisdiction to make the suggested amendment. In addition, the issue of overlap with more detailed provisions elsewhere in the plan would need to be addressed. We think that the best course is to delete this policy and leave the objective supported by the second much more detailed policy that we are about to discuss.

293. Accordingly, we recommend that Policy 21.2.8.1 be deleted.

294. As notified Policy 21.2.8.2 read as follows;

*Prevent subdivision and development within the building restriction areas identified on the District Plan maps, in particular:*

*a. In the Glenorchy area, protect the heritage value of the visually sensitive Bible Face landform from building and development and to maintain the rural backdrop that the Bible Face provides to the Glenorchy Township*

*b. In Ferry Hill, within the building line restriction identified on the planning maps.*

295. The only submission related to this policy was by QPL[368] which sought its deletion along with the relevant objective and associated policy. This matter was not addressed in the Section 42A Report or in evidence. It appears to us that QPL's objection is linked to its opposition to particular building line restrictions affecting its property. Removal of the policy would leave no policy support for the identified building line restrictions. As such, we recommend that they be retained. If there are objections (like QPL's) to particular restrictions, they should be addressed

361 Submission 335
362 Submissions 433, 806
363 Submissions 339, 706
364 Submission 810
365 Submissions 513, 515, 522, 531, 537
366 C Barr, Section 42A Report, Page 102, Para 20.14
367 B Farrell, Evidence, Page 17, Para 61
368 Submission 806

in the Plan Map hearings. As it is, the Stream 13 Hearing Panel is recommending deletion of the building restriction area affecting QPL's property.

296. In summary, we recommend that Policy 21.2.8.2, be renumbered 21.2.8.1 but otherwise be retained as notified. We do note, however, that this policy has been amended by the Stage 2 Variations by the deletion of clause b. Our recommendation, therefore, only relates to the introductory words and clause a.

### 4.24 Objective 21.2.9

297. As notified, Objective 21.2.9 read as follows;

*Ensure commercial activities do not degrade landscape values, rural amenity, or impinge on farming activities.*

298. Submissions on the objective ranged from support[369], its deletion[370], amendment to include nature conservation values[371] or Manawhenua values[372], amendment to soften the policy by replacing *"Ensure*" with "*Encourage*" and inserting *"significant"* before the word landscape[373], and also amendment to provide for a range of activities so as to make it effects based in accordance with the RMA and for consistency.[374]

299. In considering these submissions, first in the Section 42A Report, and then further in reply, Mr Barr's recommended wording for the objective was as follows:

*A range of activities are undertaken that rely on a rural location on the basis they do not degrade landscape values, rural amenity, or impinge on permitted and established activities.*

300. We have already addressed our reasoning for combining this Objective 21.2.9 into Objective 21.2.1 (see Section 3.2 above). However, one aspect not directly addressed in the Section 42A Report was the submission opposed to an objective and policy approach that seeks to avoid or limit commercial activities in the Rural Zone[375]. We received no evidence in support of the submission. The reason for opposition, as set out in the submission was that there was no section 32 evidence that quantified the costs and benefits of the policy approach. We refer back to the introductory report (Report 1) discussing the requirements of section 32. Consideration of costs and benefits is required at the second stage of the evaluation, as part of the examination under section 32(1)(b) as to whether the provisions are the most appropriate way to achieve the objectives. The test for objectives (under s32(1)(a)) is whether they are the most appropriate way to achieve the purpose of the Act. Accordingly, we consider the submission misdirected and we recommend that it be rejected. We note that the submission from Shotover Trust[376] also sought the deletion of Policies 21.2.9.1 and 21.2.9.2 for the same reasons. We return to that point below.

301. The combining of Objective 21.2.9 into Objective 21.2.1 is, we consider, the most appropriate way to achieve the purpose of Act. While it follows that the individual policies under Objective

369 Submissions 217, 600
370 Submissions 248, 621, 624
371 Submissions 339, 706
372 Submission 810
373 Submission 624
374 Submission 608
375 Submission 248
376 Submission 248

21.2.9 as notified also move to be relocated under the new objective 21.2.1, we address those individual policies 21.2.9.1 – 21.2.9.6 below.

## 4.25 Policy 21.2.9.1

302. Policy 21.2.9.1 as notified read as follows:

> *21.2.9.1 Commercial activities in the Rural Zone should have a genuine link with the rural land resource, farming, horticulture or viticulture activities, or recreation activities associated with resources located within the Rural Zone.*

303. A submission on this policy sought specific reference to tourism activities.[377]

304. In Mr Barr's view, tourism activities were encompassed within the policy as it referred to commercial activities. Mr Barr was also of the view that for clarity that 'water' should be added to matters to be manged as activities on the surface of water are deemed to be a use of land.[378]

305. Mr Brown in evidence for QPL, noted the equivalent of this policy in its suggested reordered policies required a genuine link to the rural area, and stated that, *"This was important in that activities that could otherwise happen in an urban area, without a need for locating rurally, are discouraged."*[379] Mr Brown did not recommend any amendment to the wording of the policy.

306. We agree with Mr Brown as to the importance of the policy and with Mr Barr in that the reference to commercial activities already encompasses tourism. The amendment suggested by Mr Barr as to the inclusion of the word water we find does provide clarity as to the applicability of the policy, and we think is within scope, even though there is no submission directly seeking that wording.

307. As regards Submission 248 (noted above) opposing this and the following policy on the basis that the Council has not quantified the costs and benefits, we note the discussion of the Hearing Panel on the Strategic Chapters[380] (Report 3 in relation to Chapters3-6). If the submitter seeks to convince us these policies should be amended or deleted, it was incumbent on it to produce its own assessment of costs and benefits to enable us to be satisfied that course was appropriate. As it is, we are left with Mr Barr's uncontradicted, but admittedly qualitative evaluation[381], supported by Mr Brown's evidence, as above. We recommend the submission be rejected.

308. We therefore recommend that Policy 21.2.9.1 be relocated to be Policy 21.1.1.10 and worded as follows:

> *Commercial activities in the Rural Zone should have a genuine link with the rural land or water resource, farming, horticulture or viticulture activities, or recreation activities associated with resources located within the Rural Zone.*

## 4.26 Policy 21.2.9.2

309. Policy 21.2.9.2 as notified read as follows;

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377 Submission 806

378 C Barr, Section 42A Report, Page 46, Paras 13.24-13.25 and Appendix 4 – S32AA evaluation

379 J Brown, Evidence, Page 9, Para 2.14(d)

380 Report 3, Section 1.6

381 C Barr, Section 42A Report, pages 79-83

*21.2.9.2 Avoid the establishment of commercial, retail and industrial activities where they would degrade rural quality or character, amenity values and landscape values.*

310. The submissions on this policy;
   a. Sought deletion of the policy[382]
   b. Sought avoidance of forestry activities and addition of nature conservation values as a matter that could be degraded[383]
   c. Sought rewording so as to remove the word avoid and replace with enabling a range of activities while avoiding, remedying or mitigating adverse effects in order to ensure the maintenance of rural quality or character, amenity values and landscape values[384]

311. Mr Barr's view was that the use of the term avoid was appropriate but he also considered that the policy could be more positively phased. Mr Barr was also of the view that *"avoid, remedy or mitigate"* was better replaced with *"protect, maintain and enhance"*. The latter was derived from the overall goal of achieving sustainable management and in Mr Barr's opinion, reference to maintenance and enhancement can be used to take account of the positive merits of a proposal.[385] Mr Barr's revised wording of the policy was as follows;

*Provide for the establishment of commercial, retail and industrial activities only where these would protect, maintain or enhance rural character, amenity values and landscape values.*

312. Mr Farrell in evidence for RJL, considered the addition of the word *"only"* to be inappropriate, as it would mean that protection, maintenance or enhancement was required for the establish of a commercial activity.[386] Mr Farrell also considered the policy could be improved by reference to the quality of the environment rather than *"character"'* and *"landscape values"*.

313. Mr Brown in evidence for QPL (in the context of his revised policy ordering of the notified Objectives and Policies for 21.2.9 and 21.2.10) considered that 'protect, maintain and enhance' would be too high a hurdle for even the simplest of applications, particularly if considered at the scale of a single site.[387] Mr Brown recommend revised wording of his equivalent policy (21.2.2.4 in his evidence) to 21.2.9.2, by addition of the words *"wherever practical"*.

314. We note that Policy 21.2.9.2 is worded similarly to Policy 21.2.1.1, but in this case applies to commercial activities. In keeping with our findings on Policy 21.2.1.1 and taking account of our recommended shifting of Policies 21.2.9.1 – 21.2.9.6 to sit under Objective 21.2.1, the amendments suggested by Mr Farrell and Mr Brown do not align the policy in implementing the associated objective and are also inconsistent with the Stream 1B Hearing Panel's findings in relation to the Strategic Chapters.

315. Accordingly, we recommend that Policy 21.2.9.2 be relocated to be Policy 21.2.1.11 and worded as follows:

*Provide for the establishment of commercial, retail and industrial activities only where these would protect, maintain or enhance rural character, amenity values and landscape values.*

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382 Submissions 621, 624
383 Submission 706
384 Submission 806
385 C Barr, Section 42A Report, Page 46 - 47, Paras 13.27 – 13.28
386 B Farrell, Evidence, Page 18, Para 68
387 J Brown, Evidence, Page 8 Para 2.14 (b) – (c)

316. We address the submission of Mr Atly and the Forest & Bird as to nature conservation values in consideration of Policy 21.2.9.3 where similar amendments were sought.

## 4.27 Policy 21.2.9.3

317. Policy 21.2.9.3 as notified read as follows;

> *21.2.9.3 Encourage forestry to be consistent with topography and vegetation patterns, to locate outside of the Outstanding Natural Features and Landscapes, and ensure forestry does not degrade the landscape character or visual amenity values of the Rural Landscape.*

318. Submissions on this policy sought to make it more directive, exclude forestry from significant natural areas and add nature conservation values to matters not to be degraded.[388]

319. Mr Barr did not support making the policy more directive through replacing 'Encourage' with the term 'Avoid', as this would imply prohibited activity status. Mr Barr also considered that the inclusion of significant natural areas was a useful cross reference to the rules restricting the planting of exotic species in SNAs. Finally on this policy, Mr Barr did not support the inclusion of nature conservation values as elements of the definition of nature conservation values are set out in the policy.[389] We heard no other evidence on this matter.

320. The Stream 1B Hearing Panel has recommended that the policy referring to forestry refer to "production forestry" to make it clear that the policy focus has no connection to indigenous vegetation or biodiversity provisions and to limit the breadth of the reference to timber harvesting (which might otherwise be seen as inconsistent with the policy focus on controlling wilding species)[390]. We recommend the same change to this policy for the same reasons, and for consistency.

321. We agree with and adopt the reasoning set out by Mr Barr and recommend that the policy be relocated to be Policy 21.2.1.12 and worded as follows:

> *Encourage production forestry to be consistent with topography and vegetation patterns, to locate outside of the Outstanding Natural Features and Landscapes and outside of significant natural areas, and ensure production forestry does not degrade the landscape character or visual amenity values of the Rural Character Landscape.*

## 4.28 Policy 21.2.9.4

322. There were no submissions on Policy 21.2.9.4 and thus we do not need to consider it further, other than relocate it to become Policy 21.1.1.13.

## 4.29 Policy 21.2.9.5

323. Policy 21.2.9.5 as notified read as follows:

> *21.2.9.5 Limit forestry to species that do not have potential to spread and naturalise.*

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388 Submissions 339, 706

389 C Barr, Section 42A Report, Page 47, Para 13.22

390 See the discussion regarding recommended Policy 6.3.6 in Report 3, Section 8.5

324. Submissions on this policy sought that it be deleted[391] or be amended to apply only to exotic forestry.[392]

325. These submissions were not directly addressed in the Section 42A Report, although an amendment to the policy to limit it to exotic species only was incorporated in the recommended revised Chapter in Appendix 1. Mr Brown in evidence for QLP adopted Mr Barr's recommended amendment.[393]

326. We agree that the policy is appropriately clarified by its specific reference to exotic forestry and recommend that it be relocated to be Policy 21.2.1.14 and worded as follows:

*Limit exotic forestry to species that do not have potential to spread and naturalise.*

## 4.30 Policy 21.2.9.6

327. Policy 21.2.9.6 as notified read as follows;

*21.2.9.6 Ensure traffic from commercial activities does not diminish rural amenity or affect the safe and efficient operation of the roading and trail network, or access to public places.*

328. Submissions on this policy variously sought that it be retained[394], that it be deleted[395], or that it be amended to apply to only new commercial activities.[396]

329. Mr Barr did not recommend an amendment to this policy in the Section 42A Report.

330. Mr Farrell in evidence for RJL and D & M Columb, was of the view that this policy was not necessary as traffic effects were already addressed in the transport chapter of the ODP; that the policy should apply to all activities not just commercial activities and should be amended from *"does not diminish"* to *"maintain"*. [397] Mr Brown, in evidence for QPL did not recommended any amendment to the policy.[398]

331. We disagree with Mr Farrell that the transport chapter of the ODP removes the necessity for the policy. The policy has wider applicability than just transport issues through its inclusion of reference to rural amenity. We also consider that the policy is efficient and effective in its specific reference to the traffic effect of commercial operations not diminishing amenity, as it is precisely this issue that makes the policy consistent with objective.

332. However, we agree with the suggestion in the RJL and Columb submissions that the focus of the policy should be on *"new"* commercial activities.

333. Accordingly, we recommend that the wording policy be amended to insert the word *"new"* before "*commercial*" but otherwise be retained as notified and relocated to become Policy 21.2.1.15.

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391 Submission 806
392 Submission 600
393 J Brown, Evidence, Page8, Para 2.13
394 Submission 719
395 Submissions 621, 624
396 Submission 806
397 B Farrell, Evidence, Page 19 , Para 72
398 J Brown, Evidence, Page8, Para 2.13

## 4.31 Objective 21.2.10

334. As notified, Objective 21.2.10 read as follows;

*Recognise the potential for diversification of farms that utilises the natural or physical resources of farms and supports the sustainability of farming activities.*

335. Submissions on this policy sought that it be retained[399], or sought various wording amendments so that the objective applied to wider range of rural activities than just farms[400].

336. In the Section 42A Report, Mr Barr set out his view that the objective and associated policies had been included for the purpose of providing for the ongoing viability of farming and maintaining rural character and not to apply to activities on rural land that were not farming.[401] Notwithstanding this, Mr Barr considered that there was merit in the submission of Trojan Helmet, seeking that the range of land uses to which the objective was applicable be broadened, so long as it supported sustainability for natural resources in a productive and efficiency use context, as well as protecting landscape and natural resource values. He also considered it to be more effects based.[402] Mr Barr recommended rewording of the objective as follows;

*Diversification of farming and other rural activities that supports the sustainability natural and physical resources.*

337. In the Council's memorandum on revising the objectives to be more outcome focused[403], Mr Barr recommended further rewording as follows;

*The potential for diversification of farming and other rural activities that supports the sustainability of natural and physical resources.*

338. Mr Brown in evidence for Trojan Helmet *et al*; suggested deleting Objective 21.2.10 (along with Objective 21.2.9 and the associated policies for both objectives). We have addressed this batting order and aggregation suggestion in Section 3.2 above. We think that this objective is sufficiently different to 21.2.9 in the matters it addresses to be retained as a discrete outcome separate from the amalgamation of Objectives 21.2.9 and 21.2.1 (as discussed above). However, we consider that Mr Barr's revised wording needs further amendment so that it captures his reasoning as set out above and is consistent with recommended Policy 3.2.1.8. The suggested reference to sustainability in our view leaves the potential range of outcomes too open and fails to ensure the protection of the range of values referred to in Policy 3.2.1.8. It also needs amendment so that it is more correctly framed as an objective, and is then the most appropriate way to achieve the purpose of the Act.

339. As a consequence of amalgamating Objective 21.2.9 (and its policies) into Objective 21.2.1, this objective (and its policies) have been renumbered in Appendix 1.

340. We therefore recommend Objective 21.2.10, renumbered as 21.2.9, be worded as follows:

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399 Submission 217,325, 335, 356, 598, 600, 660, 662, 791, 794

400 Submissions 343,345, 375, 407, 430, 437, 456, 636, 643, 693, 702, 806

401 C Barr, Section 42A Report, Page 49, Para 13.39

402 C Barr, Section 42A Report, Page 50, Para 13.42 – 13.43

403 Council Memorandum dated 13 April 2016

*Provision for the diversification of farming and other rural activities that protect landscape and natural resource values and maintains the character of rural landscapes.*

### 4.32 Policy 21.2.10.1

341. Policy 21.2.10.1 as notified read as follows;

*Encourage revenue producing activities that can support the long term sustainability of farms in the district.*

342. Submissions on this policy variously sought that it be retained[404], be amended to apply to 'rural areas' rather than just 'farms'[405], or be amended to the following wording;

*Enable revenue producing activities, including complementary commercial recreation, residential, tourism, and visitor accommodation that diversifies and supports the long term sustainability of farms in the district, particularly where landowners take a comprehensive approach to maintaining and enhancing the natural and physical resources and amenity or other values of the rural area.[406]*

343. For similar reasons to those expressed in relation to Objective 21.2.10 (see Section 5.31 above), Mr Barr concurred with the submitters that the policy should be amended to apply to rural areas, and not just farms.

344. The Section 42A Report did not directly address the submission of Darby Planning[407] to widen the policy. In evidence for Darby Planning, Mr Ferguson considered that the amended policy suggested in the submission recognised the importance of the commercial recreation, residential and tourism activities that flows from the Strategic Directions Chapters. He was of the opinion that this more 'comprehensive approach' could lead to more sustainable outcomes.[408]

345. We agree with Mr Barr that Policy 21.2.10.1 should be amended to apply to rural areas, and not just farms, for similar reasons as we have discussed in relation to Objective 21.2.10. Again, for similar reasons as in relation to Objective 21.2.10, the consequence of broadening the policy to apply to rural areas is that some test of environmental performance is then required. Mr Ferguson suggested a test of maintaining and enhancing specified aspects of the rural environment. We consider that this is a good starting point. However, we do not think that the itemisation of commercial recreation, residential and tourism activities is necessary or desirable in this policy. Accordingly, we recommend that the submission of Darby Planning LP be only accepted in part.

346. In summary, we consider the following wording to be the most efficient and effective method to achieve the objective, namely:

*Encourage revenue producing activities that can support the long term sustainability of the rural areas of the district and that maintain or enhance landscape values and rural amenity.*

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404 Submissions 598, 600

405 Submissions 343, 345, 375, 430, 437, 456

406 Submission 608

407 Submission 608

408 C Ferguson, Evidence, Page 73

### 4.33 Policy 21.2.10.2

347. Policy 21.2.10.2 as notified read as follows;

*Ensure that revenue producing activities utilise natural and physical resources (including buildings) in a way that maintains and enhances landscape quality, character, rural amenity, and natural values.*

348. Submissions on this policy ranged from support[409], amendment to include *"nature conservation values"*[410] or *'"manawhenua values"'*[411] as matters to be maintained or enhanced, amendment to specifically identify *"commercial recreation, residential, tourism, and visitor accommodation"* as revenue producing activities[412], amendment to *"maintain and / or enhance landscape values*" and *"and / or natural values"*[413], and finally amend to apply "generally" only to *"significant"* landscape values. [414]

349. In considering the submissions, for the overall reasons set out in relation to Objective 21.2.10, Mr Barr recommended that Policy 21.2.10.2 be reworded as follows;

*Ensure that revenue producing activities utilise natural and physical resources (including buildings) in a way that maintains and enhances landscape quality, character, rural amenity, and natural resources.*[415]

350. In evidence for RJL, Mr Farrell considered that the policy set a high bar for revenue producing activities that he considered other high order provisions in Plan were seeking to enable.[416] Mr Farrell recommended that the policy be reworded as follows;

*Promote revenue producing activities that utilise natural and physical resources (including buildings) in a way that maintains and enhances the landscape quality of the environment.*

351. In evidence for Darby Planning, Mr Ferguson considered that the amended policy sought by the submitter was, for similar reasons as for 21.2.10.2, a more effective and efficient means of achieving the objectives of the PDP.[417]

352. We have already addressed the submissions on the inclusion of reference to *"nature conservation values'* or *"manawhenua values"* as matters to be maintained or enhanced, and we reach a similar conclusion: that it is not necessary to include reference to these matters in every policy.

353. The recommended wording by Mr Farrell to *"promote"* rather than *"ensure"* we find goes beyond the scope of the original submission and we therefore recommend that that amendment be rejected. Consistent with our finding on Policy 21.2.10.1, we are not convinced by Mr Ferguson's view that the suggested wording in the Darby Planning LP submission is a more effective and efficient means of achieving the objective.

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409 Submissions 430, 598
410 Submissions 339, 706
411 Submission 810
412 Submission 608
413 Submission 356
414 Submissions 621, 624
415 C Barr, Section 42A Report, Page 51, Para 13.44
416 B Farrell, Evidence, Page 19, Para 76
417 C Ferguson, Evidence, Page 13, Para 58

354. We consider however, that Mr Barr's suggestion fails to provide for consumptive activities (like mining) that by definition do not maintain or enhance natural resources.

355. Finally we accept the point made in Submission 356 that where the policy refers to *"natural and physical resources"*, and *"maintain and enhance"*, these need to be put as alternatives. We also consider the policy should be clear that it is existing buildings that it refers to.

356. Accordingly, we recommend that Policy 21.2.10.2 (renumbered 21.1.9.2) be worded as follows;

*Ensure that revenue producing activities utilise natural or physical resources (including existing buildings) in a way that maintains and enhances landscape quality, character, rural amenity, and natural resources.*

### 4.34 Policy 21.2.10.3

357. Policy 21.2.10.3 as notified read as follows:

*Recognise that the establishment of complementary activities such as commercial recreation or visitor accommodation located within farms may enable landscape values to be sustained in the longer term. Such positive effects should be taken into account in the assessment of any resource consent applications.*

358. Submissions on this policy ranged from support[418]; amendment to include *"nature conservation values"* as matters to be sustained in the future[419]; amendment to specifically identify *"recreation"*, and/or *"tourism"* as complementary activities[420]; and amendment to substitute reference to people's wellbeing and sustainable management of the rural resource (instead of landscape values) as matters provided for by complementary activities, and to require consideration of such positive benefits in the assessment of resource consent applications.[421]

359. In the Section 42A Report, Mr Barr addressed the submissions on this policy in the general discussion on Objective 21.2.10 and Policies 21.2.10.1 and 21.2.10.2 we have noted above. As a result of that consideration, Mr Barr recommended that Policy 21.2.10.3 be reworded as follows;

*Have regard to the establishment of activities such as tourism, commercial recreation or visitor accommodation located within farms where these enable landscape values and indigenous biodiversity to be sustained in the longer term.*[422]

360. Mr Ferguson considered that the suggested changes did not go far enough. He did, however, identify that the Section 42A Report included some of the specific activities sought in the Darby Planning LP submission in this policy, but not in the preceding Policies 21.2.10.1 and 21.2.10.2.[423] Mr Farrell, in evidence for RJL *et al* supported the amendments in the Section 42A Report[424], but did not specify any reasons for reaching that conclusion.

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418 Submissions 430, 600
419 Submissions 339, 706
420 Submission 608, 621, 624
421 Submission 624
422 C Barr, Section 42A Report, Page 51, Para 13.44
423 C Ferguson, Evidence, Page 12, Paras 54 and 56
424 B Farrell, Evidence, Page 20, Para 80

361. When considered alongside the other policies under Objective 21.2.10, we agree that identification of tourism, commercial recreation and visitor accommodation located within farms is appropriate. We also think that reference to indigenous biodiversity rather than *"nature conservation values"* is appropriate as it avoids any confusion with the use of the defined term for the latter.

362. We do not, however, accept Mr Ferguson's rationale for seeking reference to residential activities. We do not regard expansion of permanent residential activities as being complementary to farming where it is not providing accommodation for on-site farm workers.

363. We do not consider the formula "have regard to" gives any direction as to how the policy will achieve the objective. Given that the objective is about how the provision of certain activities can have beneficial outcomes, we consider this policy would be better expressed as "providing for".

364. Accordingly, we recommend that Policy 21.2.10.3 (renumbered 21.2.9.3) be reworded as follows:

*Provide for the establishment of activities such as tourism, commercial recreation or visitor accommodation located within farms where these enable landscape values and indigenous biodiversity to be sustained in the longer term.*

### 4.35 Objective 21.2.11

365. As notified, Objective 21.2.11 read as follows;

*Manage the location, scale and intensity of informal airports.*

366. Submissions on this objective provided conditional support subject to other relief sought to policies and rules, including location and frequency controls[425], or sought amendments to provide for new informal airports and protect existing informal airports from incompatible land uses.[426] One submission also sought clarification in relation to its application to commercial ballooning in the district.[427]

367. In the Section 42A Report, Mr Barr expressed the view that the definition of aircraft included hot air balloons and therefore a site on which a balloon lands or launches from is an informal airport.[428]

368. Mr Barr did not recommend any amendments to the objective and associated policies for informal airports in the Section 42A Report. Rather, Mr Barr addressed details of the permitted activity standards governing setbacks, frequency of flights, standards for Department of Conservation operational activities and other matters.[429]

369. In the Council's memorandum on revising the objectives to be more outcome focused[430], Mr Barr recommended rewording of the objective as follows;

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425 Submissions 571, 723, 730, 732, 734, 736, 738, 739, 760, 843

426 Submission 607

427 Submission 217

428 C Barr, Section 42 Report, Page 76, Para 16.36

429 C Barr, Section 42 Report, Pages 69 - 78

430 Council Memoranda dated 13 April 2016

*The location, scale and intensity of informal airports is managed.*

370. Mr Dent, in evidence for Totally Tourism[431], considered that the objective was poorly worded and should be amended to indicate that informal airports are desired within the Rural Zone, but should be subject to their effects on amenity being managed.[432] Mr Dent recommended the objective be reworded as follows;

*The operation of informal airports in the Rural Zone is enabled subject to the management of their location, scale and intensity.*

371. Mr Farrell in evidence for Te Anau Developments[433], supported the submitter's request for new informal airports to be *"provided for"* in the objective protection of existing informal airports from incompatible land uses. Mr Farrell expressed the view that existing *"… informal airports face operational risks from potential reverse sensitivity effects associated with noise sensitive activities, which is an operational risk, and could result in unnecessary costs, to tourism operators."*[434]

372. In reply, Mr Barr, agreed and accepted the intent of Mr Dent's recommended amendment to the objective[435]. Mr Barr also agreed with Mr Farrell that a policy protecting existing informal airports from incompatible land uses was warranted, but not at expense of a policy that protects amenity from airports[436]. Mr Barr recommended alternative wording for the objective and set out a brief section 32AA analysis[437].

373. An objective that sets out that something is to be managed, but does not specify to what purpose or end result, does not take one very far. We agree with Mr Dent that it is the effects of informal airports that should be managed, but consider that his suggestion of 'enabling' goes too far. We found Mr Farrell's reasoning as to operational risks a little difficult to follow and the amended wording of the objective he supported unsatisfactory because it failed to address amenity effects. In conclusion, we prefer Mr Barr's reply version, which did address our concerns as to purpose, as being the most appropriate in terms of the alternatives available to us and in achieving the purposes of the Act.

374. Accordingly, we recommend that the wording of Objective 21.2.11 should be as follows:

*The location, scale and intensity of informal airports is managed to maintain amenity values while protecting informal airports from incompatible land uses.*

### 4.36 Policy 21.2.11.1

375. Policy 21.2.11.1 as notified read as follows:

*Recognise that informal airports are an appropriate activity within the rural environment, provided the informal airport is located, operated and managed so as to minimise adverse effects on the surrounding rural amenity.*

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431 Submission 571
432 S Dent, Evidence, Page 4, Paras 17 - 18
433 Submission 607
434 C Barr, Evidence, Page 24, Para 110
435 C Barr, Reply, Page 28, Para 9.19
436 C Barr, Reply, Page 27, Para 9.14
437 C Barr, Reply, Page 5, Appendix 2

376. Submissions on this policy ranged from conditional support subject to other relief sought to policies and rules including location and frequency controls[438]; or sought amendment to the words after '*managed'* to insert *'in accordance with CAA regulations'*[439]; amendment to replace '*minimise*' with '*avoid, remedy mitigate'* and limit to existing rural amenity values [440]; amendment to apply to existing informal airports and to protect them from surrounding rural amenity[441]; and finally amendment to include reference to flight path locations of fixed wing aircraft and their protection from surrounding rural amenity.[442]

377. As noted above, Mr Barr did not recommend any amendments to the policies for informal airports in the Section 42A Report.

378. Ms Macdonald, counsel for Skydive Queenstown Limited[443], suggested an amendment to the relief sought by the submitter, recognising that a function of a territorial authority was management of the effects of land use and that objectives, policies and rules could be prepared to that end. The amended relief was as follows:

*Recognise that informal airports are an appropriate activity within the rural environment, provided the informal airport is located, operated and managed so as to minimise adverse effects on the surrounding rural amenity, and in accordance with Civil Aviation Act requirements.[444]*

379. Mr Farrell's evidence for Te Anau Developments supporting the submitter's requested change was based on the same reasoning as we set out in relation to Objective 21.2.11 above.

380. Mr Dent in evidence for Totally Tourism considered that the policies (21.2.11.1 and 21.2.11.2) did not provide a credible course of action to implement the objective and set out recommended rewording.[445]

381. Mr Barr, in reply concurred with Mr Dent, and recommended similar changes to those proposed by Mr Dent.[446]

382. As noted in the reasons for the submission from Skydive Queenstown Limited, a territorial authority has no particular expertise in CAA matters. We therefore find that it is not effective and efficient for the policy to include requirements of CAA regulations that are for the CAA to administer.

383. On Mr Farrell's evidence in support of the relief sought by Te Anau Developments we reach a similar finding as for Objective 21.2.11 above. We also find that the protection of informal airports from incompatible uses could potentially be a separate policy and we address that matter in detail below. For present purposes, we find that that that issue should not be

438 Submissions 723, 730, 732, 734, 736, 738, 739, 760, 843
439 Submission 122
440 Submission 607
441 Submission 385
442 Submissions 285, 288
443 Submission 122
444 J Macdonald, Legal Submissions, Page 3, Para 5
445 S Dent, Evidence, Pages 4-5, Paras 19 - 20
446 C Barr, Reply, Page 29, 9.20

referenced in this policy. Similarly we think that the wording recommend by Mr Barr is effective and efficient in its alignment with the objective.

384. Accordingly we recommend that Policy 21.2.11.1 be reworded as follows;

*Ensure informal airports are located, operated and managed so as to maintain the surrounding rural amenity.*

### 4.37 Policy 21.2.11.2

385. Policy 21.2.11.2 as notified read as follows:

*Protect rural amenity values, and amenity of other zones from the adverse effects that can arise from informal airports.*

386. Submissions on this policy ranged from conditional support subject to other relief sought to policies and rules including location and frequency controls[447] or sought amendment to protect informal airports and flight path locations of fixed wing aircraft from surrounding rural amenity[448].

387. As we have already noted, Mr Barr did not recommend any amendments to the policies for informal airports in the Section 42A Report.

388. Similarly we addressed the evidence of Mr Farrell and Mr Dent, as well as Mr Barr's response in reply, under Policy 21.2.11.1 above. Again, we think that protection of informal airports should be addressed separately. Taking account of our recommended amendment to Policy 21.2.11.1, we find that a policy to address the adverse effects in non-rural zones from informal airports is required. Otherwise a policy gap would be remain.

389. Accordingly, we find that Policy 21.2.11.2 should remain as notified.

### 4.38 Additional Policy – Informal Airports

390. We observed above that there appeared to be a case to protect informal airports from incompatible activities. Considering the issues identified to us by a number of recreational pilots at the hearing and the evidence of Mr Dent, Mr Farrell and Mr Barr, we agree that a policy addressing that matter is appropriate in achieving the stated objective. Mr Barr, in reply, proposed the following wording of such an additional policy as follows;

*21.2.11.3 Protect legally established and permitted informal airports from the establishment of incompatible activities.*[449]

391. In reaching this view, Mr Barr did not recommend that the new policy flow through to a new rule to the same effect, given the administrative difficulties in identifying existing informal airport locations and noting that Objective 21.2.4 and associated policies already sought to protect permitted and legally established activities.[450] We tested the potential identification of informal airports with some of the recreational pilots at the hearings[451] and reached the conclusion that such a method would not be efficient. Mr Barr's proposed new policy refers to

447 Submissions 723, 730, 732, 734, 736, 738, 739, 760, 843

448 Submission 285, 288, 385, 607

449 C Barr, Reply, Appendix 1

450 C Barr, Reply, Pages 27-28, Paras 9.14 – 9.15

451 Mr Tapper and Mr Carlton

*"legally established"* informal airports. To our mind, consistent with the wording in the Act, we think that *"lawfully established"* is more correct.

392. We also consider that some qualification of reference to permitted informal airports is required. While Mr Barr is correct that Objective 21.2.4 and the related policies provide for permitted activities these are "anticipated" permitted activities. It would not be efficient to constrain land uses on the basis that they are incompatible with informal airports at all locations where the airports would meet the permitted activity standards. We also consider that it should only be the establishment incompatible activities in the immediate vicinity that the policy addresses.

393. We therefore recommend the inclusion of a new policy (21.2.11.3) worded as follows;

*Protect lawfully established and anticipated permitted informal airports from the establishment of incompatible activities in the immediate vicinity.*

### 4.39 New Objective and Policies – Informal Airports

394. Two submissions sought objectives and policies to *"enable the assessment of proposals that exceed the occasional /infrequent limitations"*[452]. The submission reasons identified that this relief was sought as the Plan is *"silent on how applications to exceed Standards 21.5.26.1 and 21.5.26.2 will be assessed and considered".*

395. We did not receive specific evidence on this matter. No specific wording of the objectives or policies were put before us. In the absence of evidence providing and/or justifying such objectives and policies, we recommend that these submissions be rejected.

### 4.40 Objective 21.2.12

396. Before addressing this specific objective, we note that we have already addressed the submissions seeking that the surface of water and it margins be placed in a separate chapter, in Section 3.4 above, concluding that rather than a separate zone, re-ordering of the rules would enable a clearer understanding of the provisions affecting the surface of waterbodies subset of the rural provisions. This objective and the policies to give effect to it, assist in clarifying which provisions affect waterbodies. In this part of the report we address the other submissions on this suite of objectives and policies.

397. As notified, Objective 21.2.12 read as follows:

*Protect, maintain or enhance the surface of lakes and rivers and their margins.*

398. Submissions on this objective variously sought that it be retained[453]; be amended to change the word "*Protect*"" to "*Preserve*"[454]; be amended to provide for appropriate recreational and commercial recreational activities[455]; be amended or deleted and replaced with an objective that provides for the benefits associated with a public transport system[456]; be amended to recognise the importance of water based transport[457]; be amended to delete "*protect, maintain and enhance*" and add after the word "*margins*" "*are safeguarded from inappropriate, use and*

452 Submissions 660, 662
453 Submission 356, 600, 758
454 Submission 339, 706
455 Submission 307
456 Submission 621
457 Submission 766

*development*"[458]; and finally be amended to delete "*protect, maintain and enhance*" and replace with "*avoid, remedy, mitigate*".[459]

399. In the Section 42A Report, Mr Barr considered that itemising the enabling opportunities within the objective would conflict with the "*protect, maintain and enhance"* wording.[460] However, Mr Barr also considered the use of the word "*preserve*" inappropriate and that the objectives and policies must contemplate change, which is the reason for managing the resource.[461] Mr Barr recommended that the submissions to the objective be rejected and no changes made.

400. In the Council's memorandum on revising the objectives to be more outcome focused[462], Mr Barr recommended rewording of the objective as follows;

*The surface of lakes and rivers and their margins are protected, maintained or enhanced.*

401. In evidence for RJL and Te Anau Developments, Mr Farrell's view was that the objective did not satisfactorily recognise how the surface of lakes and the margins could be used or developed in order to achieve sustainable management and that the qualifier *"from inappropriate use and development"* was required so that the objective accorded with section 6 of the Act[463].

402. Mr Brown in evidence for several submitters[464] recommended the objective be reworded as follows;

*The surface of lakes and rivers and their margins are protected, maintained or enhanced while appropriate recreational, commercial recreational, and public transport activities that utilise those resources are recognised and provided for, and their effects managed.*[465]

403. Mr Brown considered the change necessary to ensure this objective was appropriately balanced and provided a better context for the associated policies, as well as recognising lake and river-based public transport.[466]

404. In reply, Mr Barr agreed with Mr Brown that the objective should be broader and more specific as to the outcomes sought.[467] Mr Barr's recommended rewording of the objective was as follows;

*The surface of lakes and rivers and their margins are protected, maintained or enhanced while providing for appropriate activities including recreational, commercial recreational, and public transport.*

405. We agree with the witnesses that that it appropriate for the objective to be broadened. However, to our mind, the objective fails to capture the purpose for which the surface of lakes and rivers are being protected, maintained or enhanced. Turning to Mr Farrell's evidence in

458 Submission 621
459 Submissions766, 806
460 C Barr, Section 42A Report, Page 80, Para 17.9
461 C Barr, Section 42A Report, Page 80, Para 17.10
462 Council Memoranda dated 13 April 2016
463 B Farrell, Evidence, Page 20, Para 84
464 Submissions 307, 766, 806,
465 J Brown, Evidence, Page 14, Para 2.24
466 J Brown, Evidence, Page 15, Para 2.26 (a) and (b)
467 C Barr, Reply, Page 30, Para 10.1

relation to section 6 of the Act, that purpose relates to "*natural character*". Similarly, we find that the location where the "*appropriate activities"* occur also needs to be specified, namely, the "*surface of the lakes and rivers*". In addition, we are mindful of the Stream 1B Hearing Panel's recommendation that a policy in Chapter 6 provide for appropriate activities on the surface of water bodies[468] and the need for alignment.

406. Accordingly, we recommend that the objective be reworded as follows:

*The natural character of lakes and rivers and their margins is protected, maintained or enhanced while providing for appropriate activities on the surface of the lakes and rivers, including recreation, commercial recreation, and public transport.*

407. In summary, we consider that the revised objective is the most appropriate way to achieve the purpose of the Act in this context and having regard to the Strategic Direction objectives and policies in Chapters 3 and 6, and the alternatives available to us.

### 4.41 Policy 21.2.12.1

408. Policy 21.2.12.1 as notified read as follows;

*Have regard to statutory obligations, the spiritual beliefs, cultural traditions and practices of Tangata Whenua where activities are undertaken on the surface of lakes and rivers and their margins.*

409. There was one submission[469] from Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (collectively Manawhenua)[470] seeking the following amendments to the policy;

*Have regard to wahi tupuna, access requirements, statutory obligations, the spiritual beliefs, cultural traditions and practices of Manawhenua where activities are undertaken on the surface of lakes and rivers and their margins.*

410. We note that the representatives of Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (collectively Manawhenua) advised that the part of their submission seeking the change from the words Tangata Whenua to Manawhenua was no longer pursued when they appeared at the Stream 1A Hearing.

411. The parts of this submission left in play were not addressed in the Section 42A Report, and Appendix 1 of the Section 42A Report showed no recommended changes to the policy. We heard no evidence in regard to the policy and it was not addressed in Reply.

412. We note that the Stream 1A and 1B Hearing Panels have recommended objectives and policies in both Chapter 3[471] and Chapter 5[472] related to protection of wahi tupuna. We therefore find that it is appropriate that reference be made in this policy to wahi tupuna as a relevant issue, which will then link back to those provisions.

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468 Refer Recommended policy 6.3.33

469 We note that Queenstown Wharves GP Ltd, (Submission 766), withdrew its relief sought as to the deletion of all provisions referring to Tangata whenua.

470 Submission 810

471 Refer Recommended objective 3.2.7.1 and the related policies

472 Refer Recommended objective 5.4.5 and the related policies

413. The need or desirability of reference being made to *'access requirements'* is less clear and we do not recommend that change in the absence of evidence to support it.

414. In summary therefore, we recommend that Policy 21.2.12.1 be amended to read:

*Have regard to statutory obligations, wahi tupuna, and the spiritual beliefs and cultural traditions of tangata whenua where activities are undertaken on the surface of lakes and rivers and their margins.*

### 4.42 Policy 21.2.12.2

415. Policy 21.2.12.2 as notified read as follows:

*Enable people to have access to a wide range of recreational experiences on the lakes and rivers, based on the identified characteristics and environmental limits of the various parts of each lake and river.*

416. One submission sought that policy be retained[473]. Another submission sought that the policy be amended to delete the word 'identified' and add to the end of the policy "*specifically in or referred to by this plan*"[474]. A third submission did not recommend any specific wording but sought that the policy be amended to identify the anticipated high level of activity on the Kawarau River and also to recognise the Kawarau River as a strategic link for water based public transport.[475]

417. These submissions were not directly addressed in the Section 42A Report, and Appendix 1 to that report included no recommended changes to the policy.

418. Mr Brown, in evidence for QPL and Queenstown Wharves GP Limited, did not recommend any changes to the policy[476]. Mr Farrell in evidence for RJL *et al*, observed that the environmental limits referred to in the policy were not identified in the policy or elsewhere in the Plan, nor was it explained how they might be applied. In Mr Farrell's view, this would create uncertainty, and lead to unnecessary costs and frustration with plan administration.[477] Mr Farrell suggested this could be addressed by amending the policy so that it referred to the environmental limits identified in the plan.

419. This matter was not addressed in Council's reply and no amendments to the policy were recommended.

420. We note that the policy is to enable access to recreational experience on rivers. Some form of limit on an enabling policy is, in this case, appropriate, but we do not consider that those limits need specification in the plan. The limits may vary from environmental effects to safety issues and, as the policy states, will apply to various parts of each lake or river. For similar reasons, we do not agree that specific reference to the Kawarau River is required.

421. Accordingly, we recommend that the policy be retained as notified.

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473 Submission 766
474 Submission 621
475 Submission 806
476 J Brown, Evidence, Page 14, Para 2.24
477 B Farrell, Evidence, Page 21 Para 88

### 4.43 Policy 21.2.12.3

422. Policy 21.2.12.3 as notified read as follows;

*Avoid or mitigate the adverse effects of frequent, large-scale or intrusive commercial activities such as those with high levels of noise, vibration, speed and wash, in particular motorised craft in areas of high passive recreational use, significant nature conservation values and wildlife habitat.*

423. Two submissions sought that policy be retained[478]. Two submissions sought that the policy be variously amended to clarify that it did not apply to the Frankton Arm and the Kawarau River between Kawarau Falls and Chard Farm as those areas could provide for water based public transport[479]. One submission sought the amendment to the policy to provide for frequent use, large scale and potentially intrusive commercial activities along the Kawarau River and Frankton Arm.[480]

424. In the Section 42A Report, Mr Barr considered the inclusion of provision for large scale intrusive commercial activities would mean the policy would not meet section 5 of the Act. Rather, Mr Barr considered that the wider benefits of such proposals should be considered in the context of a specific proposal. Mr Barr noted that Queenstown Wharves GP Ltd[481] had sought similar amendments excluding the Frankton Arm and the Kawarau River between Kawarau Falls and Chard Farm from other policies (Policies 21.2.12.4 – 21.2.12.7 (and we note policies 21.2.12.9 and 21.2.12.10)). Mr Barr considered that the policies were appropriately balanced and as worded, could be applied across the entire district. Again, Mr Barr considered that the specific transport link proposals should be considered on the merits of the specific proposal.[482]

425. Mr Brown, in evidence for QPL and Queenstown Wharves GP Limited, did not recommend any changes to this policy[483], but he did recommend a specific new policy to be placed following 21.2.12.10 to recognise and provide for a water based public transport system on the Kawarau River and Frankton Arm[484]. Mr Farrell, in evidence for RJL *et al*[485], opined that it was not appropriate for the plan to always avoid or mitigate the adverse effects of frequent, large scale or intrusive commercial activities. Mr Farrell considered that the policy should be amended to recognise existing commercial activities.

426. We agree that the policy needs to be considered in the context of its district-wide application and find that provision for frequent use, large scale or intrusive commercial activities at particular locations would not align with the objective to the extent that provision would allow for materially more mechanised boat traffic than at present.

427. Consideration of activities affecting the natural character of the Kawarau River below the Control Gates Bridge also needs to take account of the Water Conservation (Kawarau) Order 1997 (WCO) given that the PDP cannot be inconsistent with it[486]. The WCO states that identified characteristics (including wild and scenic, and natural characteristics) are protected. While the

478 Submissions 243, 649
479 Submissions 766, 806
480 Submission 621
481 Submission 766
482 C Barr, Section 42A Report, Page 82, Para s17.13 – 17.15
483 J Brown, Evidence, Page 14, Para 2.24
484 J Brown, Evidence, Page 15, Para 2.24
485 B Farrell, Evidence, Page 22, Paras 92-96
486 Section 74(4) of the Act

WCO also recognises recreational jet-boating as an outstanding characteristic of the river, we find the breadth of the policy amendment sought would be inconsistent with the WCO.

428. It also needs to be recognised that the policy as notified focuses on areas of high passive recreational use, significant nature conservation values and wildlife habitat. It does not purport to apply to all waterways.

429. We agree generally with Mr Barr that the other policies under this objective are likewise appropriately balanced. We also find that the new policy suggested by Mr Brown would not align with the objective and to the extent that it would allow for significant new non-recreational mechanised use of the Kawarau River below the Control Gates, potentially inconsistent with the WCO.

430. We therefore recommend that the submissions that sought the exclusion of the Frankton Arm and the Kawarau River between Kawarau Falls and Chard Farm from the policies and the specific recommendation (of Mr Brown) to provide for water based transport be rejected. We do not consider those submissions further, apart from recording the policies where they apply below. That said, we return to the issue of water based public transport later, as part of our consideration of Policy 21.2.12.8.

431. We do think that the policy would be improved with some minor punctuation changes.

432. Accordingly, we recommend that policy 21.2.12.3 be renumbered and worded as follows:

*Avoid or mitigate the adverse effects of frequent, large-scale or intrusive commercial activities such as those with high levels of noise, vibration, speed and wash, in particular motorised craft, in areas of high passive recreational use, significant nature conservation values and wildlife habitat.*

### 4.44 Policy 21.2.12.4

433. Policy 21.2.12.4 as notified read as follows;

*Recognise the whitewater values of the District's rivers and, in particular, the values of the Kawarau and Shotover Rivers as two of the few remaining major unmodified whitewater rivers in New Zealand, and to support measures to protect this characteristic of rivers.*

434. Two submissions sought that the policy be amended to clarify that it did not apply to the Frankton Arm and the Kawarau River between Kawarau Falls and Chard Farm as those areas could provide for water based public transport[487]. Two submissions sought amendment to the policy to include 'wild and scenic' values and to add the Nevis to the identified rivers.[488]

435. Mr Barr, identified that this policy was included to recognise the WCO on the Kawarau River and part of the Shotover River. Mr Barr agreed with Forest & Bird that the amendment to the WCO in 2013 to include the Nevis River meant that it was appropriate to include reference to that river in the policy[489]. The Section 42A Report did not reference the relief sought regarding the inclusion of *"wild and scenic"* values.

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487 Submissions 766, 806

488 Submissions 339, 706

489 C Barr, Section 42A Report, Page 82 – 83, Para 17.16

436. Mr Brown in evidence for QPL and Queenstown Wharves GP Limited recommended amending the policy to only refer to 'parts' of the Kawarau River as not all of the river was whitewater[490]. Mr Barr, in reply, agreed with that amendment and also recommended a grammatical change to the beginning of the policy.[491]

437. We note that the Frankton Arm is not part of the Kawarau River. Thus the policy would not apply to that part of the lake in any event.

438. We agree that the reference in the policy should be to 'parts' of the Kawarau and Shotover Rivers reflecting the fact that only sections of the rivers are *'whitewater'*. While the WCO identifies other outstanding characteristics (than whitewater) and it is clear that both rivers have large sections that could aptly be described as *'scenic'*, it is the whitewater sections that qualify as *'wild'*. Accordingly, we do not see addition of *'wild **and** scenic'* as adding anything to the policy.

439. Accordingly, we recommend that the policy be reworded as follows:

*Have regard to the whitewater values of the District's rivers and, in particular, the values of parts of the Kawarau, Nevis and Shotover Rivers as three of the few remaining major unmodified whitewater rivers in New Zealand, and to support measures to protect this characteristic of rivers.*

### 4.45 Policy 21.2.12.5

440. Policy 21.2.12.5 as notified read as follows;

*Protect, maintain or enhance the natural character and nature conservation values of lakes, rivers and their margins, with particular regard to places with nesting and spawning areas, the intrinsic value of ecosystem services and areas of indigenous fauna habitat and recreational values.*

441. Two submissions sought that the policy be retained[492]. Two submissions sought that the policy be variously amended to clarify that it did not apply to the Frankton Arm and the Kawarau River between Kawarau Falls and Chard Farm as those areas could provide for water based public transport[493]. One submission sought the policy be amended as follows;

*Protect, maintain or enhance the natural character and nature conservation values of lakes, rivers and their margins from inappropriate development, with particular regard to places with significant indigenous vegetation, nesting and spawning areas, the intrinsic values of ecosystems, and areas of significant indigenous fauna habitat and recreational values.*[494]

442. We addressed the submissions seeking that the policy not apply to the Frankton Arm and the Kawarau River between Kawarau Falls and Chard Farm, above. Submissions on this policy were not directly addressed in the Section 42A Report and Appendix 1 of the Section 42A Report showed no recommended changes to the policy.

443. Mr Farrell in evidence for RJL *et al* supported retention of the policy as notified.

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490 J Brown, Evidence, Page 16, Para 2.26 (d)

491 C Barr, Reply, Appendix 1, Page 21-6, Policy 21.2.12.4, Para 10.1

492 Submissions 339, 706

493 Submissions 766, 806

494 Submission 621

444. At the hearing, Ms Maturin representing Forest & Bird, noted that Forest & Bird should have sought the inclusion of wetlands into this policy, and indicated that Forest & Bird would be satisfied if that intention was added to the policy.[495]

445. Ms Lucas in evidence for UCES, considered that the policy only sought to protect, maintain or enhance natural character, whereas section 6(a) of the Act required that it be preserved.[496]

446. Mr Brown, in evidence for QPL and Queenstown Wharves GP Limited, recommended amending the policy to delete the words *"… natural character …"*[497]. Mr Brown explained that that wording was more appropriate in Policy 21.2.12.7 as

> *"… Policy 21.2.12.5 deals with nature conservation values and focusses on ecological values, and I consider that the intention to "protect, maintain and enhance" these is necessary and desirable. However, a jetty, for example, is likely to have some impact on natural character, and it is likely to be difficult to construct a jetty in a way that protects, maintains or enhances natural character. In this context, "natural character" is more aligned with "visual qualities" rather than with ecological values, and I therefore consider that "natural character" is better located in Policy 21.2.12.7 which deals with the effects of the location, design and use of structures and facilities, and for which the duty is to avoid, remedy or mitigate the effects."*[498]

447. Mr Barr, in reply, recommended a change to replace "*Protect, maintain or enhance*" with *"Preserve"* at the beginning of the policy and to include the words "*from inappropriate activities"*, after the word "*margins*". Mr Barr set out a brief section 32AA evaluation noting that in his view the amendments would better align with section 6 of the Act.[499]

448. The difficulty with this policy is that it is addressing two different considerations – natural character and nature conservation values. As Mr Brown notes, the principal focus is on the latter. Certainly, most of the examples noted relate to nature conservation values. Section 6(a) requires us to recognise and provide for preservation of the natural character of lakes and rivers (and protect them from inappropriate subdivision, use and development). On the face of the matter, *'preservation'* would therefore be a more appropriate policy stance for natural character of lakes and rivers than protection, maintenance and enhancement[500].

449. It does not necessarily follow that the same is true for nature conservation values. This is a similar, but arguably a broader concept than areas of significant indigenous fauna, the *'protection'* of which is required by section 6(c), which would suggest that *'protection'* rather than *'preservation'* is required for nature conservation values.

450. Mr Brown's suggested solution of shifting natural character into Policy 27.2.12.7 faces two hurdles. The first is that an "*avoid or mitigate"* instruction[501] is too weak a policy response for a matter whose preservation is required to be recognised and provided for, as well as being out

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495 S Maturin, Evidence, Page 10, Para 62

496 D Lucas, Evidence Page 9, Para 38

497 J Brown, Evidence, Page 14, Para 2.24

498 J Brown, Evidence, Page 18, Para 2.26 (c)

499 C Barr, Reply, Appendix 2, Page 5

500 Although the WCO speaks in terms of protection of the identified outstanding characteristics of the Kawarau River, which include natural character and, of course, section 6(a) uses both terms.

501 Mr Brown incorrectly described it as imposing a duty to *"avoid, remedy or mitigate".*

of line with the objective. Secondly, Policy 21.2.12.17 deals with structures and facilities. The PDP also needs to address activities on the surface of lakes and rivers.

451. As already noted, we asked in-house counsel at the Council to provide us with legal advice as to whether there is a meaningful difference between *'preservation'* and *'protection'* and her advice, in summary, is that there is not.

452. This suggests to us that the simplest solution is to retain the notified formulation.

453. We agree, however, with Mr Brown that some qualification is necessary for examples such as those he identified, in order for some development in these areas to occur.

454. Given Mr Farrell's support for the policy as notified (giving evidence for RJL) we do not need to give further consideration to the other aspects of the relief in RJL's submission.

455. Lastly, we do not consider that the failure by Forest & Bird to seek relief in the terms it now regards as desirable can be addressed in the manner Ms Maturin suggests.

456. Accordingly, we recommend that Policy 21.2.12.5 be reworded as follows:

*Protect, maintain and enhance the natural character and nature conservation values of lakes, rivers and their margins from inappropriate activities with particular regard to nesting and spawning areas, the intrinsic value of ecosystem services and areas of indigenous fauna habitat and recreational values.*

### 4.46 Policy 21.2.12.6

457. Policy 21.2.12.6 as notified read as follows;

*Recognise and provide for the maintenance and enhancement of public access to and enjoyment of the margins of the lakes and rivers.*

458. Two submissions sought that the policy be amended to clarify that it did not apply to the Frankton Arm and the Kawarau River between Kawarau Falls and Chard Farm as those areas could provide for water based public transport[502]. One submission sought the policy be amended to include private investment/donation[503]. One submission sought that the policy be amended to include the words *"including jetty's [sic] and launching facilities"*[504] ;

459. We addressed the submissions seeking that the policy not apply to the Frankton Arm and the Kawarau River between Kawarau Falls and Chard Farm, above. Submissions on this policy were not directly addressed in the Section 42A Report and Appendix 1 of the Section 42A Report showed no recommended changes to the policy. We heard no evidence in support of Submissions 194 and 301. The reasons for the relief sought in the submissions related to funding of marina upgrades and the upgrades to specific jetties and boat ramps. We consider these issues are outside the jurisdiction of the Act and therefore recommend those submissions be rejected.

460. Accordingly, we recommend that Policy 21.2.12.6 remain as notified.

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502 Submissions 766, 806

503 Submission 194

504 Submission 301

## 4.47 Policy 21.2.12.7

461. Policy 21.2.12.7 as notified read as follows;

*Ensure that the location, design and use of structures and facilities are such that any adverse effects on visual qualities, safety and conflicts with recreational and other activities on the lakes and rivers are avoided or mitigated.*

462. Two submissions sought that the policy be amended to recognise the importance of the Frankton Arm and the Kawarau River as a public transport link[505]. Three submissions sought the policy be amended to insert the word *"remedied"* after the word *"avoid"*[506].

463. We address the submissions seeking that the policy recognise the Frankton Arm and the Kawarau River as important transport link, under Policy 21.2.12.8 below. We could not find these submissions directly addressed in the Section 42A Report. However, Appendix 1 of that report has a comment recommending that the word *"remedied"* be inserted as sought by TML.

464. Mr Vivian's evidence for TML[507] and Mr Brown's evidence for QPL and Queenstown Wharves Ltd[508] agreed with the Section 42A Report.

465. We agree. Although opportunities to remedy adverse effects may in practice be limited, the addition of the word *"remedied"* is appropriate within the context of the policy in being a legitimate method to address potential effects. We addressed the amendment suggested by Mr Brown, of the insertion of reference to natural character into this policy above.

466. Accordingly, we recommend that Policy 21.2.12.7 be reworded as follows:

*Ensure that the location, design and use of structures and facilities are such that any adverse effects on visual qualities, safety and conflicts with recreational and other activities on the lakes and rivers are avoided, remedied or mitigated.*

## 4.48 Policy 21.2.12.8

467. Policy 21.2.12.8 as notified read as follows;

*Encourage the development and use of marinas in a way that avoids or, where necessary, remedies and mitigates adverse effects on the environment.*

468. One submission sought that the words *"jetty and other structures"* be inserted following the word "marinas"[509] Two submissions sought that the policy be amended to replace the words *"marinas in a way that "* with *"a water based public transport system including necessary infrastructure, in a way that as far as possible*"[510]. One submission sought to amend the policy by replacing the word *"Encourage"* with *"Provide for"* and to delete the words *"where necessary"*.[511]

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505 Submissions 766, 806

506 Submission 519, 766, 806

507 C Vivian, Evidence, Page 19, Para 4.84

508 J Brown, Evidence, Page 4, Para 2.24 (by adopting the Section 42 A Report recommendation on the policy)

509 Submission 194

510 Submissions 766, 806

511 Submission 621

469. In the Section 42A Report, Mr Barr agreed that clarification of the policy would be improved by also referring to jetties and moorings. Mr Barr also considered that the term *"Encourage"* was more in line with the Strategic Direction of the Plan which was not to provide for such facilities, but rather when they are being considered, to encourage their appropriate location, design and scale. Mr Barr also agreed that the words *"where necessary"* did not add value to the policy and recommended they be deleted.[512] Mr Barr addressed the provision of public transport within the Frankton Arm and Kawarau River in a separate part of the Section 42A Report. However, this discussion was on the rules rather than the policy[513]. That said, in discussing the rules, Mr Barr acknowledged the potential positive contribution to transport a public ferry system could provide. Mr Barr considered *"ferry"* a more appropriate term than *"commercial boating"* which in his view may include cruises and adventure tourism[514]. Mr Barr did not, however, recommend the term *"ferry"* be included in the policy in his Section 42A Report.

470. In evidence for RJL, Mr Farrell supported the recommendation in the Section 42A Report[515].

471. Mr Brown, in evidence for QPL and Queenstown Wharves Ltd, supported the reference to lake and river public transport as an example of relieving road congestion and also facilitating access and enjoyment of rivers and their margins[516]. Mr Brown's recommended wording of the policy did not include the relief sought by QPL and Queenstown Wharves Ltd, to qualify the policy by adding the words, "*in a way that as far as possible".*

472. In reply, Mr Barr incorporated part of Mr Brown's recommended wording into the Appendix 1 of the Section 42A Report.[517] Mr Barr included the word *"ferry"* at this point to address the difference between water based public transport and other commercial boating we identified above.

473. The starting point for consideration of these issues is renumbered Policy 6.3.31 (Notified Policy 6.3.6.1) which seeks to control the location, intensity, and scale of buildings, jetties, moorings and infrastructure on the surface and margins of water bodies by ensuring these structures maintain or enhance landscape quality and character, and amenity values. We therefore have difficulty with Mr Barr's suggested addition of reference to jetties and moorings in this context without a requirement that landscape quality and character, and amenity values all be protected. Certainly we do not agree that that would be consistent with the Strategic Chapters. We do, however agree that provision for water-based public transport *"ferry systems"* and related infrastructure, is appropriate within the context of this policy and that it needs to be distinguished from other types of commercial boating.

474. We agree with Mr Barr's suggestion that the words *"where necessary"* are unnecessary but we consider that greater emphasis is required to note the need to avoid, remedy or mitigate adverse effects as much as possible and, therefore, we accept the submissions of QPL and Queenstown Wharves Ltd in this regard.

475. Accordingly, we recommend that Policy 21.2.12.8 be reworded as follows:

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512 C Barr, Section 42A Report, Page 83, Paras 17.18 – 17.19

513 C Barr, Section 42A Report, Page 85 - 88, Paras 17.29 – 17.42

514 C Barr, , Section 42A Report, Page 87 - 88, Paras 17.41 – 17.42

515 B Farrell, Evidence, Page 23,Para 101

516 J Brown, Evidence, Page 15, Para 2.26(b)

517 C Barr, Reply, Page 21-6, Appendix 1

*Encourage development and use of water based public ferry systems including necessary infrastructure and marinas, in a way that avoids adverse effects on the environment as far as possible, or where avoidance is not practicable, remedies and mitigates such adverse effects.*

### 4.49 Policy 21.2.12.9

476. Policy 21.2.12.9 as notified read as follows;

*Take into account the potential adverse effects on nature conservation values from the boat wake of commercial boating activities, having specific regard to the intensity and nature of commercial jet boat activities and the potential for turbidity and erosion.*

477. One submission sought that the policy be amended to apply only to jet boats and the removal of the words "*intensity and nature of commercial jet boat activities*"[518] and similarly, another submission sought that the policy be amended to enable the continued use of commercial jet boats while recognising that management techniques could be used to manage effects[519]. One other submission sought the amendment of the policy to recognise the importance of the Kawarau River as a water based public transport link.[520]

478. Mr Barr, in his Section 42A Report, considered that jet boats were already specified in the policy and that there was a need to address the potential impacts from any propeller driven craft in relation to turbidity and wash[521]. Mr Barr recommended that policy remain as notified.

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

480. There being no evidence in support of the changes sought by the submitters, we adopt the reasoning of the witnesses and find that the amendments sought would not be the most appropriate way of achieving the objective.

481. Accordingly, we recommend that the submissions be rejected and that policy 21.2.12.9 remain as notified.

### 4.50 Policy 21.2.12.10

482. Policy 21.2.12.10 as notified read as follows:

*Ensure that the nature, scale and number of commercial boating operators and/or commercial boats on waterbodies do not exceed levels where the safety of passengers and other users of the water body cannot be assured.*

483. One submission sought that the policy be amended as follows;

*Protect historical and well established commercial boating operations from incompatible activities and manage new commercial operations to ensure that the nature, scale and number of new commercial boating operators and/or commercial boats on waterbodies do not exceed levels where the safety of passengers and other users of the water body cannot be assured.*[524]

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518 Submission 621
519 Submissions 806
520 Submission 806
521 C Barr, Section 42A Report, Page 84, Para 17.21
522 B Farrell, Evidence, Page 23, Para 103
523 J Brown, Evidence, Page 15, Para 2.24
524 Submission 621

484. One other submission sought that the policy be amended to enable the continued use of commercial jet boats while recognising that management techniques could be used to manage effect and that the policy be amended to recognise the importance of the Kawarau River as a water based public transport link.[525]

485. In the Section 42A Report, Mr Barr considered the relief sought by RJL to be neither necessary nor appropriate, because consideration of the effects of new activities on established activities was inherently required by the wording of the policy as notified. Mr Barr noted that all established activities would have consent anyway, so *'well established"* did not add anything to the policy. In addition, Mr Barr considered that the qualifiers in the policy were a guide as to incompatibility, so the introduction of the word *"incompatible"* was not appropriate in this context[526]. Mr Barr recommended that the policy remain as notified.

486. Mr Brown, for QPL, did not recommend any amendments to the policy[527]. Mr Farrell, in evidence for RJL, considered the policy did not satisfactorily recognise the benefits of historical and well established commercial boating operations which were important to the district's special qualities and overall sense of place[528]. Mr Farrell recommended we adopt the relief sought by RJL.

487. We disagree with Mr Farrell. This policy would come into play when resource consent applications were being considered. At that point, safety considerations need to be addressed both for entirely new proposals and for expansion of existing operations. It would not affect operations that were already consented (and established) unless the conditions on that consent were being reviewed. In those circumstances, it could well be appropriate to consider safety issues.

488. In summary, in relation to the amendments sought by RJL, we agree with and adopt the reasoning the reasoning of Mr Barr. We recommend that the submission by RLJ be rejected.

489. In reviewing this policy we have identified that it contains a double negative that could create ambiguities in interpreting it: the policy requires that *the nature, scale and number* (of activities) *do not exceed levels where … safety … cannot be assured*. We consider a minor, non-substantive amendment under Clause 16(2) of the First Schedule to replace "where" with "such that" will address this problem.

490. Accordingly, we recommend that Policy 21.2.12.10 be reworded as follows:

*Ensure that the nature, scale and number of commercial boating operators and/or commercial boats on waterbodies do not exceed levels such that the safety of passengers and other users of the water body cannot be assured.*

### 4.51 Objective 21.2.13

491. As notified, Objective 21.2.13 read as follows;

525 Submission 806

526 C Barr, Section 42A Report, Page 84, Para 17.23

527 J Brown, Evidence, Page 15, Para 2.24

528 B Farrell, Evidence, Page 23, Para 106

*Enable rural industrial activities within the Rural Industrial Sub Zones, that support farming and rural productive activities, while protecting, maintaining and enhancing rural character, amenity and landscape values.*

492. One submission supported the objective[529]. One submission sought clarification as to the location of the Rural Industrial Sub-Zones[530]. One submission sought that the objective be amended as follows:

*Enable rural industrial activities and infrastructure within the Rural Industrial Sub Zones, that support farming and rural productive activities, while avoiding remedying or mitigating effects on rural character, amenity and landscape values.*[531]

493. In the Section 42A Report, Mr Barr identified that the Rural Industrial Sub Zone was located in Luggate (Map 11a)[532]. In Appendix 2 to that report, Mr Barr recommended that the submission from Transpower be rejected, noting that the Rural Industrial Sub Zone was distinct from the Rural Zone and would lend itself to infrastructure due its character and visual amenity.

494. In the Council's memorandum on revising the objectives to be more outcome focused[533], Mr Barr recommended rewording of the objective as follows;

*Rural industrial activities within the Rural Industrial Sub Zones will support farming and rural productive activities, while protecting, maintaining and enhancing rural character, amenity and landscape values.*

495. Ms Craw, in evidence for Transpower, agreed with Mr Barr and noted that were no Transpower assets with the Rural Industrial Sub Zone[534].

496. We agree with Mr Barr's rewording of the objective as being more outcome orientated and find that it is the most appropriate way to achieve the purpose of the Act. We think that Mr Barr's reasoning supports the inclusion of the reference to infrastructure rather than the reverse. If the character and visual amenity (and the permitted activity rules) are consistent with infrastructure in this Sub Zone, the policy should provide for it.

497. Accordingly, we recommend that Objective 21.2.13 be reworded as follows;

*Rural industrial activities and infrastructure within the Rural Industrial Sub-Zones will support farming and rural productive activities, while protecting, maintaining and enhancing rural character, amenity and landscape values.*

### 4.52 Policies 21.2.13.1 – 21.2.13.2

498. We observe that there were no submissions on Policies 21.2.13.1 and 21.2.13.2. We therefore recommend they be renumbered but otherwise be retained as notified.

529 Submission 217
530 Submission 806
531 Submission 805
532 C Barr, Section 42A Report, Page 51, Para 13.48
533 Council Memoranda dated 13 April 2016
534 A Craw, Evidence, Page 5, Para 26

### 4.53 New Policy – Commercial Operations Close to Trails

499. A submission from Queenstown Trails Trust[535] sought a new policy to enable commercial operations, associated with and close to trail networks.

500. In the Section 42A Report, Mr Barr considered that a policy recognising the potential benefits of the trail was generally appropriate, but that the policy should not extend to creating new rules or amending existing rules for the trails or related commercial activities, as it was important that the effects of such activities should be considered on a case by case basis.[536] Mr Barr undertook a section 32AA of the Act evaluation as to the effectiveness and efficiency of the policy and recommended wording for a policy that supported activities complementary to the trails as follows:

*Provide for a range of activities that support the vitality, use and enjoyment of the Queenstown Trail and Upper Clutha Tracks Trail network on the basis that landscape and rural amenity is protected, maintained or enhanced and established activities are not compromised.*

501. In reply, Mr Barr recommended the removal of the word *"Trail"* after the words "Upper Clutha Tracks"[537] which we understand was to correct an error.

502. We agree with and adopt Mr Barr's reasoning as set out above. Noting our recommendation above to combine notified Objectives 21.2.1 and 21.2.9, we find the new policy is the most appropriate way in which to achieve our recommended revised Objective 21.2.1.

503. Accordingly, we recommend a new policy to be worded and numbered as follows;

*21.2.1.16 Provide for a range of activities that support the vitality, use and enjoyment of the Queenstown Trail and Upper Clutha Tracks networks on the basis that landscape and rural amenity is protected, maintained or enhanced and established activities are not compromised.*

### 4.54 New Objective and Policies – Commercial Recreation Activities

504. A submission from Skydive Queenstown Ltd[538] sought insertion of the following new objective and policies;

*Objective*
*Recognise and provide opportunities for recreation, including commercial recreation and tourism activities.*

*Policy*
*Recognise the importance and economic value of recreation including commercial recreation and tourist activities.*

*Policy*
*Ensure that recreation including commercial recreation and tourist activities do not degrade rural quality or character or visual amenities and landscape values*

535 Submission 671
536 C Barr, Section 42A Report, Pages 45-46, Paras 13.18 – 13.22
537 C Barr, Reply, Appendix 1, Page 21-5
538 Submission 122

505. In the Section 42A Report, Mr Barr addressed this request only in a general sense as part of an overall consideration of commercial activities in the Rural Zone[539], expressing the view that recreation, commercial recreation and tourism were adequately contemplated and managed. Mr Barr recommended that the submission be rejected.

506. The evidence of Mr Brown for Skydive Queenstown Ltd did not, as far as we could identify, directly address this relief sought.

507. In evidence for Totally Tourism Ltd[540] and Skyline Enterprises Ltd[541], Mr Dent noted the objectives and policies under 21.2.9 (as notified) did not refer to *"commercial recreation activity"* and he also noted that there was a separate definition for *"commercial recreation activity"* as compared to the definition *of "commercial activity".*[542] Mr Dent went on to recommend the following objective and policies to fill the identified policy gap as follows;

*Objective*
*Commercial Recreation in the Rural Zone occurs at a scale that is commensurate to the amenity vales of the specified location.*

*Policy*
*The group size of commercial recreation activities will be managed so as to be consistent with the level of amenity anticipated in the surrounding environment.*

*Policy*
*To avoid, remedy or mitigate the adverse effects of commercial recreation activities on the natural character, peace and tranquillity of remote areas of the District.*

*Policy*
*To avoid, remedy or mitigate any adverse effects commercial recreation activities may have on the range of recreational activities available in the District and the quality of the experience of people partaking of these opportunities.*

*Policy*
*To ensure the scale and location of buildings, noise and lighting associated with commercial recreation activities are consistent with the level of amenity anticipated in the surrounding environment.*

508. In summary, Mr Dent considered that such a suite of provisions was appropriate given the contribution of commercial recreation activities to the district, but accepted that it was important that those activities did not adversely affect amenity values by way of noise, overcrowding and use of remote areas.[543] Mr Dent also noted that he had derived the policies from the ODP Section 4.4- Open Space and Recreation.

509. In reply, Mr Barr supported the intent of the Mr Dent's recommendation, but noted legal submissions from Council on the Strategic Chapters that ODP Section 4.4- Open Space and Recreation was part of Stage 2 of the plan review and not part of this PDP under our consideration. Mr Barr recommended that the submitter resubmit under Stage 2, rather than

539 C Barr, Section 42A Report, Page 20, Para 8.32
540 Submission 571
541 Submission 574
542 S Dent, Evidence, Page 11, Paras 65 -66
543 S Dent, Evidence, Page 11-12, Paras 68 -73

have the provisions in two places. Mr Barr also noted the provisions sought by Mr Dent were not requested in the submission of Totally Tourism Ltd.[544]

510. We consider Mr Dent's suggested objective both narrows the relief sought in Skydive Queenstown's submission and tailors it to be specific to the Rural Zone, and is therefore properly the subject of this chapter (rather than necessarily needing to be dealt with in Stage 2 of the District Plan Review). As such, we consider it is within the scope provided by that submission, and generally appropriate, subject to some tightening to better meet the purpose of the Act.

511. The suggested policies likewise address relevant issues, but require amendment both to align with the objective and to fall within the scope provided by the Skydive Queenstown submission (i.e. ensure rural quality or character or visual amenities and landscape values are not degraded).

512. In addition, we find that the inclusion of these objectives and policies is consistent both with the Stream 1B Hearing Panel's findings on the Strategic Chapters, and with our findings on the inclusion of reference to activities that rely on rural resources. We also consider that given the importance of Commercial Recreation Activities to the district, that it is important that the matter be addressed now, rather than leaving it for consideration as part of a later stage of the District Plan review.

513. Accordingly, we recommend that a new objective and suite of policies to be worded and numbered as follows as follows;

*2.2.10 Objective*
*Commercial Recreation in the Rural Zone is of a nature and scale that is commensurate to the amenity vales of the location.*

*Policies*

*21.2.10.1 The group size of commercial recreation activities will be managed so as to be consistent with the level of amenity anticipated in the surrounding environment.*

*21.2.10.2 To manage the adverse effects of commercial recreation activities so as not to degrade rural quality or character or visual amenities and landscape values.*

*21.2.10.3 To avoid, remedy or mitigate any adverse effects commercial recreation activities may have on the range of recreational activities available in the District and the quality of the experience of people partaking of these opportunities.*

*21.2.10.4 To ensure the scale and location of buildings, noise and lighting associated with commercial recreation activities are consistent with the level of amenity existing and anticipated in the surrounding environment.*

### 4.55 New Objective and Policies – Community Activities and Facilities

514. One submission sought the inclusion of objectives, policies and rules for community activities and facilities in the Rural Zone[545]. Appendix 2 of the Section 42A Report recommended the submission be rejected on the basis that the existing provisions in the PDP were appropriate in this regard.

544 C Barr, Reply, Page 34, Para 12.1
545 Submission 524

515. Ms McMinn, in tabled evidence for the Ministry of Education, noted that while the Ministry relies on designations under the Act for the establishment of schools, it also relies on policy support to enable ongoing education and community activities. Ms McMinn advised that the Ministry had similarly submitted on the proposed RPS and that for consistency with the proposed RPS, provisions such as sought in the Ministry's submission should be included[546]. Ms McMinn did not identify where in the Proposed RPS this matter was addressed.

516. We could not identify a response to this matter in the Council's reply.

517. On review of the decisions version of the proposed RPS we could not identify provisions providing for the enablement of education and community activities. The designation powers of a requiring authority are very wide and we are not convinced that additional policy support would make them any less effective.

518. Accordingly, we recommend that the submission of the Ministry of Education be rejected.

### 4.56 New Objective and Policies - Lighting

519. One submission sought a new objective and policies in relation to the maintenance of the ability to view the night sky, avoid light pollution and to promote the use of LED lighting in new subdivisions and developments[547].

520. Specific wording of the objectives or policies were included in the submission. Mr Barr, in the Section 42A Report considered that Policy 21.2.1.5 and the landscape assessment matters 21.7.14(f) already addressed the matters raised[548]. We did not receive specific evidence in support of the requested objective and policies. We agree with Mr Barr and in the absence of evidence providing and/or justifying such objectives and policies, we recommend that this submission be rejected.

## 5 21.3 OTHER PROVISIONS AND RULES

521. We understand the purpose of notified Section 21.3 is to provide clarification as to the relationship between Chapter 21 and the balance of the PDP. Section 21.3.1 as notified outlined a number of district wide chapters of relevance to the application of Chapter 21.

522. There was one submission on Section 21.3.1[549], which sought that specific emphasis be given to Chapter 30 as it relates to any use, development or subdivision near the National Grid. Mr Barr recommended acceptance in part of submission but we could find no reasons set out in the report for reaching that recommendation[550]. Ms Craw, in evidence for Transpower, stated incorrectly that the officer's report had recommended declining the relief sought and she considered that the planning maps and existing provisions were sufficient to guide plan users to the rules under Chapter 30 regarding the National Grid[551]. We with agree with Ms Craw that sufficient guidance is already provided by way of the maps.

523. Accordingly, we recommend that the Transpower submission be rejected.

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546 J McMinn, Tabled Evidence, Page 4, Paras 17 - 19
547 Submissions 568
548 C Barr, Sub
549 Submission 805
550 C Barr, Section 42A Report, Appendix 2, Page 80
551 A Craw, Evidence, Page 6 -7, Paras 34 -36

524. Consistent with our approach in other chapters, we recommend the table in 21.3.1 only refer to PDP chapters, and that it distinguish between those notified in Stage 1 and those notified subsequently or yet to be notified (by showing the latter in italics). We recommend this change as a minor and non-substantive change under Clause 16(2) of the First Schedule.

525. Sections 21.3.2 and 21.3.3, as notified, contained a mixture of rules of interpretation and advice notes. We recommend these be re-arranged such that the rules be listed under Section 21.3.2 Interpreting and Applying the Rules, and the remainder under Section 21.3.3 Advice Notes.. The re-arrangement, incorporating the amendments discussed below, are included in Appendix 1.

526. There were no submissions on notified Section 21.3.2. We now address each of the submissions on notified section 21.3.3.

527. We questioned Mr Barr on the as notified Clarification 21.3.3.3 which used "site" to refer to the Certificate of Title, whereas the definition of site in the PDP is an area of land held in one Certificate of Title. Mr Barr agreed that this was an error. We recommend that this be corrected under Clause 16(2) of the First Schedule. Accordingly, we recommend 21.3.3.3. be renumbered 21.3.3.1 (we consider it an advice note) and be reworded as follows;

*Compliance with any of the following standards, in particular the permitted standards, does not absolve any commitment to the conditions of any relevant resource consent, consent notice or covenant registered on the computer freehold register of any property.*

528. As notified, 21.3.3.5 read as follows:

*Applications for building consent for permitted activities shall include information to demonstrate compliance with the following standards, and any conditions of the applicable resource consent conditions.*

529. One submission sought this be deleted. It argued that the requirement was ultra vires as the consents in question are under the Building Act[552]. Mr Barr recommended the submission be rejected, but we could find no reasons set out in the report for reaching that recommendation[553]. We received no other evidence in regard to this matter.

530. We consider this provision is no more than an advice note and of no regulatory effect. We have left the wording unaltered and renumbered it 21.3.3.3.. Accordingly, we recommend that the submission of QPL be rejected.

531. Clarification point 21.3.3.7 as notified read as follows;

*The existence of a farm building either permitted or approved by resource consent under Table 4 – Farm Buildings shall not be considered the permitted baseline for residential or other non-farming activity development within the Rural Zone.*

532. One submission sought this be retained[554], one that it be deleted[555] as the Environment Court had called it into question, and one submission sought that the reference to "*or other non-*

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

*farming"* be removed[556]. Mr Barr recommended the submissions seeking deletion or amendment be rejected, but we could find no reasons set out in the report for reaching that recommendation[557]. We received no other evidence in regard to this matter.

533. Taking into account the specific policy provision made for farm buildings (Policy 21.2.1.2) as opposed to the regime applying to residential and other non-farming activities, we conclude there is justification in retaining this statement. We also conclude it is more in the nature of a rule explaining how the regulatory regime of the Chapter applies. Accordingly, we recommend that this clause retain the notified wording after altering the reference to "Table 4" to "Rule 21.4.2 and Table 5" and relocated so as to be provision 21.3.2.5.

534. As notified, clarification point 21.3.3.8 read as follows;

*The Ski Area and Rural Industrial Sub Zones, being Sub Zones of the Rural Zone, require that all rules applicable to the Rural Zone apply unless stated to the contrary.*

535. Two submissions sought that this clarification be amended to state that in the event of conflict between the Ski Area Sub Zone Rules in as notified Table 7 and the other rules in Chapter 21, the provisions in Table 7 would prevail[558].

536. These submissions were not directly addressed in the Section 42A Report. Mr Fergusson in evidence for Soho Ski Area Ltd and Treble Cone Investments Ltd, addressed this clarification point as part of a wider consideration of the difference between Ski Area Sub Zone Accommodation and Visitor Accommodation in the Rural Area[559]. We addressed this difference between the types of accommodation in Section 5.19 above, and recommended a separate definition for Ski Area Sub Zone Accommodation. We think that this addresses the potential issue raised in the submission and accordingly recommend that the submission be rejected.

537. We find this to be an implementation rule and have relocated to be provision 21.3.2.6.

538. Clarification point 21.3.3.9 related to the calculation of "ground floor area" in the Rural Zone. One submission sought either that the clarification point be deleted, relying on the definition of "ground floor area", or that the definition of "ground floor area" be amended so as to provide for the rural area[560]. Mr Barr recommended the submission be rejected[561] but we could find no reasons set out in the report for him reaching that recommendation. We received no direct evidence on this matter.

539. Although Submission 806 states that there is a definition of "Ground floor area" in Chapter 2, that definition, as notified, only applied to signs[562], not buildings.. We note that the definition of ground floor area included in Section 21.3.3 is also included in Chapters 22 and 23. In our view, rather than repeating this as an implementation rule, it should be included in Chapter 2 as a definition. Therefore, we recommend that Submission 806 is accepted to the extent that

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556 Submission 519

557 C Barr, Section 42A Report, Appendix 2, Page 80

558 Submissions 610, 613

559 C Fergusson, Evidence, Pages 34-35, Para 129 - 133

560 Submission 806

561 C Barr, Section 42A Report, Appendix 2, Page 81

562 We note that the notified definition does not appear to define a ground area in any event and is the subject of the Stage 2 Variations.

21.3.3.9 is deleted and the definition is included in Chapter 2[563]. We also recommend that the equivalent amendments are made in Chapters 22 and 23.

540. Clarification Point 21.3.3.11 set out the meaning of the abbreviations used in the Rule Tables in 21.4 of the PDP. It also notes that any activity that is not permitted or prohibited requires a resource consent.

541. One submission form QPL sought that the clarification point be amended to ensure that the rules are applied on an effects basis[564]. Mr Barr recommended the submission be rejected[565], but we could find no reasons set out in the report for him reaching that recommendation. We received no direct evidence on this matter.

542. On review of the submission itself, it sets out as the reason for the submission that *"the Council should not attempt to list all activities that may occur and should instead rely on the proposed standard to ensure that effects are appropriately managed."*

543. To our mind, this has more to do with the content of rules than clarification of the meaning of the abbreviations, or the effect of activities being permitted or prohibited for that matter. We recommend that the submission as it relates to 21.3.3.11 be rejected. As a result of our re-arrangement of the clauses in 21.3.2 and 21.3.3, this is renumbered 21.3.2.9.

544. In his Reply Statement, Mr Barr recommended inclusion of the following three matters for clarification purposes:

*21.3.3.11 The surface of lakes and rivers are zoned Rural, unless otherwise stated.*

*21.3.3.12 In this chapter the meaning of bed shall be the same as in section 2 of the RMA.*

*21.1.1.13 Internal alterations to buildings including the replacement of joinery is permitted.*

545. We consider the first of these is a useful inclusion to avoid any ambiguity. We do not see the second as helpful as it may imply that when considering provisions in other chapters, the meaning of bed given in section 2 of the Act does not apply. We would have thought the defined term from the Act would apply unless the context required otherwise. Although we are not sure the third is necessary, there is no reason not to include it. We recommend these be included as 21.3.2.8 and 21.3.2.9.

# 6 SECTION 21.4 – RULES – ACTIVITIES

## 6.1 Structure of Rules and Tables

546. In considering the rules and their layout in the tables, we found these difficult to follow. For example, in some cases activities and standards were combined under 'activities'. In these situations, we recommend that the activities and standards be separated and the tables be renumbered. We note that we have already addressed the table for the surface of lakes and rivers, activities and standards in Section 3.4 above. Another example is where the rules specify that activities are prohibited with exceptions detailing what is permitted, rather than setting out firstly what is permitted and secondly, if the activity is not permitted, what the appropriate activity status is.

563 As a recommendation to the Stream 10 Hearing Panel.

564 Submission 806

565 C Barr, Section 42A Report, Appendix 2, Page 81

547. Taking those matters into account, we recommend re-ordering the tables into the following sequence, which we consider more logical and easier for plan users to follow:

| | |
|---|---|
| Table 1 | Activities Generally |
| Table 2 | Standards applying generally in zone |
| Table 3 | Standards applying to Farm Activities (additional to those in Table 2) |
| Table 4 | Standards for Structures and Buildings (other than Farm Buildings) (additional to those in Table 2) |
| Table 5 | Standards for Farm Buildings (additional to those in Table 2) |
| Table 6 | Standards for Commercial Activities (additional to those in Table 2) |
| Table 7 | Standards for Informal Airports (additional to those in Table 2) |
| Table 8 | Standards for Mining and Extraction Activities (additional to those in Table 2) |
| Table 9 | Activities in the Ski Area Sub Zone additional to those listed in Table 1 |
| Table 10 | Activities in Rural Industrial Subzone additional to those listed in Table 1 |
| Table 11 | Standards for Rural Industrial Subzone |
| Table 12 | Activities on the Surface of Lakes and Rivers |
| Table 13 | Standards for Activities on the Surface of Lakes and Rivers |
| Table 14 | Closeburn Station: Activities |
| Table 15 | Closeburn Station: Standards for Buildings and Structures |

548. We consider these to be minor correction matters that can addressed under Clause 16(2) and we make recommendations accordingly.

549. In addition, the terminology of the rules themselves needs amendment; using the term "shall" could be read as providing a degree of discretion that is not appropriate in a rule context. We recommend that the term "must" replace the term "shall" except where the context requires the use of "shall" or another term. Again, we consider these to be minor correction matters that can be addressed under Clause 16(2) and we make recommendations accordingly.

### 6.2 Table 1 (As Notified) - Rule 21.4.1 - Activity Default Status

550. Rule 21.4.1 as notified identified that activities not listed in the rule tables were *"Non-complying"*" Activities. A number of submissions[566] sought that activities not listed in the tables should be made permitted.

551. We did not receive any direct evidence in regard to this matter, although Mr Barr addressed it in his Section 42A Report[567]. We agree with Mr Barr that it is not apparent that the effects of all non-listed activities can be appropriately avoided, remedied or mitigated in the Rural Zone across the District, such that a permitted activity status is the most appropriate way in which to achieve the objectives of Chapter 21. We therefore recommend that the default activity status for activities not listed in the rule table remain non-complying. Consistent with our approach

566 Submissions 624, 636, 643, 688, 693

567 C Barr, Section 42A Report, Paras 8.9 – 8.10

of listing activities from the least restricted to the most restricted, we recommend this rule be located at the end of Table 1. We also recommend that it only refer to those tables that list activities (as opposed to standards applying to activities). To remove any possible ambiguity we recommend it read:

*Any activity not otherwise provided for in Tables 1, 9, 10, 12 or 14.*

### 6.3 Rule 21.4.2 – Farming Activity

552. The only submissions on this rule supported it[568]. With the re-arrangement of the tables of standards discussed above, a consequential change is required to this rule to refer to Table 3 as well as Table 2. Other than that change and renumbering to 21.4.1, we recommend the rule be adopted as notified.

### 6.4 Rule 21.4.3 – Farm Buildings

553. As notified, Rule 21.4.3 provided for the "Construction or addition to farm buildings that comply with the standards in Table 4" as permitted activities.

554. Three submissions sought that the rule be retained[569]. One submission sought to roll-over provisions of the ODP so that farming buildings not be permitted activities.[570] One submission supported permitted activity status for farm buildings, but sought that Council be firm where a landholder establishes farm buildings and then makes retrospective application for consent so that the buildings can be used for a non-farming purposes[571].

555. Mr Barr, in the Section 42A Report, recommended that the submission from UCES be rejected for the reasons set out in the Section 32 Report.[572] The Section 32 Report concluded that administrative efficiencies can be achieved while maintaining landscape protection, by requiring compliance with standards in conjunction with a permitted activity status for farm buildings.[573]

556. We have already addressed the permitted activity status for farming activities in Section 7.3 above. Similarly, we have also addressed farm buildings in Policy 21.2.1.2, as notified, above (Section 5.3) and recommended allowing farm buildings on landholdings over 100 ha subject to managing effects on landscape values.

557. Accordingly, we recommend that Rule 21.4.3 be renumbered 21.4.2 and refer to Table 5, but otherwise be retained as notified.

558. We think that the submission of M Holor[574] raises a genuine issue regarding the conversion of farm buildings to a non-farming use, such as a dwelling. We are aware of situations in the district where applicants seeking consent for such conversions rely on existing environment arguments in order to obtain consent. This is sometimes referred to as 'environmental creep'.

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568 Submissions 325, 384, 600 (supported by FS1209, opposed by FS1034), 608
569 Submissions 325, 348, 608
570 Submission 145
571 Submission 45
572 C Barr, Section 42A Report, Page 29, Para 10.4
573 C Barr, Section 42A Report, Appendix 3, Section 32 Evaluation Report, Landscape, Rural Zone and Gibbston Character Zone, Pages 18 - 19
574 Submission 45

559. As notified, Rule 21.3.3.7 stated that farm building were not to be considered the permitted baseline for residential or other non-farming activities. We have recommended retaining this as implementation provision 21.3.2.5. We do not consider Submission 45 provides scope for any additional provision.

### 6.5 Rule 21.4.4 – Factory Farming

560. There were no submission on this rule. However, this is an instance where a "standard" in Table 2 (as notified) classified certain types of factory farming non-complying (notified Rule 21.5.11). In addition, notified Rules 21.5.9 and 21.5.10 set standards for pig and poultry factory farming respectively. There were no submissions to Rules 21.5.9, 21.5.10 or 21.5.11.

561. We recommend, as a minor amendment under Clause 16(2), that Rule 21.4.4 be renumbered 21.4.3, amended to be restricted to pigs and poultry, and to refer to Table 2 and 3. In addition, we recommend in the same way that notified Rule 21.5.11 be relocated to 21.4.4. The two rules would read:

| | | |
|---|---|---|
| 21.4.3 | Factory Farming limited to factory farming of pigs or poultry that complies with the standards in Table 2 and Table 3. | P |
| 21.4.4 | Factory Farming animals other than pigs or poultry. | NC |

### 6.6 Rule 21.4.5 – Use of Land or Building for Residential Activity

562. As notified, Rule 21.4.5 provided for the "the use of land or buildings for residential activity except as provided for in any other rule" as a discretionary activity.

563. One submission sought that this rule be retained[575] and one sought that it be deleted[576].

564. The Section 42A Report did not address these submissions directly. Rather, Mr Barr addressed residential activity and residential/non-farming buildings in a general sense[577], concluding that Rule 21.4.5 was appropriate as non-farming activities could have an impact on landscape[578]. Although not directed to the submissions on this rule, Mr Barr considered that discretionary activity status was more appropriate to that of non-complying.

565. Mr Barr's discussion addressed submissions made by UCES. The UCES position was based on the potential for proposed legislative amendments to make the residential activity application non-notified if they are discretionary activities. This matter was also canvassed extensively in the Stream 4 Hearing (Subdivision). We adopt the reasoning of the Stream 4 Hearing Panel[579] in recommending this submission be rejected.

566. We heard no evidence from QPL in support of its submission seeking deletion of the rule. In tabled evidence for Matukitiki Trust, Ms Taylor agreed with the recommendation in the Section 42A Report.[580]

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575 Submission 355

576 Submission 806

577 C Barr, Section 42A Report, Pages 32-37, Paras 11.1 – 11.28

578 C Barr, Section 42A Report, Pages 36 – 37, Para 11.25

579 Report 7, Section 1.7

580 L Taylor, Evidence, Appendix A, Page 6

567. We accept Mr Barr's recommendation, given the submissions before us and the evidence we heard. Thus, we recommend the rule be retained as notified but be relocated to be Rule 21.4.10.

### 6.7 Rule 21.4.6 – One Residential Unit per Building Platform

568. As notified, Rule 21.4.6 provided for "One residential unit within any building platform approved by resource consent" as a permitted activity.

569. Three submissions sought that this rule be retained[581], four submissions sought that it be deleted[582], one submission sought that the rule be replaced with the equivalent provisions of the ODP[583] which would have had the effect of deleting the rule, and one submission sought that the rule be amended to clarify that it only applies to the activity itself, as there are other rules (21.4.7 and 21.4.8) that relate to the actual buildings[584].

570. In the Section 42A Report, Mr Barr addressed some of these points directly, noting that it is generally contemplated that there is one residential unit per fee simple lot and that Rule 21.4.12 provides for one residential flat per residential unit. He was of the opinion that the proposed change to a permitted activity status from controlled in the ODP would significantly reduce the number of consents without compromising environmental outcomes.[585]

571. At this point we record that that a similar provision to notified Rule 21.4.6, is also contained in Chapter 22, Rural Residential & Rural Lifestyle (Rule 22.5.12.1) which also has a limit within the Rural Lifestyle Zone of one residential unit within each building platform. Therefore, we address the number of residential units and residential flats within a building platform for the Rural, and Rural Lifestyle zones at the same time.

572. As notified, Rule 22.5.12.1, (a standard) provided for "One residential unit located within each building platform". Non-compliance with the standard results in classification as a non-complying activity.

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

574. In the Section 42A Report for Chapter 22, Mr Barr considered that two dwellings within one building platform would alter the density of the Rural Lifestyle zone in such a way as to affect the rural character of the zone and also create an ill-conceived perception "that subdivision is contemplated based on the argument that the effect of the residential unit is already established"[588].

575. Responding to the reasons provided in the submissions, Mr Barr also considered that the rule was not contrary to Objective 3.2.6.1 as notified, which sought to ensure a mix of housing opportunities. In Mr Barr's view, that objective has a district wide focus and does not require

581 Submissions 355, 384, 806
582 Submissions 331, 348, 411, 414
583 Submission 145
584 Submission 608
585 C Barr, Section 42A Report, Page 34, Paras 11.11 - 11.14
586 Submissions 331, 348, 411, 414
587 Submissions 497, 513, 515, 530, 532, 534, 535
588 C Barr, Section 42A Report – Chapter 22, Pages 11 – 12, Paras 8.8 – 9.9

provision for intensification in all zones. Rather, the intention is that intensification be promoted within urban boundaries, but not in other zones.[589]

576. Mr N Geddes, in evidence for NT McDonald Family Trust *et al*[590], was of the view that to require discretionary activity status for an additional residential unit under 21.4.6 while a residential flat was a permitted activity, was unnecessary and unbalanced, and not justified by a s32 analysis. In relation to Rule 22.5.1.2.1, Mr Geddes observed that there was no section 32 analysis supporting the rule and he disagreed with Mr Barr as to the perception that subdivision was contemplated. He noted that subdivision is managed as a discretionary activity under Chapter 27, and two units in one approved building platform would provide a wider range of opportunities[591].

577. Mr Goldsmith, in evidence for Arcadian Triangle, suggested that within the Rural Lifestyle Zone, amending the residential flat provision to a separate residential unit was a fairly minor variation but needed caveats, e.g. further subdivision prevented, to avoid abuse. Mr Goldsmith considered two residential units within a single 1000m$^2$ building platform would not create a perceptible difference to one residential unit and one residential flat, where the residential flat could be greater than 70m$^2$. Addressing the subdivision issue raised by Mr Barr, Mr Goldsmith suggested that to make it clear that subdivision was not allowed, the rule could make subdivision a prohibited activity.[592]

578. Mr Farrell, in evidence for Wakatipu Equities Ltd[593] and G W Stalker Family Trust[594] raised similar issues to that of Mr Geddes and Mr Goldsmith. He also expressed the view that the rule contradicted higher level provisions (Objective 3.2.6.1) and noted that two residential units within a building platform would be a more efficient and effective use of resources[595]. However, in his summary presentation to us, Mr Farrell advised that his evidence was particularly directed to issues in the Wakatipu Basin, rather than to the wider District.

579. In reply, Mr Barr noted that residential flat *"…sits within the definition of Residential Unit, therefore, if two Residential Units are allowed, there would be an expectation that a Residential Flat would be established with each Residential Unit. In addition, within a single building platform with two Residential Units there could be four separate living arrangements. From an effects based perspective this could be well beyond what was contemplated when the existing building platforms in the Rural General Zone were authorised."*[596]

580. Mr Barr also considered that in the Rural and Rural Lifestyle Zones, the size of a residential flat could be increased from 70m$^2$ to 150m$^2$ to address the concern raised by Mr Goldsmith that the 70m$^2$ size for a residential flat was arbitrary and related to an urban context. Mr Barr also considered that this solution would mean, among other things, that subdivision of residential flat from a residential unit should be a non-complying activity, and that the only amendment required is to the definition of residential flat which would therefore reduce the complexity

589 C Barr, Section 42A Report – Chapter 22, Page 12, Para 8.10
590 Submissions 411, 414
591 N Geddes, Evidence, Page 6, Paras 34 - 35
592 W Goldsmith , Evidence, Page 14, Paras 4.3 – 4.6 and Summary, Page 1, Para 2
593 Submission 515
594 Submission 535
595 B Farrell, Evidence , Page 36 Para 155
596 C Barr, Reply, Chapter 21, Page 18, Para 6.3

associated with controlling multiple residential units within a single building platform.[597] We note that Mr Barr provided a similar response in reply regarding Chapter 22.

581. Mr Barr's recommended amendment to the definition of residential flat was as follows;

*"Means a residential activity that comprises a self-contained flat that is ancillary to a residential unit and meets all of the following criteria:*

*a. Has a total floor area not exceeding 70m2, and 150m² in the Rural Zone and Rural Lifestyle Zone, not including the floor area of any garage or carport;*

*b. contains no more than one kitchen facility;*

*c. is limited to one residential flat per residential unit; and*

*d. is situated on the same site and held in the same ownership as the residential unit, but may be leased to another party.*

*Notes:*

a. A proposal that fails to meet any of the above criteria will be considered as a residential unit.
b. Development contributions and additional rates apply."

582. Mr Barr recommended that Rule 21.4.6 and 22.5.12 remain as notified.

583. Firstly, we note that as regards the application of this rule in the Wakatipu Basin, the notification of the Stage 2 Variations has overtaken this process. It has also involved, through the operation of Clause 16B of the First Schedule to the Act, transferring many of these submissions to be heard on the Stage 2 Variations.

584. While we agree with Mr Barr that the simplicity of the solution he recommended is desirable, we do note our unease about using a definition to set a standard for an activity[598]. In this instance, however, to remove the standard from the definition would require amendment to all zones in the PDP. We doubt there is scope in the submissions to allow the Council to make such a change. Subject to these concerns, Mr Barr's solution effectively addresses the issues around potential consequential subdivision effects from creating a density of dwellings within a building platform that would not be consistent with the objectives in the strategic chapters and in this chapter.

585. Accordingly, we recommend that aside from renumbering, Rules 21.4.6 and 22.5.12.1 remain as notified and that the definition of Residential Flat be worded as follows:

*"Means a residential activity that comprises a self-contained flat that is ancillary to a residential unit and meets all of the following criteria:*

*a. the total floor area does not exceed:*

*i. 150m² in the Rural Zone and Rural Lifestyle Zone;*

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[597] C Barr, Reply, Chapter 21, Pages 18 - 19, Para 6.5

[598] We note that the Stream 6 Hearing Panel raised the same concerns.

*ii.* 70m$^2$ *in any other zone;*

*not including in either case the floor area of any garage or carport;*

*b. it contains no more than one kitchen facility;*

*c. is limited to one residential flat per residential unit; and*

*d. is situated on the same site and held in the same ownership as the residential unit, but may be leased to another party.*

*Notes:*

*a. A proposal that fails to meet any of the above criteria will be considered as a residential unit.*

*b. Development contributions and additional rates apply."*

586. We return to the issue of density as it applies to other rules and the objectives in Chapter 22 later in this report.

## 6.8 Rules 21.4.7 & 21.4.8– Construction or Alteration of Buildings Within and Outside a Building Platform

587. As notified, Rule 21.4.7, provided for "*The construction and exterior alteration of buildings located within a building platform approved by resource consent, or registered on the applicable computer freehold register, subject to compliance with the standards in Table 3*." as a permitted activity.

588. As notified, Rule 21.4.8, provided for "The exterior alteration of any lawfully established building located outside of a building platform, subject to compliance with the standards in Table 3." as a permitted activity.

589. Two submissions sought that Rule 21.4.7 be retained[599] and one submission sought that the rule be replaced with the equivalent provisions of the ODP[600] which relate to Construction and Alteration of Residential Buildings located within an approved residential building platform or outside a residential building platform.

590. One submission sought that Rule 21.4.8 be retained[601], one submission sought that the activity status be changed to discretionary and one submission sought that the rule be replaced with the equivalent provisions of the ODP [602] which relate to Construction and Alteration of Residential Buildings located within an approved residential building platform or outside a residential building platform.

591. In the Section 42A Report, Mr Barr addressed these matters, noting that there was general support for the provisions, and that, as we noted above, he considered that permitted activity status would significantly reduce the number of consents without compromising environmental

599 Submissions 238, 608
600 Submission 145
601 Submission 608
602 Submission 145

outcomes.[603] Mr Barr also considered that Rule 21.4.8 was necessary to provide for minor alterations of buildings that were lawfully established prior to the ODP regime which established the requirement for a building platform.[604]

592. Mr Haworth, in evidence for UCES on these rules, expressed the view that permitted activity status would engender an "anything goes" attitude and there would be less scrutiny given to proposals, which often results in greater adverse effects[605]. Mr Haworth considered that the controlled activity status in the same form as in the ODP should be retained so that adverse effects on landscape were adequately controlled.[606]

593. There was no evidence from UCES as to why, after 15 years of experience of the ODP regime, that a controlled activity was a more appropriate approach than a permitted activity with appropriate standards. In particular, no section 32 evaluation was presented to us which would have supported an alternative and more regulated approach. UCES sought this relief for a number of rules in Chapter 21 and in each case, the same position applies. We do not consider it necessary to address the UCES submission further.

594. In response to our questions, Mr Barr, in reply, recommended an amendment to Rule 21.4.8 as notified, to clarify that the rule applied to situations where there was no building platform in place. Mr Barr's recommended wording was as follows;

*"The exterior alteration of any lawfully established building located outside of a building platform where there is not an approved building platform in place, subject to compliance with the standards in Table 3."*

595. We consider that Mr Barr's suggested rewording confuses rather than clarifies the position, because it refers both to a building outside a building platform and to there being no building platform; a situation which cannot in fact exist. The answer is to delete the words, "*located outside of a building platform*". However, we also envisage a situation where there is a building platform in place and an extension is proposed that would extend the existing dwelling beyond the building platform. The NZIA[607] submission sought to address that circumstance by seeking discretionary activity status. From our reading this is already addressed in Rule 21.4.10 (as notified) that applies to construction not provided for by the any other rule as a discretionary activity and therefore no additional amendment is required to address it.

596. We concur with Mr Barr as to the activity status, and accordingly recommend that Rules 21.4.7 be renumbered 21.4.6 and the wording and activity status remain unchanged other than referring to Tables 2 and 4 rather than Table 3. We further recommend that Rule 21.4.8 be renumbered 21.4.7, the activity status remain permitted and be worded as follows;

*"The exterior alteration of any lawfully established building where there is no approved building platform on the site, subject to compliance with the standards in Table 2 and Table 4."*

### 6.9 Rule 21.4.9 – Identification of Building Platform.

597. As notified, Rule 21.4.9, provided for "The identification of a building platform not less than 70m² and not greater than 1000m²." as a discretionary activity.

603 C Barr, Section 42A Report, Page 34, Para 11.13
604 C Barr, Section 42A Report, Page 34, Para 11.14
605 J Haworth, Evidence, Page 21, Para 152
606 J Haworth, Evidence, Page 21, Para 156
607 Submission 328

598. Three submissions sought that the rule be deleted[608].

599. Mr Barr, in the Section 42A Report, recorded the reasons for the requested deletion from two of the submitters as being that "*defaulting to a non-complying activity if outside these parameters is arbitrary because* 'if the effects of a rural building platform sized outside of this range can be shown to be appropriate, there is no reason it should not be considered on a discretionary basis'."[609]

600. Mr Barr, did not disagree with that reason but noted "*that it could create a potential for proposals to identify building platforms that are very large (while taking the risk of having the application declined) and this in itself would be arbitrary. Similarly, if the effects of a rural building platform are appropriate irrespective of the size it would more than likely accord with s104D of the RMA*." [610] In tabled evidence[611] for X-Ray Trust Limited, Ms Taylor agreed with Mr Barr's recommendation[612].

601. We agree with Mr Barr's reasoning. We recommend that these submissions are rejected and that Rule 21.4.9 be remain as worded, but be renumbered 21.4.10.

### 6.10 Rule 21.4.10 – Construction not provided for by any other rule.

602. As notified, Rule 21.4.10, provided for "The construction of any building including the physical activity associated with buildings including roading, access, lighting, landscaping and earthworks, not provided for by any other rule." as a discretionary activity.

603. Five submissions sought the provision be amended[613] as follows;

*"The construction of any building including the physical activity associated with buildings not provided for by any other rule."*

604. Mr Barr considered the need to separate farming activities from non-farming activities in the Section 42A Report and noted that roading, access, lighting, landscaping and earthworks associated with non-farming activities can all impact on landscape.[614]

605. While arguably, specific reference to the matters listed is unnecessary since all are 'associated' with construction (and ongoing use) of a building, we think it is helpful to provide clarification of the sort of activities covered, for the reason Mr Barr identifies. Accordingly, we recommend that 21.4.10 be renumbered 21.4.11 and that the wording and activity status remain as notified.

### 6.11 Rule 21.4.11 – Domestic Livestock

606. There were no submissions on this rule. We recommend it be adopted as notified but renumbered as 21.4.8.

608 Submissions 693, 702, 806
609 C Barr, Section 42A Report, Page 37, Para 11.26
610 C Barr, Section 42A Report, Page 37, Para 11.27
611 FS1349
612 L Taylor, Evidence, Appendix A, Page 8
613 Submissions 636, 643, 688, 693, 702
614 C Barr, Section 42A Report, Pages 36-37, Para 11.25

## 6.12 Rule 21.4.12 – Residential Flat; Rule 21.4.13 - Home Occupations

607. As notified, Rule 21.4.12, provided for "Residential Flat (activity only, the specific rules for the construction of any buildings apply)." as a permitted activity.

608. As notified, Rule 21.4.13, provided for "Home Occupation that complies with the standards in Table 5." as a permitted activity.

609. One submission sought that Rule 21.4.12 be retained[615]. One submission sought that Rules 21.4.12 and 21.4.13 be deleted[616]. The reason stated for this relief was that the submitter considered these consequential deletions were needed for clarity that any permitted activity not listed but meeting the associated standards is a permitted activity and as such negates the need for such rules.

610. Mr Barr did not address these submissions directly in the Section 42A Report and nor did we receive any direct evidence in support of the deletion of these particular rules.

611. We have already addressed this matter in Section 7.2 above, noting that it is not apparent that the effects of all non-listed activities can be appropriately avoided, remedied or mitigated in the Rural Zone across the District, such that a permitted activity status is the most appropriate way in which to achieve the objectives of Chapter 21. We note that in Stream 6, the council officers recommended that reference to "residential flat" be removed as it was part of a residential unit as defined. That Panel (differently constituted) concluded that, as the definition of "residential unit" included a residential flat, there was no need for a separate activity rule for residential flat, but it would assist plan users if the listing of residential unit identified that such activity included a residential flat and accessory buildings. For consistency, "residential flat" should be deleted from this chapter and recommended Rule 21.4.5 read:

*One residential unit, including a single residential flat and any accessory buildings, within any building platform approved by resource consent.*

612. We so recommend.

613. We recommend that Rule 21.4.13 be retained as notified and renumbered 21.4.12..

## 6.13 Rule 21.4.14 – Retail sales from farms

614. As notified, Rule 21.4.14, provided for, as a controlled activity:

*"Retail sales of farm and garden produce and wine grown, reared or produced on-site or handicrafts produced on the site and that comply with the standards in Table 5.*
*Except roadside stalls that meet the following shall be a permitted activity:*

a. *the ground floor area is less than 5m²*

b. *are not higher than 2.0m from ground level*

c. *the minimum sight distance from the stall/access shall be 200m*

d. *the minimum distance of the stall/access from an intersection shall be 100m and, the stall shall not be located on the legal road reserve.*

615 Submission 608
616 Submission 806

*Control is reserved to all of the following:*

- *The location of the activity and buildings*
- *Vehicle crossing location, car parking*
- *Rural amenity and landscape character..”*

as a controlled activity.

615. One submission sought that the rule be amended so as to provide for unrestricted retail[617] and one submission sought that it be amended to a permitted activity for the reason to encourage locally grown and made goods for a more sustainable future[618].

616. These submissions were not directly addressed in the Section 42A Report and nor did we receive any evidence directly in support of these submissions.

617. Given that lack of evidence we recommend that the submissions be rejected.

618. This rule, however, is an example of a situation as we identified in Section 7.5 above, where a permitted activity has been incorporated as an exception within a controlled activity rule. We recommend that the permitted activity be separated out as its own rule, and that the remainder of the rule be retained as notified.

619. Accordingly, we recommend that Rule 21.4.14 be renumbered as 21.4.16 and worded as follows;

*Retail sales of farm and garden produce and wine grown, reared or produced on-site or handicrafts produced on the site and that comply with the standards in Table 6, not undertaken through a roadside stall under 21.4.14.*

*Control is reserved to:*

*a. the location of the activity and buildings*

*b. vehicle crossing location, car parking*

*c. rural amenity and landscape character..”*

as a controlled activity.

620. In addition, we recommend a new permitted activity rule numbered 21.4.14 be inserted and worded as follows:

*Roadside stalls that meet the standards in Table 6.*

621. We further recommend that standards for roadside stalls be inserted into Table 6 worded as follows:

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617 Submission 806

618 Submission 238

*21.9.3.1* *The ground floor area of the roadside stall must not exceed 5m²*

*21.9.3.2* *The height must not exceed 2m²*

*21.9.3.3* *The minimum sight distance from the roadside stall access must be at least 200m*

*21.9.3.4* *The roadside stall must not be located on legal road reserve.*

### 6.14 Rule 21.4.15 – Commercial Activities ancillary to recreational activities

622. As notified, Rule 21.4.15 provided for:

*"Commercial activities ancillary to and located on the same site as recreational activities."* as discretionary activities.

623. One submission sought that the rule be deleted so as to provide for commercial and recreational activities on the same site[619].

624. This submission was not directly addressed in the Section 42A Report, other than implicitly, through a recommendation that it should be rejected as set out in Appendix 2[620].

625. Mr Brown in evidence for QPL, considered that the rule should be expanded to provide for *"commercial recreational activities"* as well as *"recreational activities"* so as to provide clarification between these two activities which have separate definitions.[621].

626. Mr Barr, in reply considered that the amendment recommended by Mr Brown went some way to meeting the request of the submitter[622] and recommended that the Rule 21.4.15 be amended as follows;

*"Commercial activities ancillary to and located on the same site as commercial recreational or recreational activities."*

627. We agree with Mr Brown that for the purposes of clarity, commercial recreational activities need to be incorporated into the rule. We heard no evidence in support of the rule being deleted.

628. Accordingly, we recommend that the activity status remain as discretionary, and that Rule 21.4.15 be renumbered as 21.4.17 and worded as follows;

*"Commercial activities ancillary to and located on the same site as commercial recreational or recreational activities."*

### 6.15 Rule 21.4.16 – Commercial Activities that comply with standards and Rule 21.5.21 Standards for Commercial Activities

629. As notified, Rule 21.4.16, provided for:

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619 Submission 806

620 C Barr, Section 42A Report, Appendix 2, Page 93

621 J Brown, Evidence, Page 14, Para 2.20 – 2.21

622 C Barr, Reply, Page 10. Para 4.8

*"Commercial recreation activities that comply with the standards in Table 5."*
as a permitted activity.

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

631. Rule 21.5.21 (Table 5 Standards for Commercial Activities) needs to be read in conjunction with Rule 21.4.16. As notified it read as follows:

*"Commercial recreation activity undertaken on land, outdoors and involving not more than 10 persons in any one group."*

632. Non-compliance with this standard required consent as a discretionary activity.

633. Two submissions sought that Rule 21.5.21 be retained[625], three submissions sought the number of persons be increased to anywhere from 15 – 28[626] and one submission sought that number of persons in the group be reduced to 5[627].

634. The Section 42A Report did not address the issue of heli-skiing within the definition of commercial recreational activity.

635. Mr Dent in evidence for Totally Tourism, identified that heli-skiing fell with the definition of "commercial recreational activity". We agree. Mr Dent described a typical heli-skiing activity and referenced the informal airport rules that applied and that heli-skiing activities undertaken on crown pastoral and public conservation land already required Recreation Permits and concessions. To avoid the additional regulation involved in requiring resource consents which would be costly and inefficient Mr Dent recommended that Rule 21.4.6 be reworded as follows;

*"Commercial recreation activities that comply with the standards in Table 5, and commercially guided heli-skiing."*[628]

636. This would mean that commercially guided heli-skiing would be a permitted activity, but not be subject to the standards in Table 5. Having agreed with Mr Dent that heli-skiing activities fall within the definition of commercial recreational activity, we do not see how an exemption exempting commercially guided heli-skiing from the standard applied to any other commercial recreation activity for commercially guided heli-skiing can be justified. We address the issue of the numbers of person in a group below. We therefore recommend that the submission of Totally Tourism be rejected.

637. In relation to the permitted activity standard 21.5.21, Mr Barr expressed the opinion in the Section 42A Report that

*"… that the limit of 10 people is balanced in that it provides for a group that is commensurate to the size of groups that could be contemplated for informal recreation activities. Ten persons*

623 Submission 806
624 Submission 571
625 Submission 315
626 Submissions 122, 621, 624
627 Submission 489
628 S Dent, Evidence, Page 13, Para 83

*is also efficient in that it would fit a min-van or a single helicopter, which I would consider as one group."*[629]

638. Mr Brown in evidence for QPL supported the group size of 10 person, as it recognised the small scale, low impact outdoor commercial recreation activities that can be accommodated without the resulting adverse effects on the environment and hence no need to obtain resource consent, compared to large scale activities that do require scrutiny.[630]

639. Mr Vivian, in evidence for Bungy NZ Limited and Paul Henry Van Asch, was of the opinion that the threshold of 5 people in a group (in the ODP) worked well and changing it to 10 people *"… would significantly change how those commercial guided groups are perceived and interact with other users in public recreation areas*"[631]. Mr Vivian, also noted potential safety issues as from his experience of applying for resource consents for such activities, safety was a key issue in consideration of any such application.

640. Ms Black, in evidence for RJL, was of the view that the number of persons should align with that of other legislation such as the Land Transport Act 2005, which provides for small passenger vehicles that carry 12 or less people and Park Management plans that provide concession parties of up to 15.[632] Mr Farrell, in evidence for RJL, concurred with Ms Black as to the benefit of alignment between the documents and recommended that the rule be reworded as follows:

*"Commercial recreation activity undertaken on land, outdoors and involving not more than ~~10~~ 15 persons in any one group (inclusive of guides)."*[633]

641. In reply Mr Barr, recommended increasing the number of persons from 10 to 12 to align with the minivan size, for the reasons set out in Ms Black's evidence.[634]

642. Safety in regard to group size may be a factor, but we think that there is separate legislation to address such matters. The alignment between minivan size and other legislation as to the size of any group may be a practical consideration. However, we consider that the more important point is that there are no implications in terms of effects. We also recommend that in both Rules 21.4.16 and Rule 21.5.21, the defined term by used (i.e. commercial recreation**al** activity) for clarity.

643. Accordingly we recommend that apart from that minor clarification and renumbering, Rule 21.4.16 be renumbered 21.4.13 with the Table reference amended, but otherwise remain as notified, and that Rule 21.5.21 be renumbered and worded as follows:

*Commercial recreational activities must be undertaken on land, outdoors and must not involve more than 12 persons in any one group.*

### 6.16 Rule 21.4.17 – Cafes and Restaurants

644. There were no submissions on this rule. We recommend it be retained as notified and renumbered as 21.4.18.

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629 C Barr, Section 42A Report, Page 48, Para 13.35
630 J Brown, Evidence, Page 14, Para 2.19
631 C Vivian, Evidence, Pages 26 – 27, Para 5.7
632 F Black, Evidence, Pages 7 – 8, Para 3.24 – 3.25
633 B Farrell, Evidence, Page 27, Para 124
634 C Barr, Reply, Page 10, Para 4.8

## 6.17 Rule 21.4.18 – Ski Area Activities within a Ski Area Sub Zone

645. As notified, Rule 21.4.18, provided for:

*"Ski Area Activities within the Ski Area Sub Zone."*

as a permitted activity.

646. One submission sought that the rule be amended to add *"subject to compliance with the standards in Table 7"*[635], as Table 1 does not specify what standards apply for an activity to be permitted (Table 7 as notified being the standards for Ski Area Activities within the Ski Area Sub Zones). Two submissions sought that the rule be moved completely into Table 7[636]. One submission sought that the Rule be amended as follows;

*"Ski Area Activities within the Ski Area Sub Zone and Tourism Activities within the Cardrona Alpine Resort (including Ski Area Activities)."*[637].

647. Mr Barr, in the part of the Section 42A Report addressing the submission of Soho Ski Area Ltd, noted that Table 1 generally set out activities and the individual tables set out the standards for those activities.[638] Mr Barr identified issues with Table 7. However, we address those matters later in this report. In addressing submissions and evidence on Objective 21.2.6 and the associated policies above, we have already addressed the requested insertion of reference to tourism activities and the specific identification of the Cardrona Alpine Resort, concluding that recognition of tourism activities was appropriate but that the specific identification of the Cardrona Alpine Resort was not; so we do not repeat that here.

648. In Section 7.1 above, we set out our reasoning regarding the overall structural changes to the tables and activities. However, we did not address Ski Activities within Ski Area Sub-Zones in that section. We found the rules on this subject matter to be complicated and the matters listed as standards in Table 7 to actually be activities. In order to provide clarity, we recommend that a separate table be created and numbered to provide for *"Activities within the Ski Area Sub Zones".*

649. None of the submissions on Rule 21.4.18 sought a change to the activity status for the ski area activities and accordingly, we do not recommend any substantive change to the rule. The end result is therefore that we recommend that the submissions seeking that Rule 21.4.18 be amended to refer to the Table 7 standards , and that it be shifted into a new Table 9, both be accepted in part.

## 6.18 Rule 21.4.19 – Ski Area Activities not located within a Ski Area Sub Zone

650. As notified, Rule 21.4.19, provided for:

*"Ski Area Activities not located within a Ski Area Sub Zone, with the exception of heli-skiing and non-commercial skiing."*

as a non-complying activity.

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635 Submission 407

636 Submissions 610, 613

637 Submission 615

638 C Barr, Section 42A Report, Page 57, Para 14.19

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

652. In the Section 42A Report, Mr Barr considered that purpose of the rule was to encourage Ski Area Activities to locate within the Ski Area Sub Zones, in part to reduce the adverse effects of such activities on ONLs.[641] We agree. The objectives and policies we addressed above reinforce that position.

653. Mr Barr also noted that his recommended introduction of a policy to provide for non-road transportation systems such as a passenger lift system, which would cross land that is not within a Ski Area Sub Zone, would be in potential conflict with the rule. Accordingly, Mr Barr recommended an exception for passenger lift systems.[642]

654. Mr Brown, in evidence for Mt Cardrona Station Ltd, agreed with Mr Barr's recommended amendment, but noted that there was no rule identifying the status of passenger lift systems. Mr Brown considered that the status should be controlled or restricted discretionary, subject to appropriate assessment matters.[643] In his summary presentation to us at the hearing, Mr Brown advised that having reflected on this matter further, he considered restricted discretionary activity status to be appropriate. He recommended a new rule as follows:

*Passenger lift systems not located within a Ski Area Sub Zone.*

*Discretion is reserved to all of the following:*

*a. The route of the passenger lift system and the extent to which the passenger lift system breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes*

*b. Whether the materials and colours to be used are consistent with the rural landscape of which the passenger lift system will form a part*

*c. Whether the geotechnical conditions are suitable for the passenger lift system and the extent to which they are relevant to the route.*

*d. Lighting*

*e. The ecological values of the land affected by structures and activities*

*f. Balancing environmental considerations with operational requirements*

*g. The positive effects arising from directly linking settlements with ski area sub zones and providing alternative non-vehicular access.*[644]

639 Submission 806
640 Submission 615
641 C Barr, Section 42A Report, Page 64, Para 14.53
642 C Barr, Section 42A Report, Pages 64 - 65, Para 14.55
643 J Brown, Evidence, Page 25, Par 2.41
644 J Brown, Summary of Evidence, Pages 4-5, Para 17

655. In reply Mr Barr, noted that Mr Brown's recommended amendment would also be subject to the District Wide rules regarding earthworks and indigenous vegetation clearance and as such, Mr Barr considered the activity status and matters of discretion to be appropriate.[645]

656. Also in reply Mr Barr, while in accepting some of the changes suggested by Mr Brown, recommended that activity status for Ski Area Activities not located within a Ski Area Sub Zone remain as non-complying activities, with exceptions as follows;

*Ski Area Activities not located within a Ski Area Sub Zone, with the exception of the following:*

a. *Commercial heli skiing not located within a Ski Area Sub Zone is a commercial recreation activity Rule 21.4.16 applies*

b. *Passenger Lift Systems not located within a Ski Area Sub Zone shall be a restricted discretionary activity.*

*Discretion is reserved to all of the following:*

a. *The route of the passenger lift system and the extent to which the passenger lift system breaks the line and form of the landscapes with special regard to skylines, ridges, hills and prominent slopes*

b. *Whether the materials and colours to be used are consistent with the rural landscape of which the passenger lift system will form a part*

c. *Whether the geotechnical conditions are suitable for the passenger lift system and the extent to which they are relevant to the route*

d. *Lighting*

e. *The ecological values of the land affected by structures and activities*

f. *Balancing environmental considerations with operational requirements*

g. *The positive effects arising from directly linking settlements with ski area sub zones and providing alternative non-vehicular access.*[646]

657. Mr Barr provided justification for these changes by way of a brief section 32AA evaluation, noting the effectiveness of the provision with respect to cross zoning regulatory differences.

658. As we have addressed above, we consider that the Ski Area Activities not located within a Ski Area Sub Zone should be non-complying activities as this aligns with the objectives and policies. We think a description of the exceptions is appropriate, but that should not effectively include another rule with different activity status. Rather, if an exception is to have a different activity status, that should be set out as a separate rule.

659. We now turn to the activity status of a passenger lift system outside a Ski Area Sub Zone. As well as the evidence we heard, the Hearing Panel for Stream 11 (Ski Area Sub Zones) heard further evidence on this issue, with specific reference to particular ski areas. That Panel has

645 C Barr, Reply, Page 38 – 39, Para 14.3 – 14.5

646 C Barr, Reply, Appendix 1, Page 21-11

recommended to us, for the reasons set out in Report 15, that passenger lift systems outside of a Ski Area Sub Zone should be a restricted discretionary activity.

660. We accept and adopt the recommendations of the Stream 11 Panel for the reasons given in Report 15.

661. We recommend that Rule 21.4.19 therefore be reworded, and that a new rule numbered and worded as follows be inserted to address passenger lift systems located outside of Ski Area Sub-Zones. We also recommend that these rules be relocated to under the heading "Other Activities" in Table 1.

| Table 1 | Activities Rural Zone | Activity Status |
|---|---|---|
| 21.4.25 | Ski Area Activities not located within a Ski Area Sub-Zone, with the exception of the following:<br>a. non-commercial skiing which is permitted as recreation activity under Rule 21.4.22;<br>b. commercial heli-skiing not located within a Ski Area Sub-Zone, which is a commercial recreational activity to which Rule 21.4.13 applies;<br>b. Passenger Lift Systems to which Rule 21.4.24 applies. | NC |
| 21.4.24 | Passenger Lift Systems not located within a Ski Area Sub-Zone<br>Discretion is restricted to:<br>a. The Impact on landscape values from any alignment, design and surface treatment, including measures to mitigate landscape effects including visual quality and amenity values.<br>b. The route alignment and the whether any system or access breaks the line and form of skylines, ridges, hills and prominent slopes.<br>c. Earthworks associated with construction of the Passenger Lift System.<br>d. The materials used, colours, lighting and light reflectance.<br>e. Geotechnical matters.<br>f. Ecological values and any proposed ecological mitigation works.<br>g. Balancing environmental considerations with operational requirements of Ski Area Activities.<br>h. The positive effects arising from providing alternative non-vehicular access and linking Ski Area Sub-Zones to the roading network. | RD |

### 6.19 Table 1 - Rule 21.4.20 – Visitor Accommodation

662. As notified, Rule 21.4.20, provided for:

*"Visitor Accommodation."*

as a discretionary activity.

663. One submission sought a less restrictive activity status[647] and one submission sought that visitor accommodation in rural areas be treated differently to that in urban areas due to their placing less demand on services[648].

664. In the Section 42A Report, Mr Barr considered that comparison of urban area provisions with rural area provision should be treated with caution as those urban provisions were not part of the Stage 1 review of the District Plan. Mr Barr also considered that nature and scale of the visitor accommodation activity and the potential selectivity of the location would be the main factors considered in relation to any proposal. He therefore recommended that the activity status remain discretionary.[649]

665. We heard no evidence in support of the submissions.

666. For the reasons set out in Mr Barr's Section 42A Report, we recommend that other than renumbering it, the rule remain as notified, subject to a consequential amendment arising from our consideration of visitor accommodation in Ski Area Sub Zones discussed below.

### 6.20 Table 1 - Rule 21.4.21 – Forestry Activities in Rural Landscapes

667. As notified, Rule 21.4.21, provided for:

*"Forestry Activities in Rural Landscapes."*

as a discretionary activity.

668. Two submissions sought that the activity status be amended to discretionary[650]. Mr Barr, in the Section 42A Report, identified that forestry activities were discretionary in the Rural Landscape areas (Rule 21.4.21) and non-complying in ONLs/ONFs (Rule 21.4.1).[651] We heard no evidence in support of the submissions. In reply, Mr Barr included some revised wording to clarify that it is the Rural Landscape Classification areas that the provision applies to.[652]

669. In the report on Chapter 6 (Report 3), the Hearing Panel recommended that the term used to describe non-outstanding rural landscapes be Rural Character Landscapes. That term should as a consequence be used in this context.

670. The submissions appear to be seeking to retain what was in the Plan as notified. We agree with Mr Barr and recommend that forestry activities remain discretionary in "Rural Character Landscapes".

### 6.21 Rule 21.4.22 – Retail Activities and Rule 21.4.23 – Administrative Offices

671. Both of these rules provide for activities within the Rural Industrial Sub-Zone. No submissions were received on these rules. We recommend they be retained as notified, but relocated into Table 10 which lists the activities specifically provided for in this Sub-Zone.

### 6.22 Rule 21.4.24 – Activities on the surface of lakes and rivers

672. As notified, Rule 21.4.24, provided for:

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647 Submission 806

648 Submission 320

649 C Barr, Section 42A Report, Page 103, Para 201.19

650 Submissions 339, 706

651 C Barr, Section 42 A Report, Page 43, Para 13.5

652 C Barr, Reply, Appendix 1, Page 21-11

*"Activities on the surface of lakes and rivers that comply with Table 9."*

as a permitted activity.

673. One submission generally supported this provision[653]. Other submissions that were assigned to this provision in Appendix 2 of the section 42A Report, actually sought specific amendments to Table 9 and we therefore deal with those requests later in this report.

674. We have already addressed requests for repositioning the provisions regarding the surface of water in Section 3.4 above, and concluding that reordering and clarification of the activities and standards in the surface of lakes and river table to better identify the activity status and standards was appropriate. Accordingly, we recommend that provision 21.2.24 be moved to Table 12 and renumbered, but that the activity status remain permitted, subject to the provisions within renumbered Table 13.

### 6.23 Rule 21.4.25 – Informal Airports

675. As notified, Rule 21.4.25, provided for:

*"Informal airports that comply with Table 6."*

as a permitted activity.

676. The submissions on this rule are linked to the Rules 21.5.25 and 21.5.26, being the standards applying to informal airports. It is appropriate to deal with those two rules at the same time as considering Rule 21.4.25.

677. As notified, the standards for informal airport Rules 21.5.25 and 21.5.26 (Table 6) read as follows;

| | **Table 6 - Standards for Informal Airports** | **Non-Compliance** |
|---|---|---|
| 21.5.25 | **Informal Airports Located on Public Conservation and Crown Pastoral Land**<br>Informal airports that comply with the following standards shall be permitted activities:<br>21.5.25.1 Informal airports located on Public Conservation Land where the operator of the aircraft is operating in accordance with a Concession issued pursuant to Section 17 of the Conservation Act 1987;<br>21.5.25.2 Informal airports located on Crown Pastoral Land where the operator of the aircraft is operating in accordance with a Recreation Permit issued pursuant to Section 66A of the Land Act 1948;<br>21.5.25.3 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities;<br>21.5.25.4 In relation to points (21.5.25.1) and (21.5.25.2), the informal airport shall be located a minimum | D |

653 Submission 307

| | Table 6 - Standards for Informal Airports | Non-Compliance |
|---|---|---|
| | distance of 500 metres from any formed legal road or the notional boundary of any residential unit or approved building platform not located on the same site. | |
| 21.5.26 | **Informal Airports Located on other Rural Zoned Land**<br>Informal Airports that comply with the following standards shall be permitted activities:<br>21.5.26.1 Informal airports on any site that do not exceed a frequency of use of 3 flights* per week;<br>21.5.26.2 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities;<br>21.5.26.3 In relation to point (21.5.26.1), the informal airport shall be located a minimum distance of 500 metres from any formed legal road or the notional boundary of any residential unit of building platform not located on the same site.<br>* note for the purposes of this Rule a flight includes two aircraft movements i.e. an arrival and departure. | D |

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

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

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

654 Submissions 563, 573, 608, 723, 730, 732, 734, 736, 738, 739, 760, 843
655 Submission 109, 143, 209, 213, 500, 833
656 Submissions 315, 571, 713
657 Submissions 105, 135, 162, 211, 500, 385
658 Submission 373
659 Submissions 571, 600
660 Submissions 93, 105, 162, 209,211, 385, 883
661 Submissions 122, 138, 221, 224, 265, 405, 423, 660, 662
662 Submissions 106, 137, 138, 174, 221, 265, 382, 405, 423, 660, 723, 730, 732, 734, 736, 738, 739, 760, 784, 843
663 Submission 9
664 Submission 373

f. Amend 21.5.26.1 to read as follows "Informal Airports where sound levels do not exceed limits prescribed in Rule 36.5.14".

681. In the Section 42A Report, Mr Barr recorded that the change from the system under the ODP where all informal airports required resource consents, to permitted activity status under the PDP was motivated in part by a desire to reduce the duplication of authorisations that were already required from the Department of Conservation or Commissioner of Lands and that details were set out in the Section 32 Report.[665] Mr Barr also recorded that noise standards were not part of this Chapter, but were rather considered under the Hearing Stream 5 (District Wide Provisions).[666]

682. Our understanding of the combined rules was assisted by the evidence of Dr Chiles. He explained the difficulty in comprehensively quantifying the noise effects from infrequently used airports. We understood that the two New Zealand Standards for airport noise (NZ6805 and NZS6807) required averaging of aircraft sound levels over periods of time that would not adequately represent noise effects from sporadic aircraft movements that are usually associated with informal airports.

683. Dr Chiles explained that the separation distance of 500m required by Rules 21.5.25.4 and 21.5.26.3 should result in compliance with a 50 DB $L_{dn}$ criterion for common helicopter flights unless there were more than approximately 10 flights per day.[667] Dr Chiles was also satisfied that for fixed wing aircraft, at 500m to the side of the runway there would be compliance with 55 dB $L_{dn}$ and 95 dB $L_{AE}$ for up to 10 flights per day. However, he noted, compliance off the end of the runway may not be achieved until approximately 1 kilometre away.[668]

684. For those occasions where compliance with the noise criteria referred to above could not be achieved, Dr Chiles concluded that the relevant rules in Chapter 36 (recommended Rules 36.5.10 and 36.5.11) would apply. As we understood his evidence, the purpose of the informal airport rules in this zone are to provide a level of usage as a permitted activity that could be expected to comply with the rules in Chapter 36, but compliance would be expected nonetheless.

685. Mr Barr reviewed all the evidence provided in his Reply Statement and recommended amendments to the rules:
   a. providing for Department of Conservation operations on Conservation or Crown Pastoral Land;
   b. requiring 500m separation from zone boundaries, but not road boundaries; and
   c. providing for informal airports on land other than Conservation or Crown Pastoral Land to have up to 2 flights per day (instead of 3 per week).

686. We agree that the provision of some level of permitted informal activity in the Rural Zone is appropriate, as opposed to the ODP regime where all informal airports require consent. While we heard from submitters who considered more activity should be allowed as of right, and others who considered no activity should be allowed, we consider Mr Barr and Dr Chiles have proposed a regime that will facilitate the use of rural land by aircraft while protecting rural amenity values. Consequently, we recommend that Rule 21.4.25 be renumbered and amended

665 C Barr, Section 42A Report, Page 71, Paras 16.6 – 16.7
666 C Barr, Section 42A Report, Pages 70 – 71, Paras 16.3 – 16.4
667 Dr S Chiles, EiC, paragraph 5.1
668 ibid, paragraph 5.2

to refer to the standards in Table 7, and that Rules 21.5.25 and 21.5.26 be renumbered and revised to read:

| | **Table 7 - Standards for Informal Airports** | **Non-Compliance** |
|---|---|---|
| 21.10.1 | **Informal Airports Located on Public Conservation and Crown Pastoral Land**<br>Informal airports that comply with the following standards shall be permitted activities:<br>21.10.1.1 Informal airports located on Public Conservation Land where the operator of the aircraft is operating in accordance with a Concession issued pursuant to Section 17 of the Conservation Act 1987;<br>21.10.1.2 Informal airports located on Crown Pastoral Land where the operator of the aircraft is operating in accordance with a Recreation Permit issued pursuant to Section 66A of the Land Act 1948;<br>21.10.1.3 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities, or the Department of Conservation or its agents;<br>21.10.1.4 In relation to Rules 21.10.1.1 and 21.10.1.2, the informal airport shall be located a minimum distance of 500 metres from any other zone or the notional boundary of any residential unit or approved building platform not located on the same site. | D |
| 21.10.2 | **Informal Airports Located on other Rural Zoned Land**<br>Informal Airports that comply with the following standards shall be permitted activities:<br>21.10.2.1 Informal airports on any site that do not exceed a frequency of use of 2 flights* per day;<br>21.10.2.2 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities;<br>21.10.2.3 In relation to rule 21.10.2.1, the informal airport shall be located a minimum distance of 500 metres from any other zone or the notional boundary of any residential unit of building platform not located on the same site.<br>* note for the purposes of this Rule a flight includes two aircraft movements i.e. an arrival and departure. | D |

## 6.24 Rule 21.4.26 – Building Line Restrictions

687. As notified, Rule 21.4.26, provided for:

*"Any building within a Building Restriction Area identified on the Planning Maps."*
as a noncomplying activity.

688. The only submission on this rule[669] related to a specific building restriction area adjoining and over the Shotover River delta. That submission was deferred to be heard in Hearing Stream 13. We recommend the rule be retained as notified.

### 6.25 Rule 21.4.27 – Recreational Activities

689. This rule provided for recreation and/or recreational activities to be permitted. There were no submissions on this rule. We recommend it be retained as notified but relocated and renumbered to be the first activity listed under the heading "Other Activities".

### 6.26 Rules 21.4.28 & 21.4.29 - Activities within the Outer Control Boundary at Queenstown and Wanaka Airports

690. As notified, Rule 21.4.28, provided for:

> *"New Building Platforms and Activities within the Outer Control Boundary - Wanaka Airport*
> *On any site located within the Outer Control Boundary, any new activity sensitive to aircraft noise or new building platform to be used for an activity sensitive to aircraft noise (except an activity sensitive to aircraft noise located on a building platform approved before 20 October 2010)."*
>
> as a prohibited activity.

691. Two submissions sought that the provision be retained[670]. One submission sought the that provision be deleted or be amended so that the approach applied to ASANs located within the Outer Control Boundary, whether in the Airport Mixed Use Zone or the Rural Zone[671], was consistent.

692. The Section 42A Report did not directly address the relief sought by QPL as it applied to this provision. As with his approach to Objective 21.2.7 and the associated policies, Mr Barr did not address this provision directly in the Section 42A Report apart from in Appendix 1, where Mr Barr recommended that the provision be retained[672]. The only additional evidence we received was from was Ms O'Sullivan. She explained that Plan Changes 26 and 35 to the ODP had set up regimes in the rural area surrounding Wanaka and Queenstown Airports respectively prohibiting the establishment of any new Activities Sensitive to Aircraft Noise (ASANs) within the OCB of either airport[673]. She supported Mr Barr's recommendation to continue this regime in the PDP.

693. We agree with Mr Barr and Ms O'Sullivan. These rules continue the existing resource management regime. We recommend that apart from renumbering, the provision remain worded as notified.

694. As notified, Rule 21.4.29, provided for:

> *"Activities within the Outer Control Boundary - Queenstown Airport*
> *On any site located within the Outer Control Boundary, which includes the Air Noise Boundary, as indicated on the District Plan Maps, any new Activity Sensitive to Aircraft Noise."*
> as a prohibited activity.

669 Submission 806, opposed by FS1340
670 Submissions 433, 649
671 Submission 806
672 C Barr, Section 42A Report, Appendix 1
673 K O'Sullivan, EiC, Section 2

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

696. The Section 42A Report did not directly address the relief sought by Te Anau Developments Limited (607) as it applied to this provision. Mr Barr, as we noted above, did not address this provision directly in the Section 42A Report apart from in Appendix 1, where he recommended that the provision be retained[677]. Ms O'Sullivan, as discussed above, supported Mr Barr's recommendation.[678]

697. Mr Farrell, in evidence for Te Anau Developments Limited, considered that the provision prohibited visitor accommodation and community activities that could contribute to the benefits of tourism activities. He was of the view that there was a lack of policy and evidence to justify a prohibited classification of visitor accommodation and community activities.[679]

698. Mr Farrell went on to recommend that the rule or the definition of Activities Sensitive to Aircraft Noise be amended to:

> *"a. Exclude tourism activities (as sought by Real Journeys[680]); or*
>
> *b. Exclude visitor accommodation and community activities; or*
>
> *c. Alter the activity status could be amended [sic] so that tourism, visitor accommodation, and community activities are classified as discretionary activities."*[681]

699. From a review of the Te Anau Developments Limited submission, there does not appear to be a reference to an amendment to the definition of 'Activities Sensitive to Aircraft Noise'. Rather, it seeks to exclude "tourism activities" from the rule. As such, we think that Mr Farrell's recommended amendments to the definition are beyond scope, because the submission is specific to this rule and the exclusion he recommended would apply also to Wanaka Airport. In addition, it is not axiomatic that "tourism activities" includes visitor accommodation.

700. As to Mr Farrell's assertion that there is a lack of policy and evidence to justify the prohibited activity classification, we are aware that this provision was part of the PC 35 process which went through to thorough assessment in the Environment Court. While we are not bound to reach the same conclusion as the Environment Court, Mr Farrell did not in our view present any evidence other than claimed benefits from tourism to support his position. In particular, he did not address the extent to which those benefits would be reduced if the rule remained as notified, or the countervailing reverse sensitivity effects on the airport's operations if it were to

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674 Submission 271, 433, 649

675 Submissions 621, 658

676 Submission 607

677 C Barr, Section 42A Report, Appendix 1

678 K O'Sullivan, Evidence , Page 7, Para 4.3

679 B Farrell, Evidence, Page 25, Paras 112 - 115

680 On review of Submission 621 (submission point 81) RJL only sought that Rule 21.4.29 be deleted. The submission by Te Anau Developments Limited (607) sought the inclusion of "excluding tourism activities" within the rule.

681 B Farrell, Evidence, Page 26, Para 116

be amended as suggested so as to call into question the appropriateness of the Environment Court's conclusion.

701. Accordingly, we recommend that apart from renumbering, that provision 21.4.29 remain worded as notified, but renumbered.

### 6.27 Mining Activities - Rule 21.4.30 and 21.4.31

702. As notified, Rule 21.4.30 stated:

*The following mining and extraction activities are permitted:*

*a. Mineral prospecting*

*b. Mining by means of hand-held, non-motorised equipment and suction dredging, where the total motive power of any dredge does not exceed 10 horsepower (7.5 kilowatt); and*

*c. The mining of aggregate for farming activities provided the total volume does not exceed 1000m³ in any one year*

*d. The activity will not be undertaken on an Outstanding Natural Feature.*

703. The submissions on Rule 21.4.30 variously sought:
   a. to add 'exploration' to the list of activities and include motorised mining devices [682]
   b. to add reference to landscape and significant natural areas as areas where the activity cannot be undertaken[683]
   c. to delete the restriction under (d) requiring the activity not to be undertaken on Outstanding Natural Features.[684]
   d. to delete the requirement under (c) restricting the mining of aggregate of 1000m$^3$ in any one year to "*farming activities*"[685]
   e. amendments to ensure sensitive aquifers are not intercepted, and to address rehabilitation.[686]

704. It is also appropriate to consider Rule 21.4.31 at this time, as that rule as notified provided for 'exploration' as a controlled activity. As notified, 21.4.31 stated:

*Mineral exploration that does not involve more than 20m³ in volume in any one hectare.*

*Control is reserved to all of the following:*

- *The adverse effects on landscape, nature conservation values and water quality.*

*Rehabilitation of the site is completed that ensures:*

- *the long term stability of the site.*

682 Submission 519
683 Submission 339, 706
684 Submission 519
685 Submission 806
686 Submission 798

- *that the landforms or vegetation on finished areas are visually integrated into the landscape.*

- *water quality is maintained.*

- *that the land is returned to its original productive capacity.*

705. Two submissions[687] to this rule sought the addition of indigenous vegetation as an alternative state that a site should be rehabilitated to.

706. In the Section 42A Report[688], Mr Barr noted that the NZTM submission seeking to add mineral exploration to Rule 21.4.30, was silent on the deletion of "*mineral exploration*" as a controlled activity in Rule 21.4.31. Mr Barr went on to explain that in his view, that while he accepted the submitter's request to add a definition of mineral exploration, that activity should remain a controlled activity. Mr Vivian agreed with Mr Barr that while NZTM sought permitted activity for mineral exploration, it did not seek the deletion of Rule 21.4.31 and as such Mr Vivian saw no point in adding mineral exploration to Rule 21.4.30[689]. We agree and recommend that the request for mineral exploration as a permitted activity be rejected and that it remain a controlled activity.

707. We did not receive any evidence on the submission from Queenstown Park Ltd, seeking the expansion of the permitted activity status for mining aggregate (1000m$^3$ in any one year), for activities not restricted to farming. The Section 32 Report records that the activities in Rules 21.4.30 and 21.4.31 were retained from the ODP with minor modifications to give effect to Objectives and Policies 6.3.5, 21.3.5, 21.2.7 and 21.2.8 (as notified).[690] We do not find the analysis very helpful. On the face of the matter, if the activity is acceptable as a permitted activity for one purpose, it is difficult to understand why it should not be permitted if undertaken for a different purpose. However, in this case, the purpose of the aggregate extraction is linked to the scale of effects.

708. Extraction of 1000m³ of aggregate on a relatively small rural property in order that it might be utilised off-site has an obvious potential for adverse effects. Limiting use of aggregate to farming purposes serves a useful purpose in this regard as well as being consistent with policies seeking to enable farming activities.

709. We therefore recommend that the submission from Queenstown Park Limited be rejected.

710. Mr Barr, in the Section 42A Report, did not consider it necessary to add reference to landscape and significant natural areas as areas where the activity cannot be undertaken, given that standards regarding land disturbance and vegetation clearance are already provided for in in Chapter 33.[691] We heard no evidence in support of the submission. Relying on the evidence of Mr Barr, we recommend that the submission of Mr Atly and Forest & Bird New Zealand be rejected.

711. Mr Barr, in the Section 42A Report, agreed with the submission of Forest & Bird and Mr Atly that rehabilitation to 'indigenous vegetation' may be preferable to rehabilitating disturbed land

687 Submissions 339, 706
688 C Barr, Section 42A Report, Page 108, Para 21.21
689 C Vivian, Evidence, Page 25, Para 4.122
690 C Barr, Section 42A Report, Page 87
691 C Barr, Section 42A Report, Page 108-109, Para 21.23

to its original capacity in some circumstances[692]. We agree with Mr Barr that parameters should be included, so that where the land cover comprised indigenous vegetation coverage prior to exploration indigenous vegetation planted as part of rehabilitation must attain a certain standard. We also agree with Mr Barr that it would not be fair on persons responsible for rehabilitation to require indigenous vegetation rehabilitation if the indigenous vegetation didn't comprise a minimum coverage or the indigenous vegetation had been cleared previously for other land uses.

712. Accordingly, we recommend that that an additional bullet point to be added to the matters of control, under Rule 21.4.31, as follows;

*Ensuring that the land is rehabilitated to indigenous vegetation where the pre-existing land cover immediately prior to the exploration, comprised indigenous vegetation as determined utilising Section 33.3.3 of Chapter 33.*

713. We also consider the matter commencing "Rehabilitation of the site" should be amended by the inclusion of "ensuring" at the commencement to make it a matter of control.

714. Mr Vivian supported the deletion of Rule 21.4.30(d) on the basis that the scale of the activities set out in 21.4.30 (a) and (b) were small and usually confined to river valleys.[693] In addition, Mr Vivian noted that the activities in 21.4.30(c) were potentially of a larger scale and as they were permitted on an annual basis, there was the potential for adverse effects on landscape integrity over time. Mr Vivian concluded that 21.4.30(d) should be combined into Rule 21.4.30(c).

715. Having considered Mr Vivian's evidence in combination with the submissions lodged, we consider it appropriate to create a table containing standards which mining and exploration activities have to meet. In coming to this conclusion we note that notified rule 21.4.30(d) is expressed as a standard, rather than an activity.

716. Consequently, we recommend the insertion of Table 8 which reads:

| | **Table 8 – Standards for Mining and Extraction Activities** | | **Non-Compliance** |
|---|---|---|---|
| 21.11.1 | 21.11.1.1 | The activity will not be undertaken on an Outstanding Natural Feature. | NC |
| | 21.22.1.2 | The activity will not be undertaken in the bed of a lake or river. | |

717. With that change, we agree with Mr Vivian's suggestion and recommend that Rules 21.4.30 and 21.4.31 read as follows:

Rule 21.4.29 - Permitted:
*The following mining and extraction activities, that comply with the standards in Table 8 are permitted:*

*a. Mineral prospecting.*

692 C Barr, Section 42A Report, Page 109, Para 21.24

693 C Vivian, Evidence, Page 25, Para 4.125

*b. Mining by means of hand-held, non-motorised equipment and suction dredging, where the total motive power of any dredge does not exceed 10 horsepower (7.5 kilowatt); and*

*c. The mining of aggregate for farming activities provided the total volume does not exceed 1000m³ in any one year.*

Rule 21.4.30 - Controlled

*Mineral exploration that does not involve more than 20m³ in volume in any one hectare*
*Control is reserved to:*

*a. The adverse effects on landscape, nature conservation values and water quality.*

*b. Ensuring rehabilitation of the site is completed that ensures:*

*i. the long-term stability of the site.*

*ii. that the landforms or vegetation on finished areas are visually integrated into the landscape.*

*iii. water quality is maintained.*

*iv. that the land is returned to its original productive capacity.*

*c. That the land is rehabilitated to indigenous vegetation where the pre-existing land cover immediately prior to the exploration, comprised indigenous vegetation as determined utilising Section 33.3.3 of Chapter 33.*

## 6.28 Rule 21.4.32 – Other Mining Activity

718. As notified, this rule provided that any mining activity not provided for in the previous two rules was a discretionary activity. There were no submissions on this rule. We recommend it be renumbered, but otherwise be retained as notified.

## 6.29 Rule 21.4.33 – Rural Industrial Activities

719. As notified, this rule listed the following as a permitted activity:

*Rural Industrial Activities within a Rural Industrial Sub-Zone that comply with Table 8.*

720. The only submission received on this rule was in support[694]. We recommend that this rule be moved to Table 10 – Activities in Rural Industrial Sub Zone, and with our recommended re-arrangement of the tables, we recommend that the rule refer to the standards in Table 11. Otherwise we recommend the rule be retained as notified.

## 6.30 Rule 21.4.34 – Buildings for Rural Industrial Activities

721. As notified, this rule provided that buildings for rural industrial activities, complying with Table 8, as a permitted activity. No submissions were received on this rule.

722. As with the previous rule, we recommend it be relocated to Table 10 and that it refer to Table 11. However, we also note an ambiguity in the wording of the rule. While, by its reference to Table 8, it is implicit that it only apply to buildings in the Rural Industrial Sub-Zone, we consider the rule would better implement the objectives and policies of the zone if it were explicitly limited to buildings in the Rural Industrial Sub Zone. We consider such a change to be non-substantive and can be made under Cl 16(2) of the First Schedule. On that basis we recommend the rule read:

*Buildings for Rural Industrial Activities within the Rural Industrial Sub-Zone that comply with Table 11.*

694 Submission 315

### 6.31 Rule 21.4.35 – Industrial Activities at a Vineyard

723. This rule, as notified, provided for industrial activities directly associated with wineries and underground cellars within a vineyard as a discretionary activity.

724. No submissions were received to this rule and we recommend it be renumbered and retained as notified. We also recommend that the heading in Table 1 directly above this rule be changed to read: "Industrial Activities outside the Rural Industrial Sub-Zone".

### 6.32 Rule 21.4.36 – Other Industrial activities

725. As notified this rule provided that other industrial activities in the Rural Zone were non-complying. Again, no submissions were received on this rule.

726. We consider there is an element of ambiguity in the rule, particularly with the removal of the Rural Industrial Sub-Zone activities and buildings to a separate table. We recommend this be corrected by rewording the rule to read:

*Industrial Activities outside the Rural Industrial Sub-Zone other than those provided for in Rule 21.4.32.*

727. We consider this to be a minor, non-substantive amendment that can be made under Clause 16(2).

## 7 TABLE 2 – GENERAL STANDARDS

### 7.1 Rule 21.5.1 – Setback from Internal Boundaries

728. As notified, this rule set a minimum setback of 15m of buildings from internal boundaries, with non-compliance requiring consent as a restricted discretionary activity.

729. No submissions were received on this rule and we recommend it be retained as notified with the matters of discretion listed alphanumerically rather than with bullet points.

### 7.2 Rule 21.5.2 – Setback from Roads

730. As notified Rule 21.5.2 stated:

*Setback from Roads*
*The minimum setback of any building from a road boundary shall be 20m, except, the minimum of any building setback from State Highway 6 between Lake Hayes and Frankton shall be 50m. The minimum setback of any building for other sections of State Highway 6 where the speed limit is 70 km/hr or greater shall be 40m.*

*Discretion is restricted to all of the following:*

*a. Rural Amenity and landscape character*

*b. Open space*

*c. The adverse effects on the proposed activity from noise, glare and vibration from the established road.*

*Non-compliance Status – RD*

731. One submission sought that the standard be adopted as proposed[695] and one submission sought that the standard be retained, but that additional wording be added (providing greater setbacks from State Highways for new dwellings) to address the potential reverse sensitivity effects from State Highway traffic noise on new residential dwellings.[696]

732. Mr Barr, in the Section 42A Report, considered that as the majority of resource consents in the Rural Zone were notified or would require consultation with NZTA if on a Limited Access Road, then in his view, the performance standards suggested by NZTA would be better implemented as conditions of consent, particularly if the specific parameters of noise attenuation standard were to change. Mr Barr therefore recommended that the relief sought be rejected.[697]

733. In evidence for NZTA, Mr MacColl, disagreed with Mr Barr's reasoning, noting that NZTA were often not deemed an affected party and without the proposed rule, District Plan users may assume, incorrectly, that any building outside the setback areas as notified, would be outside the noise effect area, when that may not be the case.[698] Mr MacColl further suggested that the rule amendments he supported were required in order that the rule be consistent with the objectives and policies of Chapter 3. In response to questions from the Chair, Mr MacColl advised that the NZTA guidelines for setbacks were the same, regardless of the volume of traffic. We sought a copy of the guideline from Mr MacColl, but did not receive it.

734. Mr Barr, in reply, recommended some minor wording amendment to clarify that the rule applied to the setback of buildings from the road, but not in relation to the 80m setback sought by NZTA.

735. Without evidence as to the traffic noise effects and noise levels depending on the volume of traffic and its speed, we are not convinced as to the appropriateness of a blanket 80 metre setback for new dwellings from State Highway 6 where the speed limit is 70 – 100 km/hr. The only change we recommend is that, for clarity the term "Frankton" be replaced with "Shotover River". We were concerned that using the term "Frankton" could lead to disputes as to where the restriction commenced/ended at that end. It was our understanding from questioning of Mr Barr and Mr MacColl, that it was intended to apply as far as the river.

736. Accordingly, we recommend that it be reworded as follows:

***Setback from Roads***
*The minimum setback of any building from a road boundary shall be 20m, except, the minimum setback of any building from State Highway 6 between Lake Hayes and the Shotover River shall be 50m. The minimum setback of any building for other sections of State Highway 6 where the speed limit is 70 km/hr or greater shall be 40m.*

*Non-compliance Status – RD*

*Discretion is restricted to:*

*a. rural amenity and landscape character*

*b. open space*

695 Submission 600
696 Submission 719
697 C Barr, Section 42A Report, Page 22, Para 9.6
698 A MacColl, EIC, Pages 5-6, Paras 20-21.

*c. the adverse effects on the proposed activity from noise, glare and vibration from the established road.*

### 7.3 Rule 21.5.3 – Setback from Neighbours of Buildings Housing Animals

737. As notified, this rule required a 30m setback of any building housing animals from internal boundaries, with a restricted discretionary activity consent required for non-compliance.

738. There were no submissions, and other than listing the matters of discretion alphanumerically, we recommend the rule be adopted as notified.

### 7.4 Rule 21.5.4 – Setback of buildings from Water bodies

739. As notified Rule 21.5.4 stated:

*Setback of buildings from Water bodies*
*The minimum setback of any building from the bed of a wetland, river or lake shall be 20m.*

*Discretion is restricted to all of the following:*

*a. Indigenous biodiversity values*

*b. Visual amenity values*

*c. Landscape and natural character*

*d. Open space*

*e. Whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the adverse effects of the location of the building*

740. Four submissions sought that the standard be adopted as proposed[699]. One submission sought that the standard be amended so that the setback be 5m for streams less than 3m in width[700]. Another submission[701] sought to exclude buildings located on jetties where the purpose of the building is for public transport.

741. In the Section 42A Report, while Mr Barr recognised that the amenity values of a 3m wide stream may not be high, he considered that a 5m setback was too small.[702] We heard no evidence to the contrary. We agree in part with Mr Barr and note that there would be several other factors, such as natural hazards, that would support a 20m buffer. Accordingly, we recommend that the submission by D & M Columb be rejected.

742. As to the exclusion of buildings located on jetties where the purpose of the building is for public transport, Mr Barr noted that Rules 21.5.40 - 21.5.43 would trigger the need for consent anyway, and Mr Barr did not consider that Rule 21.5.4 generated unnecessary consents. Mr Barr was also of the view that it was the effects of any building that should trigger consent, not whether it was publicly or privately owned.[703]

699 Submissions 339, 384, 600, 706
700 Submission 624
701 Submission 806
702 C Barr, Section 42A Report, Page 23, Para 9.9
703 C Barr, Section 42A Report, Page 23, Para 9.10

743. We heard no evidence in support of that submission and concur with Mr Barr that the wording of rule should be retained as notified. Accordingly, we recommend that Rule 21.5.4 be retained as notified.

### 7.5 Rule 21.5.5 – Dairy Farming

744. As notified, Rule 21.5.5 required that effluent holding tanks, and effluent treatment and storage ponds be located 300m from any formed road or adjoining property with non-compliance a restricted discretionary activity.

745. Submissions on this provision variously sought:
   a. Its retention[704]
   b. Its deletion[705] (No reasons provided)
   c. The addition of "lake, river" to the list of "formed roads or adjoining property"[706]
   d. The addition of "sheep and beef farms" and "silage pits" to the list of "effluent holding tanks, effluent treatment and storage ponds"[707]
   e. Amendment to reduce the specified distance of 300m to a lesser distance[708]
   f. Amendment of the activity status for non-compliance to discretionary.[709]

746. In the Section 42A Report, Mr Barr considered that the addition of "sheep and beef farms" and "silage pits" would capture too wide a range of activities that are not as intensive as dairying and do not have the same degree adverse effects. As such, Mr Barr recommended that that submission be rejected.[710] As regards the inclusion "lake or river" to the list of "formed roads, rivers and property boundaries", Mr Barr considered lakes and rivers are not likely to be on the same site as a dairy farm. Hence in his view, the suggested qualifier to the boundary set back is appropriate.[711]

747. Mr Edgar, in his evidence for Longview Environmental Trust[712], provided examples where the failure to include lake or river, could result in effluent holding tanks, effluent treatment and storage ponds being within 15 metres of the margin of a lake or unformed road. Mr Edgar was also of the view that amendments were required for consistency with Policies 21.2.1.1 and 21.2.1.4. We note that Mr Edgar's evidence did not go as far as recommending reference to unformed as well as formed roads, presumably as this relief was not sought by Longview Environmental Trust. In reply, Mr Barr agreed with Mr Edgar as to the identification of public areas whose amenity values needed to be managed through the mechanism of setbacks[713]. We agree with Mr Edgar and Mr Barr that the setback should include lakes or rivers and that it is appropriate in achieving the objectives.

748. We heard no evidence in support of the submissions seeking to reduce the 300m separation distance. The submission itself identified that 300m would create infrastructural problems for

704 Submissions 335, 384, 600
705 Submission 400
706 Submission 659
707 Submission 642
708 Submissions 701, 784
709 Submission 659
710 C Barr, Section 42A Report, Page 24, Para 9.16
711 C Barr, Section 42A Report, Page 24, Para 9.17
712 S Edgar, EIC, Pages 3-4, Paras 7 - 13
713 C Barr, Reply, Page 14, Para 5.1 – 5.2

farmers.[714] We note that compliance with the 300m distance is for permitted activity status and that any non-compliance, for infrastructural reasons, are provided for as a restricted discretionary activity. Given the potential effects of the activity, and the lack of evidence as to an appropriate lesser distance, we consider the distance to be appropriate in terms of achieving the objectives. Accordingly, we recommend that the submission be rejected.

749. We were unable to identify evidence from Mr Barr or Mr Edgar relating to the submission by Longview Environmental Trust[715] seeking the amendment of the activity status for non-compliance from restricted discretionary to discretionary. The reason set out in the submission for the request is for consistency between Rules 21.5.5 and 21.5.6.[716] We consider that there is a difference between Rules 21.5.5 and 21.5.6 in that 21.5.5 applies to an activity and 21.5.6 applies to buildings. This difference is further reflected in there being separate tables for activities and buildings (including farm buildings). This separation does not imply that they should have the same activity status. Accordingly, we recommend that the Longview Environmental Trust submission be rejected.

750. In summary, we recommend that Rule 21.5.5 be relocated into Table 3 Standards for Farm Activities, renumbered as Rule 21.6.1, and worded as follows:

*Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing)*
*All effluent holding tanks, effluent treatment and effluent storage ponds, must be located at least 300 metres from any formed road, lake, river or adjoining property.*

*Non-compliance RD*
*Discretion is restricted to:*

a. *Odour*

b. *Visual prominence*

c. *Landscape character*

d. *Effects on surrounding properties.*

## 7.6 Rule 21.5.6 – Dairy Farming

751. Rule 21.5.6, as notified, required milking sheds or buildings used to house or feed milking stock be located 300m from any formed road or adjoining property, with non-compliance as a discretionary activity.

752. Submissions on this provision variously sought:
   a. Its retention[717]
   b. The addition of "lake, river" to the list of "formed roads or adjoining property"[718]
   c. Amendment to reduce the specified distance of 300m to a lesser distance.[719]

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714 Submission 701, Page 2, Para 16
715 S Edgar, EIC, Pages 3-4, Paras 7 - 13
716 Submission 659, Page 2
717 Submissions 335, 384, 600
718 Submission 659
719 Submissions 701, 784

753. We have addressed the matter of the reduction of the 300m distance in Section 8.5 above and do not repeat that analysis here. We simply note our recommendation is that, for the same reasons, those submissions be rejected.

754. Mr Barr considered that the rule is appropriate in a context where farm buildings can be established as a permitted activity on land holdings greater than 100ha.[720]

755. As regards the addition of lakes and rivers, Mr Barr, again in the Section 42A Report, noted that farm buildings were already addressed under Rule 21.5.4 (as notified) which required a 20m setback from water bodies and therefore, in his view, the submission should be rejected.

756. Mr Edgar, in evidence, raised similar issues with this rule as with 21.5.5 discussed above. In reply, Mr Barr agreed as to the appropriateness of the inclusion of rivers and lakes. Following the same reasoning, we agree with Mr Edgar and Mr Barr that the setback of buildings from water bodies should include recognition of their amenity values. Accordingly, we recommend that Rule 21.5.6 be relocated into Table 5 Standards for Farm Buildings, be renumbered and worded as follows;

| | | |
|---|---|---|
| 21.8.4 | **Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing)**<br>All milking sheds or buildings used to house or feed milking stock must be located at least 300 metres from any adjoining property, lake, river or formed road. | D |

## 7.7 Rule 21.5.7 – Dairy Farming

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

| | | |
|---|---|---|
| | **Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing)**<br>Stock shall be prohibited from standing in the bed of, or on the margin of a water body.<br><br>For the purposes of this rule:<br>a. Margin means land within 3.0 metres from the edge of the bed<br>b. Water body has the same meaning as in the RMA, and also includes any drain or water race that goes to a lake or river. | PR |

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

759. In the Section 42A Report, Mr Barr considered that dairy farming was more intensive than traditional sheep and beef grazing with a greater potential to damage riparian margins and contaminate waterbodies. Mr Barr considered that the effects of stock in waterways was not only a water quality issue but also a biodiversity, landscape and amenity value issue, and that the proposed rule complemented the functions of the Otago Regional Council.[725]

720 C Barr, Section 42A Report, Page 24, Para 9.20
721 Submission 335, 384
722 Submission 600
723 Submission 117, 289, 339, 706, 755
724 Submission 798
725 C Barr, Section 42A Report, Pages 25 – 27, Paras 9.24 – 9.36

760. In evidence for Federated Farmers, Mr Cooper raised the issue of confusion for plan users between rules in the Regional Water Plan and Rule 21.5.7. He considered that this was not fully addressed in the Section 32 Report.[726] We agree.

761. To us, this is a clear duplication of rules that does not meet the requirements of section 32 as being the most effective and efficient way of meeting the objectives of the QLDC plan. Accordingly, we recommend that the submission of Federated Farmers be accepted and Rule 21.5.7, as notified, be deleted.

### 7.8 Rule 21.5.8 – Factory Farming

762. As notified, this rule stated in relation to factory farming (excluding the boarding of animals):

*Factory farming within 2 kilometres of a Residential, Rural Residential, Rural Lifestyle, Township, Rural Visitor, Town Centre, Local Shopping Centre or Resort Zone.*

763. Non-compliance required consent as a discretionary activity.

764. The only submissions on this rule supported its retention[727], however it has a number of problems. First, it lists zones which are not notified as part of stage 1 (or Stage 2) of the PDP, notably the Rural Visitor and Township. It also lists Resort Zones as if that is a zone or category, which it is not in the PDP.

765. The most significant problem with the rule, however, is that it appears the author has confused standard and activity status. Given that our recommended Rule 21.4.3 classifies factory farming of pigs or poultry as permitted activities, it appears to be inconsistent that such activities would be discretionary when they were located more than 2 kilometres from the listed zones, but permitted within 2 kilometres. We recommend this be corrected under Clause 16(2) of the First Schedule by wording this rule as:

*Factory farming (excluding the boarding of animals) must be located at least 2 kilometres from a Residential, Rural Residential, Rural Lifestyle, Town Centre, Local Shopping Centre Zone, Millbrook Resort Zone, Waterfall Park Zone, or Jacks Point Zone.*

766. We also recommend it be renumbered and relocated into Table 3.

### 7.9 Rule 21.5.9 – Factory Farming

767. This rule, as notified, set standards that factory farming of pigs were to comply with. Non-compliance required consent as a non-complying activity. No submissions were received to this rule and we recommend it be adopted as notified with a minor wording changes to make it clear it is a standard, and renumbered and relocated into Table 3.

### 7.10 Rule 21.5.10 – Factory Farming of Poultry

768. This rule, as notified, set standards that factory farming of poultry were to comply with. Non-compliance required consent as a non-complying activity. No submissions were received to this rule and we recommend it be adopted as notified with a minor wording changes to make it clear it is a standard, and renumbered and relocated into Table 3.

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726 D Cooper, EIC, Para 44

727 Submissions 335 and 384

## 7.11 Rule 21.5.11 – Factory Farming

769. As notified, this rule read:

> *Any **factory farming** activity other than factory farming of pigs or poultry.*

770. Non-compliance was listed as non-complying. Again there were no submissions on this rule.

771. It appears to us that this rule is intended as a catch-all activity status rule, rather than a standard. We recommend it be retained as notified, but relocated into Table 1 and numbered as Rule 21.4.4.

## 7.12 Rule 21.5.12 – Airport Noise – Wanaka Airport

772. As notified, this rule read:

> *Alterations or additions to existing buildings, or construction of a building on a building platform approved before 20 October 2010 within the Outer Control Boundary, shall be designed to achieve an internal design sound level of 40 dB Ldn, based on the 2036 noise contours, at the same time as meeting the ventilation requirements in Table 5, Chapter 36. Compliance can either be demonstrated by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the internal design sound level, or by installation of mechanical ventilation to achieve the requirements in Table 5, Chapter 36.*

773. Non-compliance required consent as a non-complying activity.

774. The only submission [728] on this rule sought that it be retained.. As a consequence of recommendations made by the Hearing Stream 5 Panel, Table 5 has been deleted from Chapter 36. The reference should be to Rule 36.6.2 in Chapter 36.

775. We also recommend a minor change to the wording so that the standard applies to buildings containing Activities Sensitive to Aircraft Noise, consistent with the following rule applying to Queenstown Airport. Thus, we recommend that the standard, renumbered as Rule 21.5.5, read:

> *Alterations or additions to existing buildings, or construction of a building on a building platform approved before 20 October 2010 that contain an Activity Sensitive to Aircraft Noise and are within the Outer Control Boundary, must be designed to achieve an internal design sound level of 40 dB $L_{dn}$, based on the 2036 noise contours, at the same time as meeting the ventilation requirements in Rule 36.6.2, Chapter 36. Compliance can either be demonstrated by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the internal design sound level, or by installation of mechanical ventilation to achieve the requirements in Rule 36.6.2, Chapter 36.*

## 7.13 Rule 21.5.13 – Airport Noise – Queenstown Airport

776. As notified, this rule contained similar provisions as Rule 21.5.12, albeit distinguishing between buildings within the Air Noise Boundary and those within the Outer Control Boundary. Again, there was only one submission[729] in respect of this rule, and that submission sought that the rule be retained.

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728 Submission 433, opposed by FS1030, FS1097 and FS1117

729 Submission 433, opposed by FS1097 and FS1117

777. Subject to amending the standard to refer to Rule 36.6.2 in place of Table 5 in Chapter 36 and other minor word changes, we recommend the rule be renumbered 21.5.6 and adopted as notified.

## 8 TABLE 3 – STANDARDS FOR STRUCTURES AND BUILDINGS

### 8.1 Rule 21.5.14 - Structures

778. Rule 21.5.14, as notified, read as follows;

| | | |
|---|---|---|
| 21.5.14 | **Structures**<br>Any structure within 10 metres of a road boundary, which is greater than 5 metres in length, and between 1 metre and 2 metres in height, except for:<br><br>21.5.14.1 post and rail, post and wire and post and mesh fences, including deer fences;<br><br>21.5.14.2 any structure associated with farming activities as defined in this plan.<br><br>Discretion is restricted to all of the following:<br>a. Effects on landscape character, views and amenity, particularly from public roads<br>b. The materials used, including their colour, reflectivity and permeability<br>c. Whether the structure will be consistent with traditional rural elements. | RD |

779. One submission sought that the rule be retained[730], two sought that "nature conservation values" be added the matters of discretion[731], one submission sought that 21.5.14.2 be amended without specifying such amendments[732], and another sought that 21.5.14.2 be amended to read *"any structure associated with farming activities as defined in this Plan. This includes any structures associated with irrigation including centre pivots and other irrigation infrastructure"*[733]. Lastly, two submissions sought that 21.5.14 be amended to be restricted to matters that are truly discretionary[734].

780. We also note that there were two submissions seeking the heading for Table 3 as notified be amended to specifically provide for irrigation structures and infrastructure.[735]

781. Mr Barr, in Appendix 2 of the Section 42A Report[736], considered that applying nature conservation values to the matters of discretion would be too broad as it would encapsulate ecosystems, hence removing the specificity of the restricted discretionary status and the reason for needing a consent. We heard no other evidence on this matter. We agree with Mr Barr that the relief sought would make the discretion to wide and therefore not be effective in

730 Submission 335, 384
731 Submissions 339, 706
732 Submission 701
733 Submissions 784
734 Submission 701, 784
735 Submissions 701, 784
736 C Barr, Section 42A Report, Appendix 2, Page 107

achieving the objective. Accordingly, we recommend that those submissions be rejected. We note that Mr Atly and Forest & Bird made requests for similar relief to Rules 21.5.15 – 21.5.17. We recommend that those submissions be rejected for the same reasons.

782. Mr Barr, in Appendix 2 of the Section 42A Report[737], considered that irrigators were not buildings, as per the QLDC Practice Note[738] and therefore did not require specific provisions. We heard no other evidence on this matter. We agree with Mr Barr that irrigators are not buildings and therefore the amendments sought are not required. Accordingly we recommend that those submissions be rejected. This similarly applies to the submissions requesting the change to the Table 3 Heading.

783. In the Section 42A Report, Mr Barr addressed a range of submissions that sought that the matters of discretion be tightened, and specifically the removal of reference to "rural amenity values' in the consent of Rule 21.5.18[739]. We address all the submissions on this matter at Rule 21.5.18.

784. In line with our recommendation in Section 7.1 regarding rule and table structure, we recommend that Rule 21.5.14 be relocated to Table 4, renumbered and worded as follows:

| | | |
|---|---|---|
| 21.7.1 | **Structures**<br>Any structure which is greater than 5 metres in length, and between 1 metre and 2 metres in height must be located a minimum distance of 10 metres from a road boundary, except for:<br>21.5.14.1 post and rail, post and wire and post and mesh fences, including deer fences;<br><br>21.5.14.2 any structure associated with farming activities as defined in this plan. | RD<br>Discretion is restricted to:<br>a. Effects on landscape character, views and amenity, particularly from public roads<br>b. The materials used, including their colour, reflectivity and permeability<br>c. Whether the structure will be consistent with traditional rural elements. |

## 8.2 Rule 21.5.15 - Buildings

785. Rule 21.5.15, as notified read as follows;

737 C Barr, Section 42A Report, Appendix 2, Page 107

738 QLDC – Practice Note 1/2014

739 Submission 600

| | | |
|---|---|---|
| 21.5.15 | **Buildings**<br>Any building, including any structure larger than 5m², that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building are subject to the following:<br>All exterior surfaces shall be coloured in the range of browns, greens or greys (except soffits), including;<br>21.5.15.1 Pre-painted steel and all roofs shall have a reflectance value not greater than 20%; and,<br><br>21.5.15.2 All other surface finishes shall have a reflectance value of not greater than 30%.<br><br>21.5.12.3 In the case of alterations to an existing building not located within a building platform, it does not increase the ground floor area by more than 30% in any ten year period.<br>Discretion is restricted to all of the following:<br>a. External appearance<br>b. Visual prominence from both public places and private locations<br>c. Landscape character<br>d. Visual amenity. | RD |

786. One submission sought that the rule be retained[740]; two sought that the reference to colour be removed[741]; one submission sought that 21.5.15.1 be deleted[742]; one submission sought that wording be amended for clarity and that the reflectance value not apply to locally sourced schist[743]; another submission sought amendments such that the area be increased to 10m² and that the reflectance value be increased to 36% for walls and roofs, and a number of finishes to be excluded[744]; two submissions sought that buildings within Ski Area Sub-Zones be excluded from these requirements[745]; one submission sought that 21.5.15.3 be less restrictive and amended to 30% in any 5 year period[746]; lastly, one submission sought the benefits of the buildings to rural sustainable land use be added as a matter of discretion.[747]

787. In the Section 42A Report, Mr Barr acknowledged that the permitted limits were conservative, but overall, considered that the provisions as notified would reduce the volume of consents that were required by the ODP[748], and that these issues had been fully canvassed in the Section 32 Report, which concluded that the ODP rules were inefficient.[749] Mr Barr also considered that for long established buildings and any non-compliance with the standards, the proposed rules allow case by case assessment.[750] We concur with Mr Barr that the shift from controlled activity under the ODP to permitted under the PDP, subject to the specified standards, is a more efficient approach to controlling the effects of building colour.

740 Submission 600
741 Submissions 368, 829
742 Submission 411
743 Submission 608
744 Submission 368
745 Submissions 610, 613
746 Submission 829
747 Submissions 624
748 C Barr, Section 42A Report, page 34, paragraph 11.13
749 C Barr. Section 42A Report, Pages 37 – 38, Paras 12.2, 12.5
750 C Barr. Section 42A Report, Page 38, Paras 12.3 – 12.5

788. Mr Barr did not consider that the exclusion of certain natural materials from the permitted activity standards to be appropriate, recording difficulties with interpretation and potential lack of certainty[751]. However, in an attempt to provide some ability for landowners to utilise natural materials as a permitted activity, Mr Barr recommended slightly revising wording of the standard[752].

789. We heard detailed evidence for Darby Planning from Ms Pflüger, a landscape Architect, and for QLDC from Dr Read, also a landscape architect, that schist has no LRV, and concerning the difference between dry stacked schist and bagged schist[753]. The latter was considered by Dr Read to be inappropriate due to its resemblance to concrete walls. Ms Pflüger, on the other hand, was of the view that bagged schist was sufficiently different to concrete walls as to be appropriate in the landscape context of the district. Mr Ferguson, in his evidence for Darby Planning, relying on the evidence of Ms Pflüger, considered that schist should be excluded from the identified surfaces with LRV.[754]

790. In his Reply Statement, Mr Barr maintained his opinion that a list of material should not be included in this rule, as "*over the life of the district plan there will almost certainly be other material that come onto the market and it would be ineffective and inefficient if these materials required a resource consent because they were not listed*."[755]

791. We agree in part with Mr Barr's recommended amendments:
   a. To exclude soffits, windows and skylights (but not glass balustrades) from the exterior surfaces that have colour and reflectivity controls; and
   b. To include a clarification in 21.5.15.2 (as notified) that it includes cladding and built landscaping that cannot be measured by way of light reflective value.

792. However, we disagree with his view that the inclusion of an exemption for schist from the light reflective control would somehow lead to inefficiencies due to other materials coming on the market. We agree with Ms Pflüger that incorporating schist into buildings is an appropriate response to the landscape in this district. We also consider that the term "luminous reflectance value" proposed by Mr Barr is more readily understood if phrased "light reflectance value".

793. Mr Barr in the Section 42A Report, agreed that Rule 21.5.15 need not apply to the Ski Area Sub Zones, because these matters were already provided for by the controlled activity status for the construction and alteration of buildings in those Sub-Zones[756]. Accordingly, we accept Mr Barr's recommendation to clarify that position in this rule and recommend that the submissions on this aspect be accepted. We note that the same submission issue applies to Rule 21.5.16[757] and we reach a similar recommendation. As a consequence, we do not address this matter further.

794. Accordingly, with other minor changes to the wording, we recommend that Rule 21.5.15 be relocated into Table 4, renumbered, and worded as follows:

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751 C Barr. Section 42A Report, Page 39, Paras 12.9 – 12.10
752 C Barr, Section 42A Report, page 39-40, paragraph 12.13
753 Y Pflüger, EIC, Pages 13 -14, Paras 7.3 – 7.5 and Dr M Read, EIC, Pages 8 – 9, Paras 5.2 – 5.6
754 C Fergusson, EIC, Page 14, Para 65
755 C Barr, Reply Statement, page 23, paragraph 7.4
756 C Barr, Section 42A Report, Page 41, Para 12.19
757 Submissions 610, 613

| | | |
|---|---|---|
| 21.7.2 | **Buildings**<br>Any building, including any structure larger than 5m², that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building, are subject to the following:<br>All exterior surfaces* must be coloured in the range of browns, greens or greys, including;<br>21.7.2.1 Pre-painted steel and all roofs must have a light reflectance value not greater than 20%; and,<br>21.7.2.2 All other surface** finishes, except for schist, must shall have a light reflectance value of not greater than 30%.<br>21.7.2.3 In the case of alterations to an existing building not located within a building platform, it does not increase the ground floor area by more than 30% in any ten year period.<br><br>Except this rule does not apply within the Ski Area Sub-Zones.<br>* Excludes soffits, windows and skylights (but not glass balustrades).<br>** Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed by the Council to be suitably recessive and have the same effect as achieving a light reflectance value of 30%. | RD<br>Discretion is restricted to:<br>a. external appearance;<br>b. visual prominence from both public places and private locations;<br>c. landscape character;<br>d. visual amenity. |

## 8.3 Rule 21.5.16 – Building Size

795. Rule 21.5.16, as notified read as follows;

| | | |
|---|---|---|
| 21.5.16 | **Building size**<br>The maximum ground floor area of any building shall be 500m².<br><br>Discretion is restricted to all of the following:<br><br>a. External appearance<br>b. Visual prominence from both public places and private locations<br>c. Landscape character<br>d. Visual amenity<br>e. Privacy, outlook and amenity from adjoining properties. | RD |

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

797. We note that at the hearing on 18 May 2016, Mr Vivian, appearing among others for Woodlot Properties, withdrew submission 501 relating to Rule 21.5.16.

798. The reasons contained in the remaining submission seeking deletion suggested that there were circumstances on large subdivided lots where larger houses could be appropriate and that restricting the size of the houses would have a less acceptable outcome. The submitters considered that each should be judged on its own merit and that restrictions on size were already in place via the defined building platform.

799. In the Section 42A Report, Mr Barr noted that the rule was part of the permitted activity regime for buildings in the Rural Zone and that the purpose of the limit was to provide for the assessment of buildings that may be of a scale that is likely to be prominent. Mr Barr noted that buildings of 1000m$^2$ were not common and that the rule provided discretion as to whether additional mitigation was required due to the scale of the building.[760]

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

801. Accordingly, we recommend that the submission seeking the deletion of the rule be rejected and the rule be relocated into Table 4, renumbered and amended to be worded as follows:

| | | |
|---|---|---|
| 21.7.3 | **Building size**<br>The ground floor area of any building must not exceed 500m².<br><br>Except this rule does not apply to buildings specifically provided for within the Ski Area Sub-Zones. | RD<br>Discretion is restricted to:<br>a. external appearance;<br>b. visual prominence from both public places and private locations;<br>c. landscape character;<br>d. visual amenity;<br>e. privacy, outlook and amenity from adjoining properties. |

## 8.4 Rule 21.5.17 – Building Height

802. Rule 21.5.17, as notified limited the height of buildings to 8m. Two submissions sought that rule be amended, one to exclude the rule from applying to passenger lift systems[761] and one to exclude the rule from applying to mining buildings[762]. One submission sought that the rule be retained as notified[763].

758 Submission 600
759 Submission 368, 501
760 C Barr, Section 42A Report, Pages 40-41, Paras 12.15 – 12.18
761 Submission 407
762 Submission 519
763 Submission 600

803. As regards exclusion of passenger lift systems from the rule, we note that this is related to our discussion on the definition of passenger lifts systems in paragraphs 191 – 193 where we recommended that this matter should be addressed in the definitions hearing.

804. That said, in evidence for Mt Cardrona Station Ltd, Mr Brown considered that passenger lift systems should be excluded from the general standards applying to buildings and structures in the same way that farm buildings are exceptions[764], although he did not discuss any of the rules in Table 3 in detail.

805. The submission of NZTM (519) seeking exclusion of mining building from this rule was also framed in the general. Mr Vivian's evidence[765] addressed this submission, opining that mining buildings necessary for the undertaking of mining activities could be treated much the same way as farm buildings, as they would be expected in the landscape where mining occurs.

806. We noted above, in discussing the definition of Passenger Lift Systems, (Section 5.16) Mr Fergusson's understanding that ski tows and machinery were exempt from the definition of building in the Building Act. Other than that evidence, we were not provided with any reasons why passenger lift systems should be excluded from this rule. If Mr Fergusson's understanding is correct, then the pylons of passenger lift systems would not be subject to the rule in any event. In the absence of clear evidence justifying the exclusion of passenger lift systems from the effect of this rule we are not prepared to recommend such an exclusion.

807. Turning to the NZTM submission, we consider that mining building buildings are not in the same category as farm buildings. The policy direction of this zone is to enable farming as the main activity in the zone. The separate provisions for farm buildings recognise the need for such buildings so as to enable the farming activity. However, such buildings are constrained as to frequency in the landscape, location, size, colour and height. In addition, mining, other than for farming purposes, cannot occur without a resource consent. While Mr Vivian may be correct that one would expect buildings to be associated with a mine, without detailed evidence on what those buildings may entail and how any adverse effects of such buildings could be avoided, we are unable to conclude that some separate provision should be made for mining buildings.

808. Accordingly, we recommend that apart from relocation into Table 4, renumbering and minor wording changes, Rule 21.5.17 be retained as notified.

# 9 TABLE 4 – STANDARDS FOR FARM BUILDINGS

## 9.1 Rule 21.5.18 – Construction or Extension to Farm Buildings

809. Rule 21.5.18, as notified, set out the permitted activity standards for farm buildings (21.5.18.1 – 21.5.18.7) and provided matters of discretion for a restricted discretionary activity status when the standards were not complied with.

810. One submission opposed farm buildings being permitted activities and sought that provisions of the ODP be rolled over in their current form.[766] We have already addressed that matter in Section 7.4 above and have recommended that submission be rejected. In the Section 42A Report, however, Mr Barr relied on that submission and the evidence of Dr Read that a density of 1 farm building per 25 hectares (Rule 21.5.18.2 as notified) created the risk to the landscape from a proliferation of built form, as the basis for his recommendation that a density for farm

764 J Brown, EIC, Page 24, Paras 2.39 – 2.40

765 C Vivian, EiC, page 21, paragraphs 4.95-4.96

766 Submission 145

buildings of one per 50 hectares was more appropriate[767]. No other evidence was provided on this provision. We recommend that, subject to minor wording changes to make the rule clearer, Rule 12.5.18.2 be adopted as recommended by Mr Barr.

811. There were other submissions on specific aspects of 21.5.18 that we address now.

812. One submission sought that 21.5.18.3 be amended so that containers located on ONFs would be exempt from this rule[768]. Mr Barr did not address this matter directly in the Section 42A Report. Mr Vivian addressed this matter in evidence suggesting that provision for small farm buildings could be made[769], but gave no particular reasons as to how he reached that opinion. Given the policy direction of the PDP contained in Chapters 3 and 6, we consider to exempt containers from this rule would represent an implementation failure. We recommend that submission be rejected.

813. One submission sought that 21.5.18.4 be amended to provide for buildings up to 200m$^2$ and 5m in height.[770]

814. Mr Barr, in the Section 42A Report, relying on the evidence of Dr Read as to the importance of landscape, considered the proposed rule as notified provided the appropriate balance between providing for farm buildings and ensuring landscape values were maintained. Mr Barr also considered that the rule was not absolute and provided for proposals not meeting the permitted standards to be assessed for potential effects on landscape and visual amenity.

815. We heard no evidence in support of the submission. We agree with and adopt the reasons of Mr Barr. Accordingly, we recommended that the submission be rejected.

816. One submission sought that the permitted elevation for farm buildings be increased from 600 metres above sea level (masl) to 900 masl[771]. In the Section 42A Report, Mr Barr noted that this provision had been brought across from the ODP, acknowledged that there were some farms with areas over 600 masl, but considered that the 600 masl cut-off was appropriate because areas at the higher elevation were visually vulnerable.[772]

817. This is another area where we see that the permitted activity status for farming needs to be balanced against its potential adverse effects on landscape and visual amenity. We consider that the 600 masl cut-off is the most appropriate balance in terms of the rule achieving the objective. Accordingly, we recommend that the submission be rejected.

818. Two submissions opposed the open-ended nature of the matters of discretion that applied to this provision through the inclusion of reference to rural amenity values[773]. We note these submitters opposed other provisions in the standards of this chapter on a similar basis. Jeremy Bell Investment Limited (Submission 784) considered that the matters of discretion were so wide that they effectively made the provision a fully discretionary activity.

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767 C Barr, Section 42A Report, Page 31, Para 10.19
768 Submission 519
769 C Vivian, EIC, Page 21, Para 4.100
770 Submission 384
771 Submission 829
772 C Barr, Section 42A Report, Page 29, Para 10.10
773 Submission 600, 784

819. In the Section 42A Report, Mr Barr considered that the matters of discretion related to the effects on landscape and were consistent with the ODP in this regard. However, Mr Barr went on to compare the matters of control for farm buildings under the ODP with the matters of discretion under the PDP, concluding that the ODP matters of control nullified the controlled activity status. Mr Barr acknowledged that the "scale" and "location" were broad matters, but he remained of the view that they were relevant and should be retained.[774]

820. We heard no evidence in support of these submissions. We also note that the change in approach of the PDP, providing for farm buildings as permitted activities, is accompanied by objectives and policies to protect landscape values. We agree with Mr Barr where, in the Section 42A Report, he observes that the matters of discretion relate to landscape and not other matters such as vehicle access and trip generation, servicing, natural hazards or noise. While the matters of discretion are broad, they are in line with the relevant objectives and policies.

821. Nonetheless, we questioned Mr Barr as to relevance of "location" and "scale" as matters of discretion given that matters of discretion listed in this rule already provide for these matters.

822. In reply, Mr Barr noted the importance of "location" and "scale", observing that they were specifically identified in Policy 21.2.1.2 (as notified) but considered that *"… The matters of discretion would better suit the rural amenity, landscape character, privacy and lighting being considered in the context of the scale and location of the farm building."*[775] Mr Barr, went on to recommend rewording of the matters of discretion so that location and scale are considered in the context of the other assessment matters. We agree and recommend that the wording of the matters of discretion be modified accordingly. Otherwise, we recommend that the submissions of Federated Farmers and JBIL be rejected.

823. Another submission sought that wahi tupuna be added to matters of discretion where farm buildings affect ridgelines and slopes[776].

824. Mr Barr, in the Section 42A Report, considered that this matter was already addressed in Policy 21.2.1.7 and that as it pertained to ridgelines and slopes, it was already included in the matters of discretion[777]. We agree. Accordingly, we recommend that the submission be rejected.

825. Taking account of the amendments recommended above and our overall rewording of the provisions, we recommend that Rule 21.5.18 be located in Table 5, renumbered and worded as follows;

| | **Table 5- Standards for Farm Buildings**<br>The following standards apply to Farm Buildings. | **Non-compliance** |
|---|---|---|
| 21.8.1 | **Construction, Extension or Replacement of a Farm Building**<br>The construction, replacement or extension of a farm building is a permitted activity, subject to the following standards:<br>21.8.1.1 The landholding the farm building is located within must be greater than 100ha; and | RD<br>Discretion is restricted to:<br>a. **The extent to which the scale and location of the Farm Building is appropriate in terms of:**<br>i. **rural amenity values.**<br>ii. **landscape character.** |

774 C Barr, Section 42 A Report, Pages 3-32, Para 10.21 – 10.26
775 C Barr, Reply, Page 15, Para 5.5
776 Submission 810
777 C Barr, Section 42A Report, Page 32, Para 10.27 – 10.28

| | **Table 5- Standards for Farm Buildings**<br>The following standards apply to Farm Buildings. | **Non-compliance** |
|---|---|---|
| | 21.8.1.2 The density of all buildings on the landholding, inclusive of the proposed building(s) must not exceed one farm building per 50 hectares; and<br>21.8.1.3 The farm building must not be located within or on an Outstanding Natural Feature (ONF); and<br>21.8.1.4 If located within the Outstanding Natural Landscape (ONL), the farm building must not exceed 4 metres in height and the ground floor area must not exceed 100m²; and<br>21.8.1.5 The farm building must not be located at an elevation exceeding 600 masl; and<br>21.8.1.6 If located within the Rural Character Landscape (RCL), the farm building must not exceed 5m in height and the ground floor area must not exceed 300m²; and<br>21.8.1.7 Farm buildings must not protrude onto a skyline or above a terrace edge when viewed from adjoining sites, or formed roads within 2km of the location of the proposed building. | iii. privacy, outlook and rural amenity from adjoining properties.<br>iv. visibility, including lighting. |

## 9.2 Rule 21.5.19 – Exterior colours of buildings

826. Rule 21.5.19, as notified, set out the permitted activity standards for exterior colours for farm buildings (21.5.19.1 – 21.5.19.3) and provided matters of discretion to support a restricted discretionary activity status where the standards were not complied with.

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

828. The submission on this provision from Darby Planning[781] is the same as that made to 21.5.15 which we addressed above (Section 8.15). For the same reasons, we recommend that the submission on provision 21.5.19 be accepted in part.

829. The submission form Federated Farmers[782] seeking the removal of visual amenity values from the matters of discretion is the same as that made to 21.5.15 in regard to rural amenity values, which we addressed above (Section 8.15). For the same reasons, we recommend that the submission on provision 21.5.19 be rejected.

778 Submission 325
779 Submission 608
780 Submission 600
781 Submission 608
782 Submission 600

830. Accordingly, we recommend that 21.5.19 be located in Table 5, renumbered and worded as follows;

| | | |
|---|---|---|
| 21.8.2 | Exterior colours of farm buildings:<br>21.8.2.1 All exterior surfaces, except for schist, must be coloured in the range of browns, greens or greys (except soffits).<br>21.8.2.2 Pre-painted steel, and all roofs must have a reflectance value not greater than 20%.<br>21.8.2.3 Surface finishes, except for schist, must have a reflectance value of not greater than 30%. | RD<br>Discretion is restricted to:<br>a. external appearance<br>b. visual prominence from both public places and private locations<br>c. landscape character<br>d. visual amenity. |

### 9.3 Rule 21.5.20 – Building Height

831. This standard set a maximum height of 10m for farm buildings. Two submissions[783] supported this provision. Other than some minor rewording to make the rule clearer, location in Table 5 and renumbering, we recommend it be adopted as notified.

## 10 TABLE 5 – STANDARDS FOR COMMERCIAL ACTIVITIES

### 10.1 Rule 21.5.21 – Commercial Recreational Activity

832. We have dealt with this standard in Section 7.15 above.

### 10.2 Rule 21.5.22 – Home Occupation

833. Rule 21.5.22, as notified set out the permitted activity standards for home occupations and provided for a restricted discretionary activity status for non-compliance with the standards.

834. One submission sought that the provision be retained[784] and one sought that it be amended to ensure that the rule was effects-based and clarified as to its relationship with rules controlling commercial and commercial recreational activities.[785]

835. In the Section 42A Report, Mr Barr considered that the rule did provide clear parameters and certainty.[786] We heard no other evidence on this provision. We agree with Mr Barr, that this rule is clear and note that it specifically applies to home occupations. Accordingly, we recommend that the submission seeking that the rule be amended, be rejected.

836. Accordingly, taking account of the amendments recommended above and our overall rewording of the provisions, we recommend that Rule 21.5.22 be located in Table 6, renumbered and worded as follows;

783 Submissions 325 and 600 (supported by FS1209, opposed by FS1034)
784 Submission 719
785 Submission 806
786 C Barr, Section 42A Report, Page 48, Par 13.36

| | | |
|---|---|---|
| 21.9.2 | **Home Occupation**<br>21.9.2.1 The maximum net floor area of home occupation activities must not exceed 150m²;<br>21.9.2.2 Goods materials or equipment must not be stored outside a building;<br>21.9.2.3 All manufacturing, altering, repairing, dismantling or processing of any goods or articles must be carried out within a building. | RD<br>Discretion is restricted to:<br>a. the nature, scale and intensity of the activity in the context of the surrounding rural area.<br>b. visual amenity from neighbouring properties and public places.<br>c. noise, odour and dust.<br>d. the extent to which the activity requires a rural location because of its link to any rural resource in the Rural Zone.<br>e. access safety and transportation effects. |

### 10.3 Rule 21.5.23 – Retail Sales

837. This rule imposed a setback from road boundaries of 30m on buildings in excess of 25m$^2$ used for retail sales. No submissions were received on this standard. Other than some wording changes for clarification purposes, we recommend the rule be located in Table 6, renumbered and adopted as notified.

### 10.4 Rule 21.5.24 – Retail Sales

838. As notified, this rule read:

*Retail sales where the access is onto a State Highway, with the exception of the activities listed in Table 1.*

839. Non-compliance was listed as a non-complying activity.

840. The sole submission[787] on the rule sought its retention.

841. The problem with this rule is that it is not a standard. It appears to us that the intention of the rule is to make any retails sales other than those specifically listed in Table 1 (21.4.14 Roadside stalls and 21.4.15 sales of farm produce) a non-complying activity. That being the case, we recommend the rule be relocated in Table 1 as Rule 21.4.21 to read:

*Retail sales where the access is onto a State Highway, with the exception of the activities provided for by Rule 21.4.14 or Rule 21.4.16.*
*Non-complying activity*

## 11 TABLE 6 – STANDARDS FOR INFORMAL AIRPORTS

842. We have dealt with this in Section 7.23 above.

## 12 TABLE 7 – STANDARDS FOR SKI AREA ACTIVITIES WITHIN THE SKI AREA SUB ZONE

[787] Submission 719

## 12.1 Rule 21.5.27 – Construction, relocation, addition or alteration of a building

843. As notified, Rule 21.5.27 read:

| | | |
|---|---|---|
| 21.5.27 | Construction, relocation, addition or alteration of a building.<br>Control is reserved to all of the following:<br>a. Location, external appearance and size, colour, visual dominance<br>b. Associated earthworks, access and landscaping<br>c. Provision of water supply, sewage treatment and disposal, electricity and communication services (where necessary)<br>d. Lighting. | C |

844. One submission sought to add provisions relating to the exterior colour of all buildings[788]; and one submission sought that the table be renamed "Standards for Ski Area Activities within Ski Area Sub Zones and Tourism Activities within the Cardrona Alpine Resort" and that numerous changes be made to 21.5.27 including adding reference to earthworks infrastructure, snow grooming, lift and tow provisions and particular reference to the Cardrona Alpine Resort.[789]

845. The submission seeking specification of the exterior colour for building stated as the reason for the request that the matters listed are assessment matters not standards. Mr Barr, in the Section 42A Report, acknowledged the ambiguity of the table and recommended it be updated to correct this issue. Mr Brown, in evidence for Mt Cardrona Station Ltd, supported such an amendment[790] and Mr Barr, in reply provided further modification to the Table to clarify activity status[791]. We agree with Mr Brown and Mr Barr that clarification as to the difference between activity status and standards is required. However, we do not think that their recommended amendments fully address the issue.

846. Accordingly, and in line with our recommendation in Section 7.1 above, we recommend that the activities for Ski Area Sub Zones be included in one table (Table 9).

847. Mr Barr, in the Section 42A Report, questioned if the substantive changes sought by Cardrona Alpine Resort Ltd were to be addressed in the Stream 11 hearing due to the extensive nature of changes sought by the submission. For the avoidance of doubt, Mr Barr assessed the amendments to 21.5.27 in a comprehensive manner, concluding that the submission should be rejected[792]. We heard no evidence in support of the amendments to Rule 21.5.27 sought by Cardrona Alpine Resort Ltd. As such, we agree with Mr Barr, for the reasons set out in the Section 42A Report, and recommend that the submission be rejected.

848. Accordingly, we recommend that Rule 21.5.27 be located in Table 9 Activities within the Ski Area Sub Zones, renumbered and worded as follows:

| | | |
|---|---|---|
| 21.11.2 | Construction, relocation, addition or alteration of a building.<br>Control is reserved to:<br>a. location, external appearance and size, colour, visual dominance<br>b. associated earthworks, access and landscaping<br>c. provision of water supply, sewage treatment and disposal, electricity and communication services (where necessary) | C |

788 Submission 407

789 Submission 615

790 J Brown, EIC, Page 24, Para 2.38

791 C Barr, Reply, Appendix 1, Page 21-21

792 C Barr, Section 42A Report, Pages 63 – 64, Paras 14.43 – 14.51

| | | |
|---|---|---|
| | d. lighting. | |

## 12.2 Rule 21.5.28 – Ski tows and lifts

849. As notified, Rule 21.5.28 read as follows:

| | | |
|---|---|---|
| 21.5.28 | Ski tows and lifts.<br>Control is reserved to all of the following:<br>a. The extent to which the ski tow or lift or building breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes<br>b. Whether the materials and colour to be used are consistent with the rural landscape of which the tow or lift or building will form a part<br>c. Balancing environmental considerations with operational characteristics. | C |

850. One submission sought to replace ski tows and lift with passenger lift systems and add provisions relating to the exterior colour of all passenger lift systems[793]. We have already addressed the definition of passenger lift system in paragraphs Section 5.16 above, concluding that it is appropriate to use this term for all such systems, including gondolas, ski tows and lifts. In addition, the submission of Mt Cardrona Station Ltd regarding exterior colour has the same reasoning as we discussed in Section 13.1 above. We adopt that same reasoning here. After hearing more extensive evidence on passenger lift systems, the Stream 11 Panel has recommended the inclusion of an additional matter of control ((c) in the rule set out below). Accordingly, we recommend that Rule 21.5.28 be located in Table 9 as an activity rather an a standard, be renumbered and worded as follows:

| | | |
|---|---|---|
| 21.11.3 | Passenger Lift Systems.<br>Control is reserved over:<br>a. the extent to which the passenger lift system breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes;<br>b. whether the materials and colour to be used are consistent with the rural landscape of which the passenger lift system will form a part;<br>c. the extent of any earthworks required to construct the passenger lift system, in terms of the limitations set out in Chapter 25 Earthworks;<br>d. balancing environmental considerations with operational characteristics. | C |

## 12.3 Rule 21.5.29 – Night Lighting

851. As notified, this rule made night lighting a controlled activity in the SASZ. There were no submissions on it. We recommend it be located in Table 9 as an activity rather than a standard, and adopted as notified subject to minor wording changes and renumbering.

## 12.4 Rule 21.5.30 – Vehicle Testing

852. As notified, this rule provided for vehicle testing facilities at the Waiorau Snow Farm SASZ as a controlled activity There were no submissions on it. We recommend it be located in Table 9 as

[793] Submission 407

an activity rather than a standard, and adopted as notified subject to minor wording changes and renumbering.

### 12.5 Rule 21.5.31 – Retail activities ancillary to Ski Area Activities

853. As notified, this rule provided for retail activities ancillary to ski area activities as a controlled activity in the SASZ. There were no submissions on it. We recommend it be located in Table 9 as an activity rather than a standard, and adopted as notified subject to minor wording changes and renumbering.

### 12.6 New Activity for Ski Area Sub Zone Accommodation within Ski Are Sub Zones

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

855. In Section 5.19 above, we set out findings as regards a definition and policy for Ski Area Sub Zone Accommodation. We do not repeat that here. Rather, having established the policy framework, we address here the formulation of an appropriate rule. We understood that Mr Barr and Mr Ferguson[795] were in general agreement as to the substance of the proposed rule. However, in terms of matters that we have not previously addressed, they had differences of opinion in relation to the inclusion in the rule of reference to landscape and ecological values.

856. Mr Ferguson initially recommended inclusion in the matters of discretion of reference to the positive benefits for landscape and ecological values[796]. However, in response to our questions, he made further amendments removing the reference to positive benefits.[797] Mr Barr, in reply, considered that it did not seem appropriate to have landscape and ecological values apply to Ski Area Sub-Zone Accommodation facilities and not to other buildings in the Sub-Zone, which are addressed by the framework in Chapter 33 and which provided for the maintenance of biological diversity[798]. We agree with Mr Barr. The inclusion of reference to ecological matters would be a duplication of provisions requiring assessment. We note that the policy framework for Ski Area Sub-Zones precludes the landscape classification from applying in the Sub-Zone. This is not to say that landscape considerations are unimportant, but, in our view, those considerations should be applied consistently when considering all buildings and structures in the Sub-Zone.

857. In Section 5.19, we noted the need for the inclusion of the 6 month stay period as it applies to Ski Area Sub Zone Accommodation to be part of this rule. Mr Ferguson included this matter as a separate rule[799]. Mr Barr, in reply, recommended the 6 month period be included as part of a single rule and also considered that given that such activities were in an alpine environment, natural hazards should be included as a matter of discretion.

858. In considering all of the above, we recommend that new rule be included in Table 9 to provide for Ski Area Sub Zone Accommodation, numbered and worded as follows:

| | | |
|---|---|---|
| 21.12.7 | Ski Area Sub Zone Accommodation | RD |

794 Submissions 610, 613
795 Expert Planning Witness for Submission Numbers 610 and 613
796 C Ferguson, EIC, Page 32-33, Para 125
797 C Ferguson, Response to Panel Questions, 27 May 2016, Pages 7 - 8
798 C Barr, Reply, Pages 40 – 41, Para 14.12
799 C Ferguson, Response to Panel Questions, 27 May 2016, Page 8

| | | |
|---|---|---|
| | Comprising a duration of stay of up to 6 months in any 12 month period and including worker accommodation.<br><br>Discretion is restricted to:<br>a. scale and intensity and whether these would have adverse effects on amenity, including loss of remoteness or isolation<br>b. location, including whether that because of the scale and intensity the visitor accommodation should be located near the base building area (if any)<br>c. parking<br>d. provision of water supply, sewage treatment and disposal<br>e. cumulative effects<br>f. natural hazards | |

### 12.7 New Rule – Ski Area Sub-Zone Activities

859. As a result of hearings in Stream 11, a new Rule 21.12.8 providing for a no build area in the Remarkables Ski Area Sub-Zone has been recommended by the Stream 11 Panel.

### 12.8 Standards for Ski Area Sub-Zones

860. As will be clear from above, we concluded that all the provisions listed in notified Table 7 were activities rather than standards. We had no evidence suggesting any specific standard be included for Ski Area Sub-Zone. Thus we recommend the table for such standards be deleted.

## 13 TABLE 8 – STANDARDS FOR ACTIVITIES WITHIN THE RURAL INDUSTRIAL SUB ZONE

### 13.1 Rule 21.5.32 – Buildings

861. As notified, Rule 21.5.32 read as follows;

| | | |
|---|---|---|
| 21.5.32 | **Buildings**<br>Any building, including any structure larger than 5m2, that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building are subject to the following:<br>All exterior surfaces shall be coloured in the range of browns, greens or greys (except soffits), including;<br>21.5.32.1 Pre-painted steel and all roofs shall have a reflectance value not greater than 20%; and,<br>21.5.32.2 All other surface finishes shall have a reflectance value of not greater than 30%.<br><br>Discretion is restricted to all of the following:<br>• External appearance<br>• Visual prominence from both public places and private locations.<br>• Landscape character<br>• Visual amenity. | RD |

862. One submission sought that the activity status be amended to fully discretionary or that the Rural Industrial Sub-Zone be removed from this Stage of the Review[800]. On reviewing the submission, we note that the concern expressed was that 'rural amenity' was not provided in the list of matters of discretion.

863. This submission was addressed by Mr Barr in the Section 42A Report, Appendix 2 where Mr Barr recorded that, *"The matters of discretion are considered to appropriately contemplate 'rural amenity'. The matters of discretion specify 'visual amenity'. Visual amenity would encompass rural amenity."*[801]

864. We heard no evidence in support of the submission. We agree with Mr Barr for the reasons set out in the Section 42A Report. Accordingly, we recommend that the submission be rejected and subject to minor word changes, the rule be adopted as notified as Rule 21.14.1 in Table 11..

### 13.2 Rule 21.5.33 – Building size

865. As notified this rule set a maximum ground floor of buildings in the Rural Industrial Sub-Zone at 500m$^2$, with non-compliance a restricted discretionary activity. No submissions were received on this rule.

866. Other than minor wording changes for clarity and renumbering, we recommend this rule be adopted as notified.

### 13.3 Rule 21.5.34 – Building height

867. As notified, this rule set the maximum building height at 10m in the Sub-Zone. No submissions were received on this rule.

868. Other than minor wording changes for clarity and renumbering, we recommend this rule be adopted as notified.

### 13.4 Rule 21.5.35 – Setback from Sub-Zone Boundaries

869. As notified, this rule set the setback from the Sub-Zone boundaries at 10m in the Sub-Zone. No submissions were received on this rule.

870. Other than minor wording changes for clarity and renumbering, we recommend this rule be adopted as notified.

### 13.5 Rule 21.5.36 – Retail Activities

871. As notified, this limited the location and area of space used for retail sales to being within a building, and not exceeding 10% of the building's total floor area. Non-compliance was set as a non-complying activity. No submissions were received on this rule.

872. Other than minor wording changes for clarity and renumbering, we recommend this rule be adopted as notified.

### 13.6 Rule 21.5.37 – Lighting and Glare

873. As notified, Rule 21.5.37 read as follows;

| | | |
|---|---|---|
| 21.5.37 | **Lighting and Glare** | NC |

800 Submission 314

801 C Barr, Section 42A Report, Appendix 2, Page 127

| | | | |
|---|---|---|---|
| | 21.5.37.1 | All fixed exterior lighting shall be directed away from adjoining sites and roads; and | |
| | 21.5.37.2 | No activity on any site shall result in greater than a 3.0 lux spill (horizontal and vertical) of light onto any other site measured at any point inside the boundary of the other site, provided that this rule shall not apply where it can be demonstrated that the design of adjacent buildings adequately mitigates such effects. | |
| | 21.5.37.3 | There shall be no upward light spill. | |

874. One submission sought that this provision be relocated to Table 2 – General Standards[802]. At this point, we also note that there was one submission seeking shielding and filtration standards for outdoor lighting generally within the zone with any non-compliance to be classified as a fully discretionary activity[803].

875. Mr Barr considered that shifting the standard to Table 2 – General Standards was appropriate relying on the evidence of Dr Read, *"… that the absence of any lighting controls in the ONF/L is an oversight and is of the opinion that the lighting standards should apply District Wide"*[804]. We agree for the reason set out in Mr Barr's Section 42A Report and recommend that the submission be accepted in part. We also consider that this addresses the submission seeking new lighting standards and accordingly recommended that submission be accepted in part.

876. The submission of QLDC Corporate also sought the following additional wording be added to the standard, *'Lighting shall be directed away from adjacent roads and properties, so as to limit effects on the night sky'.*

877. We agree with Mr Barr that such a standard is too subjective in that the rule itself would limit effects on the night sky and that it would be too difficult to ascertain as a permitted standard. Accordingly, we recommended that that submission be rejected.

878. Consequently, we recommend this rule be located in Table 2 as Rule 21.5.7 with the only text change being the replacement in recommended Rule 21.5.7.3 of "shall" with "must".

## 14 TABLE 9 – ACTIVITIES AND STANDARDS FOR ACTIVITIES ON THE SURFACE OF LAKES AND RIVERS

879. This table, as notified, contained a mixture of activities and standards. We recommend it be divided into two tables: Table 12 containing the activities on the surface of lakes and rivers, and Table 13 containing the standards for those activities.

### 14.1 Rule 21.5.38 – Jetboat Race Events

880. As notified, Rule 21.5.38 read as follows:

802 Submission 383

803 Submission 568

804 C Barr, EIC, Page 101, Para 20.8

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|---|---|---|
| 21.5.38 | **Jetboat Race Events**<br>Jetboat Race Events on the Clutha River, between the Lake Outlet boat ramp and the Albert Town road bridge not exceeding 6 race days in any calendar year.<br>Control is reserved to all of the following:<br>a. The date, time, duration and scale of the jetboat race event, including its proximity to other such events, such as to avoid or mitigate adverse effects on residential and recreational activities in the vicinity<br>b. Adequate public notice is given of the holding of the event<br>c. Reasonable levels of public safety are maintained. | C |

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

882. Mr Barr, in the Section 42A Report, noted that this rule was effectively brought over from the ODP with the same activity status. The only change was that the limitation of 6 races per year was specified in the rule, rather than in a note[806]. We heard no evidence in support of the submission and we do not consider a 6 race limit unreasonable. Accordingly, we recommend that the submission be rejected and that the only changes be to numbering and structuring, in line with our more general recommendations. Some minor changes to the matters of control are also recommended so they do not read as standards. It would therefore be located in Table 12 as an activity and worded as follows:

| | | |
|---|---|---|
| 21.15.4 | **Jetboat Race Events**<br>Jetboat Race Events on the Clutha River, between the Lake Outlet boat ramp and the Albert Town road bridge not exceeding 6 race days in any calendar year.<br>Control is reserved to:<br>a. the date, time, duration and scale of the jetboat race event, including its proximity to other such events, such as to avoid or mitigate adverse effects on residential and recreational activities in the vicinity;<br>b. the adequacy of public notice of the event;<br>c. public safety. | C |

### 14.2 Rule 21.5.39 - Commercial non-motorised boating activities and Rule 21.5.43 – Commercial boating activities

883. As notified, Rule 21.5.39 read as follows:

| | | |
|---|---|---|
| 21.5.39 | **Commercial non-motorised boating activities**<br>Discretion is restricted to all of the following:<br>a. Scale and intensity of the activity<br>b. Amenity effects, including loss of privacy, remoteness or isolation<br>c. Congestion and safety, including effects on other commercial operators and recreational users | RD |

805 Submission 758

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

| | | |
|---|---|---|
| | d. Waste disposal<br>e. Cumulative effects<br>f. Parking, access safety and transportation effects. | |

884. One submission sought that the rule be retained[807], one sought that it be deleted[808], two submissions sought that the rule be amended to prohibit non-motorised commercial activities on Lake Hayes[809] and one submission sought that the rule be amended so that the matters of discretion included location[810]. We note that Queenstown Rafting Ltd lodged a number of further submissions opposing many of the submissions on this provision and also seeking that the activity status be made fully discretionary. We find this latter point is beyond the scope of the original submissions, and hence we not have considered that part of those further submissions.

885. Mr Barr, in the Section 42A Report, noted the safety concerns raised in the QRL submission[811], but considered that the provision as notified adequately addressed safety issues and that the restricted discretionary activity status was appropriate. Mr Barr also considered that the addition of 'location' as a matter of discretion was appropriate.[812] Mr Farrell, in evidence for RJL agreed with Mr Barr[813].

886. In evidence for QRL, Mr Boyd (Managing Director of QRL) suggested that restricted discretionary activity status would result in the Council not considering other river and lake users when assessing such applications. He also highlighted the potential impact of accidents on tourism activities.[814]

887. Mr Brown, in his evidence for Kawarau Jet Services Holdings Limited[815] considered safety and congestion an important factor that should considered for any application involving existing and new motorised and non-motorised boating activities[816].

888. In reply, Mr Barr considered that the inclusion of safety in the matters of assessment meant that restricted discretionary status did not unduly impinge on a thorough analysis and application of section 104 and section 5.[817]

889. Considering the evidence of the witnesses we heard, we had difficulty in reaching the conclusion that restricted discretionary activity status was appropriate for commercial non-motorised boating activities (Rule 21.5.39) alongside fully discretionary activity status for commercial motorised boating activities (Rule 21.4.43), particularly where motorised and non-motorised activities may occur on the same stretch of water. It appeared to us that the same activity status should apply to both motorised and non-motorised commercial boating activities.

890. We therefore consider Rule 21.5.43 at this point. As notified, this rule read as follows;

807 Submissions 45, 719
808 Submission 167
809 Submission 11, 684
810 Submission 621
811 Submission 167
812 C Barr, Section 42A Report, Page 84-85, Paras 17.25 – 17.28
813 B Farrell, EIC, Page 27, Paras 125 - 126
814 RV Boyd, EIC, Pages 3- 5, Paras 3.3 – 4.5
815 Submission 307
816 J Brown, EIC, Page 20, Para 2.28
817 C Barr, Reply, Page 30, Para 10.2

| | | |
|---|---|---|
| 21.5.43 | **Commercial boating activities**<br>Motorised commercial boating activities.<br><br>Note: Any person wishing to commence commercial boating activities could require a concession under the QLDC Navigation Safety Bylaw. There is an exclusive concession currently granted to a commercial boating operator on the Shotover River between Edith Cavell Bridge and Tucker Beach until 1 April 2009 with four rights of renewal of five years each. | D |

891. One submission sought that the term "motorised commercial boating activities" be deleted from the rule[818] and one submission sought that the rule be amended to separately provide for commercial ferry operations for public transport between the Kawarau River, Frankton Arm, and Queenstown CBD as a controlled activity[819].

892. We were unable to find direct reference in the Section 42A Report to this rule or to the submission from QRL. Rather, the focus of the Section 42A Report remained on the commercial non-motorised boating activities as discussed above.

893. Reading Submission 167 as a whole, the combination of relief resulting from deleting rule 21.5.39 and deleting "*motorised commercial boating activities"* from Rule 21.5.43 would mean that all commercial boating activities (meaning both motorised and non-motorised operations) would become fully discretionary activities. For the reasons discussed above, we agree that it is appropriate that the same activity status apply to motorised and non-motorised boating activities. We have no jurisdiction to consider restricted discretionary status for motorised activities (other than for commercial ferry operations in the areas specified in Submission 806).

894. Accordingly, we recommend that Rule 21.5.39 and Rule 21.4.43 be combined and renumbered, with the following wording;

| | | |
|---|---|---|
| 21.15.9 | **Motorised and non-motorised Commercial Boating Activities**<br>Except where otherwise limited by a rule in Table 12.<br><br>Note: Any person wishing to commence commercial boating activities could require a concession under the QLDC Navigation Safety Bylaw. There is an exclusive concession currently granted to a commercial boating operator on the Shotover River between Edith Cavell Bridge and Tucker Beach until 1 April 2009 with four rights of renewal of five years each. | D |

895. In relation to the submission of QPL seeking commercial ferry operations for public transport between the Kawarau River, Frankton Arm, and Queenstown CBD be subject to a separate rule as a controlled activity, this issue has also been raised by RJL. Both QPL and RJL sought related amendments to a number of provisions and we address those matters later in the report in Section 15.4.

818 Submission 167

819 Submission 806

### 14.3 Rule 21.5.40 – Jetties and Moorings in the Frankton Arm

896. As notified, this rule provided for jetties and moorings in the Frankton Arm as a restricted discretionary activity. No submissions were received on this rule.

897. Other than minor wording changes and renumbering, we recommend this be adopted as notified.

### 14.4 Rule 21.5.41 and Rule 21.5.42 – Structures and Moorings

898. As notified, Rules 21.5.41 and 21.5.42 read as follows;

| | | |
|---|---|---|
| 21.5.41 | **Structures and Moorings**<br>Any structure or mooring that passes across or through the surface of any lake or river or is attached to the bank of any lake and river, other than where fences cross lakes and rivers. | D |
| 21.5.42 | **Structures and Moorings**<br>Any structures or mooring that passes across or through the surface of any lake or river or attached to the bank or any lake or river in those locations on the District Plan Maps where such structures or moorings are shown as being non-complying. | NC |

899. One submission sought that Rule 21.5.41 be amended to include pipelines for water takes that are permitted in a regional plan and gabion baskets or similar low impact erosion control structures installed for prevention of bank erosion[820].

900. Two submissions sought that Rule 21.5.42 be amended to provide for jetties and other structures for water based public transport on the Kawarau River and Frankton Arm, as a controlled activity[821].

901. In relation to the amendment sought by RJL regarding water take pipelines and erosion controls , we could not find reference to this submission point in the Section 42A Report. Mr Farrell, likewise did not address this matter in evidence for RJL. In reply, Mr Barr recommended amending 21.5.41 to clarify that post and wire fences were in this situation permitted activities, although he provided no discussion of this change or reference to a submission seeking it.

902. Having heard no evidence in support of the amendments for inclusion of water pipeline takes and erosion control devices, we recommend that that submission be rejected.

903. While there may have been an intention that post and wire fences crossing lakes and rivers were a permitted activity, Rule 21.5.41 as notified did not classify those activities in that way. What the rule did do is exclude fences crossing lakes and rivers from the discretionary activity category.. Given the application of (notified) Rule 21.4.1, those fences would therefore be non-complying activities. There is no scope for those activities to be reclassified as permitted. Therefore, we do not agree with Mr Barr's recommended amendment.

904. What we do recommend is a minor, non-substantive change to Rule 21.5.41 to make it clear that it is subject to Rule 21.5.42 (as notified).

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820 Submission 621

821 Submission 621, 806

905. Accordingly, we recommend that Rules 21.5.41 and 21.5.42 be renumbered and worded as follows:

| | | |
|---|---|---|
| 21.15.7 | **Structures and Moorings**<br>Subject to Rule 21.15.8, any structure or mooring other than post and wire fences that passes across or through the surface of any lake or river or is attached to the bank of any lake and river. | D |
| 21.15.8 | **Structures and Moorings**<br>Any structures or mooring that passes across or through the surface of any lake or river or attached to the bank or any lake or river in those locations on the District Plan Maps where such structures or moorings are shown as being non-complying. | NC |

906. Returning to the submissions regarding jetties and other structures for water based public transport on the Kawarau River and Frankton Arm as a controlled activity, we have already addressed these matters at a policy level in Section 5.48 above, where we recommended separating public ferry systems from other commercial boating activities. We also recorded the need for jetties and moorings to be considered in the context of policies related to protection landscape quality and character, and amenity values.

907. Mr Barr, in the Section 42A Report, was opposed to controlled activity status for jetties and other structures and his recommendation was *"that the restricted discretionary activity status is appropriate, as is a discretionary, or non-complying activity status for other areas as identified in the provisions."*[822] Mr Farrell, in evidence for RJL, agreed with Mr Barr as to the restricted discretionary activity status for structures associated with water based public transport in the Frankton Arm[823].

908. We could not identify anywhere in the Section 42A Report or in his Reply Statement where Mr Barr included any recommendations so that the revised text of the PDP would provide for jetties and other structures as restricted discretionary activities. Even if we are wrong on that matter, we do not agree that that is the appropriate activity status. In our view, Policy 21.2.12.8 recommended above goes far enough towards encouraging public ferry systems and beyond that, the rules need to be balanced so that consideration is given to landscape quality and character, and amenity values, that are to be maintained and enhanced under Policies 6.3.29 and 6.3.30.

909. Accordingly, we recommend that the submissions seeking rule amendments to provide for jetties and other structures for water based public transport on the Kawarau River and Frankton Arm as a controlled activity be rejected.

### 14.5 Rule 21.5.44 – Recreational and commercial boating activities

910. As notified, Rule 21.5.44 read as follows:

| | | |
|---|---|---|
| 21.5.44 | **Recreational and commercial boating activities**<br>The use of motorised craft on the following lakes and rivers is prohibited, except where the activities are for emergency search and rescue, hydrological survey, public scientific research, | PR |

822 C Barr, Section 42A Report, Page 87, Para 17.36

823 B Farrell, EIC, Page 28, Para 129

| | | |
|---|---|---|
| | resource management monitoring or water weed control, or for access to adjoining land for farming activities.<br>21.5.44.1 Hawea River.<br>21.5.44.2 Commercial boating activities on Lake Hayes.<br>21.5.44.3 Any tributary of the Dart and Rees rivers (except the Rockburn tributary of the Dart River) or upstream of Muddy Creek on the Rees River.<br>21.5.44.4 Young River or any tributary of the Young or Wilkin Rivers and any other tributaries of the Makarora River.<br>21.5.44.5 Dingle Burn and Timaru Creek.<br>21.5.44.6 The tributaries of the Hunter River.<br>21.5.44.7 Hunter River during the months of May to October inclusive.<br>21.5.44.8 Motatapu River.<br>21.5.44.9 Any tributary of the Matukituki River.<br>21.5.44.10 Clutha River - More than six jet boat race days per year as allowed by Rule 21.5.38. | |

911. Submissions to this rule variously sought that:
   a. 21.5.44 be retained[824]
   b. 21.5.44.1 be amended to provide for recreational jet sprint racing on the Hawea River[825]
   c. 21.5.44.3 be amended to provide for recreational and commercial boating activities on the Beansburn tributary of the Dart River[826]
   d. 21.5.44.7 amend rule to permitted activity status[827]
   e. 21.5.44.10 amend rule to permitted activity status[828].

912. Mr Barr, in the Section 42A Report, addressed the submission of Jet Boat NZ as regards jet sprint racing on the Hawea River, noting that the ODP did provide for such activities 6 days per year on an identified course on the river. However, Mr Barr set out in detail the reasons he considered that the activity status in the PDP should remain as prohibited, as follows;

*"a. There is not any 'one approved jet sprint course' on the ODP planning maps. I accept this is not the fault of the submitter, however it illustrates that the rule has not been exercised.*

*a. The qualifiers in the exemption to the prohibited status are cumbersome and subject to third party approvals from a whitewater group and the Queenstown Harbour Master.*

*b. There is a jet sprint course constructed and in operation near the Wanaka Airport[53] for these activities that negate the need to manage risks to safety, amenity and nature conservation values as required in the qualifiers in Rule 5.3.3.5(a) through undertaking the activity on the Hawea River.*

*c. The jet sprint course near Wanaka Airport held a New Zealand Jet Sprint Championship event, however the resource consent was for a one-off event[54]. While these activities require a resource consent the physical works associated with constructing a jet sprint course are already done*

824 Submission 688
825 Submission 758
826 Submission 716
827 Submission 758
828 Submission 758

*d. The jet sprint course on the Hawea River has not been used for a long time and is disused. The Council's Albert Town Reserve Management Plan 2010[55] noted this and states that the jet sprint course was not compatible with the quiet values of the reserve and adjacent camping areas and, Central Otago Whitewater have expressed an interest in using the disused course for a pond to complement the kayak slalom site. [829]*

*53. http://www.jetsprint.co.nz/tracks/oxbow-aquatrack-wanaka/ Downloaded 28 February 2016.*

*54. RM130098 Oxbow Limited. To hold the fifth round of the New Zealand Jet Sprint Championship on the 30 March 2013 and undertake earthworks to construct the jet sprint course*

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*55. http://www.qldc.govt.nz//assets/OldImages/Files/Reserve_Management_Plans/Albert_Town_Recreation_Reserve_Mgmt_ Plan_2010.pdf"*

913. Mr McSoriley, in evidence for JBNZ, considered that Mr Barr's interpretation of the rules in the ODP was incorrect and that the rules provided for both jet boating runs on the Hawea River itself, as well as jet sprint events on the identified course[830]. Mr McSoriley considered that there was no support for a blanket prohibition on the Hawea River and also set out the reasons for the limited utilisation of jet sprint course and factors that may have led to the PDP discouraging recreational jet boating[831].

914. In reply, Mr Barr considered that it was appropriate to have jet boating runs on the Hawea River as per the ODP Rule 5.3.3.5i (a) (2) despite the cumbersome nature of the provisions in the ODP and recommended amendments to that effect[832]. Having considered the witness's evidence, we agree.

915. We questioned Mr Barr, as to whether the jet sprint course was part of the river, or whether, because it was artificially constructed, it therefore fell under Council's jurisdiction as a land-based activity rather than a surface of water activity. We understood from Mr Barr's evidence in reply that he supported the second interpretation. It followed that any activity on the course would require consideration under the provisions governing noise, commercial recreation activities and temporary activities. Mr Barr provided a copy of a consent from 14 Dec 1999 for a one-off jet sprint event to be held on 3 Jan 2000.

916. We agree with Mr Barr that the jet sprint course is not part of the surface of a lake or river, but that this use should be addressed under other provisions in Plan. We also note that we did not receive any evidence that the activity was lawfully established. In our view, the activity would be most appropriately addressed as a temporary activity.

917. Accordingly we recommend that the submission of JBNZ seeking the reinstatement of the Jet Sprint Course be rejected and recreational jet boat runs on the Hawea be provided for subject to limitations as follows;

829 C Barr, Section 42A Report, Pages 90 – 91, Para 17.52
830 L McSoriley, EIC, Pages 2-3, Para 10 - 12
831 L McSoriley, EIC, Pages 4-5, Paras 14 - 24
832 C Barr, Reply, Page 31, Para 10.6

| | | |
|---|---|---|
| 21.15.3 | **Motorised Recreational Boating Activities**<br>Hawea River, motorised recreational boating activities on no more than six (6) days in each year subject to the following conditions:<br>a. at least four (4) days of such activity are to be in the months January to April, November and December<br>b. The Jet Boat Association of New Zealand ("JBANZ") (JBANZ or one of the Otago and Southland Branches as its delegate) administers the activity on each day<br>c. The prior written approval of Central Otago Whitewater Inc is obtained if that organisation is satisfied that none of its member user groups are organising activities on the relevant days; and<br>d. JBANZ gives two (2) calendar months written notice to the Council's Harbour-Master of both the proposed dates and the proposed operating schedule<br>e. The Council's Harbour-Master satisfies himself that none of the regular kayaking, rafting or other whitewater (non-motorised) river user groups or institutions (not members of Central Otago Whitewater Inc) were intending to use the Hawea River on that day, and issues an approved operating schedule<br>f. JBANZ carries out, as its expense, public notification on two occasions 14 and 7 days before the proposed jet boating<br>g. Public notification for the purposes of (f) means a public notice with double-size font heading in both the Otago Daily Times and the Southland Times, and written notices posted at the regular entry points to the Hawea River. | P |

918. As regards the submission of Ngai Tahu Tourism Ltd seeking that Rule 21.5.44.3 be amended to provide for recreational and commercial boating activities on the Beansburn tributary of the Dart River, Mr Barr, in the Section 42A Report, considered that the submission did not contain any evaluation of safety effects, or how natural conservation values or amenity values of other recreational users would be impacted[833].

919. Mr Edmonds spoke to the submission of Ngai Tahu Tourism Ltd, noting that the jet boat trip includes a stop at toilet facilities up the Beansburn River for which Ngai Tahu Tourism have a concession and presented maps showing stopping points. Mr Barr, in reply, agreed with Mr Edmonds and included a recommended amendment as part of a section 32AA assessment to provide for the exception of Beansburn tributary of the Dart River[834].

920. We agree that an exception in this case is appropriate in addressing a practical aspect of the existing commercial boating operation. By excluding the Beansburn from the rule, the more general Rule 21.15.9 (as recommended) would apply making the activities described by Mr Edmonds a discretionary activity. Accordingly, we recommend that 21.5.44.3 be renumbered and worded as follows:

833 C Barr, Section 42A Report, Page 91, Para 17.55

834 C Barr, Reply, Appendix 2, Page 12, Rule 21.5.44.3

*Any tributary of the Dart and Rees rivers (except the Beansburn and Rockburn tributaries of the Dart River) or upstream of Muddy Creek on the Rees River.*

921. The submission of JBNZ sought to amend Rule 21.5.44.7, which prohibited recreational motorised craft on the Hunter River during the months of May to October, so that it would be permitted. Mr Barr in the Section 42A Report, noted that the submission stated that the rule would, *"'prohibit recreational opportunities in certain months which is a permitted activity under the Operative District Plan'".* Mr Barr recorded that the rule is in fact carried over from the ODP and he considered the rule appropriate in terms of navigation and safety considerations and environmental impacts.

922. We heard no evidence from JBNZ in support of the submission that would contradict Mr Barr's evidence. Therefore we recommend that the submission be rejected.

923. As regards the amendment sought by JBNZ to Rule 21.5.44.10 seeking permitted activity status for jet boating racing on the Clutha River (up to 6 race days a year), Mr Barr noted in the Section 42A Report that controlled activity status under Rule 21.5.38 is the same as in the ODP.[835] Mr Barr did not consider the reasons provided by JBNZ to be compelling enough to alter the existing situation.

924. As for our consideration of Rule 21.5.38, JBNZ did not present any evidence in support of the submission that would cause us to take a different view to Mr Barr. We therefore recommend that the submission be rejected.

925. Notwithstanding the recommended acceptance and rejection of submissions set out above, we consider this rule has some inherent difficulties. As we understand the intention of the rule, it is to make it a prohibited activity for motorised craft to use the listed rivers and Lake Hayes (limited to commercial motorised craft). However, the rule also implies that where motorised craft are used for emergency search and rescue, hydrological survey, public scientific research, resource management monitoring or water weed control, or for access to adjoining land for farming activities, then they can use those rivers and Lake Hayes, presumably as a permitted activity.

926. In our view, the PDP would be a more easily understood document if the permitted activities were specified as such, and the prohibited activity rule was drafted so that it did not apply to those activities. For those reasons, we recommend this rule be split into two rules as follows:

| | | |
|---|---|---|
| 21.15.2 | **Motorised Recreational and Commercial Boating Activities**<br>The use of motorised craft for the purpose of emergency search and rescue, hydrological survey, public scientific research, resource management monitoring or water weed control, or for access to adjoining land for farming activities. | P |
| 21.15.10 | **Motorised Recreational and Commercial Boating Activities**<br>The use of motorised craft on the following lakes and rivers is prohibited except as provided for under Rules 21.15.2 and 21.15.3.<br>21.15.10.1 Hawea River.<br>21.15.10.2 Lake Hayes - Commercial boating activities only. | PR |

[835] C Barr, Section 42A Report, Page 89, Para 17.47

| | | |
|---|---|---|
| | 21.15.10.3 Any tributary of the Dart and Rees Rivers (except the Beansburn and Rockburn tributaries of the Dart River) or upstream of Muddy Creek on the Rees River.<br>21.15.10.4 Young River or any tributary of the Young or Wilkin Rivers and any other tributaries of the Makarora River.<br>21.15.10.5 Dingle Burn and Timaru Creek.<br>21.15.10.6 The tributaries of the Hunter River.<br>21.15.10.7 Hunter River during the months of May to October inclusive.<br>21.15.10.8 Motatapu River.<br>21.15.10.9 Any tributary of the Matukituki River.<br>21.15.10.10 Clutha River - More than six jet boat race days per year as allowed by Rule 21.15.4 | |

### 14.6 Rule 21.5.45 – Boating Craft used for Accommodation

927. As notified, this rule provided standards applying to the use of craft for overnight accommodation. Non-compliance was a non-complying activity. No submissions were received to this rule.

928. In his Reply Statement, Mr Barr recommended changed wording so as to make it clear that the activity is allowed subject to the standards. In large part we agree with his recommended amendments. We consider such an amendment to be minor and available under Clause 16(2).

929. We recommend the rule be renumbered and adopted with the following wording:

| | | |
|---|---|---|
| 21.16.1 | **Boating craft used for Accommodation**<br>Boating craft on the surface of the lakes and rivers may be used for accommodation, provided that:<br>21.16.1.1 The craft must only be used for overnight recreational accommodation; and<br>21.16.1.2 The craft must not be used as part of any commercial activity; and<br>21.16.1.3 All effluent must be contained on board the craft and removed, ensuring that no effluent is discharged into the lake or river. | NC |

### 14.7 Rule 21.5.46 – Jetties in Frankton Arm

930. As notified, Rules 21.5.46 read as follows:

| | | |
|---|---|---|
| 21.5.46 | No new jetty within the Frankton Arm identified as the area east of the Outstanding Natural Landscape Line shall:<br>21.5.46.1 be closer than 200 metres to any existing jetty;<br>21.5.46.2 exceed 20 metres in length;<br>21.5.46.3 exceed four berths per jetty, of which at least one berth is available to the public at all times;<br>21.5.46.4 be constructed further than 200 metres from a property in which at least one of the registered owners of the jetty resides. | NC |

931. One submission sought that the standard be amended to exclude jetties associated with water based public transport or amended to provide flexibility for the provision of such jetties[836]. Two other submissions similarly sought that the rule not apply to jetties for public transport linkage on the Kawarau River, the Frankton Arm and Queenstown CBD[837].

932. Submissions to this rule were not directly referenced in the Section 42A Report, Mr Barr noting in Appendix 2 that the matter was addressed under his consideration of Objective 21.2.12 (as notified)[838].

933. Mr Farrell, in evidence for RJL opined that the importance of water based public transport warranted discretionary activity status for associated jetties and structures rather than the non-complying activity status[839]. Mr Farrell did not provide any further reasons for reaching that opinion.

934. We have already addressed the issue of water based public transport infrastructure at a policy level in Section 5.48 above, where we recommended separating public ferry systems from other commercial boating activities and, in particular, recording the need for jetties and moorings to be considered within the context of landscape quality and character, and amenity values all being maintained and enhanced under Policies 6.3.29 and 6.3.30. For the same reasons, we recommend that these submissions be rejected.

935. Mr Barr, in reply did recommend clarification of the rule by inserting a reference to Outstanding Natural Landscape line as shown on the District Plan Maps[840]. We agree that this is a useful clarification. Accordingly, we recommend that Rule 21.5.46 be renumbered and the wording be as follows;

| | | |
|---|---|---|
| 21.16.2 | Jetties and Moorings in the Frankton Arm<br>Jetties and moorings in the Frankton Arm, identified as the areas located to the east of the Outstanding Natural Landscape line as shown on District Plan Map<br>No new jetty within the Frankton Arm identified as the area east of the Outstanding Natural Landscape Line shall:<br>21.16.2.1 Be closer than 200 metres to any existing jetty;<br>21.16.2.2 Exceed 20 metres in length;<br>21.16.2.3 Exceed four berths per jetty, of which at least one berth is available to the public at all times;<br>21.16.2.4 Be constructed further than 200 metres from a property in which at least one of the registered owners of the jetty resides. | NC |

## 14.8 Rule 21.5.47 – Specific Standards

936. As notified, Rule 21.5.47 read as follows;

| | | |
|---|---|---|
| 21.5.47 | The following activities are subject to compliance with the following standards: | NC |

836 Submission 621
837 Submissions 766, 806
838 C Barr, Section 42A Report, Appendix 2, Page 131
839 B Farrell, EIC, Page 29, Para 135
840 C Barr, Reply, Appendix 1, Page 21-27

| | | | |
|---|---|---|---|
| | 21.5.47.1 | Kawarau River, Lower Shotover River downstream of Tucker Beach and Lake Wakatipu within Frankton Arm - Commercial motorised craft shall only operate between the hours of 0800 to 2000. | |
| | 21.5.47.2 | Lake Wanaka, Lake Hawea and Lake Wakatipu - Commercial jetski operations shall only be undertaken between the hours of 0800 to 2100 on lakes Wanaka and Hawea and 0800 and 2000 on Lake Wakatipu. | |
| | 21.5.47.3 | Dart and Rees Rivers - Commercial motorised craft shall only operate between the hours of 0800 to 1800, except that above the confluence with the Beansburn on the Dart River commercial motorised craft shall only operate between the hours of 1000 to 1700. | |
| | 21.5.47 | Dart River – The total number of commercial motorised boating activities shall not exceed 26 trips in any one day. No more than two commercial jet boat operators shall operate upstream of the confluence of the Beansburn, other than for tramper and angler access only. | |

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

938. Mr Barr, in the Section 42A Report, agreed that the hours of operation specified in Rule 21.5.47.1 could provide a disincentive for public transport and recommended amending the rule to exclude public transport ferries, rather than deleting the rule entirely.[844]

939. We have already addressed public transport ferry activities above. We agree with Mr Barr that the restriction on the hours of operation would be a disincentive that should be removed.

940. In speaking to the submission of Ngai Tahu Tourism Ltd[845] seeking an amendment to Rule 21.5.47.4, to refer to 'one' instead of 'two' commercial jet boat operators, Mr Edmonds explained that Ngai Tahu Tourism Ltd now owned all the jet boat operations on the Dart River.

941. We are concerned that, notwithstanding that Ngai Tahu Tourism Limited may be the only present operator on the Dart River, restricting the number of operators to one would amount to a restriction of trade competition. In the absence of evidence of resource management reasons as to why the standard should be further restricted, we do not recommend it be changed.

841 Submission 806
842 Submission 383
843 Submission 716
844 C Barr, Section 42A Report, Page 87, Para 17.39
845 Submission 716

942. Taking account of all of the above, we recommend that rule 21.5.47 be renumbered and worded as follows:

| | | |
|---|---|---|
| 21.16.3 | The following activities are subject to compliance with the following standards:<br>21.16.3.1 Kawarau River, Lower Shotover River downstream of Tucker Beach and Lake Wakatipu within Frankton Arm - Commercial motorised craft other than public transport ferry activities, may only operate between the hours of 0800 to 2000.<br>21.16.3.2 Lake Wanaka, Lake Hawea and Lake Wakatipu - Commercial jetski operations must only be undertaken between the hours of 0800 to 2100 on Lakes Wanaka and Hawea and 0800 and 2000 on Lake Wakatipu.<br>21.16.3.3 Dart and Rees Rivers - Commercial motorised craft must only operate between the hours of 0800 to 1800, except that above the confluence with the Beansburn on the Dart River commercial motorised craft must only operate between the hours of 1000 to 1700.<br>21.16.3.4 Dart River – The total number of commercial motorised boating activities must not exceed 26 trips in any one day. No more than two commercial jet boat operators may operate upstream of the confluence of the Beansburn, other than for tramper and angler access only. | NC |

## 15 TABLE 10 – CLOSEBURN STATION

943. As notified, this table contained one activity rule and four standards applying solely to Closeburn Station. The only submission[846] on these supported the provisions.

944. We recommend these be split into two tables: Table 14: Closeburn Station – Activities; and Table 15: Closeburn Station – Standards. Other than that, renumbering and a minor grammatical correction to the height standards, we recommend the rules be adopted as notified.

## 16 NEW STANDARDS SOUGHT

945. The NZFS[847] sought inclusion of a standard requiring compliance with the NZFS Code of Practice SNZ PAS 4509:2003 in relation to water supply and access. We were not able to find any further submissions opposing the relief sought.

946. In the Section 42A Report, Mr Barr supported the request but raised concerns around the reliance on the Code of Practice, which is a document outside the PDP, for a permitted activity status. As there were no development rights attached to dwellings in the Rural Zone, Mr Barr

846 Submission 323
847 Submission 438

did not consider the rule necessary and recommended that the submission be rejected[848]. We note that in Section 5.4 above that we have already dealt with the policy matter of the provision of firefighting water supply and fire service vehicle access within this Chapter and the other rural chapters. We also note that Mr Barr, in the Section 42A Report on Chapter 22, recommended that the specifics of the Code of Practice be incorporated into the wording of a standard[849].

947. We heard evidence from Mr McIntosh, Area Manager Central/North Otago at the NZFS, as to the detail of the Code of Practice and the importance of water supply and access to property in the event of the NZFS attending emergency call outs[850]. We also heard evidence from Ms A McLeod, a planner appearing for NZFS. Ms McLeod had a different view to Mr Barr, considering that a standard should be included. Her reasons included greater certainty and clarity for plan users, consistency with the priority given to fire-fighting water supply in section 14(3) of the RMA and by being *"the most appropriate way to achieve the purpose of the RMA by enabling people and community to provide for their health, safety and well-being by managing a potential adverse effect of relatively low probability but high consequence."*[851]

948. In her evidence, Ms McLeod considered that reference to codes of practice were provided for by the Act and that interpreting the code into the provision as proposed by Mr Barr could lead to the PDP being more restrictive than the code itself[852]. We questioned the NZFS witnesses regarding the detail of the application of the code and proposed standard and activity status during the hearing and also sought additional information on specific questions relating to the treatment of multiple units, separation distances and the suggested 45,000 litre tank size. We received that information on 7 June 2016.

949. Taking into account all the evidence and information we were provided with, we think that reliance on the code of practice in not appropriate in terms of specifying the requirements and that those requirements should be set out in the Plan. We agree that the tank/s size should be 45,000litres and the activity status for non-compliance should be restricted discretionary. In line with our policy recommendation above, we also consider that these provisions be consistently applied across all the rural chapters.

950. Accordingly we recommend the NZFS submission be accepted in part and that the provisions be located in Table 4 (Standards for Structures and Buildings), numbered and worded as follows:

| | | |
|---|---|---|
| 21.7.5 | Fire Fighting water and access<br>All new buildings, where there is no reticulated water supply or any reticulated water supply is not sufficient for fire-fighting water supply, must make the following provision for fire-fighting:<br>21.7.5.1 A water supply of 45,000 litres and any necessary couplings.<br>21.7.5.2 A hardstand area adjacent to the firefighting water supply | RD<br>Discretion is restricted to:<br>a. The extent to which SNZ PAS 4509: 2008 can be met including the adequacy of the water supply.<br>b. The accessibility of the firefighting water connection point for fire service vehicles. |

848 C Barr, Section 42A Report, Pages 99 -100, Paras 20.1 – 20.5
849 C Barr, Chapter 22 Section 42A Report, Page 34, Paras 16.6 – 16.8
850 D McIntosh, EIC, Pages 2 – 5, Paras 19 - 33
851 A McLeod, EIC, Pages 8-9, Para 5.10
852 A McLeod, EIC, Pages 9 – 11, Paras 5.13 – 5.18

| | | | |
|---|---|---|---|
| | | capable of supporting fire service vehicles. | c. Whether and the extent to which the building is assessed as a low fire risk. |
| | 21.7.5.3 | Firefighting water connection point within 6m of the hardstand, and 90m of the dwelling. | |
| | 21.7.5.4 | Access from the property boundary to the firefighting water connection capable of accommodating and supporting fire service vehicles. | |

## 17 RULE 21.6 – NON-NOTIFICATION OF APPLICATIONS

951. As notified, Rule 21.6 read as follows;

> *21.6 Non-Notification of Applications*
>
> *Any application for resource consent for the following matters shall not require the written consent of other persons and shall not be notified or limited-notified:*
>
> *21.6.1 Controlled activity retail sales of farm and garden produce and handicrafts grown or produced on site (Rule 21.4.14), except where the access is onto a State highway.*
>
> *21.6.2 Controlled activity mineral exploration (Rule 21.4. 31).*
>
> *21.6.3 Controlled activity buildings at Closeburn Station (Rule 21.5.48).*

952. One submission sought that the rule be amended to include a provision that states consent to construct a building will proceed non-notified[853]. The reasons set out in the submission include that, "*Buildings within the rural zone can have limited impact upon the environment and the community. Often buildings are related to the activities that occur onsite. Given the limited impact that buildings have on the rural environment and communities it is appropriate that consent for any building proceed non-notified*."[854]

953. In the Section 42A Report, Mr Barr considered that it was important that all buildings had the potential to be processed on a notified or limited notified basis and recommended that the submission be rejected[855]. We heard no evidence in support of the submission.

954. We agree with Mr Barr that buildings should have the potential to be processed as notified or limited notified. Any decision as regards buildings in the Rural Zone is needs to be subject of a separate assessment as to effects and potentially affected parties. In appropriate cases, applications will proceed on a non-notified basis.

955. Accordingly, we recommend that submission be rejected and that apart from numbering, the provisions remain as notified.

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853 Submission 701

854 Submission 701, Page 3, Para 23

855 C Barr, Section 42A Report, Page 92, Para 18.4

# 18 SUMMARY OF CONCLUSIONS ON RULES

956. We have set out in in full in Appendix 1 the rules we recommend the Council adopt. For all the reasons set out above, we are satisfied that these rules are the most effective and efficient means of implementing the policies so as to achieve the objectives of Chapter 21, and those in the Strategic Directions chapters. Where we have recommended rules not be included, that is because, as our reasons above show, we do not consider them to be efficient or effective.

# 19 21.7 – ASSESSMENT MATTERS (LANDSCAPE)

## 19.1 21.7.1 Outstanding Natural Features and Outstanding Natural Landscapes

957. As notified Clauses 21.7.1 and 21.7.1.1 – 21.7.1.2 read as follows;

> *21.7.1 Outstanding Natural Features and Outstanding Natural Landscapes (ONF and ONL).*
>
> *These assessment matters shall be considered with regard to the following principles because, in or on Outstanding Natural Features and Landscapes, the applicable activities are inappropriate in almost all locations within the zone:*
>
> *21.7.1.1 The assessment matters are to be stringently applied to the effect that successful applications will be exceptional cases.*
>
> *21.7.1.2 Existing vegetation that:*
>
> *a. was either planted after, or, self-seeded and less than 1 metre in height at 28 September 2002; and,*
>
> *b. obstructs or substantially interferes with views of the proposed development from roads or other public places, shall not be considered:*
>
> *i. as beneficial under any of the following assessment matters unless the Council considers the vegetation (or some of it) is appropriate for the location in the context of the proposed development; and*
>
> *ii. as part of the permitted baseline.*

958. Submissions on these provisions sought that the introductory note be deleted entirely[856], or that the wording in the introductory note be variously amended to remove the wording *"the applicable activities are inappropriate in almost all locations within the zone:"*[857]; or to refer only to the Wakatipu Basin[858]; that the provision be amended to take into account the locational constraints of infrastructure[859]; that the assessment criteria be amended to accord with existing case law[860]; and that 21.7.1.1[861] and 21.7.1.2[862] be deleted.

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856 Submissions 179, 421
857 Submission 355, 608, 693, 702
858 Submission 519
859 Submission 433
860 Submission 806
861 Submissions 179, 191, 249, 355, 421, 598, 621, 624, 693, 702, 781
862 Submission 249

959. In the Section 42A Report, Mr Barr provided a table that set out in detail the comparison between the assessment criteria under the ODP and PDP[863] and recommended that 21.7.1 and 21.7.1.1 be amended in response to the submissions and should be worded as follows:

> *19.1.1.1 ~~21~~.7.1 Outstanding Natural Features and Outstanding Natural Landscapes (ONF and ONL).*
>
> *These assessment matters shall be considered with regard to the following principles because, in or on Outstanding Natural Features and Landscapes, the applicable activities are inappropriate in almost all locations within the Wakatipu Basin, and inappropriate in many locations throughout the District wide Outstanding Natural Landscapes:*
>
> *~~19.1.1.2~~ 21.7.1.1 ~~The assessment matters are to be stringently applied to the effect that successful applications will be exceptional cases.~~*

960. Mr Barr's reasoning supporting the amendments, was to clarify that the assessment criteria were not a 'test', and to remove the word exceptional which has connotations to section 104D of the RMA given it is discretionary activities that the assessment is generally applied to[864].

961. In evidence for Darby Planning, Mr Ferguson considered the wording of the assessment criteria as notified predetermined that activities were inappropriate in almost all locations, and that this was itself inappropriate and unnecessary[865].

962. Mr Vivian, in evidence for NZTM agreed with Mr Barr's recommendation as to referencing that activities are inappropriate in almost all locations within the Wakatipu Basin and noted the Environment Court decision from which the assessment criteria was derived (C180/99). However, Mr Vivian considered that the term Wakatipu Basin was not adequately defined and recommended additional wording for clarification purposes.[866]

963. Mr Haworth, in evidence for UCES on wider assessment criteria matters, referred to the assessment criteria as a 'test'[867]. We questioned Ms Lucas as to her tabled evidence for UCES as to what the meaning of 'test' was in the context of her evidence. Ms Lucas' response was that *"A "test", that is, in application of the assessment matter, "shall be satisfied" that".*

964. Mr Barr, in reply, made some changes to the recommended assessment criteria in light of the submissions and evidence noted above, but considered that some of the wording changes added little value or would potentially weaken the assessment required[868]. Also in reply, Mr Barr detailed his view that a test was appropriately located in the objective and policies and that assessment matters provide guidance in considering specified environment effects[869].

965. In the Section 42A Report, Mr Barr did not support the amendment sought by QAC for the inclusion of locational constraints within the assessment criteria on the basis that it was the

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863 C Barr, Section 42A Report, Page 110, Table 1, Issue 12: Landscape Assessment Matters: cross referencing with PDP Landscape Policy and ODP assessment matters

864 C Barr, Section 42A Report, Page 98, Para 19.21

865 C Ferguson, EIC, Page 15, Para 66

866 C Vivian, EIC, Page 22, Paras 4.102 – 4.106

867 J Haworth, EIC, Page12, Para 88

868 C Barr, Reply, Pages 31-32, Para 11.1

869 C Barr, Reply, Pages 32, Para 11.4

place of policies or higher order planning documents to direct consideration of any such constraints and amendments to the strategic directions chapter had been recommended[870].

966. In evidence for QAC, Ms O'Sullivan took a different view, considering *"that the Assessment Matters, as drafted, may inappropriately constrain the development, operation and upgrade of infrastructure and utilities that have a genuine operational and/or locational requirement to be located ONLs, ONFs or RCLs. I also consider the complex cross referencing between the Chapter 6 Landscapes, Chapter 21 Rural and Chapter 30 Energy and Utilities will give rise to inefficiencies and confusion in interpretation"*[871]. To address these issues Ms O'Sullivan recommended new assessment criteria, narrowing the assessment to regional significant infrastructure with the assessment criteria be worded as follows;

*21.7.3.4 For the construction, operation and replacement of regionally significant infrastructure and for additions, alterations, and upgrades to regionally significant infrastructure, in addition to the assessment matters at 21.7.1, 21.7.2, 21.7.3.2 and 21.7.3.3, whether the proposed development:*

*a. Is required to provide for the health, safety or wellbeing of the community; and*

*b. Is subject to locational or functional requirements that necessitate a particular siting and reduce the ability of the development to avoid adverse effects; and*

*c. Avoids, remedies or mitigates adverse effects on surrounding environments to the extent practicable in accordance with Objective 30.2.7 and Policies 30.2.7.1 – 30.2.7.4 (as applicable).*

967. We agree with Mr Barr that the assessment criteria are for landscape assessment and the policies are the place where consideration by decision-makers as to policy direction on locational constraints of infrastructure should be found. Earlier in this decision we addressed the inclusion of infrastructure into this chapter[872]. For the reasons we set out there, and because we doubt that Ms O'Sullivan's suggestion is within the scope of the QAC submission, we recommend that the submission of QAC be rejected.

968. The wording of the first paragraph of 21.7.1 along with 21.7.1.1 are derived from (notified) policy 6.3.1.3. The issue as to inappropriateness and stringency of application were also canvassed before the Hearing Stream 1B in hearing submissions on Policy 6.3.1.3.. We refer to and adopt the reasoning of that Panel[873]. That Panel has recommended that (revised) Policy 6.3.11 read:

*Recognise that subdivision and development is inappropriate in almost all locations in Outstanding Natural Landscapes and on Outstanding Natural Features, meaning successful applications will be exceptional cases where the landscape or feature can absorb the change and where the buildings and structures and associated roading and boundary changes are reasonably difficult to see from beyond the boundary of the site the subject of application.*

969. In considering all of the above, we agree in part with Mr Barr that the objectives and policies need to link through to the assessment criteria. However, to our minds, the recommendations

870 C Barr, Section 42A Report, Pages 97 – 98, Para 19.20
871 K O'Sullivan, EIC, Page5, Para 3.4
872 Section 5
873 Report 3, Recommendations on Chapters 3, 4 and 6, Section 10.6

to establish that connection do not go far enough. Accordingly, we recommend that there be direct reference to the policies from Chapters 3 and 6 included within the assessment criteria description. In addition, we agree with Mr Barr as the assessment criteria are not tests and accordingly recommend that the submission of UCES be rejected.

970. Given the recommended wording of Policy 6.3.11, we recommend that the introductory paragraph and 21.7.1.1 be reworded consistent with that policy.

971. We heard no evidence from Willowridge Developments Limited[874] in relation to its submission seeking the deletion of Rule 21.7.1.2. Mr Barr did not particularly discuss the submission, nor recommend any changes to the provision. We understand the provision has been taken directly from the ODP (Section 5.4.2.2(1)). Without any evidence as to why the provision should be deleted or changed, we recommend it remain unaltered.

972. Accordingly we recommend that the introductory part of 21.7.1 be numbered and worded as follows:

*21.21 Assessment Matters (Landscapes)*

*21.21.1 Outstanding Natural Features and Outstanding Natural Landscapes (ONF and ONL).*

*The assessment matters set out below are derived from Policies 3.3.30, 6.3.10 and 6.3.12 to 6.3.18 inclusive Applications shall be considered with regard to the following assessment matters.*

*21.20.1.1 In applying the assessment matters, the Council will work from the presumption that in or on Outstanding Natural Features and Landscapes, the applicable activities are inappropriate in almost all locations and that successful applications will be exceptional cases where the landscape or feature can absorb the change and where the buildings and structures and associated roading and boundary changes are reasonably difficult to see from beyond the boundary of the site the subject of application.*

*21.20.1.2 Existing vegetation that:*

*a. was either planted after, or, self-seeded and less than 1 metre in height at 28 September 2002; and*

*b. obstructs or substantially interferes with views of the proposed development from roads or other public places, shall not be considered:*

*i. as beneficial under any of the following assessment matters unless the Council considers the vegetation (or some of it) is appropriate for the location in the context of the proposed development; and*

*ii. as part of the permitted baseline.*

874 Submission 249

## 19.2 Assessment Matters 21.7.1.3 to 21.7.1.6 Inclusive

973. The only submission on these assessment matters supported 21.7.1.5[875]. We recommend those matters be adopted as notified, subject to renumbering.

## 19.3 Section 21.7.2 Rural Landscape Classification (RCL) and 21.7.2.1 – 21.7.2.2

974. As notified Rule 21.7.2 and 21.7.2.1 – 21.7.2.2 read as follows;

> *21.7.2 Rural Landscape Classification (RLC)*
> *These assessment matters shall be considered with regard to the following principles because in the Rural Landscapes the applicable activities are inappropriate in many locations:*
>
> *21.7.2.1 The assessment matters shall be stringently applied to the effect that successful applications are, on balance, consistent with the criteria.*
>
> *21.7.2.2 Existing vegetation that:*
>
> *a. was either planted after, or, self seeded and less than 1 metre in height at 28 September 2002; and,*
>
> *b. obstructs or substantially interferes with views of the proposed development from roads or other public places, shall not be considered:*
>
> *i. as beneficial under any of the following assessment matters unless the Council considers the vegetation (or some of it) is appropriate for the location in the context of the proposed development; and*
>
> *ii. as part of the permitted baseline.*

975. Submissions on these provisions variously sought that the introductory note be deleted entirely[876], that the wording in the introductory note be amended to remove the wording *"the applicable activities are inappropriate in almost all locations within the zone:"*[877], that the current assessment criteria in 21.7.2 be deleted and replaced with a set of assessment matters that better reflect and provide for the "Other Rural Landscape (ORL) category of landscapes[878], that 21.7.2 be amended to provide for cultural and historic values[879], and that 21.7.2.1[880] and 21.7.1.2[881] be deleted.

976. In the Section 42A Report, Mr Barr disagreed with the request for the inclusion of the ORL category of landscape criteria which the submitters were seeking to transfer from the ODP. Relying on Dr Read's evidence that the ORL has only been applied in two circumstances, Mr Barr considered that the ORL criteria were too lenient on development and would not maintain amenity values, quality of the environment or finite characteristics of natural physical

875 Submission 719
876 Submissions 179, 251, 781
877 Submission 608
878 Submission 345, 456
879 Submission 798
880 Submissions 179, 191, 421, 781
881 Submission 251

resources[882]. We agree for reasons set out in Mr Barr's Section 42A Report. We also note that it has already been determined by the Stream 1B Hearing Panel that there are only two landscape categories (ONL/ONR and RCL) and that is reflected in our recommendations on this Chapter. Accordingly, we recommend that Submissions 345 and 456 be rejected.

977. In the Section 42A Report, Mr Barr recommended that 21.7.2 and 21.7.2.1 be amended in response to the submissions and should be worded as follows:

*21.7.2 Rural Landscape Classification (RLC)*

*These assessment matters shall be considered with regard to the following principles because in the Rural Landscapes the applicable activities are unsuitable in many locations:*

~~*21.7.2.1 The assessment matters shall be stringently applied to the effect that successful applications are, on balance, consistent with the criteria.*~~

978. Mr Barr did not alter his opinion in his Reply Statement.

979. We note that before addressing the detail of this provision, a consequential change is required to refer to Rural Character Landscapes (RCL) consistent with the recommendations of the Stream 1B Hearing Panel. In addition, the reference in the introductory sentence to "Rural Landscapes" should be changed to "Rural Character Landscapes" so as to make it clear that these assessment criteria do not apply in ONLs or on ONFs.

980. As in the discussion on 21.7.1 above, we consider the introductory remarks should refer the relevant policies from Chapters 3 and 6. For those reasons, and taking into account Mr Barr's recommendations, we recommend that 21.7.2 and 21.7.2.1 be renumbered and worded as follows :

*21.7.2 Rural Character Landscape (RCL)*
*The assessment matters below have been derived from Policies 3.3.32, 6.3.10 and 6.3.19 to 6.3.29 inclusive. Applications shall be considered with regard to the following assessment matters because in the Rural Character Landscapes the applicable activities are unsuitable in many locations:*

~~21.7.2.1The assessment matters shall be stringently applied to the effect that successful applications are, on balance, consistent with the criteria.~~

## 19.4 Assessment Matters 21.7.2.2 and 21.7.2.3

981. There were no submissions on these assessment matters and, accordingly, we recommend they be adopted as notified subject to renumbering.

## 19.5 Assessment Matters 21.7.2.4, 21.2.2.5 and 21.7.2.7

982. As notified Rule 21.7.2.4, 21.7.2.5 and 21.7.2.7 read as follows;

*21.7.2.4 Effects on visual amenity:*

*Whether the development will result in a loss of the visual amenity of the Rural Landscape, having regard to whether and the extent to which:*

882 C Barr, Section 42A report, Page 98, Para 9.24

a. *the visual prominence of the proposed development from any public places will reduce the visual amenity of the Rural Landscape. In the case of proposed development which is visible from unformed legal roads, regard shall be had to the frequency and intensity of the present use and, the practicalities and likelihood of potential use of these unformed legal roads as access*

b. *the proposed development is likely to be visually prominent such that it detracts from private views*

c. *any screening or other mitigation by any proposed method such as earthworks and/or new planting will detract from or obstruct views of the Rural Landscape from both public and private locations*

d. *the proposed development is enclosed by any confining elements of topography and/or vegetation and the ability of these elements to reduce visibility from public and private locations*

e. *any proposed roads, boundaries and associated planting, lighting, earthworks and landscaping will reduce visual amenity, with particular regard to elements which are inconsistent with the existing natural topography and patterns*

f. *boundaries follow, wherever reasonably possible and practicable, the natural lines of the landscape or landscape units.*

*21.7.2.5 Design and density of development:*

***In considering the appropriateness of the design and density of the proposed development, whether and to what extent:***

a. *opportunity has been taken to aggregate built development to utilise common access ways including roads, pedestrian linkages, services and open space (i.e. open space held in one title whether jointly or otherwise)*

b. *there is merit in clustering the proposed building(s) or building platform(s) having regard to the overall density and intensity of the proposed development and whether this would exceed the ability of the landscape to absorb change*

c. *development, including access, is located within the parts of the site where they will be least visible from public and private locations*

d. *development, including access, is located in the parts of the site where they will have the least impact on landscape character.*

*21.7.2.7 Cumulative effects of development on the landscape:*
***Taking into account whether and to what extent any existing, consented or permitted development (including unimplemented but existing resource consent or zoning) has degraded landscape quality, character, and visual amenity values. The Council shall be satisfied;***

a. *the proposed development will not further degrade landscape quality, character and visual amenity values, with particular regard to situations that would result in a loss of valued quality, character and openness due to the prevalence of residential or non-farming activity within the Rural Landscape*

b. *where in the case resource consent may be granted to the proposed development but it represents a threshold to which the landscape could absorb any further development, whether any further cumulative adverse effects would be avoided by way of imposing a covenant, consent notice or other legal instrument that maintains open space.*

983. Submissions on these provisions variously sought that;
   a. 21.7.4.2 (b) be deleted[883]
   b. 21.7.2.5 (b) be incorporated into the ODP assessment matters[884]
   c. 21.7.2.5 (c) be deleted[885]
   d. 21.7.2.7 be deleted[886]

984. In the Section 42A Report, having addressed the majority of the submissions in relation to 21.7.2, Mr Barr did not specifically address these submissions, but recommended that the assessment matters be retained as notified[887].

985. Mr Brown and Mr Farrell, in evidence for the submitters, made recommendations to amend the assessment criteria in 21.7.2.4, 21.7.2.5 and 21.7.2.7. Mr Brown and Mr Farrell also made recommendations to amend other assessment criteria in 21.7.2[888]. In summary, Mr Brown and Mr Farrell recommended amendments to reflect RMA language, rephrase from negative to positive language, and remove repetition[889].

986. In reply, Mr Barr considered that the amendments to these provisions added little value or potentially weakened the assessment required[890] and hence remained of the view that the provisions as notified should be retained. We agree.

987. In addition, the amendments recommend by Mr Brown and Mr Farrell in some instances go beyond the relief sought. Accordingly, we recommend that the submissions be rejected.

988. We have already the UECS submission seeking the retaining of the ODP provisions. We do not repeat that here and recommend that submission on this provision be rejected.

## 19.6 Assessment Matter 21.7.2.6

989. There were no submissions in relation to this matter. We recommend it be adopted as notified, subject to renumbering.

883 Submissions 513, 515, 522, 531, 532, 534, 535, 537
884 Submission 145
885 Submission 513, 515, 522, 531, 532, 534, 535, 537
886 Submission 513, 515, 522, 531, 532, 534, 535, 537
887 C Barr, Section 42A Report, Page 99, Para 19.25
888 J Brown, EIC, Attachment B, Pages 35-37 and Mr B Farrell, EIC, Pages 30-32, Para 138
889 J Brown, EIC, Page 15, Para 2.22 and Mr B Farrell, EIC, Page29, Para 137
890 C Barr, Reply, Pages 31-32, Para 11.1

### 19.7 21.7.3 Other factors and positive effects, applicable in all the landscape categories (ONF, ONL and RLC)

990. One submission[891] supported this entire section. No submissions were lodged specifically in relation to 21.7.3.1. We therefore recommend that 21.7.3.1 be adopted as notified, subject to renumbering and amending the title to refer to Rural Character Landscapes.

### 19.8 Assessment Matter 21.7.3.2

991. As notified, 21.7.3.2 read as follows:

> *Other than where the proposed development is a subdivision and/or residential activity, whether the proposed development, including any buildings and the activity itself, are consistent with rural activities or the rural resource and would maintain or enhance the quality and character of the landscape.*

992. One submission sought that this provision be amended to enable utility structures in landscapes where there is a functional or technical requirement[892].

993. We addressed this matter in above in discussing the provisions sought by QAC in 21.7.1. We heard no evidence in relation to this submission. We recommend that the submission be rejected.

### 19.9 Assessment Matter 21.7.3.3

994. As notified, this criterion set out the matters to be taken into account in considering positive effects. Two submissions[893] sought the retention of this matter, and one[894] supported it subject to inclusion of an additional clause to enable the consideration of the positive effects of services provided by utilities.

995. We heard no evidence in support of the amendment sought by PowerNet Limited. We agree with Mr Barr's comments[895] made in relation to the QAC submission discussed above. Assessment criteria are a means of assessing applications against policies in the Plan. The amendment sought by the submitter should be located in the policies, particularly those in Chapter 6. Consequently, we recommend this submission be rejected, and 21.7.3.3 be adopted as notified, subject to renumbering.

## 20 SUMMARY REGARDING ASSESSMENT MATTERS

996. We have included our recommended set of assessment matters in Appendix 1. We are satisfied that application of these assessment matters on resource consent applications will implement the policies in the Strategic Direction Chapters and those of Chapter 21.

## 21 SUBMISSIONS ON DEFINITIONS NOT OTHERWISE DEALT WITH

997. Several submissions relating to definitions were set down to be heard that were relevant to this chapter that have not been dealt with in the discussion above. In each case we received no evidence in support of the submission therefore we do not recommend any changes to the relevant definitions, which were as follows:

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891 Submission 378, opposed by FS1049, FS1095 and FS1282

892 Submission 251, supported by FS1097 and FS1121

893 Submissions 355 and 806

894 Submission 251, supported by FS1097, opposed by FS1320

895 C Barr, Section 42A Report, page 97, paragraph 19.20

a. Factory farming[896];
b. Farming activity[897];
c. Farm building[898];
d. Forestry[899];
e. Holding[900];
f. Informal airport[901];
g. Rural industrial activity[902];
h. Rural selling place.[903]

896 Submission 805
897 Submissions 243 and 805
898 Submissions 600 and 805
899 Submission 600
900 Submission 600
901 Submissions 220, 296, 433 and 600
902 Submission 252
903 Submission 600

# PART C: CHAPTER 22 – RURAL RESIDENTIAL AND LIFESTYLE

## 22 PRELIMINARY

### 22.1 Introduction

998. This Chapter contains the objectives, policies and rules for two zones: the Rural Residential Zone and the Rural Lifestyle Zone. There were also several Sub-Zones of each zone.

999. Each zone is distributed through rural parts of the District. Thus submissions seeking changes to one or other of the zones based on reasons relying on the environment in one part of the District could have ramifications in other parts of the District.

1000. During the hearing Commissioner St Clair discovered he had a conflict of interest in relation to the submission and further submission lodged by Matakauri Lodge Limited[904]. This is explained in greater detail in Report 4B prepared by the remaining commissioners, who heard Matakauri Lodge Limited, Ms Byrch[905] and Mr Scaife[906] without Commissioner St Clair present. While Report 4B is directed specifically at the provisions relating to the Visitor Accommodation Sub-Zone and the evidence presented at the hearing, Ms Byrch and Mr Scaife's submissions also related to a number of other provisions in this chapter, and Matakauri Lodge Limited's further submission was in opposition to all of those other submission points. As it transpired, Commissioner St Clair was unable to be involved in the report preparation and the final recommendations on Chapter 22. Thus, we have been able to incorporate our recommendations on Submissions 243 and 811 where they relate to matters other than the Visitor Accommodation Sub-Zone into this report. We note that no evidence was heard in respect of these other amendments sought.

1001. Glentui Heights Limited[907] sought the deletion of the Bob's Cove Rural Residential Sub-Zone, including Objective 22.2.6, Policies 22.2.6.1 and 22.2.6.2 and Rules 22.5.21 to 22.5.32 (Table 5). This was listed in Appendix 2 to the Section 42A Report as being deferred to the Mapping Hearing Stream. Notwithstanding that, Mr Wells appeared in support of this submission and suggested various amendments to the provisions listed above, although not total deletion. These amendments appeared to suggest that the Sub-Zone should not be deleted.

1002. Mr Barr responded to this in his Reply Statement. Mr Barr considered that the emphasis on ecological outcomes in the objectives and rules should be retained.

1003. We understood that these provisions were included in the ODP as the result of an Environment Court consent order, and had been rolled over into the PDP. While we do not consider that background sufficient reason to retain the provisions, we do consider it relevant to the zoning issue, as intended by the deferment. The Hearing Panel considering the zoning issues in the District are in a better position to consider the consequences of removing the provisions sought by this submission.

1004. As it was, no evidence was presented to the Stream 13 Hearing Panel seeking the deletion of these provisions. In the absence of evidence supporting their deletion, we recommend the submission be rejected.

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904 Submission 595 and Further Submission 1224
905 Submission 243
906 Submission 811
907 Submission 694

## 22.2 General Submissions

1005. Two submissions[908] supported the chapter generally. One submission[909] supported the Rural Lifestyle Zone. One submission[910] supported the Rural Residential Zone. Given that we are recommending amendments to the chapter, we recommend these submissions be accepted in part.

1006. Submission 117 sought that the chapter make it clear that it applies to rural residential development outside of the urban boundary, and Submission 332 sought that the PDP clearly distinguish between rural residential development and large lot residential development. When looked at in the round, our recommendations would satisfy both of these submitters. We recommend they be accepted in full.

1007. Several submissions[911] supported those parts of the chapter which they did not seek to alter. We recommend those submissions be accepted in part.

## 22.3 Density in Rural Lifestyle Zone

1008. There was one topic which dominated submissions on this Chapter: the density limits in the Rural Lifestyle Zone. As noted in Section 2.3 above, on 23 November 2017 the Council notified the Stage 2 variations which included replacing all the land in the Wakatipu Basin that was zoned Rural Lifestyle with the Wakatipu Basin Zone, including the Wakatipu Basin Lifestyle Precinct. As we explained in Section 2.3, the consequence of the provisions of Clause 16B of the First Schedule is that the submissions relating to the provisions of the Rural Lifestyle Zone replaced by the Wakatipu Basin Zone are deemed to be submissions on the variation. Thus we may not make recommendations on those.

1009. The removal of those submissions from our consideration left a single submission[912] seeking that notified Rule 22.5.12.3 be removed. This submission was heard in full in Stream 13 and the Hearing Panel for that stream has made recommendations regarding both the zoning of the submitter's land and the reduction in the Rural Lifestyle Zone density provisions on that land. The only other submission not deemed to be a submission on the variation sought that non-compliance with Rule 22.5.12 be a prohibited activity[913].

1010. No evidence was provided to support the submission seeking that non-compliance with the standards in Rule 22.5.12 be a prohibited activity. In the absence of justification for such an onerous provision, we recommend Submission 811 be rejected.

1011. As the matters relating to density were related to evidence we heard on other provisions in the Rural Lifestyle Zone, we will outline the relevant provisions and discuss and make recommendations on the relevant remaining submissions.

1012. As notified, the provisions of the Rural Lifestyle Zone provided for an average density of 1 residential unit per two hectares. This was instituted via a requirement for a building platform to be approved and registered on the computer freehold register (Rule 22.4.3.3); a limitation

908 Submissions 19 and 21
909 Submission 431
910 Submission 771
911 Submissions 360 (supported by FS1206), 514, 546 (supported by FS1065), 554, 594 (supported by FS1322) and 694
912 Submission 328
913 Submission 811

of one (1) residential unit per building platform (Rule 22.5.12.1); a limit of 1 residential unit per site on sites less than 2 ha in area (Rule 22.5.12.2); an average of 1 residential unit per 2 ha on sites larger than 2 ha (Rule 22.5.12.3). Breach of the standards in Rule 22.5.12 would require consent as a non-complying activity.

1013. As the subdivision rules in Chapter 27 (as notified) set a minimum site size of 1 ha, with an average site size of 2 ha, the effective maximum density of residential units in the zone was 1 per hectare, albeit with an average of 1 per 2 ha across the relevant subdivision. This was explained in the Zone Purpose (Section 22.1) as follows:

*The Rural Lifestyle zone provides for rural living opportunities, having a development density of one residential unit per hectare with an overall density of one residential unit per two hectares across a subdivision. Building platforms are identified at the time of subdivision to manage the sprawl of buildings, manage adverse effects on landscape values and to manage other identified constraints such as natural hazards and servicing.*

1014. One submission[914] sought the retention of Rule 22.4.3.3, while two[915] opposed the rule. Another submission[916] sought that the classification of the activity as Discretionary be changed to Controlled, while three submissions[917] sought that the identification of a building platform be a controlled or permitted activity.

1015. Five submissions[918] sought changes to the Zone Purpose so that the purpose promoted the Rural Lifestyle Zone as a location where further development would accommodate housing demand. As these five submissions also had submission points transferred to the Wakatipu Basin Zone variation we consider them to be directly concerned with the density provisions of the zone.

1016. We heard no evidence solely related to the Zone Purpose or suggesting the building platform regime in this zone be deleted and any evidence related to the activity status of Rule 22.4.3.3 was subsidiary to evidence on the density issue.

1017. In the absence of substantive evidence, we can find no justification for altering the Zone Purpose in the manner sought by the submitters.

1018. With no submissions opposing notified Rule 22.5.12, we recommend the density rules for the Rural Lifestyle Zone be adopted as notified, subject to the word "shall" in Rule 22.5.12.3 being changed to "must".

1019. We also recommend that Rule 22.4.3.3 be adopted as notified.

## 22.4 Makarora Rural Lifestyle Zone

1020. We will deal with this issue before moving onto the details of the provisions as Submission 585 and the recommendation from the Hearing Stream 12 Panel affect several provisions, including the Zone Purpose, Objective 22.2.3, Policy 22.2.3.1, Rule 22.4.4 and Rule 22.7.1.

914 Submission 761

915 Submissions 248 and 557

916 Submission 820, opposed by FS1034

917 Submissions 546 (supported by FS1065), 554 and 594 (Supported by FS1221, FS1322)

918 Submissions 497, 513, 523 (supported by FS1256), 534 (supported by FS1322), 535 (supported by FS1259, FS1267, FS1322, opposed by FS1068, FS1071)

1021. As notified, the PDP provided for a large area[919] of the valley floor at Makarora to be zoned Rural Lifestyle with additional provisions in Chapter 22 in recognition of the natural hazard risk on that land. In particular, Rule 22.4.4 set the construction of buildings within an approved building platform as a controlled activity with control reserved to the avoidance or mitigation of the effects of natural hazards, and Rule 22.7 set out assessment matters for evaluating such controlled activity applications.

1022. Submission 585 sought the removal of this area of zoning and replacement of it with Rural (dealt with in the Stream 12 Hearing: Upper Clutha Mapping) and the deletion of the relevant provisions from Chapter 22. Submission 669 sought the deletion of Objective 22.2.3 and Policy 22.2.3.1 on the basis that they repeated matters covered by Chapter 28 (Natural Hazards). Two submissions[920] sought the deletion of Rule 22.4.4 and one submission[921] supported Rule 22.7.

1023. Mr Barr did not discuss the Makarora zone in his Section 42A Report other than in justifying the retention of Objective 22.2.3 and its policy on the basis, in part, that Chapter 22 contained detailed methods "*to manage the risk of development and natural hazards in the Makarora Rural Lifestyle Zone*"[922]. He did not discuss the issue in his Reply Statement either.

1024. Ms Pennycook explained to us how the Makarora community was undertaking a project in conjunction with the Department of Conservation and the Forest & Bird to create a protected landscape in the Makarora valley, involving a predator-free environment with restoration of the forests and riverbeds. The area involved is that between Mount Aspiring National Park and Lake Wanaka and the east side of Lake Wanaka to The Neck. Ms Pennycook also provided us with copies of photographs she had taken in 2015 and 2016 of flooding across the land zoned Rural Lifestyle.

1025. In 2017 the Stream 12 Hearing Panel also heard from Ms Pennycook, more specifically on the zoning rather than the rules. That Panel has recommended that Ms Pennycook's submission be accepted and have recommended that we make consequential amendments to Chapter 22 to reflect to removal of this zoning.

1026. We agree with Ms Pennycook that the Rural Lifestyle provisions would be inconsistent with the conservation project the Makarora community was undertaking. We also accept the recommendation of the Stream 12 Hearing Panel. Consequently, we recommend that:

a. The second sentence of the second paragraph in Section 22.1 be deleted;
b. Rule 22.4.4 be deleted;
c. Rule 22.7.1 be deleted; and
d. Section 22.7 be retitled "Rural Residential Ferry Hill Sub-Zone Concept Development Plan"[923] and sub-numbering in the section be deleted.

1027. With respect to Objective 22.2.3 and Policy 22.2.3.1, we have considered this in the light of the recommended objectives and policies in Chapter 28. As notified Objective 22.2.3 and its policy stated:

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919 The area is quoted in Submission 585 as being 1,292 ha. This was neither verified nor disputed by the Council.

920 Submissions 339 and 706 (opposed by FS1162)

921 Submission 21

922 C Barr, Section 42A Report, paragraph 13.4

923 We note that Variation 2 proposes deleting the Rural Residential Ferry Hill Sub-Zone, including the Concept Development Plan. The result is that Section 22.7 becomes redundant.

*Manage new development and natural hazards.*

*Policy*

*Parts of the Rural Residential and Rural Lifestyle zones have been, and might be identified in the future as susceptible to natural hazards and some areas may not be appropriate for residential activity if the natural hazard risk cannot be adequately managed.*

1028. Mr Barr recommended rewording the objective to read[924]:

*New development adequately manages natural hazard risk.*

1029. In addition to the submission seeking the deletion of Objective 22.2.3, five submissions[925] sought its amendment. Mr Barr's recommendation reflected the amendment sought.

1030. Three submissions sought the deletion of Policy 22.2.3.1[926].

1031. The relevant recommended objective and policies in Chapter 28 read:

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

*Policies*

*28.3.2.2 Not preclude subdivision and development of land subject to natural hazards where the proposed activity does not:*

*a. accelerate or worsen the natural hazard risk to an intolerable level*

*b. Expose vulnerable activities to intolerable natural hazard risk*

*c. Create an intolerable risk to human life*

*d. Increase the natural hazard risk to other properties to an intolerable level*

*e. Require additional works and costs, including remedial works, that would be borne by the public.*

*28.3.2.3 Ensure all proposals to subdivide or develop land that is subject to natural hazard risk provide an assessment that meets the following information requirements, ensuring that the level of detail of the assessment is commensurate with the level of natural hazard risk: … [then follows a list of 8 requirements for information]*

1032. Our concern with both the objective and the policy in Chapter 22 is that they suggest a potentially different approach to natural hazards in these two zones than the approach Chapter 28 is establishing for the entire district. In our view, the appropriate course of action is to delete Objective 22.2.3 and Policy 22.2.3.1 and rely on the policies in Chapter 28 that more precisely set out the requirements for dealing with natural hazard risk. Therefore, we recommend the

924 C Barr, Section 42A Report, Appendix 1

925 Submissions 530, 761, 763, 764 and 767

926 Submissions 669, 764 and 767

submissions seeking the deletion of Objective 22.2.3 and Policy 22.2.3.1 be accepted and those provisions be deleted.

## 23 22.1 – ZONE PURPOSE

1033. As notified, this section explained:
   a. The locational characteristics of the zones;
   b. The potential for them to be affected by natural hazards;
   c. The nature of development expected in the Rural Residential Zone;
   d. The nature of development expected in the Rural Lifestyle Zone;
   e. The rationale behind the Deferred Rural Lifestyle (Buffer) Zone;
   f. The potential for further Rural Lifestyle development in the Wakatipu Basin; and
   g. Justifying the application of controls for landscape reasons.

1034. Submissions on this section sought:
   a. Support[927];
   b. Make clear and concise[928];
   c. Remove reference to the zones providing a buffer edge[929];
   d. Include maintaining nature conservation values in the purpose[930];
   e. Include reference to providing for community facilities[931];
   f. Discourage commercial activities in the Rural Lifestyle zone[932];
   g. Improve references to rural character and amenity values[933]; and
   h. Delete[934].

1035. In his Section 42A Report Mr Barr recommended deleting the reference to these zones being a buffer between urban and rural activities.

1036. Other than in relation to the matters discussed above relating to density in the Rural Lifestyle Zone and natural hazards, we heard no evidence particularly directed to this section.

1037. As we discussed above in relation to Section 21.1 (in Chapter 21), we consider the relationship between the four rural zones can be better understood if an introductory paragraph describes where the relevant chapter sit in relation to the other two. Consequently, we recommend the following be inserted as the first paragraph in this section:

*There are four rural zones in the District. The Rural Zone (Chapter 21) is the most extensive of these. The Gibbston Valley is recognised as a special character area for viticulture production and the management of this area is provided for in Chapter 23: Gibbston Character Zone. Opportunities for rural living activities are provided for in the Rural-Residential and Rural Lifestyle Zones.*

927 Submissions 236 (opposed by FS1203) and 771
928 Submission 243
929 Submission 238, supported by FS1255, opposed by FS1107, FS1157, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249
930 Submissions 339 and 706 (opposed by FS1162)
931 Submission 844
932 Submission 286
933 Submission 674, supported by FS1082, FS1089, FS1146, opposed by FS1255
934 Submission 669

1038. We consider this to be a minor non-substantive amendment which can be made under Clause 16(2).

1039. We agree with Mr Barr that, when looked at in the round, these zones do not have the purpose of providing a buffer edge to urban areas. We recommend that Submission 238 be accepted and the reference to "buffer edges" be deleted from the second sentence of what is now the second paragraph.

1040. Of the other amendments sought by submitters, we make the following comments:
   a. The policies in the chapter generally discourage commercial activities, thus the wording of this section appropriate;
   b. The overall purpose of the zones is rural living, not nature conservation; and
   c. Community facilities are not generally appropriate in these zones, which are provided for rural living purposes (Strategic Policy 3.3.22).

1041. Thus, we do not recommend any further changes to the section and recommend those submissions be rejected.

## 24 22.2 – OBJECTIVES AND POLICIES

### 24.1 General

1042. Submission 21 supported the objectives and policies. Submission 674 sought that the objectives and policies be generally amended to make the rationale of the zones more explicit.

### 24.2 Objective 22.2.1 and Policies

1043. As notified, these read:

*Objective*

*Maintain and enhance the district's landscape quality, character and visual amenity values while enabling rural living opportunities in areas that can avoid detracting from those landscapes.*

*Policies*

*22.2.1.1 Ensure the visual prominence of buildings is avoided, particularly development and associated earthworks on prominent slopes, ridges and skylines.*

*22.2.1.2 Set minimum density and building coverage standards so the open space, natural and rural qualities of the District's distinctive landscapes are not reduced.*

*22.2.1.3 Allow for flexibility of the density provisions, where design-led and innovative patterns of subdivision and residential development, roading and planting would enhance the character of the zone and the District's landscapes.*

*22.2.1.4 Manage anticipated activities that are located near Outstanding Natural Features and Outstanding Natural Landscapes so that they do not diminish the qualities of these landscapes and their importance as part of the District's landscapes.*

*22.2.1.5 Maintain and enhance landscape values by controlling the colour, scale, location and height of permitted buildings and in certain locations or circumstances require landscaping and vegetation controls.*

*22.2.1.6 Have regard to the location and direction of lights so they do not cause glare to other properties, roads, public places or the night sky.*

*22.2.1.7 Have regard to fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision, development and any landscaping.*

1044. One submission supported this objective[935], and another[936] suggested it be rewritten without providing any suggested wording. Several submissions[937] sought that it be reworded to read:

*The District's landscape quality, character and visual amenity values are maintained and enhanced while rural living opportunities in areas that can absorb development within those landscape are enabled.*

1045. Submission 669 sought that the objective be replaced with:

*Rural living opportunities are enabled in identified appropriate areas.*

1046. In his Section 42A Report, Mr Barr largely agreed with the amendments to this objective sought by Arcadian Triangle Ltd and others. Mr Vivian, appearing for J & R Hadley[938], agreed with Mr Barr's recommended amendment, subject to deletion of the word "visual" so that all amenity values became relevant. Mr Barr agreed with this further amendment[939].

1047. We agree that the reformulated objective better expresses the environmental outcome sought: maintenance and enhancement of various environmental qualities while enabling rural living opportunities. We recommend Objective 22.2.1 read:

*The district's landscape quality, character and amenity values are maintained and enhanced while enabling rural living opportunities in areas that can absorb development.*

1048. The only submissions[940] on Policy 22.2.1.1 sought that it be amended to enable the visual prominence of buildings to be avoided, remedied or mitigated. Mr Barr supported this amendment in his Section 42A Report[941].

1049. We agree that built development should not be unexpected in either of these two zones and the option of remedying or mitigating visual prominence would be appropriate.. We recommend that these submissions be accepted.

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935 Submission 380

936 Submission 243, opposed by FS1150, FS1325

937 Submissions 497, 513, 515, 522 (supported by FS1292), 523 (supported by FS1256), 530, 532 (supported by FS1322, opposed by FS1071), 534, 535 (supported by FS1259, FS1267, FS1322), 537 (supported by FS1256, FS1286, FS1292), 761, 763, 764 and 767

938 Submission 674

939 C Barr, Reply Statement, Appendix 1

940 Submissions 497, 513, 515, 522, 523 (supported by FS1256), 530 and 537 (supported by FS1256, FS1286, FS1292)

941 C Barr, Section 42A Report, paragraph 8.24

1050. Two submissions questioned whether use of the word "minimum" in Policy 22.2.1.2 was correct[942].. The remaining submissions sought one of two options of rewording of the policy. Option A, sought by four submissions[943], read:

*Set density standards in order to achieve and maintain an appropriate density of development and related rural amenity values.*

1051. Option B, sought by four submissions[944], read:

*Set minimum density and building coverage standards so that adverse effects on the open space, natural and rural qualities of the District's distinctive landscapes are mitigated.*

1052. Mr Barr accepted this policy needed rewording and suggested a revised version in his Section 42A Report which read:

*Set density and building coverage standards in order to maintain the open space, rural living character and landscape values.*

1053. No evidence was specifically directed at this policy.

1054. We have difficulty understanding what the policy is trying to achieve, either as notified or in Mr Barr's version. The objective is that by enabling rural living in areas able to absorb development, the district's landscape quality, character and amenity values will be maintained and enhanced. As we see it, this policy should be directed at setting density and coverage standards that ensure the level of development in the relevant zone is not beyond that which the landscape can absorb.

1055. Option B sought by submissions goes someway to clarifying the policy.. We do not think Option A assists at all. We do agree that the word "minimum" has not been used correctly in the notified version. We agree with Mr Barr's opinion that natural values are not relevant in this policy[945]. We also agree with Submission 674 that the amenity values of rural living areas should be recognised.

1056. Taking all those matters into account, we recommend the policy be reworded as:

*Set density and building coverage standards in order to maintain rural living character and amenity values, and the open space and rural qualities of the District's landscapes.*

1057. One submission[946] supported Policy 22.2.1.3.. Two submissions[947] sought that the policy provide for review by the urban design panel of developments varying the density provisions. Submission 669 sought that the policy be amended such that flexibility in density provisions be allowed where the effects on amenity values and landscape were no worse than a proposal complying with density.

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942 Submissions 238 (opposed by FS11.07, FS1157, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249) and 368

943 Submissions 497, 522 (supported by FS1292), 523 (supported by FS1256) and 669

944 Submissions 513, 515, 530 and 537 (supported by FS1256, FS1292)

945 C Barr, Section 42A Report, paragraph 8.25

946 Submission 444, supported by FS1089

947 Submissions 238 (opposed by FS11.07, FS1157, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249, FS1325) and 238 (opposed by FS1325)

1058. Mr Barr discussed this latter submission in his Section 42A Report[948], recommending it be rejected. In his Reply Statement, Mr Barr recommended that "amenity values" be included as a matter that could be potentially enhanced.

1059. We are not sure of the status of this policy. While on the face of it, as Mr Barr comments, it provides for a degree of flexibility on subdivisions in circumstances where the design characteristics would enhance environmental outcomes, the rules to implement it do not appear to allow for such flexibility. Both Rule 22.5.11 (density in Rural Residential Zone) and Rule 22.5.12 (density in Rural Lifestyle Zone) require a non-complying activity consent if the respective rule is not complied with. We do not see that as providing flexibility, even with this proposed policy in place. We do not agree with Mr Barr that the averaging provisions available in the Rural Lifestyle Zone implement this policy, as those provisions do not require any assessment of design in the way this policy implies.

1060. While we recommend the policy be adopted as per Mr Barr's reply version, we also recommend the Council review whether it should remain, or whether the rules be amended so the policy can be implemented as it appears to intend.

1061. No submissions were received on Policies 22.2.1.4 and 22.2.1.5. Mr Barr recommended an amendment to Policy 22.2.1.5 to include reference to amenity values[949], responding to the general approach of Submission 674 that amenity values within the zones were also important. We agree with that minor amendment.

1062. We recommend Policy 22.2.1.4 be adopted as notified, and Policy 22.2.1.5 be worded as follows:

*Maintain and enhance landscape values and amenity values within the zones by controlling the colour, scale, location and height of permitted buildings and in certain locations or circumstances require landscaping and vegetation controls.*

1063. The only submission on Policy 22.2.1.6[950] suggested the wording was too weak and that it should require all new and replacement lighting in the District to be downward facing using energy efficient lightbulbs. When this policy is read in the context of Strategic Policy 6.3.4 it is apparent that Policy 22.2.1.6 is expressed weakly. We recommend it be reworded so as to implement the Strategic Policies in line with the submitter's request, as follows:

*Lights be located and directed so as to avoid glare to other properties, roads and other public places, and to avoid degradation of views of the night sky.*

1064. The only submissions[951] on Policy 22.2.1.7 supported the wording, but sought that it be moved to sit under (notified) Objective 22.2.3. The reasons given in the submissions were that the policy was not directed to matters the objective was directed to (landscape and visual amenity values). We have recommended above that Objective 22.2.3 be deleted so have considered whether the policy would more appropriately be located under any other objective in this chapter.

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948 C Barr, Section 42A Report, paragraph 8.43

949 C Barr, Reply Statement, Appendix 1

950 Submission 289

951 Submissions 761, 763, 764 and 767

1065. Given that one of the methods people use to mitigate adverse effects on landscape values is to "hide" buildings with landscaping or amongst existing vegetation, the policy is, in our view, best located under Objective 22.2.1. We therefore recommend the policy be adopted as notified.

1066. Two submissions[952] sought the inclusion of a new policy requiring that development and subdivision in this zone avoid SNAs. Mr Barr considered this was better dealt with in Chapter 33 and we agree.

## 24.3 Objective 22.2.2 and Policies

1067. As notified, these read:

*Objective*
*Ensure the predominant land uses are rural, residential and where appropriate, visitor and community activities.*

*Policies*

*22.2.2.1 Provide for residential and farming as permitted activities, and recognise that depending on the location, scale and type, community activities may be compatible with and enhance the Rural Residential and Rural Lifestyle Zones.*

*22.2.2.2 Any development, including subdivision located on the periphery of residential and township areas, shall avoid undermining the integrity of the urban rural edge and where applicable, the urban growth boundaries.*

*22.2.2.3 Discourage commercial and non-residential activities, including restaurants, visitor accommodation and industrial activities, so that the amenity, quality and character of the Rural Residential and Rural Lifestyle zones are not diminished and the vitality of the District's commercial zones is not undermined.*

*22.2.2.4 Encourage visitor accommodation only within the specified visitor accommodation subzone areas and control the scale and intensity of these activities.*

*22.2.2.5 The bulk, scale and intensity of buildings used for visitor accommodation activities are to be commensurate with the anticipated development of the zone and surrounding residential activities.*

1068. Four submissions sought the retention of Objective 22.2.2[953]. Other submissions on this objective sought:
a. Generally oppose objective[954];
b. Delete reference to visitor activities[955];
c. Exclude visitor and community activities from objective[956];
d. Generally broaden objective[957];
e. Amend so as to provide for visitor activities[958];

952 Submissions 339 (opposed by FS1097) and 706 (opposed by FS1150, FS1162)
953 Submissions 380, 524, 600 (supported by FS1209, opposed by FS1034) and 844
954 Submission 248
955 Submissions 243
956 Submission 674, supported by FS1050, FS1082, FS1089, FS1146, opposed by FS1255
957 Submission 294
958 Submission 285, supported by FS1097

f. Amend so as to encourage commercial and non-residential activities, especially near the Queenstown Trail[959];
g. Remove ensure and limit community activities to where appropriate[960];
h. Remove ensure[961];
i. Renumber as a policy[962].

1069. Also relevant to this objective is Submission 497 seeking provision in the Rural Lifestyle Zone for visitor accommodation.

1070. In the Section 42A Report Mr Barr agreed that the objective should commence with "*Within the rural residential and rural lifestyle zones*" deleting the word "*ensure*"[963]. He saw these changes as matters of clarity and grammar. Other than that he suggested no other alterations to the objective.

1071. We see the role of this objective to be setting the range of activities appropriate in the zone. None of the submissions suggested that the combination of residential and rural activities one would expect in a rural living area to be inappropriate. The issue was the extent to which visitor and community activities would be appropriate.

1072. In his evidence for Arcadian Triangle Ltd, Mr Goldsmith clarified that in terms of visitor accommodation, it was the ability of people to use their residential unit or residential flat for visitor accommodation that the submission was directed to, not motels or lodges[964]. Submissions 285 and 423 sought expansion of the objective so as to provide for visitor-related facilities in areas that visitors are presently visiting, such as adjacent to the Queenstown Trails. Submission 243, on the other hand, was more directed to removal of the Visitor Accommodation Subzone which has been dealt with separately.

1073. Mr Vivian, in evidence on behalf of J & R Hadley, explained that while visitor and community activities could be appropriate in some locations, they should not be considered predominant uses in the zones[965]. He suggested the objective should state that visitor and community activities would only be appropriate where it could be demonstrated that those activities were of principal benefit to the adjacent rural living activities[966].

1074. In discussing Section 22.1 we referred to Strategic Policy 3.3.22 as establishing the rationale of the zone as being to provide for rural living opportunities. Strategic Policy 3.3.24 also seeks to ensure that development within the rural living areas does not result in the alteration of the character of the rural environment to the point where the area is no longer rural in character. These policies suggest that Mr Vivian is correct in suggesting that visitor and community activities are not to be considered predominant activities in the zones. However, we think the additional wording he proposed for this objective would be better included in the relevant policies.

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959 Submission 423
960 Submission 497
961 Submissions 513, 515, 522 (supported by FS1292), 523 (supported by FS1256), 530, 532 (supported by FS1322), 534 (supported by FS1322), 535 (supported by FS1259, FS1267, FS1322), 537 (supported by FS1292), 761, 763 (supported by FS1125), 764 and 767
962 Submission 669
963 C Barr, Section 42A Report, paragraph 8.30
964 W Goldsmith, EiC, paragraph 5.2
965 C Vivian, EiC, paragraph 9.15
966 ibid, Appendix B, page 22-3

1075. For those reasons, along with a grammatical change, we recommend that that Objective 22.2.2 be worded as follows:

*The predominant land uses within the Rural Residential and Rural Lifestyle Zones are rural and residential activities.*

1076. Three submissions[967] sought the retention of Policy 22.2.2.1. One submission[968] sought it be reworded so as to clarify that any community facilities be primarily for the benefit of the local community.

1077. Other than recommend the deletion of the word "*recognise*" from the policy[969], Mr Barr made no comment on it.

1078. To implement Objective 22.2.2 we consider this policy should enable residential and farming activities, rather than provide for them. We also consider this is an appropriate policy to outline the circumstances in which visitor accommodation and community activities would be appropriate in the zones, as discussed above when considering Objective 22.2.2.. In our view, rather than stating that such activities may be "compatible with and enhance" the zones, the nature of the zones mean that such activities should be compatible and would enhance the zones. Such wording would enable the type of accommodation envisaged by Mr Goldsmith and achieve the type of limitation suggested by Mr Vivian.

1079. For those reasons, we recommend Policy 22.2.2.1 read:

*Enable residential and farming activities in both zones, and provide for community and visitor accommodation activities which, in terms of location, scale and type, are compatible with and enhance the predominant activities of the relevant zone.*

1080. One submission[970] sought the retention of Policy 22.2.2.2, one sought it only apply to the Rural Lifestyle Zone[971], and one sought it be strengthened[972]. On the other hand, five submissions[973] sought the policy be deleted and four submissions[974] sought it be replaced with a policy to encourage efficient and effective use of rural living land.

1081. Mr Barr, in his Section 42A Report, explained that he considered the policy necessary to provide guidance when considering applications to exceed the density and subdivision rules of the two zones. He considered it complementary to (notified) Objective 4.2.3. No other evidence was directed to this policy.

1082. Three Strategic Policies are relevant to this policy:

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967 Submissions 524, 600 (supported by FS1209, opposed by FS1034) and 844

968 Submission 444, supported by FS1089

969 C Barr, Section 42A Report, Appendix 1

970 Submission 719

971 Submission 844

972 Submission 238, opposed by FS1107, FS1157, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249

973 Submissions 515, 522 (supported by FS1292), 530, 532 (supported by FS1322) and 537 (supported by FS1256, FS1286, FS1292)

974 Submissions 497, 513, 523 (supported by FS1256) and 534 (supported by FS1322)

*4.2.1.3 Ensure that urban development is contained within the defined Urban Growth Boundaries, and that aside from urban development within existing rural settlements, urban development is avoided outside of those boundaries.*[975]

*4.2.2.12 Ensure that any transition to rural areas is contained within the relevant Urban Growth Boundary.*

*6.3.4 Avoid urban development and subdivision to urban densities in the rural zones.*

1083. We are satisfied that Policy 22.2.2.2 is consistent with these Strategic Policies. We consider the replacement policy sought by Submission 497 and others would be in conflict with the Strategic Policies by encouraging more intense use of rural living land (potentially to urban densities).

1084. Consequently, we recommend that Policy 22.2.2.2 be adopted as notified.

1085. Policy 22.2.2.3, as notified, sought to discourage commercial and non-residential activities in these zones, except in specified circumstances. Two submissions[976] supported this policy.. Submission 844 sought to exclude community activities from the policy. Submission 577 sought to amend the policy so that it was the nature, scale and hours of operation of the non-residential activity that determined whether they be discouraged. Two submissions[977] sought amendments to reduce the negatives in the policy, but with the effect of making the effects on values in the zones conjunctive with effects on urban commercial areas. Two submissions[978] sought deletion of the policy to encourage commercial activities.

1086. Mr Barr, in the Section 42A Report, accepted that some change was necessary so as to reinforce that non-residential activity would be commensurate with the nature and scale of the environment and maintain rural living amenity[979].

1087. We agree with Mr Barr that some amendment to this policy is appropriate and that it should focus on ensuring the amenity values and quality and character of the rural living environment is not diminished. However, we consider the various wording options presented in the submissions, along with Mr Barr's version, failed to properly convey this. We therefore recommend that Policy 22.2.2.3 read:

*Discourage commercial and non-residential activities, including restaurants, visitor accommodation and industrial activities, that would diminish the amenity values and quality and character of the rural living environment.*

1088. Policy 22.2.2.4 has been the subject of separate consideration due to Commissioner St Clair's conflict of interest. The remaining Commissioners, after hearing from the submitter and further submitter have recommended this policy be deleted.

1089. There were no submissions on Policy 22.2.2.5. With the deletion of Policy 22.2.2.4 and the amendments made to Policies 22.2.2.1 and 22.2.2.3 we consider it to be potentially superfluous but accept that it could assist in guiding the scale and intensity of any visitor accommodation activity in the two zones. Therefore, we recommend it be adopted as notified.

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975 See also Policy 3.3.14 to the same effect.

976 Submissions 674 (supported by FS1050, FS1082, FS1089, FS1146, opposed by FS1255) and 719

977 Submissions 763 and 764 (opposed by FS1015)

978 Submissions 221 and 265

979 C Barr, Section 42A Report, paragraph 9.2

## 24.4 Objective 22.2.4 and Policies

1090. As notified, these read:

*Objective*
*Ensure new development does not exceed available capacities for servicing and infrastructure.*

*Policies*
*22.2.4.1 Discourage new development that requires servicing and infrastructure at an adverse cost to the community.*

*22.2.4.2 Ensure traffic generated by new development does not compromise road safety or efficiency.*

1091. The only submissions on this objective supported its retention[980]. The only amendment recommended by Mr Barr, so as to make it clearly an objective, was to delete the word "ensure" from the commencement of the objective[981].

1092. We agree with Mr Barr's recommendation and consider the change to be a non-substantive grammatical change under Clause 16(2). We therefore recommend the objective read:

*New development does not exceed available capacities for servicing and infrastructure.*

1093. The only submission on the two policies sought their retention[982]. Mr Barr did not recommend any changes to these policies.

1094. We consider a minor amendment is needed to Policy 22.2.4.1 to replace "an adverse cost" with "a cost" as, in the context of the policy, adverse is an unnecessary adjective. We consider this to be a minor amendment within the realm of Clause 16(2).

1095. With those minor amendments, and renumbering, we recommend that Objective 22.2.4 and the two ensuing policies be adopted as notified.

## 24.5 Objective 22.2.5 and Policy

1096. As notified, these read:

*Objective*
*Manage situations where sensitive activities conflict with existing and anticipated rural activities.*

*Policies*
*22.2.5.1 Recognise existing and permitted activities, including activities within the surrounding Rural Zone might result in effects such as odour, noise, dust and traffic generation that are established, or reasonably expected to occur and will be noticeable to residents and visitors in rural areas.*

980 Submissions 217, 380, 438 and 719
981 C Barr, Section 42A Report, Appendix 1
982 Submission 719

1097. The only submissions on this objective sought is be revised to be clearer[983] or retained[984]. Mr Barr recommended a grammatical change to the objective so that it was focussed on an environmental outcome[985]. We agree that Mr Barr's wording more clearly expresses the appropriate outcome to minimise potential reverse sensitivity issues. We therefore recommend Objective 22.2.5 read (and be renumbered):

*Sensitive activities conflicting with existing and anticipated rural activities are managed.*

1098. The only submissions on Policy 22.2.5.1 supported its retention[986]. Mr Barr did not recommend any changes to the wording of this policy. Other than renumbering, we recommend it be adopted as notified.

## 24.6 Objective 22.2.6 and Policies & Objective 22.2.7 and Policies

1099. As notified, these read:

*Objective 22.2.6*
*Bob's Cove Rural Residential sub-zone – To create comprehensively-planned residential development with ample open space and a predominance of indigenous vegetation throughout the zone.*

*22.2.6.1 Ensure at least 75% of the zone is retained as undomesticated area and at least 50% of this area is established and maintained in indigenous species such that total indigenous vegetation cover is maintained over that area.*

*22.2.6.2 Ensure there is open space in front of buildings that remains generally free of vegetation to avoid disrupting the open pastoral character of the area and the lake and mountain views.*

*Objective 22.2.7*
*Bob's Cove Rural Residential Zone - To maintain and enhance the ecological and amenity values of the Bob's Cove Rural Residential zone.*

*22.2.7.1 To ensure views of Lake Wakatipu and the surrounding landforms from the Glenorchy-Queenstown Road are retained through appropriate landscaping and the retention of view shafts.*

*22.2.7.2 To ensure the ecological and amenity values of Bob's Cove are retained and, where possible, enhanced through:*
- *a. appropriate landscaping using native plants*
- *b. restricting the use of exotic plants*
- *c. removing wilding species*
- *d. providing guidance on the design and colour of buildings*
- *e. maintaining view shafts from the Queenstown-Glenorchy Road.*

983 Submission 243, opposed by FS1224
984 Submissions 600 (supported by FS1209, opposed by FS1034), 719 and 811 (opposed by FS1224)
985 C Barr, Section 42A Report, Appendix 1
986 Submissions 600 (supported by FS1209, FS1034) and 719

1100. The only submissions on these provisions related to Objective 22.2.6. One submission[987] supported the objective, the other[988] sought it be revised to be clearer. Other submissions[989] relating to these provisions were deferred by the staff to the Mapping Hearing (Stream 13) as discussed in Section 22.1 above.

1101. No amendments to these provisions were recommended by Mr Barr. The only change we recommend (apart from renumbering) is that the bullet points in Policy 22.2.7.2 be changed to an alphabetic list. Other than that, we recommend the objectives and policies be adopted as notified.

### 24.7 Additional Policy

1102. We have discussed above[990], in relation to Chapter 21, the evidence of the NZFS and its requests for additional policies and rules in the rural chapters. In relation to this Chapter, Mr Barr recommended the insertion of an additional policy under Objective 22.2.1 to satisfy the NZFS's concerns in part.

1103. For the same reasons we gave for our recommendations in Chapter 21, we recommend that a new Policy 2.2.1.8 be inserted worded as follows:

*Provide adequate firefighting water and fire service vehicle access to ensure an efficient and effective emergency response.*

## 25 SUMMARY

1104. We have set out in Appendix 2 the recommended objectives and policies. In summary, we regard the combination of objectives recommended as being the most appropriate to achieve the purpose of the Act in the context of this zone, while giving effect to, and taking into account, the relevant higher order documents, the Strategic directions chapters and the alternatives open to us. The recommended new or amended policies are, in our view, the most appropriate way to achieve those objectives.

## 26 SECTION 22.3: OTHER PROVISIONS AND RULES

### 26.1 Section 22.3.1 – District Wide

1105. The only submissions on this section
   a. supported the entire section[991]
   b. queried the need for a separate floor area calculation in this chapter[992].

1106. We understand the purpose of Rule 22.3.2.7 is to define what is the ground floor of a building for the purposes of applying rules in this chapter. We have recommended that the equivalent provision in Chapter 21 be replaced by the inclusion of the definition in Chapter 2. We make the same recommendation in respect of this provision.

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987 Submission 380
988 Submission 243, opposed by FS1224
989 Submissions 694 and 712
990 Sections 5.4 and 17
991 Submission 21
992 Submission 243, opposed by FS1224

1107. Mr Barr recommended an additional matter be listed in the exemptions as a point of clarification that internal alterations were permitted. While we are not sure it is necessary, we see no reason not to include that clarification.

1108. Apart from the inclusion of the additional exemption (Rule 22.3.3.2), the only amendments we recommend to this section are minor formatting changes under Clause 16(2) to make the terminology and format consistent with that we have recommended in other chapters and the inclusion of reference to Table 5: Rural Residential at Camp Hill in Rule 22.3.2.9 as a consequential amendment arising from the Stream 13 Panel recommendation to include new provisions relating to Camp Hill (discussed below).

## 27 SECTION 22.4: RULES – ACTIVITIES

### 27.1 General

1109. One submission[993] supported this section, and a second sought that all buildings have an activity status[994]. A third submission[995] sought that the rules, particularly as they related to the north Lake Hayes area, be strengthened.

1110. Our understanding of the rules in this section is that all buildings do have an activity status. If they are not individually listed as an activity, then they fall to be considered under notified Rule 22.4.1 as a non-complying activity.

1111. The evidence received on Submission 674 was focussed on individual rules within this section. We will deal with that evidence in the context of the relevant rules.

### 27.2 Rule 22.4.1

1112. As notified, this rule classified as a non-complying activity "*Any other activity not listed in Tables 1-7*".

1113. Submissions on this rule sought:
   a. Change activity status to permitted[996]
   b. Change visitor accommodation (outside Visitor Accommodation Sub Zone) to restricted discretionary[997] and
   c. Remove non-complying status for buildings erected outside of building platforms[998].

1114. We heard no evidence in support of the submissions seeking to change the default status to permitted. We consider such an approach would undermine the management regime the Chapter establishes for the two zones and recommend those submissions be rejected.

1115. In terms of the change sought to the activity status of visitor accommodation (which was individually listed in notified Rule 22.4.11 as non-complying), Mr Barr recommended in his Section 42A Report that this be changed to full discretionary rather than restricted discretionary[999]. Mr Ferguson presented evidence for Mount Christina Limited supporting the restricted discretionary status. He suggested the matters of discretion proposed by the

993 Submission 21
994 Submission 243, opposed by FS1224
995 Submission 674, supported by FS1050, FS1082, FS1089, FS1146, opposed by FS1255
996 Submissions 669, 694 and 712
997 Submission 764
998 Submission 248
999 C Barr, Section 42A Report, paragraphs 9.3-9.4

submitter were very broad and that visitor accommodation was not an unexpected activity in the Rural Lifestyle Zone. He further suggested that if we considered the list of matters of discretion were inadequate we could add further matters.

1116. We note first that the purpose of these two zones is rural living. Any visitor accommodation in the zones needs to be subsidiary to that purpose. To this end, the objectives and policies we are recommending discourage visitor accommodation that is not compatible with the rural living activities, the amenity values and rural character of the area, or are in buildings of a scale or form not anticipated in the zones. We consider the list of matters proposed for discretion in the submission does not cover all the matters that could be relevant in any particular application. We agree with Mr Barr, for the reasons he gave, that a full discretionary activity consent, within the terms of the policy regime, is a more appropriate activity status. We discuss this further in the context of Rule 22.4.11.

1117. Building platforms are required in the Rural Lifestyle Zone to ensure the policies of this chapter are met. We consider Policies 22.2.1.1 and 22.2.1.4 as being particularly pertinent. We also note that where a building platform is not located on a property, notified Rule 22.4.3.3 provides for the identification of such a platform as a discretionary activity. As the erection of a dwelling on a building platform, meeting the relevant standards, is a permitted activity, the management regime is such that a non-complying activity consent is not required where it is proposed to erect a dwelling outside of a building platform, unless the applicant is proposing to do so on a site that already contains a defined building platform. In the latter circumstance we are satisfied that it is appropriate for the management regime to discourage buildings outside of consented building platforms. Such discouragement would be consistent with the objectives and policies for this chapter. We recommend that Submission 669 be rejected.

1118. We do, however, consider some minor amendments are required with this rule. It is stated as applying to all activities not listed in Tables 1 to 7. However, Tables 2 to 7 list standards, not activities. In addition, Tables 2 to 7 also list, in each case, an activity status that applies if a standard is not met. We consider the reference to Tables 2 to 7 is superfluous and potentially confusing, and should be deleted as a minor amendment under Clause 16(2). In addition, we consider this rule should be located near the end of Table 1 with other non-complying activities. We therefore recommend it be renumbered as 22.4.14.

### 27.3 Rule 22.4.2

1119. As notified, this rule provided for the construction and exterior alteration of buildings in the Rural Residential Zone as a permitted activity. The only submissions on this rule sought its retention[1000].

1120. We recommend the rule be adopted as notified, renumbered as 22.4.1.

### 27.4 Rule 22.4.3

1121. As notified, this rule read as follows:

[1000] Submissions 219, 229, 231, 232, 669, 694, 712, 763, 764, 767, 844

| | |
|---|---|
| **Rural Lifestyle Zone:** | |
| 22.4.3.1 The construction and exterior alteration of buildings located within a building platform approved by resource consent, or registered on the applicable computer freehold register. | P |
| 22.4.3.2 The exterior alteration of buildings located outside of a building platform not exceeding 30% of the ground floor area of the existing building in any ten year period.<br><br>Non-compliance with rule 22.4.3.2 is a restricted discretionary activity.<br><br>Discretion is restricted to all of the following:<br>a. External appearance<br>b. Visibility from public places<br>c. Landscape character<br>d. Visual amenity. | P |
| 22.4.3.3 The identification of a building platform for the purposes of a residential unit. | D |

1122. Submissions sought the following:
   a. Support rule[1001];
   b. Agree with the permitted activity status for buildings but there should standards covering location, appearance, earthworks and landscaping[1002];
   c. Clarify the status of non-residential buildings[1003];
   d. Retain Rule 22.4.3.1[1004];
   e. Support Rule 22.4.3.2[1005];
   f. Make Rule 22.4.3.2 a discretionary activity[1006];
   g. Include "Nature conservation values" in the matters of discretion[1007];
   h. Delete "Visibility from public places" from the matters of discretion[1008];
   i. Retain Rule 22.4.3.3[1009];
   j. Oppose discretionary activity status of Rule 22.4.3.3[1010]; and
   k. Change activity status of Rule 22.4.3.3 to controlled[1011].

1001 Submission 231
1002 Submission 811, opposed by FS1224
1003 Submission 811, opposed by FS1224
1004 Submissions 384 and 761
1005 Submissions 350 and 384
1006 Submission 238, opposed by FS1107, FS1150, FS1157, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249, FS1255, FS1256, FS1258, FS1273, FS1325
1007 Submissions 339 and 706 (opposed by FS1015, FS1162)
1008 Submission 350
1009 Submission 761
1010 Submission 2248
1011 Submission 820, opposed by FS1034

1123. Mr Barr discussed Rule 22.4.3.2 in the Section 42A Report and clarified that it was intended to apply in situations where buildings had been erected prior to the building platform regime being introduced, and that it was applicable to existing buildings[1012].

1124. In terms of Rule 22.4.3.3, Mr Barr advised that the inclusion of the ability to obtain consent for a building platform as a land use consent was an improvement on the ODP situation, where only a subdivision consent was available[1013]. Mr Barr considered that the wide range of issues that could be relevant to the location of a building platform and any conditions that were imposed with it, meant that a discretionary activity status was appropriate, rather than controlled[1014]. Mr Barr did recommend a minor alteration to clarify that this rule enabled an alternative to the subdivision process, rather than additional to.

1125. Mr Brown supported the rule, but considered the matter of discretion "*visibility from public places*" should be deleted[1015]. He considered the visibility of a 30% expansion to a building, subject to meeting other development controls, would not have adverse effects on views from a public place. We note that this matter of discretion would only apply when the extension exceeded 30% of the ground floor area of the building, which, we consider, could give rise to adverse effects on views from public places.

1126. In his Reply Statement Mr Barr recommended further clarification to Rule 22.4.3.2 and Rule 22.4.3.3[1016].

1127. Before discussing the changes sought, some re-arrangement of this rule is necessary. Although it lists three sub-rules, it actually contains four. We consider the rule defining the activity status where Rule 22.4.3.2 is not complied with should be explicitly stated as a separate rule with its own activity status in the right-hand column. This would assist in avoiding the confusion as to when the activity became restricted discretionary.

1128. We agree with Mr Barr that where there is an existing building on a property that pre-dates the building platform regime, and there is no building platform consented for the property, it would be onerous to require a discretionary activity consent for alterations. We consider the regime proposed, where it is permitted where the extension is small, and restricted discretionary, is a reasonable approach. This is consistent with the restricted discretionary activity status of applications for consents for building platforms in the Rural Lifestyle Zone under recommended Rule 27.5.8.

1129. We received no evidence as to why "nature conservation values" should be included in the matters of discretion for the extension of an existing building in the Rural Lifestyle Zone, and have difficulty understanding how it would be relevant given the circumstances in which this particular consent process would be used. We recommend Submissions 339 and 706 be rejected.

1130. Given the objectives and policies seek to maintain the rural character of this zone, including its openness, we are satisfied that "visibility from public places" is a relevant matter of discretion, and recommend that part of Submission 350 be rejected.

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1012 C Barr, Section 42A Report, paragraphs 12.1-12.4

1013 ibid, paragraphs 8.11-8.13

1014 ibid, paragraph 8.14

1015 J Brown, EiC, paragraphs 3.3-3.4

1016 C Barr, Reply Statement, Appendix 1

1131. We agree with Mr Barr that providing the option of obtaining a building platform via a land use consent is a benefit. We note that when read in conjunction with the density rules of the Rural Lifestyle Zone, Rule 22.4.3.3 would enable the identification of more than one building platform on a site, subject to compliance with the density limits. Given that possibility, we do not consider a controlled activity status would be appropriate as it would not allow refusal of consent in circumstances where density would potentially be breached. Without any evidence from submitters as to what could be appropriate matters of discretion if the status were changed to restricted discretionary, we recommend that it remain full discretionary as notified. We consider Mr Barr's recommended amendments to this rule make it more understandable.

1132. Finally, we consider the combination the rules relating to building platforms, building materials and colours, and the non-complying activity status of activities not listed covers the points raised by Mr Scaife. A building is to be either erected within a building platform, and be subject to the colour and material standard, or it is non-complying.. The approval of the building platform allows consideration of its location and whether conditions should be applied to it in respect of landscaping and earthworks.

1133. For the reasons set out above, we recommend Rule 22.4.3 be renumbered 22.4.2 and be worded as follows:

| | | |
|---|---|---|
| **Rural Lifestyle Zone:** | | |
| 22.4.2.1 | The construction and exterior alteration of buildings located within a building platform approved by resource consent, or registered on the applicable computer freehold register. | P |
| 22.4.2.2 | Where there is not an approved building platform on the site, the exterior alteration of existing buildings located outside of a building platform not exceeding 30% of the ground floor area of the existing building in any ten year period. | P |
| 22.4.2.3 | Where there is not an approved building platform on the site, the exterior alteration of existing buildings located outside of a building platform that do not comply with Rule 22.4.2.2.<br><br>Discretion is restricted to all of the following:<br>a. External appearance.<br>b. Visibility from public places.<br>c. Landscape character.<br>d. Visual amenity. | RD |
| 22.4.2.4 | The identification of a building platform not less than 70m$^2$ and not greater than 1000m$^2$ for the purposes of a residential unit except where identified by Rule 27.7.8. | D |

### 27.5 Rule 22.4.5

1134. As notified, this rule provided for residential activity as a permitted activity. The only submissions[1017] on the rule supported its retention.

[1017] Submissions 229, 291, 763, 764 and 767

1135. Other than renumbering as Rule 22.4.3, we recommend this rule be adopted as notified.

### 27.6 Rule 22.4.6

1136. As notified, this rule provided for the activity of residential flat as a permitted activity. The only submissions[1018] on the rule supported its retention.

1137. We therefore recommend this rule be adopted as notified, other than renumbering as 22.4.4. However, we do note that this rule is inconsistent with the approach recommended to the Hearing Panel by the council officers in Stream 6..

### 27.7 Rules 22.4.7 and 22.4.8

1138. As notified, these rules provided for farming and home occupations (respectively) as permitted activities. No submissions were received on these rules.

1139. Other than renumbering as 22.4.5 and 22.4.6 respectively, we recommend these rules be adopted as notified.

### 27.8 Rule 22.4.9

1140. As notified this rule provided, as a controlled activity, for a home occupation involving retail sales limited to handicrafts or items grown or produced on site.

1141. One submission[1019] sought the retention of this rule, and one[1020] sought it be classified as a permitted activity.

1142. We heard no evidence on this rule, and it was not referred to by Mr Barr. Other than renumbering, we recommend it be adopted as notified.

### 27.9 Rule 22.4.10

1143. As notified, this rule provided for visitor accommodation within a Visitor Accommodation Sub-Zone as a controlled activity.

1144. This rule has been dealt with in Report 4B. The recommendation of the Commissioners who heard submissions on this rule is to delete the rule.

### 27.10 Rule 22.4.11

1145. As notified, this rule classified visitor accommodation outside of a visitor accommodation Sub-Zone as a non-complying activity.

1146. One submission [1021] supported this rule, the second submission sought that visitor accommodation be generally non-complying[1022]. Also relevant in considering this rule is Submission 497 which sought provision be made for visitor accommodation in the Rural Lifestyle Zone, and our discussion in Section 27.2 above concerning Rule 22.4.1.

1147. In discussing Rule 22.4.1 we traversed the issues relevant to this rule and concluded that visitor accommodation should be a discretionary activity. That conclusion, allied with our

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1018 Submissions 219, 350, 761, 764 and 767

1019 Submission 716

1020 Submission 238, opposed by FS1107, FS1157, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249

1021 Submission 674, supported by FS1050, FS1082, FS1089, FS1146, opposed by FS1255

1022 Submission 236, opposed by FS1203

recommendation on Rule 22.4.10 above, leads us to recommend that Rule 22.4.11 be renumbered and read as follows:

| | |
|---|---|
| Visitor accommodation, including the construction or use of buildings for visitor accommodation. | D |

### 27.11 Rule 22.4.12

1148. As notified, this rule provided for community activities as a discretionary activity.

1149. One submission[1023] sought they be classified as controlled activities, one[1024] sought they be non-complying, and one[1025] sought they be either non-complying or prohibited.

1150. Mr Barr discussed this rule in the context of Submission 844 and concluded that no change should be made to the rule[1026]. Mr Vivian, in evidence in support of submission 674, agreed with Mr Barr that the term "community activity" covered a broad range of activities, but considered that the activities were fundamentally urban activities that would not be appropriate in a rural living area[1027].

1151. Community activity is defined as (recommended definition):

*… the use of land and buildings for the primary purpose of health, welfare, care, safety, education, culture and/or spiritual well being. Excludes recreational activities. A community activity includes day care facilities, education activities, hospitals, doctors surgeries and other health professionals, churches, halls, libraries, community centres, police purposes, fire stations, courthouses, probation and detention centres, government and local government offices.*

1152. We agree with Mr Vivian that these are essentially urban activities and we note Policy 4.2.1.3 which states:

*Ensure that urban development is contained within the defined Urban Growth Boundaries, and that aside from urban development within existing rural settlements, urban development is avoided outside of those boundaries.*

1153. We agree with Mr Barr that Policies 22.2.2.1 states that community activities could be appropriate where the location, scale and type is compatible with and enhances the rural and rural living activities of the zones. Policy 22.2.2.3 also seeks to discourage community activities that would diminish amenity values and the quality and character of the rural living environment.

1154. While we agree with Mr Barr that controlled activity status would be inappropriate, and not give effect to the policies of the PDP, we are not satisfied that discretionary activity provides the balance as he suggests. We note that Mr Barr did not consider the two submissions seeking non-complying activity status; nor did he respond to Mr Vivian's evidence in his reply.

1155. In our view, the policy regime of the PDP is opposed to community activities occurring in these zones except in limited circumstances. We consider that ensuring that policy direction is met

1023 Submission 844
1024 Submission 674, supported by FS1050, FS1082, FS1089, FS1146
1025 Submission 236, opposed by FS1203
1026 C Barr, Section 42A Report, paragraphs 9.7 to 9.111
1027 C Vivian, EiC, paragraphs 9.29 to 9.35

requires that applications for such activities be assessed against the thresholds of section 104D. Therefore, we conclude that the activity status be changed to non-complying. That means this rule can be deleted as the activity will fall within the catch-all Rule 22.4.13.

1156. For those reasons, we recommend that Rule 22.4.12 be deleted.

### 27.12 Rules 22.4.13 and 22.4.14

1157. As notified, Rule 22.4.13 provided for informal airports to be a discretionary activity, and Rule 22.4.14 provided for informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming as permitted activities.

1158. Two submissions[1028] sought that informal airports under Rule 22.4.13 be a prohibited activity, one[1029] sought that they be a non-complying activity, and one submission[1030] sought that strong assessment standards be applied under both rules.

1159. Mr Barr considered discretionary activity status under Rule 22.4.13 appropriate as informal airports could be acceptable depending upon the location, scale and intensity of the activity[1031]. Mr Vivian, in evidence presented on behalf of J and R Hadley, disagreed with Mr Barr's assessment in respect of the Rural Residential Zone. It was Mr Vivian's opinion that anticipated size of allotments in the Rural Residential Zone (4,000m$^2$) meant that informal airports would have a significant potential to affect character and amenity due to noise and privacy effects[1032].

1160. We note that in the Rural Zone informal airports are permitted subject to standards that require them to be located a minimum distance of 500 metres from any other zone or the notional boundary of any residential unit or building platform not located on the same site. As we have discussed earlier in this report when considering informal airports in the Rural Zone, this limitation combined with the low frequency of flights, is designed to ensure the noise impact of such airports was acceptable on adjacent sites. We would not expect a lesser standard to be applied in these zones.

1161. In our view, Mr Vivian was correct to point out the relatively small site sizes of sites in the Rural Residential Zone. We doubt the practicality of informal airports complying with setbacks similar to those applied in the Rural Zone in the Rural Residential Zone. We do not have the same concern with the Rural Lifestyle Zone. Consequently, we recommend that the discretionary activity for informal airports only apply to the Rural Lifestyle Zone.

1162. There was no evidence in relation to Rule 22.4.14. We agree that it is appropriate that the exceptional circumstances provided for in this rule be allowed as permitted activities. We do, however, consider the rule should be moved up the table to sit with other permitted activities making it Rule 22.4.8.

1163. We also consider that Rule 22.4.13 should exclude those informal airports permitted by Rule 22.4.8. Therefore, we recommend that Rule 22.4.13 be renumbered and reworded to read:

*Informal airports in the Rural Lifestyle Zone, except as provided for by Rule 22.4.8.*

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1028 Submissions 243 (opposed by FS1224) and 811 (opposed by FS1150, FS1224, FS1325)

1029 Submission 126

1030 Submission 674, supported by FS1050, FS1082, FS1089, FS1146

1031 C Barr, Section 42A Report, paragraph 10.1

1032 C Vivian, EiC, paragraphs 9.36 to 9.39

### 27.13 Rule 22.4.15

1164. As notified, this rule made any building within a Building Restriction Area a non-complying activity.

1165. The sole submission[1033] on this rule sought that it be changed to prohibited. No evidence was presented by the submitter on this rule, and Mr Barr did not deal with in his Section 42A Report.

1166. With no evidence to justify changing this rule, we recommend the Council renumber it and otherwise retain it as notified.

### 27.14 Rule 22.4.16

1167. As notified, this rule stated that "Any other commercial or industrial activity" was a non-complying activity.

1168. Two submissions supported this rule[1034] and one sought that the activity status be changed from non-complying to discretionary[1035]. Mr Barr did not discuss this rule in his Section 42A Report and no evidence was presented on it.

1169. We do not think this rule is necessary. Rule 22.4.13 (notified as Rule 22.4.1) makes any activity not otherwise listed in this Table a non-complying activity. Thus, deleting the rule would have no substantive effect. We recommend that it be deleted as a minor change under Clause 16(2).

### 27.15 Rule 22.4.17

1170. As notified, this rule listed the following as prohibited activities:

*Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, commercial fish or meat processing, or any activity requiring an Offensive Trade Licence under the Health Act 1956.*

1171. The submissions on this rule sought:
   a. Provide for commercial secondary meat processing as a discretionary activity[1036]
   b. Delete the words "motor vehicle repair"[1037].

1172. Mr Barr considered these submissions in his Section 42A Report[1038] and accepted that each would be appropriate if satisfying the home occupation provisions or being ancillary to residential activities. He recommended the following wording be added:

*Except commercial fish or meat processing where undertaken as part of a permitted home occupation in terms of Rule 22.5.7.*

1173. Mr Vivian, presenting evidence in support of Submission 486, explained that his client's farm was partly zoned Rural, and partly Rural Lifestyle, and the portion where they normally repaired the farm vehicles was in the Rural Lifestyle Zone. Thus, while the activity was part of normal farming activities, it would be prohibited on part of the farm. Mr Vivian considered that motor

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1033 Submission 243, opposed by FS1224

1034 Submissions 236 (opposed by FS1203) and 674 (supported by FS1050, FS1082, FS1089, FS1146)

1035 Submission 577

1036 Submission 127

1037 Submission 486

1038 C Barr, Section 42A Report, paragraphs 9.17 to 9.20

vehicle repair could be deleted from the rule as commercial motor vehicle repair would be a non-complying activity in any event.

1174. In his Reply Statement, after our questioning and further consideration, Mr Barr concluded that it should be clarified that activities that are undertaken as part of a farming or residential activity or home occupation would not fall within the prohibited activity status. He recommended that his earlier recommendation be replaced with:

*Excluding activities undertaken as part of a Farming Activity, Residential Activity or a permitted Home Occupation.*

1175. We agree with Mr Vivian and Mr Barr's Reply conclusions for the reasons they have given. However, we consider the rule can be better expressed. We recommend that Rule 22.4.17 be renumbered, remain a prohibited activity and be adopted with the following wording:

*Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, commercial fish or meat processing, or any activity requiring an Offensive Trade Licence under the Health Act 1956, except where such activities are undertaken as part of a Farming Activity, Residential Activity or a permitted Home Occupation.*

## 28 RULE 22.5 – STANDARDS

### 28.1 General

1176. Section 22.5 contained Tables 2 to 7 inclusive, which contained the standards that applied to the activities in Table 1. Submissions generally on the whole section sought:
   a. retain the provisions[1039];
   b. correct the misspelling of Wyuna[1040];
   c. correct a reference to Table 4 to Table 7[1041];
   d. change each non-complying classification to prohibited[1042];
   e. add standards on landscaping, location and earthworks for all permitted buildings[1043].

1177. Items (b) and (c) are minor corrections that we recommend be made.

1178. No evidence was presented on items (d) or (e). We would expect any submitter seeking the application of prohibited activity status to provide compelling evidence in support of such a position, including a thorough Section 32AA assessment. In the absence of such material we recommend that Submission 243 be rejected.

1179. While the threshold may not be so high for applying standards to permitted activities, we would expect some evidence as to why that was necessary in these zones. Again, in the absence of evidence, we recommend Submission 811 be rejected.

### 28.2 Rule 22.5.1

1180. This rule set material and colour standards for permitted buildings. As notified, it read:

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1039 Submission 21
1040 Submission 383
1041 Submission 481
1042 Submission 243, opposed by FS1224
1043 Submission 811, opposed by FS1224

| | |
|---|---|
| **Building Materials and Colours**<br>All buildings, including any structure larger than 5m², new, relocated, altered, reclad or repainted, are subject to the following in order to ensure they are visually recessive within the surrounding landscape:<br><br>Exterior colours of buildings:<br>22.5.1.1 All exterior surfaces shall be coloured in the range of black, browns, greens or greys;<br>22.5.1.2 Pre-painted steel, and all roofs shall have a reflectance value not greater than 20%;<br>22.5.2.3 Surface finishes shall have a reflectance value of not greater than 30%.<br><br>Discretion is restricted to all of the following:<br>• Whether the building would be visually prominent, especially in the context of the wider landscape, rural environment and as viewed from neighbouring properties<br>• Whether the proposed colour is appropriate given the existence of established screening or in the case of alterations, if the proposed colour is already present on a long established building<br>• The size and height of the building where the subject colours would be applied. | RD |

1181. Submissions sought:

a. Consider concentrated versus diffused light reflection[1044];
b. Change the building threshold size to 10m²[1045];
c. Distinguish residential and non-residential buildings[1046];
d. Amend "Exterior colours of buildings:"[1047];
e. Change list of colours in 22.5.1.1 to be less restrictive[1048];
f. Exclude windows from 22.5.1.1[1049];
g. Limit 22.5.1.2 to roofs[1050];
h. Exempt locally sourced stone from 22.5.1.3[1051];
i. Include natural materials[1052];

1044 Submission 29, supported by FS1157
1045 Submissions 238 (opposed by FS1107, FS1157, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249) and 368 (supported by FS1157)
1046 Submission 243, opposed by FS1224
1047 Submissions 497, 515, 522, 523 (supported by FS1256, FS1292), 530, 532 (supported by FS1322), 537 (supported by FS1256, FS1286), 761, 763, 764
1048 Submissions 146 (supported by FS1157) and 368
1049 Submissions 443, 452
1050 Submissions 497, 515, 522, 523 (supported by FS1256, FS1292), 530, 532 (supported by FS1322), 537 (supported by FS1256, FS1286), 761, 763, 764
1051 Submissions 497, 515, 522, 523 (supported by FS1256, FS1292), 530, 532 (supported by FS1322), 537 (supported by FS1256, FS1286), 761, 763, 764
1052 Submissions 443, 452

j. Exclude interior surfaces[1053];
k. Exclude solar panels and other renewable energy building materials[1054];
l. Change the non-compliance from restricted discretionary to controlled[1055].

1182. In his Section 42A Report, Mr Barr only recommended minor changes to the standard to exclude soffits, windows and skylights and to include a means of assessing cladding that cannot be measured by way of light reflectance values. These were similar to changes he recommended to the similar rule in the Rural Zone (notified Rule 21.5.15). Mr Farrell supported Mr Barr's recommended amendments[1056].

1183. The only other evidence we received on this rule was from Mr Brown[1057] and Mr Ferguson[1058]. While Mr Ferguson suggested amendments to do with exterior finishes[1059], the body of his evidence did not expand on this. Mr Brown recommended the exclusion of windows from 22.5.1.1 and the addition of a note that the rules did not apply if natural materials were used. He noted that natural materials such as schist may have reflective values that cannot be readily quantified, and that such material should be able to be used without triggering a resource consent.

1184. Other than the matters discretion was restricted to for non-compliance, this rule as notified was essentially the same as notified Rule 21.5.15 with respect colour and exterior surface finishes. In Section 9.2 above we have dealt with Rule 21.5.15 where essentially the same issue were raised by submitters. In our view, the standards should be the same, even if the matters of discretion for non-compliance differ. No evidence suggested there should be no standard for exterior finishes in the Rural Residential and Rural Lifestyle Zones and applying them would be consistent with the objectives and policies concerning landscape values in and around these zones.

1185. Consequently, for those reasons, we recommend this rule read:

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1053 Submissions 497, 515, 522, 523 (supported by FS1256, FS1292), 530, 532 (supported by FS1322), 537 (supported by FS1256, FS1286), 761, 763, 764

1054 Submissions 497, 515, 522, 523 (supported by FS1256, FS1292), 530, 532 (supported by FS1322), 537 (supported by FS1256, FS1286)

1055 Submission 844

1056 B Farrell, EiC, paragraph 148

10571057 In support of Submission 443 and 452

1058 In support of submissions 763 and 764

1059 C Ferguson, EiC, page 89

| | |
|---|---|
| **Building Materials and Colours**<br>All buildings, including any structure larger than 5m², new, relocated, altered, reclad or repainted, are subject to the following in order to ensure they are visually recessive within the surrounding landscape.<br><br>All exterior surfaces* must be coloured in the range of browns, greens or greys, including;<br>22.5.1.1 Pre-painted steel and all roofs must have a light reflectance value not greater than 20%; and,<br>22.5.1.2 All other surface** finishes, except for schist, must have a light reflectance value of not greater than 30%.<br><br>* Excludes soffits, windows and skylights (but not glass balustrades).<br>** Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed by the Council to be suitably recessive and have the same effect as achieving a light reflectance value of 30%. | RD<br>Discretion is restricted to:<br>a. Whether the building would be visually prominent, especially in the context of the wider landscape, rural environment and as viewed from neighbouring properties<br>b. Whether the proposed colour is appropriate given the existence of established screening or in the case of alterations, if the proposed colour is already present on a long established building<br>c. The size and height of the building where the subject colours would be applied. |

## 28.3 Rule 22.5.2

1186. As notified, this rule set the maximum ground floor area of any building in the Rural Residential Zone at 15% of the net site area. Non-compliance required consent as a restricted discretionary activity.

1187. Submissions on this rule sought:
   a. Retain[1060];
   b. Delete and apply a building platform requirement[1061];
   c. Change to apply limit to all buildings on site[1062];
   d. Add fourth matter of discretion concerning visual prominence[1063];
   e. Change non-compliance to non-complying or prohibited[1064].

1188. Mr Barr did not discuss this rule or recommend any amendments in either his Section 42A Report or his Reply Statement. The only evidence we received on this rule was from Mr Ferguson[1065]. He considered this rule to be worded confusingly (consistent with Submission 243) and recommended it be amended so that the limit applied to the ground floor area of all buildings on a site, rather than any.

1060 Submission 764
1061 Submission 243, opposed by FS1224
1062 Submission 243, opposed by FS1224
1063 Submission 243, opposed by FS1224
1064 Submission 811, opposed by FS1150, FS1224, FS1325
1065 C Ferguson, EiC, at page 60

1189. We agree with Mr Ferguson and Submission 243 that the wording is potentially ambiguous, and accept that the rule should refer to the ground floor area of all buildings on a site. We recommend slightly different wording from that proposed by Mr Ferguson. Other than that, we do not consider any other amendments to this rule are required.

1190. We recommend that this rule read:

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|---|---|
| **Building Coverage (Rural Residential Zone only)**<br>The total ground floor area of all buildings shall not exceed 15% of the net site area. | RD<br>Discretion is restricted to:<br>a. The effect on open space, character and amenity<br>b. Effects on views and outlook from neighbouring properties<br>c. Ability of stormwater and effluent to be disposed of on-site. |

### 28.4 Rule 22.5.3

1191. As notified, this read:

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|---|---|
| **Building Size**<br>The maximum size of any building shall be 500m².<br>Discretion is restricted to all of the following:<br>a. Visual dominance<br>b. The effect on open space, rural character and amenity<br>c. Effects on views and outlook from neighbouring properties<br>d. Building design and reasons for the size. | RD |

1192. Submissions sought:
- a. Change maximum to 400m²[1066];
- b. Change maximum to be consistent with Rule 22.5.2[1067];
- c. Either delete or change non-compliance to controlled activity[1068];
- d. Delete matter of discretion "Building design and reason for the size"[1069];
- e. Clarify whether size is gross or ground floor area[1070];
- f. Delete rule[1071].

1193. In his Section 42A Report, Mr Barr explained that the purpose of the rule is to provide the ability to assess and control buildings where their bulk has the ability to have adverse effects on amenity, and in some cases, potential adverse effects on the landscape values in the wider rural areas. He pointed out that in the ODP all buildings are a controlled activity and the intention via making buildings permitted but subject to standards such as this is to reduce the consenting

1066 Submission 367
1067 Submission 166
1068 Submission 444, supported by FS1157
1069 Submissions 243 (opposed by FS1224) and 444 (supported by FS1157)
1070 Submission 811, opposed by FS1224
1071 Submissions 368 (supported by FS1157), 443, 452, 497, 513, 515, 522 (supported by FS1292), 523 (supported by FS1256), 530, 532 (supported by FS1322, opposed by FS1071), 534 (supported by FS1157, FS1322), 535 (supported by FS1157, FS1322), 537 (supported by FS1256, FS1292), 764 and 767

requirements. While he conceded the 500m$^2$ was arbitrary, he noted that Dr Read considered 300m$^2$ would be more appropriate.

1194. Mr Barr recommended the rule be amended to clarify that it applied to the ground floor area of each individual building. He also recommended the second matter of discretion be amended to refer to rural living character, rather than rural character, and that "*and reasons for the size*" be deleted from the fourth matter[1072].

1195. The only evidence that we received on behalf of submitters which opposed the rule was from Mr Farrell. He considered the rule to be onerous, unnecessary and not satisfactorily justified. He also considered it would create unnecessary costs and consenting risks. It was his view that buildings between 500m$^2$ and 1,000m$^2$ within a building platform should be a controlled activity[1073]. Ms Pflüger supported the 500m$^2$ limit[1074].

1196. When looked at in the context of the overall zone provisions we consider this rule to be reasonable. What it does, in combination with Rule 22.5.1, is allow individual buildings not exceeding 500m$^2$ in ground floor area as a permitted activity in each zone. As it applies to individual buildings, it is not in conflict with the building coverage rule in the Rural Residential Zone. It also allows for multiple buildings as a permitted activity within a building platform of up to 1,000m$^2$ in the Rural Lifestyle Zone. When looked at in that context, we consider Mr Farrell has overstated the potential consenting costs and risks. While, as Mr Barr said, the limit is arbitrary, we consider it is set at a level that would be breached infrequently, rather than regularly, which would likely be the case with a lower limit. We heard no evidence to support the contention that all effects could be dealt with by conditions. Thus, we also consider the restricted discretionary status for non-compliance to be appropriate.

1197. For those reasons, we recommend Rule 22.5.3 read as follows:

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|---|---|
| **Building Size**<br>The maximum ground floor area of any individual building must not exceed 500m². | RD<br>Discretion is restricted to:<br>a. Visual dominance<br>b. The effect on open space, rural living character and amenity<br>c. Effects on views and outlook from neighbouring properties.<br>d. Building design. |

## 28.5 Rule 22.5.4

1198. As notified, this read:

1072 C Barr, Section 42A Report, Appendix 1

1073 B Farrell, EiC, page 35

1074 Y Pflüger, EiC, paragraphs 7.14 to 17.16

| | |
|---|---|
| **Setback from internal boundaries**<br>The minimum setback of any building from internal boundaries shall be:<br>22.5.4.1 Rural Residential zone - 6m<br>22.5.4.2 Rural Lifestyle zone - 10m<br>22.5.4.3 Rural Residential zone at the north of Lake Hayes - 15m<br><br>Discretion is restricted to all of the following:<br>a. Visual dominance<br>b. The effect on open space, rural character and amenity<br>c. Effects on privacy, views and outlook from neighbouring properties<br>d. Reverse sensitivity effects on adjacent properties<br>e. Landscaping. | RD |

1199. The only submissions on this rule supported Rule 22.5.4.3[1075] or sought that non-compliance was classified non-complying or prohibited[1076].

1200. Mr Barr did not comment on this rule in his Section 42A Report, but recommended that the second matter of discretion refer to rural living character, rather than rural character. No evidence was presented on the rule.

1201. We agree with Mr Barr that as a matter of clarification it is rural living character that is of concern in these zones and it is appropriate for the matters of discretion refer to them.

1202. We note that the Stage 2 Variations propose deleting Rule 22.5.4.3 so make no recommendation in respect of that rule, and show it as light grey in our recommended version of the Chapter to reflect that fact.

1203. Otherwise, apart from reformatting to have the matters of discretion as an alphabetic list in the right-hand column and making the amendment recommended by Mr Barr, we recommend the rule be adopted as notified.

## 28.6 Rule 22.5.5

1204. As notified this read:

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| **Setback from roads**<br>The minimum setback of any building from a road boundary shall be 10m, except in the Rural Residential zone at the north of Lake Hayes, the minimum setback from Speargrass Flat Road shall be 15m. | NC |

1205. Submissions on this rule sought:
   a. In Rural Lifestyle Zone setback should be 15m[1077];
   b. In Rural Lifestyle Zone setback should be 30m[1078];
   c. Setback from State Highways should be 20m[1079].

1206. Mr Barr reviewed these submissions in his Section 42A Report and concluded that the setback from roads in the Rural Lifestyle Zone should be set at 20m, and in the Rural Residential zone,

1075 Submission 219
1076 Submission 811, opposed by FS1150, FS1224, FS1325
1077 Submission 350, opposed by FS1150, FS1325
1078 Submission 367, opposed by FS1150, FS1325
1079 Submission 716

it be increased to 15m where the site fronted a State Highway. Mr Barr also recommended reformatting the rule.

1207. No evidence was presented in support of the submissions.

1208. We agree with Mr Barr's reasoning and recommend the rule read as follows:

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|---|---|
| **Setback from roads**<br>The minimum setback of any building from a road boundary shall be:<br>22.5.5.1 Rural Lifestyle Zone: 20m<br>22.5.5.2 Rural Residential Zone: 10m<br>22.5.5.3 Rural Residential Zone where the road is a State Highway: 15m | NC |

1209. We note that the effect of the Stage 2 Variations would be to make Mr Barr's recommended Rule 22.5.5.4 (which related to the setback from Speargrass Flat Road) redundant, although the variations do not specifically propose its deletion. We recommend it be deleted under Clause 16(2).

## 28.7 Rule 22.5.6

1210. As notified, this rule read:

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|---|---|
| **Setback of buildings from water bodies**<br>The minimum setback of any building from the bed of a river, lake or wetland shall be 20m.<br><br>Discretion is restricted to all of the following:<br>a. Any indigenous biodiversity values<br>b. Visual amenity values<br>c. Landscape character<br>d. Open space<br>e. Whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the location of the building<br>f. Except this rule does not apply to the visitor accommodation sub zones. | RD |

1211. Two submissions supported this rule [1080], and two sought the exemption for visitor accommodation subzones be deleted[1081].

1212. There was no discussion of this rule by Mr Barr, nor any evidence received in support of the submissions.

1213. Given the recommendation of Commissioners Nugent and Coombs that the Visitor Accommodation Sub-Zone be deleted, a consequential amendment is to accept Submissions 243 and 350. Apart from that change and reformatting of the matters of discretion, we recommend the rule be adopted as notified.

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1080 Submissions 339 and 706 (opposed by FS1162)

1081 Submissions 243 (opposed by FS1224) and 350

### 28.8 Rule 22.5.7

1214. As notified this read:

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| **Home Occupation**<br>Home occupation activities shall comply with the following:<br>22.5.7.1 No more than one full time equivalent person from outside the household shall be employed in the home occupation activity.<br>22.5.7.2 The maximum number of vehicle trips* shall be:<br>a. Heavy Vehicles: 2 per week<br>b. other vehicles: 10 per day<br>22.5.7.3 Maximum net floor area:<br>a. Rural Residential Zone: 60m²<br>b. Rural Lifestyle Zone: 150m²<br>22.5.7.4 Activities and the storage of materials shall be indoors<br><br>*A vehicle trip is two movements, generally to and from a site. | D |

1215. The only submission on this rule sought that the maximum floor areas be changed to 80m$^2$ in the Rural Residential Zone and 180m$^2$ in the Rural Lifestyle Zone.

1216. We received no evidence supporting an increase in the floor area limits. While we have doubts that Rule 22.5.7.3 is able to be monitored or enforced, in the absence of evidence we are not prepared to recommend any changes. We recommend the rule be adopted as notified subject to minor word changes to make the rule clearer under Clause 16(2).

### 28.9 Rule 22.5.8

1217. As notified, this rule set the maximum height limit in both zones at 8m. Non-compliance required consent as a non-complying activity.

1218. The sole submission[1082] on this rule sought the limit be dropped to 7m.

1219. While Dr Read commented [1083] on the development potential provided by this rule in combination with Rule 22.5.3 (Building Size), she did not assess Submission 367. Ms Pflüger provided the only evidence on this submission. While she concluded that an 8m height limit was reasonably permissive, she considered it did allow for a number of creative solutions and the ability to follow landform variation on undulating sites[1084].

1220. We accept Ms Pflüger's evidence and recommend this rule be adopted as notified.

### 28.10 Rule 22.5.9

1221. This rule provided standards for exterior light. No submissions were received on it. Subject to minor grammatical changes under Clause 16(2), we recommend this rule be adopted as notified.

### 28.11 Rule 22.5.10

1222. As notified this rule limited outdoor, overnight parking of heavy vehicles to 1 per site.

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1082 Submission 367, opposed by FS1150, FS1325

1083 Dr M Read, EiC, paragraphs 5.7 to 5.14

1084 Y Pflüger, EiC, paragraphs 7.17 & 7.18

1223. The sole submission on this rule sought that it be amended to exclude private heavy vehicles parked close to the main buildings on the site[1085].

1224. We heard no evidence on this rule. In the absence of evidence supporting the change sought, we recommend it be adopted as notified.

### 28.12 Rule 22.5.11

1225. As notified, this rule set a residential density limit of one residential unit per 4,000m$^2$ of net site area in the Rural Residential Zone.

1226. Submissions on this rule sought:
   a. Retain[1086]
   b. The standard should explicitly give effect to Policy 22.2.1.3[1087]
   c. Retain ODP North Lake Hayes averaging rules[1088]
   d. Make non-compliance a prohibited activity[1089].

1227. Mr Barr considered the rules affecting the area north of Lake Hayes in his Section 42A Report and recommended the rule be amended to incorporate the flexibility allowed for in the ODP[1090].

1228. No evidence was presented in support of the submissions.

1229. Since the hearing, the Council has notified the Stage 2 Variations, among other things rezoning the area north of Lake Hayes as Wakatipu Basin Lifestyle Precinct. Our understanding of Clause 16B(2) of the First Schedule is that Mr Clarke's submission has become a submission on the variation. We therefore do not make a recommendation on that submission.

1230. In the absence of evidence in respect of the other submissions, we recommend the rule be adopted as notified.

### 28.13 Rule 22.5.12

1231. See Sections 7.7 and 22.3 of this report.

### 28.14 New Standard in Table 2

1232. The NZFS lodged a submission[1091] seeking inclusion of a standard requiring compliance with the NZFS Code of Practice SNZ PAS 4509:2003 in relation to water supply and access. We were not able to find any further submissions opposing the relief sought.

1233. Mr Barr discussed this submission in his Section 42A Report and recommended an additional standard be included to apply in the Rural Residential Zone[1092].

1234. We have discussed this submission above in relation to Chapter 21.. For the same reasoning we expressed there, we agree that a standard be included in Chapter 22, but additionally consider

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1085 Submission 126
1086 Submissions 219 and 229
1087 Submission 444, supported by FS1082, FS1089
1088 Submission 26
1089 Submission 811, opposed by FS1224
1090 C Barr, Section 42A Report, paragraphs 8.17 – 8.19
1091 Submission 438
1092 C Barr, Section 42A Report, Section 16

it should apply to the Rural Lifestyle Zone. Accordingly, we recommend a new Rule 22.5.13 be inserted that reads:

| | |
|---|---|
| **Fire Fighting water and access**<br><br>New buildings where there is no reticulated water supply or it is not sufficient for fire-fighting water supply must provide the following provision for firefighting:<br><br>22.5.13.1 A water supply of 20,000 litres and any necessary couplings.<br>22.5.13.2 A hardstand area adjacent to the firefighting water supply capable of supporting fire service vehicles.<br>22.5.13.3 Firefighting water connection point within 6m of the hardstand, and 90m of the dwelling.<br>22.5.13.4 Access from the property boundary to the firefighting water connection capable of accommodating and supporting fire service vehicles. | RD<br>Discretion is restricted to:<br><br>a. The extent to which SNZ PAS 4509: 2008 can be met including the adequacy of the water supply<br>b. The accessibility of the firefighting water connection point for fire service vehicles<br>c. Whether and the extent to which the building is assessed as a low fire risk. |

## 29 TABLE 3: RURAL LIFESTYLE DEFERRED AND BUFFER ZONES

1235. As notified this table contained Rules 22.5.14 to 22.5.18 inclusive setting particular standards in the Deferred Rural Lifestyle Zone and the Deferred Rural Lifestyle (Buffer) Zone.

1236. No submissions were received on these rules.

1237. On 23 November 2017 the Council notified the Stage 2 Variations which propose deleting this Table. We therefore make no recommendation on it.

## 30 TABLE 4: RURAL RESIDENTIAL FOREST HILL

1238. This table contained two rules (22.5.19 and 22.5.20) setting standards specifically for the Rural Residential Zone at Forest Hill. One submission[1093] was lodged on Rule 22.5.20 seeking that non-compliance be a prohibited activity.

1239. We heard no evidence in support of this submission. In the absence of supporting evidence we do not consider it appropriate to impose such a rigid control.. We recommend that Rules 22.5.19 and 22.5.20 be adopted as notified.

## 31 TABLE 5: RURAL RESIDENTIAL BOB'S COVE AND SUB-ZONE

1240. As notified, this contained Rules 22.5.21 to 22.5.32 inclusive setting specific standards for the Rural Residential Zone at Bob's Cove and the Bob's Cove Rural Residential Sub-Zone.

[1093] Submission 811, opposed by FS1224

1241. The Stream 13 Panel has not recommended the deletion of the Bob's Cove Rural Residential Sub-Zone or the specific provisions relating to the Rural Residential Zone at Bob's Cove. Thus, we can consider the submissions on this table.

1242. The only submissions on this table for our consideration were:
   a. Delete the averaging in Rule 22.5.24[1094]; and
   b. Delete Rule 22.5.25.1[1095].

1243. Appendix 2 to the Section 42A Report contained the following comment with regard to Submission 166:

   *These rules are well established and the removal of them could have adverse effects on landscape values and rural living amenity.*

1244. We consider Mr McLeod may have a point that averaging density over entire zone, as Rule 22.5.24 does, encourages a "first in first served" approach to development, with the potential that property owners developing later may find their develop rights already used.

1245. Without adequate evidence we are not prepared to recommend the rule be changed, but we recommend the Council review the rule and consider its appropriateness today in the light of the development that has occurred in the Bob's Cove area.

1246. We heard no evidence in respect of Rule 22.5.25.1. We recommend Submission 146 be rejected.

1247. Subject to reformatting and the correction of an incorrect reference to another rule, we recommend this table be adopted as notified. We have renumbered it Table 4 in anticipation of the deletion of the notified Table 4.

## 32 TABLE 6: FERRY HILL RURAL RESIDENTIAL SUB-ZONE

1248. This Table provided specific standards to apply to the Ferry Hill Rural Residential Sub-Zone. No submissions were received on any of the rules within the Table.

1249. On 23 November 2017 the Council notified the Stage 2 Variations which propose deleting this Table. We therefore make no recommendation on it.

## 33 TABLE 5: RURAL RESIDENTIAL CAMP HILL

1250. The Stream 13 Panel, after hearing submissions relating to the application of the Rural Residential zone at Camp Hill, has recommended to additional specific standards to apply to that location. These are:
   a. Setting a minimum setback of 20m from the zone boundary or the top of the escarpment where it is located within the zone boundary;
   b. Limiting the building height to 5.5m;
   c. Setting the maximum number of residential units at 36.

1251. Non-compliance with any of these standards would require consent as a non-complying activity.

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1094 Submission 166

1095 Submission 146

1252. We have included this table as Table 5 in anticipation of the deletion of notified Table 4 by the Stage 2 Variations.

## 34 TABLE 7: WYUNA STATION RURAL LIFESTYLE ZONE

1253. As notified, this Table contained a single rule (Rule 22.5.37) limiting the identification of building platforms or construction of dwellings within the Wyuna Station Rural Lifestyle Zone. It also contained two typographical errors: it was called Table 4 and referred to Wynuna rather than Wyuna.

1254. No submissions were received on this Table. Subject to amending the policy number references to Chapter 27, we recommend this Table be adopted as notified subject to correction of the typographical errors under Clause 16(2). We have renumbered it Table 6 in anticipation of the deletion of the notified Table 6 by the Stage 2 Variations.

## 35 RULE 22.6 – NON-NOTIFICATION OF APPLICATIONS

1255. As notified, this rule stated:

> *Any application for resource consent for the following matters shall not require the written consent of other persons and shall not be notified or limited-notified:*
>
> *22.6.1 Controlled activity Home occupation (Rule 22.4.9).*
>
> *22.6.2 Controlled activity Visitor Accommodation within a Visitor Accommodation subzone (Rule 22.4.10).*

1256. As Commissioners Nugent and Coombs have recommended that Rule 22.4.10 be deleted, we recommend Rule 22.6.2 be deleted as a consequential amendment.

1257. The only submissions relating to the remainder of the rule sought:
a. Retain[1096]
b. Add an exception to Rule 22.6.1 where the activity had access from a State Highway[1097]
c. Add new rules for community activities as controlled activities[1098].

1258. As we have recommended above that Submission 844 seeking that community activities be a controlled activity be rejected, we recommend this submission on this rule be rejected also.

1259. In the Section 42A Report Mr Barr agreed that NZTA's submission was valid and recommended it be accepted[1099]. We agree with Mr Barr's reasons and recommend the rule be appropriately amended.

1260. We note that two minor amendments under Clause 16(2) of the First Schedule are also required. First, Rule 22.6 talks of the "*written consent of other persons*". It is only the Council that provides consent. The term used in the Act is "*approval*" and we recommend that word be used in this rule. The second amendment is the rule number referred to in 22.6.1. That has changed to 22.4.7 and we recommend the text be amended to reflect that.

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1096 Submissions 21 and 197
1097 Submission 719
1098 Submission 844
1099 C Barr, Section 42A Report, paragraph 14.3

## 36 SUMMARY OF CONCLUSIONS ON RULES

1261. We have set out in full in Appendix 2 the rules we recommend the Council adopt. For all the reasons set out above, we are satisfied that these rules are the most effective and efficient means of implementing the policies so as to achieve the objectives of Chapter 22, and those in the Strategic Directions chapters. Where we have recommended rules not be included, that is because, as our reasons above show, we do not consider them to be efficient or effective.

## 37 22.7 – ASSESSMENT MATTERS

1262. As notified, this section contained assessment matters related to natural hazards in the Makarora Rural Lifestyle Zone (Section 22.7.1) and the Rural Residential Ferry Hill Sub-Zone Concept Development Plan Section 22.7.2).

1263. We have recommended the deletion of Section 22.7.1 in Section 22.4 above. It follows that the assessment criteria should likewise be deleted.

1264. As we noted above, the Stage 2 Variations propose the deletion of the Rural Residential Ferry Hill Sub-Zone. This includes the deletion of the plan in Section 22.7.2. As any submissions on that section are deemed to be submissions on the variation, we make no recommendations on this section[1100].

1265. Two submissions sought additional assessment criteria be included.. Submission 444[1101] sought that assessment criteria be included for assessing community activities. As we are recommending that community activities be a non-complying activity, there is no need for such assessment criteria.. We recommend Submission 444 be rejected.

1266. Submission 674[1102] sought that the operative assessment criteria be included, and that strong assessment matters be included so that rural character and amenity values of Rural Residential Zone are maintained.

1267. In his Section 42A Report Mr Barr[1103] opined that assessment matters were unnecessary in the PDP as the objectives and policies in Chapters 3, 4, 5, 6 and 22 covered the matters the Hadleys' submission related to. He considered the policy framework on its own provided appropriate guidance as to the likely nature and scale of the adverse effects of activities.

1268. Mr Vivian, giving evidence for the Hadleys, suggested a set of assessment matters to apply only to the Rural Residential zone at the north of Lake Hayes, and his evidence set out his opinion as to why the various matters should be included. As the Stage 2 Variations propose the rezoning of this land at the north end of Lake Hayes, this evidence has been overtaken by the variations and we make no recommendation on the submission.

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1100 The only submission was Submission 21 which supported Section 22.7

1101 Supported by FS1082

1102 Supported by FS1050, FS1082, FS1089, FS1146, opposed by FS1255

1103 Section 15

# PART D: CHAPTER 23 – GIBBSTON CHARACTER ZONE

## 38 PRELIMINARY

1269. This zone is a rural zone with the purpose of primarily providing for viticulture activities. It is applied to land in the Kawarau Gorge from Card Farm to Waitiri. The zone is surrounded in all cases by the Rural Zone with Outstanding Natural Landscape classification.

1270. There were few submission on this chapter (35 submission points and 35 further submissions) and only four witnesses provided evidence on provisions in this chapter.

1271. Three submissions supported the chapter as a whole[1104]. The following provisions had no submissions specifically in relation to them:
   a. Policies 23.2.1.2, 23.2.1.3, 23.2.1.4, 23.2.1.5, 23.2.1.6, 23.2.1.10
   b. Objective 23.2.3 and all policies under it
   c. Objective 23.2.4 and Policies 23.2.4.1, 23.2.4.2, 23.2.4.4
   d. Rules 23.4.1, 23.4.2, 23.4.3, 23.4.4, 23.4.5, 23.4.7, 23.4.9, 23.4.10, 23.4.11, 23.4.12, 23.4.13, 23.4.18
   e. Standards 23.5.2, 23.5.3, 23.5.5, 23.5.7, 23.5.9, 23.5.10 and
   f. Section 23.7.

1272. In addition, the only submissions on the following provisions sought the provision's retention:
   a. Policy 23.2.1.9[1105]
   b. Policy 23.2.4.3[1106]
   c. Rule 23.4.8[1107]
   d. Rule 23.4.15[1108]
   e. Rule 23.4.16[1109]
   f. Rule 23.4.19[1110]
   g. Rule 23.4.20[1111]
   h. Standard 23.5.8[1112]
   i. Standard 23.5.11[1113] and
   j. Rule 23.6.1[1114].

1273. We do not propose to discuss any of those listed provisions unless we consider a minor amendment is necessary for grammatical or clarity reasons.

1274. Finally we note that Submission 798 was listed as being against Policy 23.2.1.11. We have examined that submission and find no reference in it to this chapter.. We consider that to be a coding error and disregard the submission for the purposes of this report.

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1104 Submissions 19, 21 and 330
1105 Submission 719
1106 Submission 719
1107 Submission 330
1108 Submission 330
1109 Submissions 330 and 719
1110 Submission 438
1111 Submission 330
1112 Submission 719
1113 Submission 719
1114 Submission 719

## 39 SECTION 23.1 – ZONE PURPOSE

1275. This section sets out the overall purpose of the zone and provides an outline of how it is expected to develop.

1276. One submission supported the section[1115], and one sought to include a statement concerning the existing National Grid line passing through Gibbston Valley[1116].

1277. Mr Barr recommended the rejection of Submission 805[1117]. Ms Craw, presenting evidence for Transpower NZ Ltd (Submission 805) agreed with Mr Barr's recommendation[1118].

1278. We agree with Mr Barr and Ms Craw and recommend that Section 23.1 be adopted as notified, subject to deletion of the concluding phrase commencing "Pursuant to Section 86(b)(3) …" which is only relevant to the PDP prior to the Council's decisions on submissions.

## 40 SECTION 23.2 – OBJECTIVES AND POLICIES

### 40.1 Objective 23.2.1

1279. As notified, this objective read:

*Protect the economic viability, character and landscape values of the Gibbston Character Zone by enabling viticulture activities and controlling adverse effects resulting from inappropriate activities locating in the Zone.*

1280. Transpower[1119] sought that "*regionally significant infrastructure*" be added to the objective. Mt Rosa Wines[1120] sought that other activities that rely on the rural resource should be added into the objective.

1281. In his Section 42A Report, Mr Barr recommended rejecting Transpower's submission, but agreed in part with Mt Rosa's submission, acknowledging that other activities benefit from viticulture[1121].

1282. Mr Barr recommended amendments to the objective both to frame it to be more outcome-based and in response to Mt Rosa's submission. After hearing the evidence of Mr Brown[1122], he recommended further amendments in his Reply Statement. His recommended wording was:

*The economic viability, character and landscape values of the Gibbston Character Zone are protected by enabling viticulture and other appropriate activities that rely on the rural resource and managing the adverse effects resulting from other activities locating in the Zone.*

1283. We largely agree with Mr Barr's recommended wording for the reasons he gave. The only change we recommend is to make it clear that it is the rural resources of the Gibbston Valley that are being relied upon, given the unique circumstances of this valley. We do not consider

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1115 Submission 238, opposed by FS1107, FGS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249
1116 Submission 805
1117 C Barr, Section 42A Report, paragraph 7.19
1118 A Craw, EiC, paragraph 43
1119 Submission 805
1120 Submission 377
1121 C Barr, Section 42A Report, paragraphs 7.22 to 7.24
1122 In support of Submission 377

regional infrastructure needs to be mentioned in the objective. Policy 3.2.25 establishes the policy framework for regionally significant infrastructure in the rural environment. We see no need to repeat this in each zone.

1284. We recommend that Objective 23.2.1 be amended to read as follows:

*The economic viability, character and landscape values of the Gibbston Character Zone are protected by enabling viticulture and other appropriate activities that rely on the rural resource of the Gibbston Valley and managing the adverse effects resulting from other activities locating in the Zone.*

### 40.2 Policy 23.2.1.

1285. As notified, this read:

*Enable viticulture activities while protecting, maintaining or enhancing the values of indigenous biodiversity, ecosystems services, the landscape and surface of lakes and rivers and their margins.*

1286. Submission 377 sought this be amended by including "and other activities that rely of rural resources" after "viticultural activities".

1287. In his Section 42A Report Mr Barr recommended rejecting this amendment as he considered the wording was too broad[1123]. Mr Brown supported the inclusion of the wording in the policy, pointing out that it would make this policy more consistent with Policy 23.2.1.2. In his Reply Statement, Mr Barr recommended the wording be changed to:

*Enable viticulture activities and provide for other appropriate activities that rely on the rural resource while protecting, maintaining or enhancing the values of indigenous biodiversity, ecosystems services, the landscape and surface of lakes and rivers and their margins.*

1288. We agree with Mr Barr that this wording gives the emphasis to viticulture, but provides for other rural activities. However, again we consider it needs to be explicit that it is the Gibbston Valley rural resource that activities other than viticulture need to rely on. We recommend Policy 23.2.1.1 be amended to read as follows:

*Enable viticulture activities and provide for other appropriate activities that rely on the rural resource of the Gibbston Valley while protecting, maintaining or enhancing the values of indigenous biodiversity, ecosystems services, the landscape and surface of lakes and rivers and their margins.*

### 40.3 Policy 23.2.1.6

1289. As notified this read:

*Protect, maintain and enhance landscape values by ensuring all structures are to be located in areas with the potential to absorb change.*

1290. Although no submissions were lodged in respect of this submission, we recommend as a minor grammatical changes under Clause 16(2) that the words "*to be*" be deleted.

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[1123] C Barr, Section 42A Report, paragraph 7.26

## 40.4 Policy 23.2.1.7

1291. As notified, this policy read:

*Avoid the location of structures and water tanks on skylines, ridges, hills and prominent slopes.*

1292. Transpower[1124] sought that the following wording be appended to this policy: "to the extent practicable recognising their locational, technical and functional constraints".

1293. Mr Barr did not agree with the wording proposed in the submission, but considered that the policy was too absolute and recommended amending it to read[1125]:

*Avoid, remedy or mitigate locating structures and water tanks on skylines, ridges, hills and prominent slopes, while having regard to the location constraints, technical or operational requirements of regionally significant infrastructure.*

1294. Ms Craw agreed with these amendments[1126].

1295. We consider it is relevant to consider the policies in Chapter 6 relating to regionally significant infrastructure in Rural Character Landscapes. Although, being in a zone other than the Rural Zone, this zone is not classified as ONL or RCL, the nature of the zone means that it has essentially a rural character, albeit predominantly derived from viticultural activities. Thus, in our view, the policy direction to be applied to regionally significant infrastructure in the Rural Zone RCL is apt for this zone.

1296. Policy 6.3.24 reads:

*Locate, design, operate and maintain regionally significant infrastructure so as to seek to avoid significant adverse effects on the character of the landscape, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases.*

1297. Policy 6.3.25 reads:

*In cases where it is demonstrated that regionally significant infrastructure cannot avoid significant adverse effects on the character of the landscape, such adverse effects shall be minimised.*

1298. In our view, Mr Barr's recommended wording provides considerably more latitude than the policies in Chapter 6 contemplate, notwithstanding that Objective 23.2.1 seeks to protect the character and landscape values of this zone. In addition, we are concerned that it is not possible to "*remedy or mitigate*" the location of a structure.

1299. We also note that Policy 23.2.1.6 seeks to ensure all structures are located in areas with the potential to absorb change as a means of protecting, maintaining and enhancing landscape values. Mr Barr's amended policy appears to be in conflict with that.

1300. We consider the rationale of Policies 6.3.23 and 6.3.24 should be incorporated into Policy 23.2.1.7. This would achieve the objective and treat the National Grid consistently with how it is treated in the RCL part of the Rural Zone. However, we do not consider that all structures,

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1124 Submission 807

1125 C Barr, Section 42A Report, paragraphs 7.28-7.32

1126 A Craw, EiC, paragraph 50

including water tanks, should be treated the same as regionally significant infrastructure. Purely amending this policy would have that outcome.

1301. For these reasons, we recommend the policy be amended to exclude regionally significant infrastructure, and that Policies 6.3.23 and 6.3.24 be repeated in this list of policies as Policies 23.2.1.8 and 23.1.9 so that the policy regime in this zone is consistent with that in the Rural Zone.

### 40.5 Policy 23.2.1.8

1302. As notified, this read:

*Recognise that the establishment of complementary activities such as commercial recreation or visitor accommodation may be complementary to the character and viability of the Gibbston Character Zone, providing they do not impinge on rural productive activities.*

1303. Submission 377 sought that rural residential development be included in this policy as a complementary activity. Mr Barr recommended rejection of this submission in his Section 42A Report as he considered the policy was directed to activities that were commercial in nature[1127]. Mr Barr did, however, recommend that "*Recognise that*" be replaced with "*Have regard to*" as a grammatical change.

1304. Mr Brown, in his evidence supporting Submission 377, noted that the proposed modification was supported by the proposed rules in that residential development was listed as a discretionary activity as was visitor accommodation[1128]. Mr Barr agreed with the amendment sought in his Reply Statement on the basis it would provide more effective direction in implementing the objective[1129].

1305. We agree that rural living is one of the complementary activities that can occur in the zone. However, we consider some further wording changes are necessary for the policy to be implementing the objective. For those reasons, we recommend the policy be renumbered 23.2.1.10 and read:

*Provide for the establishment of activities such as commercial recreation, visitor accommodation and rural living that are complementary to the character and viability of the Gibbston Character Zone, providing they do not impinge on rural productive activities.*

### 40.6 Policy 23.2.1.9

1306. As notified, this read:

*Have regard to the location and direction of lights so they do not cause glare to other properties, roads, public places or the night sky.*

1307. There were no submissions on this policy. However, we consider it needs amendment under Clause 16(2) as a consequential change to be consistent with Policy 6.3.5. We recommend it be renumbered as 23.2.1.11 and that it read:

*The location and direction of lights do not cause glare to other properties, roads, or public places, or degrade views of the night sky.*

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1127 C Barr, Section 42A Report, paragraph 7.34

1128 J Brown, EiC, page 27

1129 C Barr, Replay Statement, paragraph 2.2

### 40.7 Objective 23.2.2

1308. Although there were no submissions on this objective or its policies, there are two changes we recommend.

1309. As notified, Objective 23.2.2 read:

*Sustain the life-supporting capacity of soils.*

1310. In order to make this an outcome-oriented objective, Mr Barr recommended it be amended to read:

*The life-supporting capacity of soils is sustained.*

1311. We agree that better expresses the objective and recommend it be amended as a minor grammatical change under Clause 16(2).

1312. The other change we recommend is the deletion of Policy 23.2.2.4. As notified, this read:

*Prohibit the planting and establishment of trees with the potential to spread and naturalise.*

1313. Although this gives effect to Strategic Objective 3.2.4.2, it largely repeats Strategic Policy 3.3.27 and Policy 34.2.1.1. We consider Policy 23.2.2.4 unnecessary given the role of Chapter 34 in managing the spread of wilding trees and recommend that it be deleted to avoid any potential conflict between the policies of this chapter and those in Chapter 34.

### 40.8 Objective 23.2.3

1314. Again there were no submissions on this objective, but Mr Barr recommended minor wording changes to make it read as an objective. We agree with Mr Barr's rewording and recommend that this objective be changed under Clause 16(2) to read:

*The life-supporting capacity of water is safeguarded through the integrated management of the effects of activities.*

### 40.9 Objective 23.2.4

1315. There were no submissions on this objective, but Mr Barr recommended it be reworded to turn it into an objective. We agree with his wording and recommend that this objective be changed under Clause 16(2) to read:

*Land management practices that recognise and accord with the environmental sensitivity and amenity values of the Gibbston Character Zone are encouraged.*

## 41 SUMMARY

1316. We have set out in Appendix 3 the recommended objectives and policies. In summary, we regard the combination of objectives recommended as being the most appropriate way to achieve the purpose of the Act in this context, while giving effect to, and taking into account, the relevant higher order documents, the Strategic Direction Chapters and the alternatives open to us. The recommended new policies are, in our view, the most appropriate way to achieve those objectives.

## 42 22.3 – OTHER PROVISIONS AND RULES

### 42.1 Section 23.3.1 – District Wide

1317. There was one submission[1130] on this Section which sought that the first sentence included specific reference to Chapter 30. No evidence was provided as to why Chapter 30 should be elevated among all the other chapters which could equally apply to activities in this zone. We recommend that this submission be rejected as the wording proposed is unnecessary. Chapter 30 is listed appropriately under this heading.

1318. We recommend this section be amended so the wording is consistent with how we have amended the similar provision in other chapters. This is a minor change under Clause 16(2).

### 42.2 Section 23.3.2

1319. There were no submissions on this section. Mr Barr recommended a minor change to clarify that internal alterations to buildings were permitted. We agree that is a clarification that can be made under Clause 16(2) of the First Schedule.

1320. Other than changing the section title to "Interpreting and Applying the Rules", deleting 23.3.2.7 as being covered by a definition in Chapter 2[1131] and including Mr Barr's amendment, we recommend no changes to the section.

### 42.3 Section 23.4 – Rules – Activities

#### Table 1 - General

1321. There were no submissions on Rule 23.4.1. Our only recommendations are that it be relocated to be the final rule in Table 1, and that it only refer to Table1. The notified reference to Tables 2 and 3 is potentially confusing as those two tables list standards with an activity classification if the standard is breached. We recommend these changes be made under Clause 16(2) of the First Schedule.

1322. Consistent with our general approach of listing activities from permitted to non-complying, we recommend that Rule 23.4.4 be moved above Rule 23.4.3, that Rule 23.4.8 and Rule 23.4.11 be moved ahead of Rule 23.4.7, Rule 23.4.15 be located ahead of Rule 23.4.14, and Rules 23.4.19 and 23.4.20 be located ahead of Rule 23.4.18. We recommend these as non-substantive changes under Clause 16(2).

### 42.4 Rule 23.4.6

1323. As notified, this Rule provided, as a permitted activity:

*The exterior alteration of any lawfully established building located outside of a building platform, subject to compliance with the standards in Table 2.*

1324. One submission[1132] sought that this be changed to a discretionary activity to incentivise working within approved building platforms. In his Section 42A Report Mr Barr clarified that this rule was intended to apply only to existing buildings in circumstances where a building platform was not defined on a site[1133].

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1130 Submission 805

1131 As discussed in our recommendations on Chapter 21

1132 Submission 238, opposed by FS1107, FS1157, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249

1133 C Barr, Section 42A Report, paragraph 8.3

1325. This submission raises the same issue as we have discussed above in relation to the equivalent rule in Chapter 22. We agree with Mr Barr's analysis of the effect of the rules and recommend the submission be rejected.

### 42.5 Rule 23.4.14

1326. As notified, this rule provided, as a controlled activity for:

*Retail sales of farm and garden produce, handicrafts and wine that is grown, reared or produced on the site and that comply with the standards in Table 3.*

1327. One submission[1134] supported the rule and one sought that it be a permitted activity[1135], so as to encourage such activities. Mr Barr recommended the activity status remain controlled to enable the Council to control access, vehicle crossing location, car parking and lighting[1136]. He noted that many properties in this zone have access off State Highway 6 and the activities need to be managed so as to not compromise road safety.

1328. We agree with Mr Barr for the reasons he set out and, other than minor wording changes to the listing of the matters of control, we recommend it be adopted as notified.

### 42.6 Rule 23.4.16

1329. As notified, this rule provided for wineries and farm buildings as a controlled activity.

1330. Two submissions supported this rule[1137]. A third submission[1138] sought that a separate activity of "Additional car parking associated with existing commercial or winery development" be provided for as a controlled activity.

1331. Mr Barr supported the relief sought, but considered it could be dealt with inclusion of specific provisions in Rule 23.4.16[1139]. We received no evidence from the submitter.

1332. We agree with Mr Barr that this is a matter better dealt with as part of the primary activity and agree with the amendments he proposed as a means of satisfying the submission. Accordingly, we recommend this rule be adopted subject to the amendments proposed by Mr Barr.

## 43 SECTION 23.5 – STANDARDS

### 43.1 Rule 23.5.1

1333. This rule sets the permitted range of colours for buildings. Submission 29 sought that the provisions include consideration of concentrated versus diffuse reflection of light. Submission 238 sought that the minimum building size be changed to 10m$^2$.

1334. Mr Barr discussed this latter submission in his Section 42A Report[1140] noting that even a 5m$^2$ building can have an impact on landscape values. In his Reply Statement, Mr Barr noted the amendments made to the equivalent rule in Chapters 21 and 22 and recommended similar

1134 Submission 719
1135 Submission 238, opposed by FS1107, FS1157, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249
1136 C Barr, Section 42A Report, paragraph 8.7
1137 Submissions 330 and 719
1138 Submission 490, supported by FS1155
1139 C Barr, Section 42A Report, paragraphs 8.9 – 8.10
1140 at paragraph 8.11

changes be made to this rule to clarify that natural cladding such as schist can be used. He also noted that submissions similar to those lodged against the rules in Chapters 21 and 22 had not been made on this rule.

1335. While there are no submissions explicitly seeking the changes recommended by Mr Barr, they do in part deal with the issue raised by Submission 29. We recommend the rule be adopted consistent with the wording in Chapters 21 and 22, with the following wording:

| | |
|---|---|
| **Buildings Materials and Colours**<br>Any building, including any structure larger than 5m², that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building are subject to the following:<br>All exterior surfaces* shall be coloured in the range of browns, greens or greys (except soffits), including;<br>a. Pre-painted steel, and all roofs must have a light reflectance value not greater than 20%<br>b. All other surface** finishes, except for schist must have a light reflectance value of not greater than 30%<br>c. In the case of alterations to an existing building where there is not an approved building platform on the site, it does not increase the building coverage by more than 30% in a ten year period.<br><br>Except these standards do not apply to the blades of frost fighting devices.<br>* Excludes soffits, windows and skylights (but not glass balustrades).<br>** Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed by the Council to be suitably recessive and have the same effect as achieving a light reflectance value of 30%. | RD<br>Discretion is restricted to:<br>a. External appearance<br>b. Visibility from public places and surrounding properties<br>c. Lighting<br>d. Landscape character<br>e. Visual amenity. |

### 43.2 Rule 23.5.4

1336. This rule, as notified, set a maximum height limit of 10m for farming or winery buildings. One submission sought an exclusion for frost fans[1141].

1337. Mr Barr discussed this submission at some length in his Section 42A Report[1142]. Relying on Dr Read's evidence[1143], he agreed that frost fans were an expected activity in the zone that would have little effect on landscape values. He recommended that the only appropriate change was a change to the height limit in this rule for frost fans. He further clarified[1144], after considering provisions in other district plans, that the 12m limit he recommended should only apply to the tower, not the blades.

1141 Submission 12

1142 at paragraphs 8.12 – 8.18

1143 Dr M Read, EiC, paragraphs 7.2 – 7.3

1144 C Barr, Reply Statement, paragraphs 6.2 – 6.3

1338. We agree with Mr Barr's reasoning, but we consider the wording of the rule can be improved. We recommend the rule read:

*The maximum height of any farming or winery building shall be 10m, other than frost fighting towers which must not exceed 12 m in height.*

### 43.3 Rule 23.5.6

1339. As notified, this rule set a minimum setback from the road as 20m, except where the road was a State Highway with a speed limit in excess of 70 km/hr, where it was 40m.

1340. Submission 719 sought an addition to this rule to require noise insulation of buildings.. We note also that the submission specified the distances from the seal edge rather than the property boundaries. Mr Barr considered the best way to manage this was through the resource consent process[1145].

1341. Mr MacColl's evidence on this rule was the same as he provided on Rule 21.5.2[1146].

1342. As we noted above when discussing this matter in relation to Rule 21.5.2[1147], Mr MacColl was unable to provide any evidence as to the actual effects in this zone that would justify the changes sought. Consequently, we recommend that submission be rejected.

1343. We recommend the rule be adopted as notified, subject to deletion of the word "other".

### 43.4 Rule 23.5.9

1344. There were no submissions on this rule and Mr Barr made no recommendations in respect of it.. However, we perceive problems with the drafting of it. It is drafted as an activity rather than a standard. To overcome this problem, we recommend it be amended under Clause 16(2) to read:

*Commercial recreation activity must be undertaken outdoors and must not involve more than 10 persons in any one group.*

### 43.5 Rule 23.6.2

1345. As notified, this rule provided for controlled activity applications for wineries and farm buildings to not be notified or limited notified. NZTA sought that this rule not apply where such activities adjoined a State Highway[1148].

1346. Mr Barr agreed with that submission and recommended it be changed to be consistent with the similar provisions in Chapters 21 and 22[1149]. We agree with Mr Barr's recommendation and reasoning and recommend the rule be modified by adding to it "*except where the access is directly onto a State Highway*".

## 44 SUMMARY OF CONCLUSIONS ON RULES

1145 C Barr, Reply Statement, paragraphs 4.1 – 4.2
1146 A MacColl, EiC, paragraph 23
1147 Section 8.2
1148 Submission 719
1149 C Barr, Section 42A Report, paragraph 7.13

1347. We have set out in full in Appendix 3 the rules we recommend the Council adopt. For all the reasons set out above, we are satisfied that these rules are the most effective and efficient means of implementing the policies so as to achieve the objectives of Chapter 23, and those in the Chapters 3 - 6. Where we have recommended rules not be included, that is because, as our reasons above show, we do not consider them to be efficient or effective.

## 45 SECTION 23.7 – ASSESSMENT MATTERS (LANDSCAPE)

1348. There were no submissions on this section. However, we recommend the Council change the introductory statement under Clause 16(2) so as to make it clear when they apply. We do not consider the first part of the introductory sentence makes sense and it seems to conflict with the second part. We also doubt that the Council can specify assessment matters for non-complying activities. Consequently, we recommend the introductory sentence read:

*The following assessment matters apply to any discretionary activity within the Gibbston Character Zone where landscape is relevant.*

# PART E: CHAPTER 33 INDIGENOUS VEGETATION AND BIODIVERSITY

## 46 PREAMBLE

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

1350. One submission[1151] opposed the chapter in full, citing the restrictions it had imposed on the submitter's land. Again, as we are recommending changes to provisions in the chapter we recommend it be accepted in part.

1351. General submissions received sought:
   a. Ban or discourage burn-off of tussock[1152];
   b. Encourage native plantings[1153]; and
   c. Change Chapter name to "Indigenous Biodiversity" and include reference to aquatic biodiversity[1154].

1352. We did not hear from these submitters and were not provided any further clarification of how these submitters considered the chapter should be amended. In the absence of such clarification we recommend these submissions be rejected. We note that Mr Barr considered that those relating to burn-offs were out of scope. We are not so convinced. Burning is a form of clearance and arguably the submitters were seeking a specific prohibited activity rule in relation to the practice.

1353. Before discussing the chapter provision by provision, there are three general areas that need to be dealt with first:
   a. The definitions of 'indigenous vegetation' and 'clearance';
   b. The complexity of the notified provisions; and
   c. The submissions seeking removal of Significant Natural Areas from the schedule in notified Section 33.8.

## 47 DEFINITIONS OF 'INDIGENOUS VEGETATION' AND 'CLEARANCE VEGETATION'

### 47.1 Indigenous Vegetation

1354. As notified, the definition of 'indigenous vegetation' in Chapter 2 was –

*Means vegetation that occurs naturally in New Zealand, or arrived in New Zealand without human assistance.*

1355. Mr Barr explained to us that the Environment Court had recently highlighted deficiencies in the definition of 'indigenous vegetation' in the ODP[1155]. We understood the notified definition to be an attempt to overcome these deficiencies.

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1150 Submissions 19 and 290
1151 Submission 133, supported by FS1021
1152 Submissions 9 (opposed by FS1097) and 300 (opposed by FS1097)
1153 Submission 281
1154 Submission 755
1155 C Barr, Section 42A Report, at paragraphs 6.15 to 6.20

1356. Two submissions[1156] sought that the second part of the definition read "*arrived in New Zealand through natural processes without human intervention*".

1357. Other submissions sought the definition refer to '*plant communities*' rather than vegetation[1157].

1358. Mr Barr discussed the first suggested amendment[1158] but did not comment on the other suggested amendments. However, Mr Barr did also note that a submission on notified Rule 33.3.3 [1159] sought that the rule reference both vascular and non-vascular plants. He recommended the definition of '*indigenous vegetation'* be amended to make it clear that the chapter related to both types of plant[1160].

1359. We agree with Mr Barr that use of the term 'without human assistance' must mean that the plant species arrived by natural processes, so the additional wording would not add anything to the definition. We consider that including the terms '*plant communities*' would only confuse the definition. The modern meaning of vegetation is:

*Plants collectively, esp. those dominating a particular area or habitat; plant cover.*[1161]

1360. Vegetation is thus more than a plant community, it is all plants in an area, whether vascular or non-vascular. We largely agree with Mr Barr's wording. The changes we recommend are merely grammatical. We recommend to the Stream 10 Hearing Panel that the definition read:

| | |
|---|---|
| Indigenous Vegetation | Means vegetation that occurs naturally in New Zealand, or arrived in New Zealand without human assistance, including both vascular and non-vascular plants. |

### 47.2 Clearance of Vegetation

1361. As notified, '*clearance of vegetation*' was defined as:

*Means the removal, trimming, felling, or modification of any vegetation and includes cutting, crushing, cultivation, spraying with herbicide or burning.*

*Clearance of vegetation includes, the deliberate application of water where it would change the ecological conditions such that the resident indigenous plant(s) are killed by competitive exclusion. Includes dryland cushion field species.*

1362. We note that the term defined was actually "*Clearance of Vegetation (Includes Indigenous Vegetation)*". We are not sure what value is added by the words enclosed in brackets. We also note that in a provision we come to later in this report, there are certain circumstances where clearance of exotic vegetation needs to be controlled. We recommend the deletion of *"(Includes Indigenous Vegetation)"* as potentially leading to confusion in applying the rules.

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1156 Submissions 339 and 706 (opposed by FS1162)

1157 Submissions 600 (supported by FS1209, opposed by FS1034, FS1040), 791 and 794

1158 C Barr, Section 42A Report, at paragraphs 9.2 to 9.4

1159 Submission 706

1160 C Barr, Section 42A, at paragraph 9.11

1161 The New Shorter Oxford English Dictionary, Clarendon Press, Oxford, 1993

1363. Most of the submissions on this definition sought the deletion of the second paragraph[1162]. The Director-General of Conservation[1163] sought to include 'over-sowing' as a form of clearance. Forest & Bird[1164] sought to include "*soil disturbance including direct drilling*" and references to application of "*other substances*". This submission also sought to have plants *threatened* by competitive exclusion included in the definition.

1364. Mr Davis, for the Council, presented evidence on the ecological effects of direct drilling, irrigation and over-sowing[1165]. He supported the inclusion of direct drilling in the definition as this activity can crush native vegetation to a degree that would constitute direct clearance.

1365. Mr Davis did not support the inclusion of over-sowing within the definition as:

> *[w]ithin the District much of the oversowing that has occurred is undertaken following the burning or spraying of predominantly bracken fern dominated vegetation.*[1166]

1366. Mr Davis also explained how irrigation is a form of vegetation clearance by altering the plant species composition. He noted that when irrigated indigenous vegetation adapted to naturally drier habitats cannot successfully compete with exotic species that are better adapted to wetter conditions. He also noted that irrigation would be undertaken in tandem with the application of seed and fertiliser, which would further enhance the competitive exclusion process and consequent clearance of indigenous vegetation. He referred us specifically to the Upper Clutha basin where native cushion field communities have adapted to relatively dry conditions and would not successfully compete with exotic species that grow taller and more rapidly in the presence of irrigation.

1367. Mr Cooper, for Federated Farmers, in opposing the inclusion of irrigation within the definition, emphasised the economic importance of irrigation to farm productivity[1167]. He suggested that importance of, and economic benefits derived from, irrigation in this District had not been considered in drafting the definition.[1168]

1368. Mr Tim Burdon, appearing on his own behalf[1169] and for Lakes Landcare Group[1170] told us that irrigation of undeveloped land would give a doubling in productive value, plus an increase in land value. He also told us that over-sowing and fertiliser would be applied in conjunction with irrigation. He stated that he hadn't seen the deliberate use of irrigation to clear land. He said that the land would be cultivated and planted with better grass seeds first.

1369. We heard from several other submitters or their representatives on this issue, but the above summarises the range of evidence put to us.

1370. We consider that most of those appearing before us failed to consider the definition purely as a definition: they sought the definition be worded in a particular way to predetermine how rules

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1162 Submissions 315, 400 (supported by FS1091), 600 (supported by FS1091, FS1209, opposed by FS1034, FS1040, 701 (supported by FS1162), 784, 791 (supported by FS1091) and 794 (supported by FS1091)

1163 Submission 373, supported by FS1040, opposed by FS1091, FS1132, FS1347

1164 Submission 339, opposed by FS1097

1165 G Davis, EiC, Section 10

1166 ibid, at paragraph 10.3

1167 D Cooper, EiC,

1168 ibid at paragraphs 58-59

1169 Submission 791

1170 Submission 794 and FS1347

may apply to particular circumstances. We consider Mr Rance, appearing for DoC, provided the most helpful analysis[1171].

1371. In our view, the purpose of the definition is to set out clearly those activities or methods which amount to clearance of vegetation. Whether that leads to a restriction on an activity or method is a matter for any rule imposing such a restriction.

1372. Looking at the definition in this way, it is clear from the evidence that both irrigation and over-sowing are a form of clearance of indigenous vegetation. Arguably the application of fertiliser may also be a form of clearance, but Ms Maturin did not pursue the inclusion of the term "other substances" when she appeared[1172]. Such a term is not sufficiently precise, in our view, to be used in such a definition.

1373. Finally, we need to consider Mr Page's submission that the Council did not have jurisdiction to control the use of water, and the definition of vegetation clearance purported to be a control of the use of water[1173]. It was his submission that the control of the use of water was solely within the functions of the Regional Council.

1374. In her legal submissions in reply[1174], Ms Scott submitted that the Council was not seeking to control the take or use of water. Rather, it was seeking to control activities that result in the application of water to land, and she submitted, that activity falls within the use of land. She further submitted that the Council was entitled to control land management practices such as irrigation (which fell within the use, development and protection of land) where it related to a matter over which the Council has an express statutory function – in this instance, the maintenance of indigenous biodiversity.

1375. We agree with Ms Scott. We note that the Regional Council has the function of controlling the discharge of contaminants to air, which includes the contaminants arising from burning off vegetation. No one suggested that burning should be excluded from the definition of clearance on the grounds that it fell outside the Council's jurisdiction. As Ms Scott noted, it is a fact that applying water to certain dryland indigenous species has the effect of clearing those species. In the same way that burning those species would be a land use, so would the application of water. We also note that, while Mr Page discussed spray irrigation, the definition does not identify the form of irrigation used. That reinforces our view that the Council is not concerned with the method of discharge, but the activity itself.

1376. Accordingly, we recommend to the Stream 10 Hearing Panel that the definition of clearance of vegetation read:

| | |
|---|---|
| Clearance of Vegetation | Means the removal, trimming, felling, or modification of any vegetation and includes cutting, crushing, cultivation, soil disturbance including direct drilling, spraying with herbicide or burning.<br>Clearance of vegetation includes the deliberate application of water or over-sowing where it would change the ecological conditions such that the resident |

1171 B Rance, EiC, at paragraph 35

1172 Submissions by S Maturin, May 2016, at paragraph 53

1173 Submissions of Counsel for Jeremy Bell Investments Limited, 17 My 2016

1174 Legal Submissions on Behalf of Queenstown Lakes District Council as Part of Council's Right of Reply – Hearing Stream 2 – Rural Chapters, 3 June 2016

| | |
|---|---|
| | indigenous plant(s) are killed by competitive exclusion. Includes dryland cushion field species. |

# 48 CLARITY AND CERTAINTY OF RULES

## 48.1 Introduction

1377. As notified, the PDP contained the following policies:

> 33.2.1.1 Identify the District's Significant Natural Areas and schedule them in the District Plan, including the ongoing identification of Significant Natural Areas through resource consent applications, using the criteria set out in Policy 33.2.1.9.
>
> 33.2.1.2 Identify the District's rare or threatened indigenous species and schedule them in the District Plan to assist with the management of their protection.
>
> 33.2.1.3 Provide standards in the District Plan for indigenous vegetation that is not identified as a Significant Natural Area or threatened species, which are practical to apply and that permit the removal of a limited area of indigenous vegetation.

1378. In terms of SNAs, Table 3 set out clear standards limiting earthworks and clearance of indigenous vegetation. Rule 33.4.2 required a discretionary activity resource consent be obtained to exceed the standards in Table 3. While we discuss submissions on this policy and Table 3 later in this report we refer to Policy 33.2.1.1 here to enable understanding of the regulatory regime proposed in notified Chapter 33.

1379. In terms of Policy 33.2.1.2, Section 33.7 contained a table listing 120 threatened species. Rules 33.4.1 and 33.5.6 made it a discretionary activity to clear any plant on that list.

1380. In terms of Policy 33.2.1.3, it was necessary to consider the matters listed in Section 33.3.3, Rules 33.4.1 and 33.4.3, and the standards in Tables 2 and 4, to ascertain whether an activity was permitted or required a consent.

1381. DoC[1175] sought that "*the structure of the indigenous vegetation and biodiversity provisions be altered to ensure that these provisions are clear, easy for the community to use, and ensure that appropriate protection is applied when it comes to areas of significant indigenous vegetation and habitats of indigenous fauna*".

1382. We state at the outset that we found the provisions, other than those relating to SNAs and land over 1070 masl to be confusing and difficult to use to the point of almost being incomprehensible. Thus, we did not consider they accorded with Policy 33.2.1.3, which sought to provide standards that were practical to apply.

1383. In an attempt to understand how the Council envisaged these provisions being applied we asked Mr Barr to prepare a flow diagram of how the rules were to be applied, and to provide photographic examples of land containing indigenous vegetation along with an explanation of how the rules would apply to that land. We thank Mr Barr for the effort he put into answering these requests, and note that his examples assisted us greatly in our deliberations.

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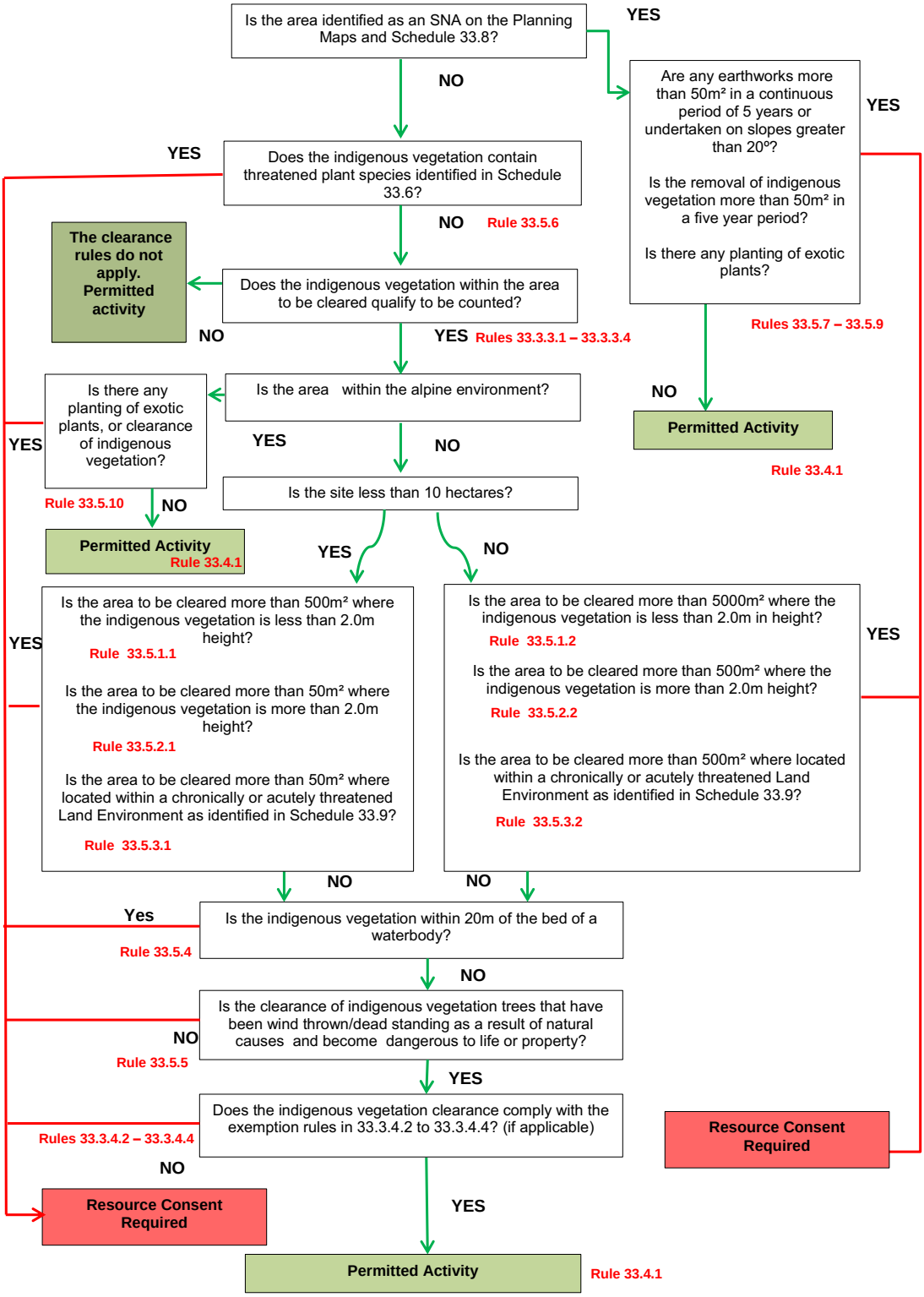
[1175] Submission 373, opposed by FS1254, FS1287, FS1313, FS1347

1384. We include final version of Mr Barr's flow diagram as Figure 33-1.




**Clearance of indigenous vegetation flow diagram. Council Reply 3 June 2016**

Figure 33-1: C Barr, Flow Diagram

1385. We think this diagram illustrates the complexity of the rules on its own. However, some rules are more difficult to interpret than others. Before discussing the rules, we need to consider the relevant objectives and policies first.

## 48.2 Objective 33.2.1, Policies 33.2.1.2 and 33.2.1.3

1386. As notified, these read:

*Objective*
*Protect, maintain and enhance indigenous biodiversity.*

*Policies*

*33.2.1.2 Identify the District's rare or threatened indigenous species and schedule them in the District Plan to assist with the management of their protection.*

*33.2.1.3 Provide standards in the District Plan for indigenous vegetation that is not identified as a Significant Natural Area or threatened species, which are practical to apply and that permit the removal of a limited area of indigenous vegetation.*

1387. Submissions on Objective 33.2.1 sought:
   a. Retain the objective[1176]
   b. Amend to read: "*Existing indigenous biodiversity values are protected, maintained or enhanced*"[1177]
   c. Amend to read" "*Protect, maintain or enhance the stock of indigenous biodiversity*"[1178]
   d. Amend to relate to land management practices.[1179]

1388. In order to make the objective outcome focussed, Mr Barr recommended it be amended to read[1180]:

*The protection, maintenance and enhancement of indigenous biodiversity.*

1389. In his Reply Statement, Mr Barr recommended further amendment such that it would read:

*Indigenous biodiversity is protected, maintained and enhanced.*

1390. We received no evidence as to how the objective could be amended to focus on land management practices, or why it should. When Mr Barr's Reply version is compared to the other amendments sought, it has the advantage of not being limited to indigenous biodiversity existing at the date of the PDP; it allows for enhancement of that biodiversity. We recommend that the Reply version be adopted.

1391. Three submissions on Policy 33.2.1.2 supported it and sought its retention[1181]. DoC[1182] sought that this policy be deleted and that the list of threatened plant in Section 33.7 be used as part of the criteria for determining Significant Natural Areas.

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1176 Submissions 339 (opposed by FS1097), 378 (opposed by FS1049, FS1095) and 706 (opposed by FS1162, FS1254, FS1287)
1177 Submission 373, opposed by FS1254, FS1287, FS1313, FS1342, FS1347
1178 Submission 600, supported by FS1209, opposed by FS1034, FS1040
1179 Submission 806
1180 C Barr, Section 42A Report, paragraph 11.5
1181 Submissions 339, 600 (supported by FS1209, opposed by FS1034) and 706 (opposed by FS1254)
1182 Submission 373, opposed by FS1254, FS1287, FS1313, FS1342, FS1347

1392. We heard no specific evidence on this policy and Mr Barr recommended it remain unaltered. We discuss this further below in relation to Rule 33.5.6 and Section 33.7.

1393. One submission sought that Policy 33.2.1.3 be retained[1183]. Three submissions sought minor wording amendments which were in the nature of clarifying the policy rather than re-orienting it[1184]. No evidence directed to this policy was presented by the submitters and the only amendment recommended by Mr Barr was to replace *removal* with *clearance*[1185].

1394. Subject to consequential amendments arising from our recommendations below in relation to Policy 33.2.1.1, we recommend accepting Mr Barr's wording.

### 48.3 Rule 33.5.6 and Section 33.7

1395. As notified, the standard in Rule 33.5.6 read:

*Is not clearance of a plant identified as a threatened species listed in section 33.7*

1396. There were no submissions on this standard.

1397. As stated above, list in Section 33.7 contained 120 species. One submission[1186] sought the inclusion of another 18 species in this list. Two submissions[1187] sought the list be updated and extended, one submission[1188] stated it was incorrect without specifying how that should be remedied, and one submission[1189] sought it be deleted.

1398. Mr Barr, relying on Mr Davis' advice, recommended retaining the list with the addition of the species DoC sought to have included[1190].

1399. Mr Page, in his submissions for Jeremy Bell Investments Ltd, noted that many of the scheduled species were tiny, cryptic, and invisible to all but expert eyes[1191]. This was confirmed by Dr Espie. Mr Barr had alluded to this in his Section 42A Report where he identified the difficulties faced in South Island high country areas[1192]. This was in large part a repeat of issues raised in the Section 32 Report[1193]. We also note that the PDP recognises that there may be difficulty in identifying these plants as it contains the following statement at the commencement of Section 33.7.1:

*Assistance with the identification of threatened plants is available through the New Zealand Plant Conservation Networks' website: http://www.nzpcn.org.nz/default.aspx.*

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1183 Submission 600, supported by FS1209, opposed by FS1034

1184 Submissions 339, 373 (supported by FS1040, opposed by FS1015, FS1097, FS1254, FS1287, FS1313, FS1347) and 706 (opposed by FS1015, FS1162, FS1254, FS1287)

1185 C Barr, Reply Statement, Appendix 1

1186 Submission 373, supported by FS1040, opposed by FS1313, FS1347

1187 Submissions 339 and 706 (opposed by FS1162, FS1254)

1188 Submission 400

1189 Submission 784

1190 C Barr, Section 42A Report, paragraphs 13.1 to 13.5

1191 Submissions of Counsel for Jeremy Bell Investments Limited, paragraph 23

1192 C Barr, Section 42A Report, paragraphs 6.9 and 6.10

1193 at page 9

1400. Another practical difficulty identified by Mr Cubitt[1194] is that the existence of a single plant of one of the species listed in Section 33.7 in an area to be, say irrigated or over-sown, would trigger the need for a resource consent. If that plant is difficult to identify, a landowner may unwittingly breach the standard. We do not consider a rule to be efficient if it requires expert advice to ensure the rule is not breached. We note that in questioning by the Panel, Mr Cubitt advised that in his experience it could cost between $5000 and $10,000 per farm to engage an ecologist to identify whether a threatened species was on site.

1401. We also wonder if a rule which triggers a discretionary activity consent if a single plant is found imposes an excessive burden. While we agree it is a laudable goal to limit the destruction of rare and threatened plants, the matter of national importance that the Council has to recognise and provide for is the protection of areas of significant vegetation and significant habitats of indigenous fauna. No evidence we heard suggested to us that a single plant fell into either category.

1402. We have carefully examined the Section 32 analysis for this Chapter. We could find no direct reference to Policy 33.2.1.2 or Rule 33.5.6, and no discussion of the economic implications likely to arise from their implementation. As we read the provisions, and taking into account Dr Espie's evidence and that of Mr Kane, any landowner that could potentially harm or disturb one of the 120 species in the Schedule would need to pay for a botanical study of the relevant area to prove they would not breach the rule. That private cost has not been considered in the purported section 32 evaluation.

1403. For those reasons, we recommend that Section 33.7 be deleted from the PDP. As a consequential amendment we also recommend that Policy 33.2.1.2 and Rules 33.5.6 and 33.3.3.5 be deleted. We note that while there were no submissions on rule 33.5.6, the deletion of the policy which it implements, and the Schedule which it relies upon, means that it becomes a rule with neither basis nor effect. Hence our recommendation that it be deleted.

## 48.4 Rules 33.3.3.1 to 33.3.3.4

1404. As notified, these read:

> *33.3.3.1 For the purposes of determining compliance with Rules 33.4.1 to 33.4.3, indigenous vegetation shall be measured cumulatively over the area(s) to be cleared.*
>
> *33.3.3.2 Rules 33.5.1 to 33.5.4 shall apply where indigenous vegetation attains 'structural dominance' and, the indigenous vegetation exceeds 20% of the total area to be cleared or total number of species present of the total area to be cleared.*
>
> *33.3.3.3 Rules 33.5.1 to 33.5.4 shall apply where indigenous vegetation does not attain structural dominance and exceeds 30% of the total area to be cleared, or total number of species present of the total area to be cleared.*
>
> *33.3.3.4 Structural dominance means indigenous species that are in the tallest stratum.*

1405. Two submissions[1195] sought the rules specified vascular and non-vascular plants. These have been dealt with above in our recommendation to amend the definition of indigenous vegetation. The amendments sought by DoC were consequential on its submission seeking

[1194] A Cubitt, EiC, at paragraph 15

[1195] Submissions 339 and 706 (opposed by FS1162, FS1254, FS1287)

there be no clearance allowed in SNAs.[1196] One submission[1197] sought that Rule 33.3.3 be retained. Submission 784[1198] sought reconsideration as to how structural dominance was assessed, and Submission 806 sought that the coverage percentages in 33.3.3.2 and 33.3.3.3 be revised, as they were too restrictive.

1406. Mr Barr did not directly address these provisions in his Section 42A Report. At our request, he prepared a series of examples of how these provisions would apply to various scenarios[1199].

1407. Dr Espie, for Jeremy Bell Investments Ltd, suggested that to make the rules more easily understandable for a farmer, the focus should be on a plant community of say 67% or higher as it would be immediately ascertainable as to whether consent was required or not.

1408. Using Mr Barr's example of short tussock grassland, we consider that a situation of 20% structural dominance is not immediately obvious to the lay observer. The 20% structural dominance in his examples of short tussock grassland was not apparent to us. Mr Barr provided an example that exceeded 20% and an example that did not. We did not think the distinction was obvious.

1409. On the other hand, his example of kanuka and grey schrubland on a hill slope showed areas where each plant community was the dominant community and exceeded 50%.

1410. Having considered the competing evidence, we consider that to make these rules more readily usable by an average landowner, Rule 33.3.3.2 should be amended to apply when indigenous vegetation exceeds 50% of the vegetation in an area to be cleared, and Rule 33.3.3.3 amended to apply when the indigenous vegetation exceeds 67% of the area to be cleared.

1411. We will return to the rules these apply to after considering the relevant tables.

### 48.5 Rules 33.5.4 and 33.5.5

1412. As notified, these were Standards in Table 2 which read:

*Clearance is more than 20m from a water body.*
*Is for the clearance of indigenous trees that have been windthrown and/or are dead standing as a result of natural causes and have become dangerous to life or property.*

1413. The only amendments sought to these rules were wording amendments sought by the Council[1200]. Two other submissions supported Rule 33.5.5[1201].

1414. Rule 33.5.4 implements Policies 33.2.3.1 and 33.2.3.6, which as notified read:

*Provide standards controlling the clearance of indigenous vegetation within 20 meters of water bodies, and ensure that proposals for clearance do not create erosion, or reduce natural character and indigenous biodiversity values.*

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1196 Submission 373, opposed by FS1091, FS1254, FS1313, FS1342, FS1347
1197 Submission 600, supported by FS1209, opposed by FS1034
1198 Supported by FS1097
1199 Memorandum of Counsel on Behalf of Queenstown Lakes District Council Providing Requested Further Information, dated 16 May 2016
1200 Submission 809
1201 Submissions 339 and 706 (opposed by FS1162, FS1254)

*Ensure indigenous vegetation removal does not adversely affect the natural character of the margins of water ways.*

1415. One submission[1202] sought that Policy 33.2.3.1 be modified and moved to under Objective 3.2.2, while three other submissions[1203] sought various amendments to the wording. We received no evidence from the submitters on this policy. Mr Barr did not discuss it, but recommended it be amended for clarity reasons to read:

*The clearance of indigenous vegetation within the margins of water bodies does not create erosion, or reduce natural character and biodiversity values.*

1416. The three submissions on Policy 33.2.3.6 sought its deletion as unnecessary[1204], or incorporation into Policy 33.2.3.1[1205].

1417. Mr Barr's rewording of Policy 33.2.3.1 went some way to incorporating Policy 33.2.3.6. However, we consider emphasis should be given in the policy to the matters in Section 6(a) and 6(c) of the Act. We agree that the matters in the two policies can be incorporated in a single policy. Consequently, we recommend Policy 33.2.3.6 be deleted and Policy 33.2.3.1 be amended to read:

*Ensure the clearance of indigenous vegetation within the margins of water bodies does not reduce natural character and biodiversity values, or create erosion.*

1418. We note that there is no explicit policy relating to notified Rule 33.5.5. We see that rule as being a logical consequence of providing standards that are practical to apply (notified Policy 33.2.1.3).

1419. In our view, each rule is easier understood if it is specified as an activity contained in Table 1 with an activity status defined. This also involves an amendment to Table 1 to make it consistent with the other approach of other chapters in the PDP by listing activities and their activity status, rather than notified approach of making the table more akin to a standards table. To this end, we recommend that notified Rules 33.4.1, 33.4.2 and 33.4.3 be amended and incorporated into a revised Rule 33.4.1 in an amended Table 1 that reads:

| Table 1 | **Any activity involving the clearance of indigenous vegetation, earthworks within SNA's and the planting of exotic plant species shall be subject to the following rules:** | **Activity Status** |
|---|---|---|
| 33.4.1 | Activities that comply with the Standards in Tables 2 to 4. | P |

1420. Using this format Rule 33.5.5 can be incorporated into Table 1 as a permitted activity as follows:

[1202] Submission 373, opposed by FS1254, FS1313, FS1347

[1203] Submissions 339 (opposed by FS1015, FS1097), 706, (opposed by FS1132, FS1162, FS1254, FS1287) and 806

[1204] Submission 373, opposed by FS1254, FS1313, FS1347

[1205] Submissions 339 (opposed by FS1132) and 706 (opposed by FS1132, FS1162, FS1254, FS1287)

| | | |
|---|---|---|
| 33.4.6 | Clearance of indigenous trees that have been wind thrown and/or are dead standing as a result of natural causes and have become dangerous to life or property. | P |

1421. We note that we consider Mr Barr wrongly located Rule 33.5.4 in his flow diagram. As notified this rule affected any clearance of indigenous vegetation within 20 m of a water body. We consider it should have been located prior to choosing the site size.

1422. We do agree with his recommendation that it be clarified so that the distance is set from the bed of the water body. On that basis, we recommend it be located in Table 1 as follows:

| | | |
|---|---|---|
| 33.4.7 | Any clearance of indigenous vegetation within 20m of the bed of a water body. | D |

## 48.6 Exemption Rules 33.3.4.1, 33.3.4.2 and 33.3.4.3

1423. As notified, these read:

> *33.3.4.1 Any area identified in the District Plan maps and scheduled as a Significant Natural Area that is, or becomes protected by a covenant under the Queen Elizabeth II National Trust Act, shall be removed from the schedule and be exempt from rules in Table 3.*
>
> *33.3.4.2 Indigenous vegetation clearance for the operation and maintenance of existing and in service/operational roads, tracks, drains, utilities, structures and/or fence lines, but excludes their expansion.*
>
> *33.3.4.3 Indigenous vegetation clearance for the construction of walkways or trails up to 1.5 metres in width provided that it does not involve the clearance of any threatened plants listed in section 33.7 or any tree greater than a height of 4 metres.*

1424. Three submissions[1206] sought additional exemptions. We deal with those in a later section in this report. Two submissions[1207] sought the deletion of Rule 33.3.4.1. Three submissions[1208] sought the retention of Rule 33.3.4.3, while one submission[1209] sought it be amended so the exemption did not apply in Significant Natural Areas.

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

1426. Rule 33.3.4.1 as notified, implemented Policy 33.2.1.6, which read:

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1206 Submissions 701 (supported by FS1162), 784 and 806

1207 Submissions 339 and 706 (supported by FS1097, opposed by FS1132, FS1162, FS1254, FS1287)

1208 Submissions 290 (supported by FS1097), 339 and 706 (opposed by FS1162, FS1254)

1209 Submission 373, supported by FS1040, opposed by FS1091, FS1097, FS1132, FS1254, FS1287, FS1313, FS1347

1210 Submissions 600 (supported by FS1209, opposed by FS1034), 635 and 805

1211 Submissions 339 and 706 (opposed by FS1132, FS1162, FS1254, FS1287)

1212 Submissions 701 (supported by FS1162) and 784

*Encourage the long-term protection of indigenous vegetation and in particular Significant Natural Areas by encouraging land owners to consider non-regulatory methods such as open space covenants administered under the Queen Elizabeth II National Trust Act.*

1427. Three submissions[1213] ought this policy be retained, while two sought that it be amended by including reference to covenants under the Reserves and Conservation Acts[1214].

1428. Mr Barr recommended no amendments to this policy, and we heard no evidence from submitters on it. We agree with Mr Barr that as the policy is expressed, it is not limited to QE II Trust covenants. We recommend it be renumbered and adopted as notified subject to the minor amendment of including the year of the legislation.

1429. In his Section 42A Report, Mr Barr opined that, in terms of Rule 33.3.4.1, QE II Trust covenants were generally seen as more protective than district plan rules, as they generally contemplated no or very little clearance. We also note that, while an application for resource consent can be made under the rules in Chapter 33, a QE II Trust covenant provides no ability for discretionary applications.

1430. We heard no evidence in support of the submissions seeking deletion of Rule 33.3.4.1. We generally agree with Mr Barr that a SNA protected by a QE II Trust covenant need not be controlled by the rules in Chapter 33, but we recommend two changes to the provision.. First, with minor rewording, we consider the proper location for this rule is in Table 1 as a permitted activity. Second, we consider the provision should not state "*shall be removed from the schedule*". That statement implies an action that can only be undertaken by way of a change to the district plan. While the Council may have a policy to introduce such changes, it cannot, in our view, state categorically in a rule that the SNA shall be removed from the schedule.

1431. We heard no evidence from submitters in respect of the other changes sought to these provisions. We consider that each of Rules 33.3.4.2 and 33.3.4.3 can, with minor word changes, be incorporated into Table 1 as permitted activities. In our view, having the activities listed as permitted activities improves the clarity and usability of the chapter.

1432. Consequently, we recommend as minor, non-substantive changes that these three rules be amended and relocated into Rule 33.4 Table 1 to read:

| | | |
|---|---|---|
| 33.4.2 | Notwithstanding Table 3, activities in any area identified in the District Plan maps and scheduled as a Significant Natural Area that is, or becomes protected by a covenant under the Queen Elizabeth II National Trust Act 1977. | P |
| 33.4.3 | Indigenous vegetation clearance for the operation and maintenance of existing and in service/operational roads, tracks, drains, utilities, structures and/or fence lines, but excludes their expansion. | P |

[1213] Submissions 373 (opposed by FS1254, FS1287, FS1313, FS1347), 600 (supported by FS1209, opposed by FS1034) and 806

[1214] Submissions 339 (supported by FS1097, opposed by FS1097) and 706 (opposed by FS1162, FS1254, FS1287)

| | | |
|---|---|---|
| 33.4.4 | Indigenous vegetation clearance for the construction of walkways or trails up to 1.5 metres in width provided that it does not involve the clearance of trees greater than a height of 4 metres. | P |

## 48.7 Rules 33.5.1, 3.5.2 and 33.5.3

1433. As notified, these rules were in Table 2 which set standards for clearance of indigenous vegetation that was not located within a Significant Natural Area or within an Alpine Environment. These rules read:

| | |
|---|---|
| 33.5.1 | Clearance is less than 5000m² in area of any site and, 500m² in area of any site less than 10ha, in any continuous period of 5 years. |
| 33.5.2 | Where indigenous vegetation is greater than 2.0 metres in height, clearance is less than 500m² in area of any site and, and 50m² in area of any site less than 10ha, in any continuous period of 5 years, |
| 33.5.3 | Within a land environment (defined by the Land Environments of New Zealand at Level IV) that has 20 percent or less remaining in indigenous cover, clearance is less than 500m² in area of any site and, 50m² in area of any site less than 10ha, in any continuous period of 5 years (refer to section 33.9). |

1434. The submissions on these rules sought:
   a. The 5,000m$^2$ allowed in 33.5.1 is too large, change to 500m$^2$[1215]
   b. Change 33.5.1 to apply where indigenous vegetation is less than 2m in height[1216]
   c. The 50m$^2$ in Rule 33.5.2 is too small to be practicable[1217]
   d. Replace 33.5.3 with "*The site is not considered to be a Significant Natural Area when considered against the criteria in Section 33.10*"[1218]
   e. Delete Rule 33.5.3[1219]
   f. Support Rules 33.5.1 and 33.5.2.[1220]

1435. Rule 33.5.3 implemented Policies 33.2.3.4 and 33.2.3.5. As notified these read:

> *33.2.3.4 When considering the effects of proposals for the clearance of indigenous vegetation, have particular regard to whether threatened species are present, or the area to be cleared is within a land environment (defined by the Land Environments of New Zealand at Level IV) identified as having less than 20% indigenous vegetation remaining; and,*
>
> *33.2.3.5 Where indigenous vegetation clearance is proposed within an environment identified as having less than 20% indigenous vegetation remaining (defined by the Land Environments of New Zealand at Level IV), have regard to the threatened environment status, the nature and scale of the clearance, potential for recovery or the merit of any indigenous biodiversity offsets.*

1215 Submissions 339 (opposed by FS1097) and 706 (opposed by FS1097, FS1162, FS1254, FS1287)
1216 Submission 809
1217 Submission 477
1218 Submission 373, supported by FS1040, opposed by FS1097, FS1254, FS1287, FS1313, FS1342, FS1347
1219 Submission 600, supported by FS1209, opposed by FS1034, FS1040
1220 Submission 600, supported by FS1209, opposed by FS1034, FS1040

1436. One submission[1221] sought that both of these policies be deleted. Two submissions opposed use of the LENZ maps in these policies as they would create uncertainty[1222].

1437. Two submissions sought that Policy 33.2.3.4 only apply in urban zones[1223], while two submissions sought that policy be amended so as to avoid effects on threatened species and on land identified as having less than 20% indigenous vegetation remaining[1224].

1438. Two submissions sought that Policy 33.2.3.5 be deleted and replaced with assessment matters. One submission sought that it apply only in urban zones[1225], and two submissions sought that current and historical land uses should be taken account of in the policy[1226].

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

1440. Mr Davis explained in his evidence[1230] how the combination of the Land Environments of New Zealand (LENZ) classification, the Landcover Database and areas under legal protection, to assign a threat (to biodiversity) level based on the percentage of indigenous vegetation cover remaining and the area under formal protection (the Threatened Environment Classification – TEC). The TEC categories include:

a. Acutely threatened - <10% indigenous vegetation cover remaining
b. Chronically threatened – 10-20% indigenous vegetation cover remaining
c. At risk – 20-30% indigenous vegetation cover remaining
d. Critically underprotected - >30% indigenous vegetation cover remaining and less than 10% protected
e. Underprotected - >30% indigenous vegetation cover remaining and 10-20% protected and
f. No threat - >30% indigenous vegetation cover remaining and >20% protected.

1441. Mr Davis advised that National Priority 1 of the draft National Policy Statement on Indigenous Biodiversity is to protect areas that are acutely or chronically threatened[1231]. He noted that in this District those areas are predominantly located on valley floors and lower slopes of mountain ranges. These were the areas shown on the maps included in notified Section 33.9 of the PDP.

1442. Mr Davis conceded there were some inaccuracies arising from the scale of the mapping, the inability of the imagery to distinguish between some vegetation types, and due to the temporal nature of vegetation cover, but it was his opinion that, provided it was used cautiously, it was an effective tool to assist the identification and assessment of significant vegetation and fauna habitat[1232].

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1221 Submission 373, opposed by FS1254, FS1313, FS1347
1222 Submissions 791 and 794
1223 Submissions 590 and 600 (supported by FS1209, opposed by FS1034, FS1040)
1224 Submissions 339 and 706 (opposed by FS1162, FS1254, FS1287)
1225 Submission 600, supported by FS1209, opposed by FS1034, FS1040
1226 Submissions 701 and 784 (supported by FS1097)
1227 Submissions 439, 784, 791 and 794
1228 Submission 590
1229 Submission 701, supported by FS1162
1230 G Davis, EiC, at paragraphs 4.6 to 4.13
1231 ibid, paragraph 4.12
1232 ibid, paragraph 4.13

1443. We have put little weight on the draft National Policy Statement on Indigenous Biodiversity given it has been in draft since 2011.

1444. We took from Mr Barr's Section 42A Report that he saw the classification of areas as acutely and chronically threatened as increasing the potential for any indigenous vegetation to be considered significant in terms of Section 6 of the Act[1233].

1445. Mr Kelly, appearing on behalf of Lake McKay Station Ltd[1234], told us that 420 ha of Lake McKay Station was included within SNAs identified in the PDP. He questioned the need for both Rule 33.5.2 and Rule 33.5.3 when, on Lake McKay Station, clearance of matagouri and kanuka outside of SNAs at altitudes below 600masl would be captured by both rules. It was his view that the rules in 33.4 and 33.5 were adequate to protect indigenous vegetation without the need for Rule 33.5.3 or Section 33.9[1235].

1446. This evidence raised in our minds the question of what the Council was attempting to protect through these rules.

1447. Mr Davis provided extensive and helpful evidence on how the Significant Natural Areas in the District were identified and classified[1236]. This included the use of the TEC maps to determine whether representative vegetation might also meet the definition of rarity. Interestingly, the example which Mr Davis provided in his evidence of this technique being used included the area of Lake McKay Station[1237].

1448. Mr Davis told us that 220 SNA sites on 55 properties were field checked. As a result of that fieldwork, that number was refined to 147. The reduction, was he said, due to the following reasons:
   a. sites that had been transferred to DoC administration through tenure review
   b. QE II Trust covenant sites
   c. wetlands were excluded as the Council chose to rely on the Regional Water Plan to protect them
   d. sites that did not meet the criteria.

1449. Mr Davis did not tell us how many fell into each category. He also did not tell us what areas of land in the District were set aside for protection by other means. We did get an indication of some of these areas from Figure 6 of Dr Espie's evidence, but that only covered a small area of the Upper Clutha. We do note also the general acceptance that all land above 1070 masl requires consent for clearance.

1450. Mr Barr provided us with examples of "Whole of Farm" consents for clearance[1238]. The most useful of these was the consent granted in 2015 for Alphaburn Station. From looking at the conditions applied on that consent, it was apparent the priority areas for protection were:
   a. Land above 800 masl (Condition 4(iii);
   b. Land within 20 m of water bodies (including wetlands) (Condition 3);
   c. Land within 20 m of protected land (covenanted or conservation land (Condition 3).

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1233 C Barr, Section 42A Report, at paragraph 11.80
1234 Submission 439
1235 M Kelly, EiC, at paragraph 17
1236 Davis, EiC, Section 6
1237 ibid, Figure 3
1238 C Barr, Reply Statement, Appendix 4

1451. It also appears from Map 7 of the Planning Maps that some of the area that consent relates to has been included SNAs in the PDP. We also note from Figure C2 in Section 33.9 that some of the consented land is within the acute or chronically threatened environments.

1452. When we consider all that in the round, we are not satisfied that Rule 33.5.3 and Section 33.9 provide any regulatory purpose which is not achieved via other rules. We agree with those submitters who complained that the maps in Section 33.9 were at a scale which created uncertainty. While Mr Barr assured us that the these were available on the Council webmap system for overlaying over individual properties, we were unable to find them and verify their accuracy or otherwise.

1453. We note Mr Barr recommended that notified Policies 33.2.3.4 and 33.3.3.5 be replaced with a policy that would read[1239]:

*Have regard to whether the area to be cleared is within a chronically or acutely threatened land environment (defined by the Land Environments of New Zealand at Level IV), and the degree to which the clearance would maintain indigenous biodiversity, using the criteria in Policy 33.2.1.10.*

1454. As we understand notified Policy 33.2.1.10, the criteria will lead to assessment of those matters in any event. We also note that, according to Mr Davis' evidence[1240], the determination of whether an environment is acutely or chronically threatened is not defined by Land Environments of New Zealand at Level IV. That is a combined with other information to determine the level of threat.

1455. We agree with Mr Barr that Policies 33.2.3.4 and 33.2.3.5 be deleted, but we do not recommend that his recommended replacement policy be included.

1456. We agree with the QLDC submission that Rule 33.5.1 should specify that it relates to indigenous vegetation less than 2 m in height. That is the effect of the combination of that rule and Rule 33.5.2 in any event. Other than that, we do not recommend any changes to the effect of Rules 33.5.1 and 33.5.2. We heard no evidence as to why the permitted clearance areas under each rule should be reduced.. What we do recommend is rephrasing of the rules under Clause 16(2) to make them clearer and more readily understood.

1457. Consequently, for the reasons set out above, we recommend:
   a. Notified Rule 33.5.3 be deleted;
   b. Notified Section 33.9 be deleted;
   c. Notified Policies 33.2.3.4 and 33.2.3.5 be deleted;
   d. Notified Rules 33.5.1 and 33.5.2 be amended to read:

1239 C Barr, Section 42A Report, paragraph 11.81

1240 G Davis, EiC, paragraph 4.11

| | | |
|---|---|---|
| 33.5.1 | Where indigenous vegetation is less than 2.0 metres in height:<br>In any continuous period of 5 years the maximum area of indigenous vegetation that may be cleared is limited to:<br>33.5.1.1 500m² on sites that have a total area of 10ha or less; and<br>33.5.1.2 5,000m² on any other site. | D |
| 33.5.2 | Where indigenous vegetation is greater than 2.0 metres in height:<br>In any continuous period of 5 years the maximum area of indigenous vegetation that may be cleared is limited to:<br>33.5.2.1 50m² on sites that have a total area of 10ha or less; and<br>33.5.2.2 500m² on any other site. | D |

1458. We are satisfied that with the changes we have recommended in this section of our report, the regulatory regime in Chapter 33 will be clear and easy to use, and will be practical to apply.

## 49 SUBMISSIONS SEEKING DELETIONS OF SPECIFIC SIGNIFICANT NATURAL AREAS

1459. Eight submissions sought the deletion of one or more Significant Natural Areas from the schedule in Section 33.8[1241]. A submission by QLDC[1242] sought removal of two SNAs from Hillend Station and modification of three others as a consent had been granted to clear those SNAs.

1460. Dealing with the last submission first, Mr Barr advised[1243] that neither he nor the ecological contractors involved in the SNA identification process were aware of the consent, which expires in 2029. He considered the consent likely to be implemented and therefore it would be neither fair nor reasonable to schedule the areas.

1461. We agree with Mr Barr and recommend SNAs F21C-1 and F21C-2, and F21A, F21B-1 and F21B-3 be reduced to the exclusion areas identified on the approved plan of RM090630.

1462. Turning to the other submissions, Mr Davis provided evidence supporting the retention of each SNA the submitters sought be removed[1244]. Other than Mr Beale, who presented ecological evidence in support of Submission 806, Mr Davis' evidence was the only ecological evidence we received.

1463. Mr Beale's evidence[1245] did not support the removal of the SNAs on QPL's land. Rather, his evidence explained the value of the areas identified as SNAs, the threats to them, and the opportunities for restoration and enhancement.

1464. We were satisfied that Mr Davis (and Mr Beale) established the values of these SNAs sufficiently for them to warrant remaining identified in the Schedule and on the maps. We recommend the submissions be rejected.

1241 Submissions 163 (supported by FS1020), 198, 214, 315, 390, 531, 590 and 806
1242 Submission 383
1243 C Barr, Section 42A Report, at paragraphs 13.11 to 13.13
1244 G Davis, EiC, at paragraphs 8.3, 8.9-8.19
1245 S Beale, EiC dated 21 April 2016

1465. We note that submissions by Lake McKay Station Limited[1246] and Mr J Frost and Mr A Smith[1247] sought amendments to SNA boundaries and were deferred to Hearing Streams 12 and 13 respectively. We also note that QPL[1248] sought that if the zoning that company sought for its land was rejected, the SNAs should be removed. That submission was deferred to Hearing Stream 13.

## 50 33.1 – PURPOSE

1466. Submissions on this section sought:
   a. Support, particularly the third paragraph[1249];
   b. Provide more for enhancement[1250];
   c. Amend to distinguish between indigenous vegetation generally and that determined to be significant, and enabling biodiversity offsetting in appropriate circumstances[1251]; and
   d. Expand to make more explicit, limiting the use of biodiversity offsetting[1252].

1467. Mr Barr recommended minor changes in response to these submissions[1253]. The most notable change was altering the sentence that read:

*Where the removal of indigenous vegetation cannot be avoided or mitigated and would diminish the District's indigenous biodiversity values, opportunities for the enhancement of other areas are encouraged to offset the adverse effects of the loss of those indigenous biodiversity values.*

to read:

*Where the clearance of indigenous vegetation would have significant residual effects after avoiding, remedying or mitigating adverse effects, opportunities for biodiversity offsetting are encouraged.*

1468. We accept Mr Barr's reasoning and with a minor amendment for grammatical purposes to the commencement of the third paragraph, we recommend Section 33.1 be adopted with those amendments as shown in Appendix 4.

## 51 33.2- OBJECTIVES AND POLICIES

### 51.1 General

1469. One submission[1254] supported the objectives and policies generally. We recommend that submission be accepted in part.

### 51.2 Objective 33.2.1 and Policies

1470. We have already discussed Objective 33.2.1 and Policies 33.2.1.2, 33.2.1.3 and 33.2.1.3 above. We will not repeat that discussion, but rather, focus on the remaining policies.

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1246 Submission 439
1247 Submission 323
1248 Submission 806
1249 Submission 600, supported by FS1097, FS1209, opposed by FS1034
1250 Submission 313
1251 Submission 373, supported by FS1040, opposed by FS1015, FS1097, FS1254, FS1287, FS1313, FS1347
1252 Submissions 339 (opposed by FS1015, FS1097) and 706 (opposed by FS1015, FS1162, FS1254, FS1287
1253 C Barr, Section 42A Report, Section 10 and Appendix 1
1254 Submission 798, opposed by FS1287

1471. As notified the remaining policies read:

*Policies*

*33.2.1.1 Identify the District's Significant Natural Areas and schedule them in the District Plan, including the ongoing identification of Significant Natural Areas through resource consent applications, using the criteria set out in Policy 33.2.1.9.*

*33.2.1.4 Recognise and take into account the values of tangata whenua and kaitiakitanga.*

*33.2.1.5 Recognise anticipated activities in rural areas such as farming and the efficient use of land and resources while having regard to the maintenance, protection or enhancement of indigenous biodiversity values.*

*33.2.1.7 Activities involving the clearance of indigenous vegetation are undertaken in a manner to ensure the District's indigenous biodiversity values are protected, maintained or enhanced.*

*33.2.1.8 Where the adverse effects of an activity on indigenous biodiversity cannot be avoided, remedied or mitigated, consideration will be given to whether there has been any compensation or biodiversity offset proposed and the extent to which any offset will result in a net indigenous biodiversity gain.*

*33.2.1.9 Assess the nature and scale of the adverse effects of indigenous vegetation clearance on the District's indigenous biodiversity values by applying the following criteria:*

*a. Representativeness*
*Whether the area is an example of an indigenous vegetation type or habitat that is representative of that which formerly covered the Ecological District.*

*b. Rarity*
*Whether the area supports*
*i. indigenous vegetation and habitats within originally rare ecosystems*
*ii. indigenous species that are threatened, at risk, uncommon, nationally or within the ecological district*
*iii. indigenous vegetation or habitats of indigenous fauna that has been reduced to less than 20% of its former extent, regionally or within a relevant Land Environment or Ecological District.*

*c. Diversity*
***Whether the area supports a highly diverse assemblage of indigenous vegetation and habitat types, and whether these have a high indigenous biodiversity value.***

*d. Distinctiveness*
***Whether the area supports or provides habitats for indigenous species:***
*i. at their distributional limit within Otago or nationally*
*ii. are endemic to the Otago region*
*iii. are distinctive, of restricted occurrence or have developed as a result of unique environmental factors.*

***e. Ecological Context***

*The relationship of the area with its surroundings, including whether the area proposed to be cleared:*

*a. has important connectivity value allowing dispersal of indigenous fauna between different areas*

*b. has an important buffering function to protect values of an adjacent area of feature*

*c. is important for indigenous fauna during some part of their life cycle.*

1472. The submissions on Policy 33.2.1.1 sought:
   a. Retain the policy[1255]
   b. Include references to protecting SNAs[1256]
   c. Move to new policy under Objective 3.2.2[1257]
   d. Delete the policy[1258].

1473. The only amendment Mr Barr recommended was for clarity by replacing "*resource consent applications*" with "*development proposals*"[1259].

1474. Mr Deavoll's evidence for DoC agreed with the policy's intent of enabling the identification of additional SNAs through the consenting process using the significance criteria in notified Policy 33.2.1.9[1260].

1475. Ms Maturin, on behalf of Forest & Bird, submitted that while the policy directed the identification of SNAs, it did not mention a regime to protect them[1261]. She also disagreed with Mr Barr's recommended amendment, noting that it was the consent process that identified potential SNAs, not development proposals.

1476. Objective 33.2.2 and its policies provide the framework of a protection regime for SNAs. However, we agree with Ms Maturin that this policy would be more useful if it described the purpose of identifying and scheduling SNAs, similar to the approach taken in notified Policy 33.2.1.2. We also agree that it is the consenting process that enables further SNAs to be identified.

1477. For these reasons, we recommend Policy 33.2.1.1 be adopted with the following wording:

*Identify the District's Significant Natural Areas, including the ongoing identification of Significant Natural Areas through the resource consent process, using the criteria set out in Policy 33.2.1.8, and schedule them in the District Plan to assist with their management for protection.*

1478. Two submissions[1262] sought the retention of Policy 33.2.1.4, one[1263] sought its deletion, and DoC sought it be rephrased[1264].

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1255 Submission 600, supported by FS1209, opposed by FS1034

1256 Submissions 339 (opposed by FS1097) and 706 (opposed by FS1015, FS1162, FS1254, FS1287)

1257 Submission 373, opposed by FS1254, FS1287, FS1313, FS1342, FS1347

1258 Submission 590

1259 C Barr, Section 42A Report, Appendix 1

1260 G Deavoll, EiC, paragraph 35

1261 Submissions on behalf of Royal Forest and Bird Protection Society, May 2016 at paragraphs 12 - 14

1262 Submissions 339 (opposed by FS1097) and 706 (opposed by FS1162, FS1254)

1263 Submission 806

1264 Submission 373, opposed by FS1254, FS1287, FS1313, FS1347

1479. Mr Barr recommended only a minor rewording to improve the grammar[1265].

1480. We agree with Mr Barr that it is appropriate to have a policy concerning Tangata whenua values in this Chapter. We consider this policy implements Objective 5.4.1 as well as Objective 33.2.1 and has a different purpose from Policy 5.4.3.1. We also note, as did Mr Barr, that neither Te Ao Marama Inc[1266] nor KTKO Ltd[1267] sought any change to this policy, although Te Ao Marama Inc had sought amendments to other policies in this chapter. DoC provided no evidence in support of the amendment it sought.

1481. We recommend the policy be renumbered and adopted as recommended by Mr Barr, so that it reads:

*Have regard to and take into account the values of Tangata whenua and kaitiakitanga.*

1482. As notified, Policy 33.2.1.5 appeared to be attempting to balance rural activities with the maintenance, protection or enhancement of indigenous biodiversity values. It was subject to seven submissions. These sought:

a. Retain the policy[1268]
b. Delete the policy[1269]
c. Include reference to regionally significant infrastructure
d. Amend so rural activities are undertaken in a way protects indigenous flora and fauna and maintains and enhances indigenous biodiversity[1270] and
e. Add "*where possible*" to the end of the policy[1271].

1483. Mr Barr suggested the policy was intended to assist decision-makers by acknowledging that land use activities were contemplated within areas where indigenous vegetation would be present, particularly on land in private ownership used for productive purposes[1272]. He then gave reasons for recommending rejection of the submissions by Mr Kane and Transpower, before recommending amendments that he considered had a better connection to section 31[1273].

1484. Although Mr Deavoll did not discuss this policy in his evidence, we consider the reasons given by DoC for deleting this policy have some merit. The submission notes that the rules in Chapter 33 apply on all zoned and unzoned land in the District and questions, why, therefore, a policy specific to rural land uses is required. We note that areas zoned Rural Lifestyle, Rural Residential or Large Lot Residential can equally have indigenous vegetation on sites subject to the rules in this chapter. We also question whether the reason given by Mr Barr for the policy is consistent with the outcome set by Objective 33.2.1.

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1265 C Barr, Section 42A Report, at paragraph 11.8 and Appendix 1
1266 Submitter 817
1267 Submitter 810
1268 Submission 600, supported by FS1209, opposed by FS1034
1269 Submission 373, opposed by FS1091, FS1097, FS1132, FS1254, FS1287, FS1313, FS1347
1270 Submissions 339 (opposed by FS1015, FS1097) and 706 (opposed by FS1015, FS1019, FS1097, FS1162, FS1254, FS1287)
1271 Submission 701, supported by FS1162
1272 C Barr, Section 42A Report, paragraph 11.10
1273 ibid, Appendix 4

1485. We consider this policy is potentially inconsistent with Objective 33.2.1, and we agree with Submission 373 that it is both unnecessary and is not implemented by the rules in the chapter. We recommend Policy 33.2.1.5 be deleted.

1486. Policy 33.2.1.7 (as notified) required that any clearance be undertaken in a way that ensured the District's indigenous biodiversity values were protected, maintained or enhanced. Submissions on this policy sought:

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

1487. Mr Barr addressed the QPL submission, suggesting it was appropriately framed for decision-makers[1278]. He equally saw no reason to delete 'values' from the policy as sought by Forest & Bird. He did not specifically comment on DoC's submission seeking to distinguish between general indigenous biodiversity and SNAs.

1488. We consider Forest & Bird may have a point. Section 31 of the Act sets as a Council function, *the maintenance of indigenous biological diversity*. Biological diversity is defined in Section 2 of the Act. Biodiversity is short for biological diversity[1279]. Including the word values when describing biodiversity in the PDP does create an ambiguity and uncertainty.

1489. We consider that with the amendment sought by Forest & Bird, the policy becomes a clear measure for decision-makers to use, thereby answering QPL's query. We also see no reason to distinguish between applications for general clearance and applications for clearance in SNAs.

1490. We note that in his Reply Statement, Mr Barr discussed what he referred to as requests by two submitters to include reference to "ecosystem services" in the first paragraph of the Purpose Statement[1280]. This was in response to questioning by the Panel as to whether the term should be included. Mr Barr did not recommend the inclusion of the term, but suggested that if we were minded to include reference, this policy would be the appropriate place, rather than in Section 33.1.

1491. We note that reference was made to "ecosystems services" in Section 33.1 as notified and that the two relevant submissions[1281] were merely repeating the notified text in their respective submissions. We also note that reference remains in our recommended version of the text.

1492. We do not consider this policy an appropriate place to include reference to ecosystem services. In any event, we doubt that there is scope to include the term within the policies.

1493. For those reasons we recommend Policy 33.2.1.7 be renumbered and adopted with the following wording:

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1274 Submission 600, supported by FS1209, opposed by FS1034
1275 Submission 373, opposed by FS1254, FS1287, FS1313,FS1342, FS1347
1276 Submissions 339 and 706 (opposed by FS1162, FS1254, FS1287)
1277 Submission 806
1278 C Barr, Section 42A Report, paragraph 11.19
1279 Ministry for the Environment at http://www.mfe.govt.nz/more/biodiversity/about-biodiversity/biodiversity-new-zealand
1280 C Barr, Reply Statement at Section 9
1281 Submissions 339 and 706

*Undertake activities involving the clearance of indigenous vegetation in a manner that ensures the District's indigenous biodiversity is protected, maintained or enhanced.*

1494. As notified, Policy 33.2.1.8 contemplated the provision of either compensation or biodiversity offsets where the adverse effects of an activity could not be avoided, remedied or mitigated. Submissions on this policy sought:
   a. Retain the policy[1282];
   b. Limit to biodiversity offsets with no net loss and preferably a net gain in indigenous biodiversity[1283];
   c. Replace with stepped approach to avoiding, remedying and mitigating, with offsets as the final option[1284];
   d. Delete the policy[1285].

1495. Mr Barr saw merit in the DoC and Forest & Bird submissions, and in his Section 42A Report recommended word changes to delete compensation as an option and to focus the outcome on no net loss, with preferably a net gain[1286].

1496. Dr Barea, Technical Advisor Ecology for Biodiversity Offsets in DoC's Science and Policy Group, provided extensive evidence on how biodiversity offsets are being implemented in New Zealand. We found this evidence to be very helpful in understanding how biodiversity offsets could be used in this District.

1497. Dr Barea recommended this policy be extensively revised to accord with the principles of biodiversity offsetting, and that definitions of *biodiversity offset*, *environmental compensation*, and *no net loss* be included in the PDP [1287]. Mr Deavoll supported Dr Barea's recommendations[1288]. This approach was also supported by Ms Maturin for Forest & Bird[1289].

1498. Ms Craw, appearing for Transpower, agreed that the policy needed amending, but was more concerned to ensure the PDP did not mandate offsetting, but made it an option[1290]. She also referred us to policies in the Proposed RPS which, she said, supported the distinction she considered needed to be made[1291].

1499. At the time of Ms Craw's evidence decisions had not been made on submissions on the Proposed RPS. We note that the decisions version (1 October 2016) contains the following policies:

*Policy 5.4.6 Offsetting for indigenous biological diversity*
*Consider the offsetting of indigenous biological diversity, when:*

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1282 Submissions 580, 600 (supported by FS1085, FS1209, opposed by FS1034) and 806
1283 Submission 373, opposed by FS1015, FS1085, FS1097, FS1254, FS1287, FS1313, FS1342, FS1347
1284 Submissions 339 (opposed by FS1015, FS1097) and 706 (opposed by FS1015, FS1085, FS1162, FS1254, FS1287)
1285 Submission 805
1286 C Barr, Section 42A Report, paragraph 11.21 to 11.29
1287 Dr L Barea, EiC, paragraphs 46 to 51
1288 G Deavoll, EiC, paragraphs 43 to 49
1289 S Maturin, Submissions, paragraph 22
1290 A Craw, Summary of Evidence dared 25 May 2016
1291 A Craw, EiC, paragraph 60

*a. Adverse effects of activities cannot be avoided, remedied or mitigated*

*b. The offset achieves no net loss and preferably a net gain in indigenous biological diversity*

*c. The offset ensures there is no loss of rare or vulnerable species*

*d. The offset is undertaken close to the location of development, where this will result in the best ecological outcome*

*e. The offset is applied so that the ecological values being achieved are the same or similar to those being lost*

*f. The positive ecological outcomes of the offset last at least as long as the impact of the activity.*

*Policy 4.3.3 Adverse effects of nationally and regionally significant infrastructure*
*Minimise adverse effects from infrastructure that has national or regional significance, by all of the following:*

*a. Giving preference to avoiding their location in all of the following:*

*i. Areas of significant indigenous vegetation and significant habitats of indigenous fauna*

*ii. Outstanding natural features, landscapes and seascapes*

*iii. Areas of outstanding natural character*

*iv. Outstanding water bodies or wetlands*

*v. Places or areas containing significant historic heritage*

*b. Where it is not possible to avoid locating in the areas listed in a) above, avoiding significant adverse effects on those values that contribute to the significant or outstanding nature of those areas*

*c. Avoiding, remedying or mitigating other adverse effects*

*d. Considering offsetting for residual adverse effects on indigenous biological diversity.*

1500. Mr Barr sought Mr Davis' advice on the evidence from Dr Barea and Mr Deavoll. On the basis of that advice he largely agreed with the amendments sought by DoC[1292].

1501. We agree with Mr Barr's reasoning and his recommended wording. We also agree that definitions of "*Biodiversity offsets"*, "*No net loss*" and "*Environmental compensation*" be included in the PDP as recommended by Mr Barr in his Reply Statement.

1502. We do not agree with Ms Craw that offsetting should be some sort of option and we do not consider that is what the Proposed RPS requires either. If an activity is to have such significant adverse effects that avoidance, remediation or mitigation are not possible, it seems to us that

[1292] C Barr, Reply Statement, Section 7

it would be inconsistent to then not require some action to ensure no net loss of biodiversity occurred.

1503. Consequently, we recommend that Policy 33.2.1.8 be renumbered and amended to read:

*Manage the effects of activities on indigenous biodiversity by:*

*a. avoiding adverse effects as far as practicable and, where total avoidance is not practicable, minimising adverse effects*

*b. requiring remediation where adverse effects cannot be avoided*

*c. requiring mitigation where adverse effects on the areas identified above cannot be avoided or remediated*

*d. requiring any residual adverse effects on significant indigenous vegetation or indigenous fauna to be offset through protection, restoration and enhancement actions that achieve no net loss and preferably a net gain in indigenous biodiversity values having particular regard to:*

*i. limits to biodiversity offsetting due the affected biodiversity being irreplaceable or vulnerable*

*ii. the ability of a proposed offset to demonstrate it can achieve no net loss or preferably a net gain*

*iii. Schedule 33.8 – Framework for the use of Biodiversity Offsets;*

*e. enabling any residual adverse effects on other indigenous vegetation or indigenous fauna to be offset through protection, restoration and enhancement actions that achieve no net loss and preferably a net gain in indigenous biodiversity values having particular regard to:*

*i. the ability of a proposed offset to demonstrate it can achieve no net loss or preferably a net gain;*

*ii. Schedule 33. 8 – Framework for the use of Biodiversity Offsets.*

1504. We also recommend that a new Schedule 33.8 be included in Chapter 33 as shown in Appendix 1.

1505. We recommend to the Stream 10 Hearing Panel that the following definitions be included in Chapter 2:

| | |
|---|---|
| Biodiversity Offsets | Means measurable conservation outcomes resulting from actions designed to compensate for residual adverse biodiversity impacts arising from project development after appropriate avoidance, minimisation, remediation and mitigation measures have been taken. The goal of biodiversity offsets is to achieve no net loss and preferably a net gain of biodiversity on the ground. |

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

| | |
|---|---|
| Environmental Compensation | Means actions offered as a means to address residual adverse effects to the environment arising from project development that are not intended to result in no net loss or a net gain of biodiversity on the ground, includes residual adverse effects to other components of the environment including landscape, the habitat of trout and salmon, open space, recreational and heritage values. |

1506. As notified, Policy 33.2.1.9 set out the criteria for assessing effects on the District's biodiversity. Submissions sought that:
   a. The policy be retained[1293];
   b. Include a stronger link to Chapter 5[1294];
   c. Amend criteria by:
      i. Change wording of (a) Representative;
      ii. Change title of (c) to *Diversity and Pattern;*
      iii. Include "*or*" between each criterion[1295];
   d. Add a new criterion in (e) – "*has significance based on the indigenous vegetation coverage of the area*"[1296]; and
   e. Delete and include as assessment criteria at end of Chapter[1297].

1507. Mr Davis provided useful background on the use of assessment criteria to determine the significant natural areas in the District[1298]. The significance criteria in this policy appear to have been largely derived from this earlier work.

1508. Mr Barr relied on Mr Davis' evidence in recommending minor changes to the policy in partial response to the Forest & Bird submission[1299]. Ms Maturin supported the amendments proposed by Mr Barr[1300].

1509. Mr Deavoll's evidence, for DoC, assessed Mr Barr's explanation supporting the retention of the criteria in a policy rather than assessment criteria and made the important point that the criteria are appropriate to determine the significance of a subject area of indigenous vegetation, rather than the adverse effects of a proposed activity on such an area[1301]. He also made the point in his evidence that the criteria in this policy can be used to determine whether an area is a SNA.

1510. We agree with Mr Deavoll that the wording of the policy limits its usefulness as an assessment tool. We also note that it is derived from assessment criteria used to assess the significance of areas of indigenous vegetation in the District and that Mr Barr recommended amending notified Policy 33.2.2.1 to make it clear that the criteria in notified Policy 33.2.1.9 determined the significance of SNAs.

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1293 Submission 806
1294 Submission 817
1295 Submissions 339 and 706 (opposed by FS1091, FS1162, FS1254, FS1287)
1296 Submissions 701 (supported by FS1162) and 784
1297 Submission 373, opposed by FS1254, FS1287, FS1313, FS1347
1298 G Davis, EiC, paragraph 6.3 and Appendix G
1299 C Barr, Section 42A Report, paragraph 11.45
1300 S Maturin, Submissions dated May 2016,m at paragraph 24
1301 G Deavoll, EiC, paragraph 72

1511. We heard no evidence in support of the additional criteria sought by submitters.

1512. We agree with Mr Davis' appraisal of the value of the criteria and consider that the minor amendments proposed by Mr Barr bring this policy more in line with the assessment criteria referred to by Mr Davis. We do, however, consider the introductory wording needs to be changed to make it clear, as Mr Deavoll pointed out, the criteria determine the significance of vegetation areas, not the effects of activities. Thus, we recommend Policy 33.2.19 be renumbered and read as follows:

*Determine the significance of areas of indigenous vegetation and habitats of indigenous fauna by applying the following criteria:*

a. *Representativeness*
*Whether the area is an example of an indigenous vegetation type or habitat that is representative of that which formerly covered the Ecological District;*
*OR*
b. *Rarity*
*Whether the area supports:*
*i. indigenous vegetation and habitats within originally rare ecosystems;*
*ii. indigenous species that are threatened, at risk, uncommon, nationally or within the ecological district;*
*iii. indigenous vegetation or habitats of indigenous fauna that has been reduced to less than 10% of its former extent, regionally or within a relevant Land Environment or Ecological District;*
*OR*
c. *Diversity and Pattern*
*Whether the area supports a highly diverse assemblage of indigenous vegetation and habitat types, and whether these have a high indigenous biodiversity value, including:*
*i. indigenous taxa;*
*ii. ecological changes over gradients;*
*OR*
d. *Distinctiveness*
*Whether the area supports or provides habitats for indigenous species:*
*i. at their distributional limit within Otago or nationally;*
*ii. are endemic to the Otago region;*
*iii. are distinctive, of restricted occurrence or have developed as a result of unique environmental factors;*
*OR*
e. *Ecological Context*
*The relationship of the area with its surroundings, including whether the area proposed to be cleared:*
*i. has important connectivity value allowing dispersal of indigenous fauna between different areas;*
*ii. has an important buffering function to protect values of an adjacent area or feature;*
*iii. is important for indigenous fauna during some part of their life cycle.*

## 51.3 New Policies Sought

1513. Four submissions sought the inclusion of new policies under Objective 33.2.1. One, Submission 373, has been deal with in Section 47.2 above.

1514. Submissions 339[1302] and 706[1303] sought that the following be included as a policy:

*Facilitate and support restoration of degraded natural ecosystems and indigenous habitats using indigenous species that naturally occur and/or previously occurred in the area.*

1515. Mr Barr supported the intent of the policy, but considered it was unnecessary as for the most part it was provided for by (renumbered) Policy 33.2.1.6. Ms Maturin noted that there was no policy that encouraged the use of appropriate indigenous species when enhancing indigenous biodiversity[1304].

1516. We did not consider this was a matter that required an additional policy. We recommend those submissions be rejected.

1517. Submission 806 sought this inclusion of the following as a policy:

*To recognise that activities that by necessity result in indigenous vegetation clearance can result in long term sustainable management benefits.*

1518. No reasons for this were provided in the submission and no reference was made to it in the submissions or evidence presented on behalf of QPL.

1519. In the absence of any evidence supporting its inclusion, we recommend the submission be rejected.

## 51.4 Significant Natural Areas – Objective, Policies and Rules

Objective 33.2.2 and Policies

1520. As notified, these read:

*Objective*
*Protect and enhance Significant Natural Areas.*

*Policies*

*33.2.2.1* *Avoid the clearance of indigenous vegetation within Significant Natural Areas that would reduce indigenous biodiversity values.*

*33.2.2.2* *Allow the clearance of indigenous vegetation within Significant Natural Areas only in exceptional circumstances and in circumstances where these activities will have a low impact or offer compensation commensurate to the nature and scale of the clearance.*

*33.2.2.3* *Recognise that the majority of Significant Natural Areas are located within land used for farming activity and provide for small scale, low impact indigenous vegetation removal, stock grazing, the construction of fences and small scale farm tracks, and the maintenance of existing fences and tracks.*

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1302 opposed by FS1097

1303 opposed by FS1254

1304 S Maturin, Submissions dated May 2016, paragraph 25

1521. As this objective and its policies are directed at Significant Natural Areas, it is appropriate to consider them and the standards applying to Significant Natural Areas together. As notified, these standards read as follows:

| Table 3 | **Activities within Significant Natural Areas identified in Schedule 33.8 and on the District Plan maps:** |
|---|---|
| 33.5.7 | Earthworks shall:<br>33.5.7.1 be less than 50m² in any one hectare in any continuous period of 5 years;<br>33.5.7.2 not be undertaken on slopes with an angle greater than 20º. |
| 33.5.8 | The clearance of indigenous vegetation shall not exceed 50m² in area in any continuous period of 5 years. |
| 33.5.9 | Does not involve exotic tree or shrub planting. |

1522. Submissions on the objective sought:
   *a.* Replace "*Natural Areas*" with "*indigenous vegetation and habitats of indigenous fauna, including rare or threatened indigenous species*"[1305]
   *b.* Replace with "*Areas of significant indigenous biodiversity are recognised and protected from development activities in the Queenstown Lakes District as a matter of national importance*"[1306]
   *c.* Replace "*Protect*" with "*Maintain*" and include "*where appropriate*" before "enhance"[1307]
   *d.* Change to encourage protection and enhancement[1308].

1523. Mr Barr did not consider any of these amendments appropriate[1309]. The only amendments he recommended were to make the objective more outcome focussed.

1524. Ms Maturin accepted that there was no need for the amendments sought by Forest & Bird[1310]. Mr Deavoll did not discuss the amendments sought by DoC.

1525. In his Reply Statement, Mr Barr recommended further revision of the wording of this objective such that it read:

*Significant Natural Areas are protected maintained and enhanced.*

1526. We agree with Mr Barr that it is not appropriate to weaken this objective by either replacing protect with maintain, or changing the emphasis to encourage. This objective applies to areas that fall within the ambit of Section 6(c) of the Act which requires the Council to recognise and provide for the protection of such areas. We also note that Policy 3.2.2 in the Proposed RPS is to "protect and enhance" such areas.

1527. We recommend that Mr Barr's wording be adopted with a minor grammatical change so that the objective reads:

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1305 Submissions 339 (opposed by FS1015) and 706 (opposed by FS1015, FS1162, FS1254, FS1287)
1306 Submission 373, opposed by FS1015, FS1097, FS1254, FS1287, FS1313, FS1342, FS1347
1307 Submission 635
1308 Submission 806
1309 C Barr, Section 42A Report, paragraphs 11.48 to 11.53
1310 S Maturin, Submissions dated May 2016, at paragraph 27

*Significant Natural Areas are protected, maintained and enhanced.*

1528. Submissions on Policy 33.2.2.1 sought:
   a. Retain the policy[1311];
   b. Include reference to the criteria in (notified) Policy 33.2.1.9[1312];
   c. Only avoid clearance where it would significantly reduce values[1313];
   d. Change so that test is an overall test[1314];
   e. Make avoidance "where practical"[1315];
   f. Allow option to remedy or mitigate where not practical to avoid[1316].

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

1530. Ms Craw, for Transpower, opined that the words "remedy or mitigate" should be included in the policy to make it consistent with the wording of the Act. We have discussed this issue in other reports. In our view, the purpose of including policies in district plans is to provide guidance as to the extent to which options should be available to address the adverse effects of activities in order to appropriately implement the objective. An unthinking repetition of Section 5(2)(c) will in very few instances provide decision-makers with any such guidance.

1531. In this instance, the purpose of the policy is to implement an objective of protecting, maintaining and enhancing areas whose protection, under section 6(c) of the Act, the council is obliged to provide for. Remedying or mitigating, presumably the adverse effects of, the clearance of vegetation in significant natural areas would not be fulfilling that obligation, notwithstanding the policies in the NPSET[1318]. We note that the NESETA 2009 requires consent as a restricted discretionary activity for any "trimming, felling or removing" of trees and vegetation in an area identified as a SNA. An avoid focussed policy is not, in our view, inconsistent with that requirement.

1532. We agree with Mr Barr that there is value in amending this policy to incorporate non-scheduled sites as requested by Forest & Bird. However, we consider the amendment recommended is ambiguous and could be taken to mean that some areas identified as SNAs do not meet the criteria in recommended Policy 33.2.1.8.

1533. For those reasons, we recommend Policy 33.2.2.1 be amended to read:

*Avoid the clearance of indigenous vegetation within scheduled Significant Natural Areas, and those other areas that meet the criteria in Policy 33.2.1.8, that would reduce indigenous biodiversity values.*

1534. Submissions on notified Policy 33.2.2.2 sought:

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1311 Submission 373, opposed by FS1254, FS1287, FS1313, FS1347

1312 Submissions 339 (opposed by FS1097) and 706 (opposed by FS1162, FS1254, FS1287)

1313 Submission 806

1314 Submission 600, supported by FS1209, opposed by FS1034, FS1040

1315 Submission 635

1316 Submission 805

1317 C Barr, Section 42A Report, paragraph 11.55

1318 Refer *Day et al v Manawatu-Wangnui RC* [2012] NZEnvC 182 at 3-127 and the related discussion in Report 3 at Section 2.11.

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

1535. Mr Barr did not agree with the amendments proposed, but did consider that an amendment to ensure any clearance retained the values of the area would go some way to meet the concerns of DoC and Forest & Bird[1324].

1536. Ms Maturin agreed in part with Mr Barr, but considered the policy should also ensure that significant adverse effects were avoided. On the whole though, she remained of the view that the wording proposed in the Forest & Bird submission to be preferable[1325].

1537. In his Reply Statement, Mr Barr further clarified the policy so that his recommended version read:

*Allow the clearance of indigenous vegetation within Significant Natural Areas only in exceptional circumstances and ensure that clearance is undertaken in a manner that retains the indigenous biodiversity values of the area.*

1538. We are satisfied that this wording appropriately implements the objective. It only allows clearance within SNAs in exceptional circumstances, and when those circumstances exist, any clearance must retain the indigenous biodiversity values of the SNA. We consider that to avoid any ambiguity, the final word should be replaced by Significant Natural Area to ensure it is the biodiversity values of that area that is being retained, not some wider and less natural area.

1539. Therefore, we recommend that Policy 33.2.2.2 be amended to read:

*Allow the clearance of indigenous vegetation within Significant Natural Areas only in exceptional circumstances and ensure that clearance is undertaken in a manner that retains the indigenous biodiversity values of the Significant Natural Area.*

1540. The submissions on Policy 33.2.2.3 sought:
a. Retain the policy[1326];
b. Amend reference to farming use[1327];
c. Amend to limit to existing uses[1328]; and
d. Delete[1329].

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1319 Submission 635,
1320 Submission 600, supported by FS1097, FS1209, FS1342, opposed by FS1034, FS1040
1321 Submission 806
1322 Submission 3737, opposed by FS1015, FS1097, FS1254, FS1287, FS1313, FS1342, FS1347
1323 Submissions 339 (opposed by FS1015, FS1097, FS1121) and 706 (opposed by FS1015, FS1097, FS1162, FS1254, FS1287)
1324 C Barr, Section 42A Report, paragraph 11.59
1325 S Maturin, Submissions dated may 2016, paragraphs 31 to 34
1326 Submissions 600 (supported by FS1209, opposed by FS1034), 791 and 794
1327 Submission 806
1328 Submissions 339 (opposed by FS1097) and 706 (opposed by FS1097, FS1162, FS1254, FS1287)
1329 Submission 373, opposed by FS1132, FS1254, FS1287, FS1313, FS1342, FS1347

1541. Mr Barr explained that the intent of the policy was to acknowledge that many of the SNAs were located within working farms and covered extensive areas[1330]. He therefore considered it reasonable to allow the continuation of established farming activities provided the values of the SNA were maintained. He stated that policy included activities that would be reasonably expected to occur within those areas. He did not see any benefit in limiting the activities allowed to existing uses as sought by Forest & Bird[1331].

1542. Mr Brown, appearing for QPL, considered the policy should be amended to reflect that some properties may not be farms, and that small low impact clearance should not be limited to being for farming purposes[1332].

1543. Ms Maturin maintained her view that the construction of new fences and tracks could have significant effects on biodiversity and not maintain the values of SNAs. She noted that those effects could arise not solely from the clearance of indigenous vegetation, but also by creating passage for pests and weeds.

1544. In his Reply Statement, Mr Barr agreed with Mr Brown that recognition of activities other than farming would be appropriate and recommended the inclusion of "or recreational areas" in the policy[1333].

1545. The final form of the policy recommended by Mr Barr was not drafted as a clear policy. In addition, we consider this policy cannot be inconsistent with the previous two policies. On the face of it, Mr Barr's recommended version suggests that stock grazing, the construction of fences and small scale farm tracks, and the maintenance of existing fences and tracks is an exceptional circumstance (as stated in Policy 33.2.2.2). We consider that none of those are particularly exceptional circumstances in rural areas.. We do consider a case can be made for small amounts of clearance for maintenance of existing fences and tracks as sought by Forest & Bird. While they may not be exceptional, it is certainly reasonable to allow such maintenance.

1546. We agree with Mr Brown that not all rural land in the District is used for farming. We consider the appropriate way to recognise this is to refer to rural activities rather than try and specify the particular types of activities that may be involved.

1547. For those reasons, we recommend that Policy 33.2.2.3 be amended to read:

*Provide for small scale, low impact indigenous vegetation removal to enable the maintenance of existing fences and tracks in recognition that the majority of Significant Natural Areas are located within land used for rural activities.*

1548. Submitters sought the inclusion of six additional policies under this objective.

1549. Submissions 339[1334] and 706[1335] sought to include a policy intended to protect significant bird areas. Mr Barr did not consider it appropriate to locate the policy proposed under Objective

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1330 C Barr, Section 42A Report, paragraph 11.62
1331 ibid, paragraph 11.64
1332 J Brown, EiC, paragraph 5.9
1333 C Barr, Reply Statement, paragraph 5.13
1334 opposed by FS1015, FS1097, FS1132
1335 opposed by FS1015, FS1162

33.2.2, but did consider there was value in including a policy aimed at protecting the habitats of indigenous fauna under Objective 33.2.1[1336]. He recommended this policy read:

*Protect the habitats of indigenous animals and in particular birds in wetlands, beds of rivers and lakes and their margins for breeding, roosting, feeding and migration.*

1550. Ms Maturin supported the inclusion of this policy[1337].

1551. Mr Barr also recommended an amendment to Rule 3.5.8 which we discuss below.

1552. Having considered Mr Barr's section 32AA assessment for this policy, we agree that with minor amendment it is suitable for inclusion. We think it more appropriate for it to refer to indigenous fauna than indigenous animals.

1553. We recommend a new Policy 33.2.1.7 which reads:

*Protect the habitats of indigenous fauna and, in particular, birds in wetlands, beds of rivers and lakes and their margins for breeding, roosting, feeding and migration.*

1554. Submission 373[1338] sought the inclusion of a policy to identify SNAs and schedule them. This was part of the overall approach of DoC to restructure the Chapter. This was not discussed by either Mr Barr or Mr Deavoll. However, we consider Policy 33.2.1.1 covers the matters raised by the submission. Therefore we recommend this submission be rejected.

1555. Submission 373[1339] also sought a policy be located under Objective 33.2.2 to require the use of biodiversity offsetting. We consider this has been given effect to by our recommended Policy 33.2.1.6 so discuss it no further.

1556. Submission 788[1340] sought the inclusion of the following policy:

*Avoid the clearance or alteration of tussock grassland where it will have adverse effect on water yield values in dry catchments.*

1557. Mr Wilson, for Otago Fish and Game Council, referred us to relevant policies in the proposed RPS[1341] and suggested that minimising the conversion of tall tussock grasslands to pasture needed attention.

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

1559. We consider the proposed policy addresses a regional council function (Section 30(1)(c)(iii)) rather than a territorial function. We do note however that the objective, policies and rules relating to alpine areas do deal with the clearance of tussock grasslands in areas over 1070 masl.

1560. We recommend this submission be rejected.

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1336 C Barr, Section 42A Report, paragraphs 11.30 to 11.32
1337 S Maturin, Submissions dated May 2016, at paragraph 23
1338 supported by FS1040, opposed by FS1254, FS1287, FS1313, FS1347
1339 opposed by FS1015, FS1097, FS1254, FS1287, FS1313, FS1342, FS1347
1340 opposed by FS1097, FS1132, FS1254, FS1287
1341 Policy 3.1.9 in Decisions Version
1342 C Barr, Reply Statement, Section 10

1561. Submission 806 sought the addition of two policies under this objective:

*Recognise the importance of providing public access to areas of significant indigenous vegetation and increasing the understanding of the values associated with these areas.*

*Assist landowners in the management of SNA, recognising the importance of pest management in the sustainable management of these areas.*

1562. In his evidence in support of this submission, Mr Brown did not discuss these proposed policies. In the absence of evidence supporting them, we recommend the submissions be rejected.

## 51.5 Rule 33.5.7

1563. Two submissions[1343] on notified Rule 33.5.7 sought that the standard be replaced with a standard that did not allow any earthworks other than for the maintenance of existing roads, tracks, drains, utilities, structures and/or fencelines, but excluding their expansion. The only other submissions sought the rule be adopted[1344].

1564. Mr Barr considered the permitted parameters to be very conservative and that the earthworks allowed would not compromise the values of SNAs[1345]. Ms Maturin did not specifically discuss this rule.

1565. Earthworks falls within the definition of clearance of vegetation due to the inclusion of "soil disturbance" in that definition. Thus, in considering this rule, we must consider it as a subset of the general clearance provisions and subject to the policies relating to clearance.

1566. The first point we note is that there is an inconsistency between this rule and notified Rule 33.5.8. Earthworks can amount to 50m$^2$ per hectare per 5 years, while other forms of clearance are restricted to 50m$^2$ in area, presumably per SNA, per 5 years. We were not advised what the size of the various SNAs were, but Mr Barr had commented (in relation to notified Policy 33.2.2.3) that some were extensive. Thus, we take from that the use of this rule could amount to multiple areas of 50m$^2$ per 5 year period in a SNA.

1567. We also note that quantities of earthworks are usually expressed in cubic metres. This rule appears to place no limit on the depth of any earthworks. It is unclear if this is intentional.

1568. When this rule in considered in the context of the policies it is to implement, particularly those under Objective 33.2.2, we do not see how this rule, as notified, implements Policy 33.2.2.2. There is no requirement in the rule for exceptional circumstances to exist, nor is there any method to ensure the indigenous biodiversity values of the SNA are retained.

1569. If the intention is that this rule enables the small-scale, low impact clearance envisaged by Policy 33.2.2.3, then we consider that should be reflected in the wording of the rule. If the rule is limited to enabling the maintenance of existing fences and tracks, then the areal limit of 50m$^2$ per hectare per 5 year period appears to be an effective and efficient means of achieving the objective of protecting, maintaining and enhancing Significant Natural Areas.

1570. Consequently, we recommend notified Rule 33.5.7 be renumbered and reworded to read:

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1343 Submission 339 (opposed by FS1097) and 706 (opposed by FS1097, FS1162, FS1254, FS1287)

1344 Submission 600, supported by FS1209, opposed by FS1034

1345 C Barr, Section 42A Report, paragraph 12.50

| | | |
|---|---|---|
| 33.5.3 | Earthworks must:<br>33.5.3.1 be to enable the maintenance of existing fences and tracks; and<br>33.5.3.2 be less than 50m² in any one hectare in any continuous period of 5 years; and<br>33.5.3.3 not be undertaken on slopes with an angle greater than 20°. | D |

## 51.6 Rule 33.5.8

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

1572. Two submissions[1346] sought that it be replaced with a standard that did not allow any indigenous vegetation clearance other than for the maintenance of existing roads, tracks, drains, utilities, structures and/or fencelines, but excluding their expansion. Submission 373[1347] sought that the standard be amended to not allow any permitted indigenous vegetation clearance.. Submission 809 sought that the standard only apply to indigenous vegetation below 2m in height. Submission 600[1348] sought the rule be adopted.

1573. Mr Barr made the same comment on this rule as he made on Rule 33.5.7[1349]. He also recommended, to implement the policy he recommended provide for protecting the habitats of indigenous fauna, the inclusion of the phrase "*with the exception of specified indigenous animal habitat within exotic vegetation*".

1574. Mr Deavoll discussed the relief sought by DoC in terms of the non-compliance status being a non-complying activity rather than the detailed wording of the rule. We return to the non-compliance status below.

1575. We heard no evidence from QLDC in support of its submission. Given that the effect of allowing it would be to permit clearance of indigenous vegetation exceeding 2m in height in SNAs without limit, we consider it to be misdirected.

1576. We accept Mr Barr's opinion that this rule contains very conservative parameters. We also agree with him, and accept his Section 32AA analysis, that a specific standard should apply to exotic vegetation that provides habitat for indigenous fauna. We just consider that Mr Barr's amendment did not satisfactorily achieve the outcome sought. For those reasons, we recommend notified Rule 33.5.8 be renumbered and reformatted, but otherwise be unaltered, and that a new Rule 33.5.5 be included, with both rules reading as follows:

| | | |
|---|---|---|
| 33.5.4 | The clearance of indigenous vegetation must not exceed 50m² in area in any continuous period of 5 years. | D |
| 33.5.5 | The clearance of exotic vegetation that is specified indigenous fauna habitat must not exceed 50m$^2$ in area in any continuous period of 5 years | D |

[1346] Submissions 339 (opposed by FS1097, FS1340) and 706 (opposed by FS1097, FS1162, FS1254, FS1287)
[1347] supported by FS1040, opposed by FS1097, FS1132, FS1254, FS1287, FS1313, FS1342, FS1347
[1348] supported by FS1209, opposed by FS1034
[1349] C Barr, Section 42A Report, paragraph 12.50

## 51.7 Rule 33.5.9

1577. As notified Rule 33.5.9 restricted the planting of exotic trees or shrubs in SNAs.

1578. Submissions on this rule sought:
   a. Also restrict the establishment of pasture or crop[1350]
   b. Specify a degree or scale of size of the planting[1351].

1579. Mr Barr supported the amendment sought by Forest & Bird in part as he considered the deliberate establishment of pasture or crops in a SNA would not be consistent with the Council's role of recognising and providing for their protection under Section 6(c) of the Act[1352]. Mr Barr revised his recommended wording in his Reply Statement. Mr Barr did not support the submission by Federated Farmers.

1580. We agree with Mr Barr in a broad sense. We also note that the definition of clearance of vegetation we are recommending includes the purposeful over-sowing of pasture or crop species. This perhaps overcomes the potential lacuna Mr Barr identified if an area of pasture establishment were specified in the rule. We also consider that restricting planting of all exotic species is appropriate given the purpose identifying and managing SNAs is to protect the indigenous species and habitats they provide.

1581. For those reasons, we recommend notified Rule 33.5.9 be renumbered and reworded to read as follows:

| | | |
|---|---|---|
| 33.5.6 | There must be no planting of any exotic species. | D |

1582. DoC[1353] and Forest & Bird[1354] sought that the non-compliance status of the activities in Table 3 be changed from discretionary to non-complying.

1583. Mr Barr discussed these submissions in his Reply Statement[1355]. Mr Deavoll opined that the relevant policies supported a non-complying activity status, and that it would be the most effective method available to the Council to carry out its functions under Section 31 of the Act[1356].

1584. We consider that little or no regulatory gain would be made from changing the non-compliance status from discretionary to non-complying. An application for a discretionary activity must still satisfy the objectives and policies of the PDP and show that any effects would be acceptable within that assessment framework. The addition of the test under Section 104D would not, in our view, lead to any different assessment outcomes.

## 51.8 Objective 33.2.3 and Policies

1585. We have already discussed Policies 33.2.3.1, 33.2.3.4, 33.2.3.5, 33.2.3.6. We will not repeat that discussion. As notified the objective and the remainder of the policies read:

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1350 Submissions 339 (supported by FS1132) and 706 (opposed by FS1162, FS1254, FS1287)
1351 Submission 600, supported by FS1209, opposed by FS1034
1352 C Barr, Section 42A Report, paragraphs 12.52 to 12.54
1353 Submission 373
1354 Submission 706
1355 at Section 12
1356 G Deavoll, EiC, paragraphs 58 - 76

*Objective*

*Ensure the efficient use of land, including ski-field development, farming activities and infrastructure improvements, do not reduce the District's indigenous biodiversity values.*

*Policies*

*33.2.3.2 Where the permanent removal of indigenous vegetation is proposed, encourage the retention or establishment of the same indigenous vegetation community elsewhere on the site.*

*33.2.3.3 Encourage the retention of indigenous vegetation in locations that have potential for regeneration, or provide stability, particularly where productive values are low, or in riparian areas or gullies.*

*33.2.3.7 Have regard to any areas in the vicinity of the indigenous vegetation proposed to be cleared, that constitute the same habitat or species which are protected by covenants or other formal protection mechanisms.*

1586. The submission on Objective 33.2.3 sought:
   a. Retain the objective[1357];
   b. Amend to refer to all forms of land development[1358];
   c. Amend to relate to land management practices[1359];
   d. Replace with objective encouraging protection and enhancement of biodiversity values[1360].

1587. Mr Barr assessed these submissions and agreed in part with those seeking to amend the objective[1361]. He recommended the objective be simplified to read:

*Land use and development maintains indigenous biodiversity values.*

1588. No evidence presented on behalf of the submitters disagreed with Mr Barr's appraisal and recommendation.

1589. We accept and adopt Mr Barr's reasoning and recommend Objective 33.2.3 be reworded as he recommended.

1590. Submissions on Policy 33.2.3.2 sought that it be:
   a. Retained[1362]; or
   b. Deleted[1363].

1591. Those submissions which sought the policy be deleted considered a new planted habitat would not be replacement for loss of an existing mature community. They noted that the policy

1357 Submission 378, opposed by FS1049, FS1095

1358 Submissions 339 (opposed by FS1097) and 706 (opposed by FS1097, FS1132, FS1162, FS1254, FS1287)

1359 Submission 806

1360 Submission 373, supported by FS1040, opposed by FS1091, FS1097, FS1132, FS1254, FS1287, FS1313, FS1342, FS1347

1361 C Barr, Section 42A Report, paragraphs 11.66 to 11.70

1362 Submissions 378 (opposed by FS1049, FS1095) and 600 (supported by FS1209, opposed by FS1034)

1363 Submissions 339, 373 (opposed by FS1254, FS1313, FS1347) and 706 (opposed by FS1162, FS1254, FS1287)

providing for offsets (recommended Policy 33.2.1.6) provided the outcome this policy appeared to be aimed at.

1592. Mr Barr's Section 42A Report was not helpful in this respect as he had misinterpreted the submissions as seeking the policy be made an assessment criterion.

1593. We received no direct evidence on this policy. Mr Barr did recommend it be reworded to read:

*Encourage opportunities to remedy adverse effects through the retention, rehabilitation or protection of the same indigenous vegetation community elsewhere on the site.*

1594. While it technically is the case that Policy 33.2.1.6 provides for the outcomes anticipated, we consider Mr Barr's recommended wording would provide useful guidance for decision-makers. We recommend Policy 33.2.3.2 be adopted with that wording.

1595. Submissions on notified Policy 33.2.3.3 sought:
a. Retain the policy[1364];
b. Amend the policy to widen the circumstances in which it could apply[1365].

1596. Mr Barr provided no particular discussion of this policy in his Section 42A Report, but did recommend that it be amended as sought by Submissions 339 and 706.

1597. We agree with the reasoning provided in the submissions that the amendments are necessary so as to not limit the scope of the policy to specific circumstances. Therefore, we recommend that Policy 33.2.3.3 be amended to read:

*Encourage the retention and enhancement of indigenous vegetation including in locations that have potential for regeneration, or provide stability, and particularly where productive values are low, or in riparian areas or gullies.*

1598. Submissions on notified Policy 33.2.3.7 sought:
a. Retain the policy[1366];
b. Delete as it is an assessment matter[1367];
c. Delete as it is provided for by the criteria for determining biodiversity significance and provisions for biodiversity offsetting[1368].

1599. Mr Barr made the valid point that district plans are not required to contain assessment matters and that policies guide decision-making[1369]. He recommended no change to this policy.

1600. Although not addressed directly in the context of this policy, evidence in support of submissions, including that of Dr Espie, considered that it was relevant to consider on an application for indigenous vegetation clearance, whether the same or similar vegetation communities existed and were protected in the near vicinity. While this may be a matter which can be determined

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1364 Submissions 373 (opposed by FS1254, FS1313, FS1347), 600 (supported by FS1209, opposed by FS1034), 791 and 794

1365 Submissions 339 and 706 (opposed by FS1162, FS1254, FS1287)

1366 Submissions 378 (opposed by FS1049, FS1095) and 600 (supported by FS1209, opposed by FS1034)

1367 Submissions 339 and 706 (opposed by FS1162, FS1254, FS1287)

1368 Submission 373, opposed by FS1254, FS1313, FS1347

1369 C Barr, Section 42A Report, paragraph 11.72

in applying the significance criteria under recommended Policy 33.2.1.9, we consider this policy would provide helpful guidance to decision-makers.

1601. For those reasons, we recommend that this policy be renumbered as Policy 33.2.3.4 but otherwise be adopted as notified.

1602. DoC sought the inclusion of a new policy under this objective which would encourage the use of non-regulatory methods such as open space covenants to protect indigenous vegetation. In reality, this submission was only seeking to move notified Policy 33.2.1.6 to under Objective 33.2.3. We have discussed notified Policy 33.2.1.6 above and recommended its adoption as recommended Policy 33.2.1.5. We recommend this submission be rejected.

## 51.9 Objective 33.2.4 and Policies

1603. As notified, these read:

*Objective*
*Protect the indigenous biodiversity and landscape values of alpine environments from the effects of vegetation clearance and exotic tree and shrub planting.*

*Policies*

*33.2.4.1* *Recognise that alpine environments contribute to the distinct indigenous biodiversity and landscape qualities of the District and are vulnerable to change from vegetation clearance or establishment of exotic plants.*

*33.2.4.2* *Protect the alpine environment from degradation due to planting and spread of exotic species.*

1604. Three submissions on Objective 33.2.4 sought that it be retained[1370]. QPL[1371] sought that it be amended by appending a section recognising the importance of providing access to the Remarkables Alpine Recreation Area.

1605. Mr Barr recommended rejecting the QPL amendment[1372]. In his evidence in support of Submission 806, Mr Brown did not refer to the amendment sought. Rather, he suggested that "adverse" be included before effects[1373].

1606. Mr Young's legal submissions on behalf of QPL confirmed that it was the amendments in Mr Brown's evidence that the submitter was pursuing[1374].

1607. The only changes Mr Barr recommended be made to the objective were grammatical to ensure it was outcome focussed.

1608. We agree that Mr Barr's wording is more outcome focussed than the notified version. We see no need to include adverse in the objective. We note that Mr Brown did not explain what positive effects on indigenous biodiversity and landscape values would arise from vegetation clearance in the alpine areas, and none are immediately apparent to us.

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1370 Submissions 339, 373 (opposed by FS1254, FS1313, FS1347) and 706 (opposed by FS1162, FS1254)
1371 Submission 806
1372 C Barr, Section 42A Report, paragraph 11.88
1373 J Brown, EiC, paragraph 5.10
1374 Submissions on Behalf of Queenstown Park Limited and Queenstown Wharves (GP) Limited, 27 May 2016 at Section 4

1609. For those reasons we recommend that Objective 33.2.4 be worded as follows:

*Indigenous biodiversity and landscape values of alpine environments are protected from the effects of vegetation clearance and exotic tree and shrub planting.*

1610. The submissions on notified Policy 33.2.4.1 sought:
   a. Retain the policy[1375];
   b. Amend to protect the alpine environments from change[1376].

1611. Mr Barr recommended the policy be amended so that it recognised the vulnerability of the alpine environment and that those environments required protection.

1612. We agree that the policy should include protection as the action to be taken, as sought by Submissions 339 and 706, but we consider Mr Barr's wording read more as a statement than a policy. Consequently we recommend that Policy 33.2.4.1 be worded as follows:

*Protect the alpine environments from vegetation clearance as those environments contribute to the distinct indigenous biodiversity and landscape qualities of the District, and are vulnerable to change.*

1613. All the submissions on Policy 33.2.4.2 sought its retention[1377].

1614. We recommend the policy be adopted as notified.

1615. QPL[1378] sought the inclusion of a new policy which read:

*Recognise the importance of providing public access to the Remarkables Alpine Area, and the benefits associated with increasing use and understanding of the alpine environment.*

1616. Mr Brown, in his evidence in support of this submission, did not mention this proposed policy. Instead he proposed a new policy which read[1379]:

*Encourage land use practices that enable rehabilitation through replanting and pest control.*

1617. Scope for including such a policy could be partially founded in a policy sought under Objective 3.2.2 in Submission 806, which sought recognition of the importance of pest management.

1618. Mr Brown's evidence did include a useful summary of incentives used in other district plans to protect indigenous biodiversity and recommended additional policies emphasise the positive benefits to indigenous biodiversity that could arise from some activities[1380].

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1375 Submission 373, opposed by FS1254, FS1313, FS1347

1376 Submissions 339 (opposed by FS1015, FS1097, FS1340) and 706 (opposed by FS1015, FS1097, FS1132, FS1162, FS1254, FS1287)

1377 Submissions 339, 373 (opposed by FS1254, FS1313, FS1347), 706 (opposed by FS1162, FS1254), 791 and 794

1378 Submission 806

1379 J Brown, EiC, paragraph 5.10

1380 ibid, paragraphs 5.4 to 5.6

1619. Mr Barr discussed Mr Brown's evidence and suggested policies in his Reply Statement[1381] and recommended a hybrid policy which he considered should be located under Objective 33.2.1.

1620. We can see the value in district plans containing incentive provisions to ensure long term protection of indigenous biodiversity, and some members of the Panel have had professional experience in utilising such provisions. However, the difficulty we have with both Mr Brown's suggested policies and Mr Barr's recommendation, is that they are not founded in the submissions. Thus, we consider there is no scope for the Council to include those policies in the PDP. We do recommend, however, that the Council investigate the feasibility of including objectives, policies, rules and other methods in the PDP to provide incentives to ensure the long-term protection and maintenance of areas of indigenous biodiversity.

## 52 SUMMARY OF OBJECTIVES AND POLICIES

1621. We have set out in Appendix 4 the recommended objectives and policies. In summary, we regard the combination of objectives recommended as being the most appropriate to achieve the purpose of the Act in the context of this zone, while giving effect to, and taking into account, the relevant higher order documents, the Strategic directions chapters and the alternatives open to us. The recommended new or amended policies are, in our view, the most appropriate way to achieve those objectives.

## 53 33.3 – OTHER PROVISIONS AND RULES

### 53.1 33.3.1 – District Wide

1622. We recommend the changes to this section as described in Section 1.10 of Report 1. We show the recommended wording in Appendix 4.

### 53.2 33.3.2 – Clarification

1623. As notified this read:

> *33.3.2.1 Compliance with any of the following standards, in particular the permitted standards, does not absolve any commitment to the conditions of any relevant land use consent, consent notice or covenant registered on the site's computer freehold register.*
>
> *33.3.2.2 Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the 'Non-Compliance Status' column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.*
>
> *33.3.2.3 The rules apply to all zones in the District, including formed and unformed roads, whether zoned or not.*
>
> *33.3.2.4 Refer to part 33.7 for the schedule of threatened species.*
>
> *33.3.2.5 Refer to the planning maps and part 33.8 for the schedule of Significant Natural Areas.*

[1381] C Barr, Reply Statement, paragraphs 5.11 to 5.12

*33.3.2.6 Refer to Part 33.9 for the District's land environment (defined by the Land Environments of New Zealand at Level IV) that has 20 percent or less remaining in indigenous cover.*

*33.3.2.7 Refer to the Landcare Research Threatened Environment Classification: http://www.landcareresearch.co.nz/__data/assets/pdf_file/0007/21688/TECUserGuideV1_1.pdf*

*33.3.2.8 The following abbreviations are used in the tables. Any activity that is not permitted (P) or prohibited (PR) requires resource consent.*

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

1624. Submissions on this section sought:
   a. Retain the provisions[1382]
   b. Delete 33.3.2.4, 33.3.2.5, 33.3.2.6 and 33.3.2.7[1383]
   c. Consequently amend 33.3.2.6[1384]
   d. Delete 33.3.2.3[1385]
   e. Add a new point excluding ONLs and SNAs from 'natural areas' for the purposes of the NESETA 2009[1386].

1625. Our recommendations above in Section 47 means that we consequentially recommend that 33.3.2.4, 33.3.2.6 and 33.3.2.7 be deleted as the provisions they refer to will have been deleted.

1626. Consistent with our approach in other chapters, we recommend this section be renamed as "Interpreting and Applying the Rules".

1627. DoC have sought that the reference to the schedule of SNAs be deleted as it is covered by the policies. We recommend it be moved and become an advice note following Section 33.3.3.

1628. QPL have suggested that 33.3.2.3 should be deleted as the rules cannot apply to unzoned roads. We do not agree with that proposition.. While roads may not have zoning rules applied to them, it is possible for other rules to apply to that land, so long as the PDP explicitly states that they apply. Rule 33.3.2.3 fulfils that role. We recommend it remain.

1629. The submission by Transpower, seeking to avoid the constraints in the NESETA 2009, was discussed by Mr Barr in the Section 42A Report[1387]. He recommended rejecting the submission as ONLs and SNAs appeared to meet the meaning of 'natural areas' in the NESETA 2009.

1630. Ms Craw explained in her evidence[1388] for Transpower that the submission was an attempt to avoid an inconsistency in administration of the PDP. As notified, provision 33.3.4.2 provided an exemption from the indigenous vegetation clearance rules for the operation and maintenance

1382 Submissions 339 and 706 (opposed by FS1162, FS1254)
1383 Submission 373, opposed by FS1254, FS1313, FS1347
1384 Submission 784
1385 Submission 806
1386 Submission 805
1387 C Barr, Section 42A Report
1388 A Craw, EiC, paragraphs 74 to 77

of existing utilities, but under the NESETA 2009, Transpower would require a restricted discretionary activity consent if such work was within an ONL or a SNA.

1631. In her reply, Ms Scott noted that amending the PDP to provide for Transpower to undertake tree trimming/vegetation removal within a SNA as a permitted activity would be *ultra vires* as Section 43B(3) does not allow a rule more lenient that the NESETA.

1632. We accept that is the legal position and recommend the submission be rejected.

1633. Consequently, we recommend that Section 33.3.2 be adopted as shown in Appendix 1.

### 53.3 33.3.4 – Exemptions

1634. We have already dealt with the notified provisions in this section. There were also four submissions seeking additional exemptions be included.

1635. Two submissions[1389] sought an exemption from the clearance of indigenous vegetation rules for the purpose of irrigating new farm areas. We have discussed the issue of irrigation being a form of clearance in some detail above. In addition, we have made various recommendations to the rules around vegetation clearance. Having considered the evidence presented in the light of the various changes we have recommended, we can see no reason why one form of clearance should be given an exemption when other forms of clearance are regulated. We recommend these submissions be rejected.

1636. QPL[1390] sought an exemption from the indigenous vegetation clearance rules for clearance required for the purposes of constructing a gondola linking Remarkables Park, Queenstown Park and the Remarkables ski area. No evidence was provided to establish why such an exemption should be included. In addition, we note that the Stream 13 Hearing Panel is recommending other submissions seeking bespoke provisions for such a gondola be rejected. We note also that the matters of discretion for Passenger Lift Systems located outside of Ski Area Sub-Zones includes: "Ecological values and any proposed ecological mitigation works". We recommend this submission be rejected.

1637. Two submissions[1391] sought an exemption as follows:

*Indigenous vegetation clearance undertaken on land managed under the Conservation Act in accordance with a Conservation Management Strategy or Concession; Under the Land Act, in accordance with a Recreation Permit; or the Reserve Act in accordance with a Reserve Management Strategy.*

1638. Although not a submission on this provision, NZ Ski[1392] sought that a rule be included in Table 4 allowing the clearance of indigenous vegetation in a Ski Area Sub-Zone located on Public Conservation land. The same submission also sought the inclusion of additional policies under Objectives 33.2.3 and 33.2.4 to support this rule.

1639. In his Section 42A Report, Mr Barr recommending rejecting these submissions as he considered such an exemption would not result in the Council fulfilling its functions under Section 31 of the

1389 Submissions 701 (supported by FS1162) and 784
1390 Submission 806
1391 Submissions 610 (supported by FS1229) and 613 (supported by FS1229)
1392 Submission 572, supported by FS1329, FS1330, opposed by FS1080

Act[1393]. Following the partial withdrawal by DoC[1394] of its further submission in opposition to the NZ Ski submission, Mr Barr noted in his Summary of Evidence[1395] that he could support an exemption in relation to Ski Area Sub-Zones on land administered by DoC.

1640. Given Mr Barr's change in position, we asked that he prepare a draft rule which he considered would enable such an exemption. This was provided by Memorandum of Counsel on 16 May 2016[1396]. Counsel advised that the drafted rule did not form part of the Council's position at that time[1397]. The draft rule read as follows:

> *33.3.4.4 Indigenous vegetation clearance within the Ski Area Sub Zones on land administered under the Conservation Act 1987 is exempt from Rules 33.4.1 and 33.4.3 where the relevant approval has been obtained from the Department of Conservation, providing that:*
>
> *a. The indigenous vegetation clearance does not exceed the approval by the Department of Conservation*
>
> *b. Prior to the clearance of indigenous vegetation, persons shall provide to the Council the relevant application and the approval from the Department of Conservation; and*
>
> *c. The Council is satisfied that the additional information submitted to the Department of Conservation adequately identifies the indigenous vegetation to be cleared and the effects of clearance.*

1641. Mr Dent, appearing for NZ Ski Limited[1398], explained in his pre-lodged evidence[1399] the nature of Concessions required from the Department of Conservation for work which involved the clearance of indigenous vegetation at the Remarkables Ski Area Sub-Zone, and that the information requirements and conditions attached to resource consents required from the Council were virtually identical. In his view, there was no greater level of assessment undertaken by the Council and the process resulted in the Council imposing a subset of the Concession conditions. It was his view that, rather than the Council reneging on its statutory responsibilities under the Resource Management Act, the Council should consider, recognise and accept the assessments of biodiversity values undertaken by DoC in issuing concessions.

1642. In his Evidence Summary, Mr Dent raised concerns that the draft rule prepared by Mr Barr created no certainty by requiring material be lodged with the Council for some form of approval[1400]. He considered the rule lodged in the submission to be more appropriate.

1643. In evidence presented on behalf of the Submitters 610 and 613, Mr Ferguson considered that the approvals required under the Conservation Act, the Land Act or the Reserves Act for vegetation clearance for ski areas subject to such legislation, were alternative means able to be

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1393 C Barr, Section 42A Report, paragraph 12.35

1394 Confirmed in an email from Mr Deavoll to the Hearing Administrator dated 21 December 2017

1395 C Barr, Summary of Evidence – Chapter 33, dated 2 May 2016, at paragraph 7

1396 Memorandum of Counsel for Queenstown Lakes District Council Providing Requested Further Information, 16 May 2016

1397 ibid, paragraph 3

1398 Submission 572

1399 S Dent, EiC, page 21

1400 S Dent, Executive Summary of Evidence dated 25 May 2016, paragraphs 1.8 and 1.9

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

1644. Mr Barr confirmed in his Reply Statement that he considered the rule filed on 16 May 2016 to be appropriate without modification[1403]. He also commented on requests made in evidence presented on behalf of Cardrona Alpine Resort Limited[1404] for such an exemption to be provided on private land. We note that while the evidence did allude to incidental clearance of indigenous vegetation occurring due to artificial snow-making and other skiing-related activities, Submission 615 did not seek any changes to Chapter 33.

1645. We agree that there is little to be gained from duplicating the approval process under the Conservation Act with consent requirements under the Resource Management Act in the manner outlined by Mr Dent. No evidence was presented to give us confidence that any approvals required under the Land Act or the Reserves Act would amount to duplication of RMA processes.

1646. We do consider that if reliance to be placed on an approval granted by DoC, the application made and approval granted must be provided to the Council so it has full knowledge of the extent of works and the conditions to be met. We do not, however, consider there should be any requirement to approve such documentation in the manner proposed by Mr Barr. Clause (c) of Mr Barr's draft rule appears to grant the Council a discretion which is not provided for in the Act.

1647. We also find Mr Dent's proposed rule in Table 4 to be problematic. That does not require that any Concession approval be held, or that the Council be informed of the work to undertaken. We also consider the location of a rule permitting something does not fit well in a table setting standards for activities.

1648. Consequently, we recommend that a new permitted activity rule be included in Table 1 which reads:

| | | |
|---|---|---|
| 33.4.5 | Indigenous vegetation clearance within the Ski Area Sub Zones on land administered under the Conservation Act 1987 where the relevant approval has been obtained from the Department of Conservation, providing that:<br>a. The indigenous vegetation clearance does not exceed the approval by the Department of Conservation;<br>b. Prior to the clearance of indigenous vegetation, the Council is provided with the relevant application and approval from the Department of Conservation. | P |

1649. For completeness, as the rule does not exempt the ski field operator from obtaining any approvals, we consider it implements Objective 332.4 and Policy 33.2.4.1. We do not consider the policies sought by NZ Ski Limited should be included as they are unnecessary and as drafted suggest that no approval is required.

1401 C Ferguson, EiC, page 36
1402 Supplementary Legal Submissions dated 25 May 2016
1403 C Barr, Reply Statement, Section 3
1404 Submission 615

## 53.4 33.4 Rules – Clearance of Vegetation

### Table 1

1650. As notified, this table contained three rules which read:

| Table 1 | **Any activity involving the clearance of indigenous vegetation shall be subject to the following rules:** | **Non-Compliance** |
|---|---|---|
| 33.4.1 | The clearance of indigenous vegetation complying with all the standards in Table 2 shall be a permitted activity. | D |
| 33.4.2 | Activities located within Significant Natural Areas that comply with all the standards in Table 3 shall be a permitted activity. | D |
| 33.4.3 | Activities located within alpine environments (any land at an altitude higher than 1070m above sea level) that comply with Table 4 shall be a permitted activity. | D |

1651. The submissions on this table sought:
   a. Delete this table and include non-compliance status in Tables 2, 3 and 4[1405];
   b. Make the non-compliance status for all three rules non-complying[1406];
   c. Retain Rule 33.4.1 as notified[1407];
   d. Retain Rules 33.4.2 and 33.4.3 as notified[1408];
   e. Change the non-compliance status of Rules 33.4.2 and 33.4.3 to non-complying[1409].

1652. In discussing the rules relating specifically to Significant Natural Areas we have also considered the submissions seeking that non-compliance with those rules require a non-complying activity consent[1410]. For the same reasons we consider the non-compliance status for the other standards should remain discretionary.

1653. Turning to the form of this table and those following, we recommend changing Table 1 to a list of activities. We have already recommended that several matters listed as exemptions under notified 33.3.4 be moved into this table as permitted activities. We also recommend that notified Rules 33.4.1, 33.4.2 and 33.4.3 be condensed into a single permitted activity which reads:

| | | |
|---|---|---|
| 33.4.1 | Activities that do not breach any of the Standards in Tables 2 to 4. | P |

1654. We also recommend a column showing the non-compliance of each standard be inserted into Tables 2, 3 and 4. Thus, we recommend Submission 806 be accepted in part.

## 53.5 33.5 Rules – standards for Permitted Activities

1655. We have dealt with Tables 2 and 3 in our earlier discussions.

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1405 Submission 806

1406 Submission 373, opposed by FS1254, FS1313, FS1342, FS1347

1407 Submissions 339, 600 (supported by FS1209, opposed by FS1034) and 706 (opposed by FS1162, FS1254)

1408 Submission 600, supported by FS1209, opposed by FS1034

1409 Submissions 339 (opposed by FS1097, FS1121, FS1340) and 706 (opposed by FS1097, FS1162, FS1254, FS1287, FS1340)

1410 See Section 52.7 above

### 53.6 Table 4 – Activities within Alpine Environments

1656. As notified, this Table read:

| Table 4 | **Activities within Alpine Environments – land 1070 metres above sea level:** |
|---|---|
| 33.5.10 | Does not involve the clearance of indigenous vegetation, the planting of shelterbelts, or any exotic tree or shrub planting. |
| | Clarification: For the purpose of the clearance of indigenous vegetation by way of burning, the altitude limit of 1070 metres shall mean the average maximum altitude of any land to be burnt, averaged over north and south facing slopes |

1657. Submissions on this Table sought:

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

1658. Mr Barr discussed these submission in his Section 42A Report[1415]. He recommended accepting Submissions 373 and 706, and rejecting Submissions 784 and 817. We heard no other specific evidence on this Table and agree with Mr Barr's reasoning. We recommend some slight rewriting of the rule to make it more certain, and renumbering, such that it reads:

| | | |
|---|---|---|
| 33.5.7 | The following rules apply to any land that is higher than 1070 meters above sea level:<br><br>33.5.7.1 indigenous vegetation must not be cleared;<br>33.5.7.2 exotic species must not be planted.<br><br>Except where indigenous vegetation clearance is permitted by Rule 33.4.5<br><br>Clarification: For the purpose of the clearance of indigenous vegetation by way of burning, the altitude limit of 1070 metres means the average maximum altitude of any land to be burnt, averaged over north and south facing slopes | D |

## 54 33.6 RULES – NON-NOTIFICATION OF APPLICATIONS

1659. As notified, this read:

*The provisions of the RMA apply in determining whether an application needs to be processed on a notified basis. No activities or non-compliances with the standards in this chapter have been identified for processing on a non-notified basis.*

1411 Submission 373, opposed by FS1313, FS1347
1412 Submission 817
1413 Submissions 339 and 706 (opposed by FS1091, FS1097, FS1162, FS1254, FS1287)
1414 Submission 784
1415 at paragraphs 12.56 to 12.61

1660. The only submissions on this section sought its retention[1416]. We recommend those submissions be accepted.

## 55 33.8 SCHEDULE OF SIGNIFICANT NATURAL AREAS

1661. We have already dealt with those submissions which sought the deletion of specific SNAs from this schedule. Additional submissions sought:
   a. Retain the schedule[1417];
   b. Combine into a single schedule[1418];
   c. List the Bullock Creek Spring as a SNA[1419];
   d. Only include SNAs where the land owner agrees[1420].

1662. Other than Mr Barr's discussion of these points in his Section 42A Report[1421], and Mr Davis' evidence on Submissions 115 and 260[1422], we heard no evidence on these submissions. In the absence of evidence we are not prepared to recommend any substantive changes to the schedule.

1663. As will be evident from our discussion above of the objective, policies and rules applying to SNAs, we recommend Schedule 33.8 be retained, combined into a single schedule, and renumbered as 33.7.

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## 56 SUMMARY WITH RESPECT TO RULES

1664. We have set out in in full in Appendix 4 the rules we recommend the Council adopt. For all the reasons set out above, we are satisfied that these rules are the most effective and efficient means of implementing the policies so as to achieve the objectives of Chapter 33, and those in the Strategic Directions chapters. Where we have recommended rules not be included, that is because, as our reasons above show, we do not consider them to be efficient or effective.

## 57 SUBMISSIONS ON DEFINITIONS NOT OTHERWISE DEALT WITH

1665. Submissions were made on the definitions of "Nature conservation values" [1423] and "Margin"[1424]. No evidence was presented by the submitters in support of their submissions on these definitions. We note that the Stream 1B Hearing Panel has recommended an amendment to the definition of "Nature conservation values"[1425]. We support the recommendation of that Hearing Panel to the Stream 10 Panel.

1666. We recommend to the Stream 10 Panel that the submissions on "Margin" be rejected.

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1416 Submissions 339 and 706 (opposed by FS1162, FS1254)
1417 Submissions 339 (opposed by FS1097), 373 (opposed by FS1313, FS1347) and 706 (opposed by FS1097, FS1162, FS1254)
1418 Submission 383
1419 Submissions 115 and 260
1420 Submissions 791 and 794
1421 C Barr, Section 42A Report, paragraphs 13.6 to 13.25
1422 G Davis, EiC, paragraphs 8.2 and 8.20
1423 Submissions 243, 339 and 600, 706 and 836
1424 Submissions 339 and 706
1425 Recommendation Report 3, Section 2.3

# PART F: CHAPTER 36 – WILDING EXOTIC TREES

## 58 GENERAL

1667. This chapter is brief and very specific. Rather than consider the submissions provision by provision, it is more sensible to consider the whole chapter as one.

1668. As notified, the Chapter contained one Objective, one Policy and one Rule, as follows:

*34.2.1 Objective - Protect the District's landscape, biodiversity and soil resource values from the spread of wilding exotic trees.*

*Policy*

*34.2.1.1 Avoid the further spread of identified wilding tree species by prohibiting the planting of identified species.*

| Rule | **Table 1: Planting of wilding exotic trees** | **All zones** |
|---|---|---|
| 34.4.1 | Planting of the following:<br>a. Contorta or lodgepole pine (Pinus contorta)<br>b. Radiata Pine (Pinus radiata)<br>c. Scots pine (Pinus sylestris)<br>d. Douglas Fir (Pseudotsuga menziesii)<br>e. European larch (Larix decidua)<br>f. Corsican pine (Pinus nigra)<br>g. Bishops Pine (Pinus muricate)<br>h. Ponderosa Pine (Pinus Ponderosa)<br>i. Mountain Pine (Pinus mugo)<br>j. Maritime Pine (Pinus pinaster)<br>k. Sycamore<br>l. Hawthorn<br>m. Boxthorn | Prohibited<br>No application for resource consent can be accepted. |

1669. The submissions on the Chapter can be broadly classified as follows:

a. Support some or all provisions[1426];
b. Allow some species by application[1427];
c. Include additional species on prohibited list[1428];
d. Refer to effect of wilding pines on water yield[1429];
e. Encourage removal of existing trees[1430];
f. Oppose the provisions[1431].

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1426 Submissions 19, 21, 72 (supported by FS1352), 290, 373 (opposed by FS1347), 600(supported by FS1209, opposed by FS1034), 602, 740 and 817

1427 Submissions 9, 117, 332 (supported by FS1255), 458 (supported by FS1347), 501 (supported by FS1270, opposed by FS1102, FS1289), 600 (supported by FS1209, opposed by FS1034, FS1040), 784 and 829

1428 Submissions 281, 339, 373 (supported by FS1040, opposed by FS1347), 461 and 706 (opposed by FS1091, FS1162)

1429 Submissions 339 (opposed by FS1132) and 706 (opposed by FS1162)

1430 Submission 514

1431 Submissions 386 and 684 (supported by FS1255)

1670. Dr Read described to us the landscape effects of wilding trees[1432]. She considered the most striking effect was the change in character produced, from one radically modified by a thousand years of human intervention, to one which is indistinguishable, to many, from parts of North America or Europe.

1671. Dr Read considered sliver birch should be included in the list of species it was prohibited to plant.

1672. Mr Davis detailed the detrimental impacts of wilding tree species on indigenous ecosystems for us[1433]. He noted that not only can wilding pines, particular Douglas fir, invade and colonise grasslands and tussock land, they can also colonise mountain beech forest.

1673. Mr Barr provided a thorough analysis of the submissions on this chapter, taking into account the expert advice he received from Dr Read and Mr Davis[1434]. Rather than repeat that analysis we confirm that it was helpful and that, subject to some minor adjustments we recommend, we adopt Mr Barr's reasoning.

1674. Of significance was Mr Barr's recommendation to make an exception for radiata pine (*Pinus radiata*) as it has a lower wilding vigour and, in his opinion, could be appropriately managed through the discretion applied through the resource consent process[1435]. As a consequence, he recommended two additional policies to provide foundation for the rule and to guide decision-makers, and a new rule providing for the planting of radiata pine as a discretionary activity. Mr Barr also recommended an additional seven species be added to the prohibited list.

1675. Ms Maturin stated that Forest & Bird's[1436] preference was for radiata pine to remain on the prohibited list because they were concerned about adherence to conditions, particularly where seeds cross land ownership boundaries[1437]. Ms Maturin also submitted that the chapter should contain references to the effect of wilding pines on water yield.

1676. Mr Deavoll, appearing for DoC[1438], considered the prohibited list appropriate and agreed with Mr Barr's recommendation that radiata pine be removed from the prohibited list, but considered it should be a non-complying activity, rather than a discretionary activity[1439].

1677. Mr Williamson, for the Wakatipu Wilding Conifer Control Group[1440], confirmed the group's position that all pinus species should be on the prohibited list. However, he considered that any application for radiata pine, as proposed by Mr Barr, should use a risk calculator[1441].

1678. Ms Brown[1442], in oral submissions, supported Mr Barr's recommendation that radiata pine should be allowed to be planted as a discretionary activity. She noted that pines had been planted in the Upper Clutha for functional purposes: windbreaks and firewood. She considered

1432 Dr M Read, EiC, Section 12
1433 G Davis, EiC, Section 11
1434 C Barr, Section 42A Report
1435 ibid, at paragraph 8.11-8.12
1436 Submission 706
1437 S Maturin, Submissions dated May 2016, at paragraphs 59 to 60
1438 Submission 373
1439 G Deavoll, EiC, at paragraphs 79-81
1440 Submission 740
1441 Oral answers to questions
1442 Submission 332

that planting could be managed in the Upper Clutha, and was not convinced there was a need to prohibit planting any of them.

1679. Finally, Ms Black, appearing for Real Journeys Limited[1443], stated that the company was opposed to Mr Barr's recommendation that radiata pine not be prohibited. While we note her evidence, we also note that there is no record of Real Journeys Ltd lodging a submission or further submission on this chapter.

1680. Mr Barr made no change to his recommendation in his Reply Statement.

1681. On balance, we agree with the recommendations of Mr Barr. However, we also recommend some minor non-substantive changes under Clause 16(2) to ensure consistency of this chapter with other chapters, and also to remove potential ambiguity. Those recommended amendments are:

a. In Section 34.3.1, show chapters not in Stage 1 in italics;
b. Insert the following in a new Section 34.3.2 Interpreting and Applying the Rules:
*The rules in Chapter 34 apply to all parts of the District, including formed and unformed roads, whether zoned or not.*
c. Re-arrange Rule 34.4.1 so that the discretionary activity precedes the prohibited activities;
d. Amend the wording of Section 34.3.3 to read:
*For avoidance of doubt, this rule does not require the felling or removal of any tree identified and scheduled in the District Plan as a protected tree.*

## 59 SUBMISSION ON DEFINITION OF EXOTIC

1682. Two submissions[1444] sought amendment of the definition of "Exotic". We heard no evidence from the submitters in support of the amendments sought. We therefore do not recommend any change and recommend to the Stream 10 Panel that the submissions be rejected.

## 60 CONCLUSION

1683. We have set out in Appendix 5 the recommended objective and policies for Chapter 34. In summary, we regard the objective recommended as being the most appropriate to achieve the purpose of the Act in the context of the issue of wilding trees, while giving effect to, and taking into account, the relevant higher order documents, the Strategic directions chapters and the alternatives open to us. The recommended new or amended policies are, in our view, the most appropriate way to achieve those objectives.

1684. We have also set out in in full in Appendix 5 the rules we recommend the Council adopt. For all the reasons set out above, we are satisfied that these rules are the most effective and efficient means of implementing the policies so as to achieve the objectives of Chapter 34, and those in the Strategic Directions chapters.

[1443] Submission 621, FS1341
[1444] Submissions 339 and 706

# PART G: OVERALL RECOMMENDATION

1685. For the reasons we have set out above, we recommend to the Council that:
   a. Chapter 21, in the form set out in Appendix 1, be adopted;
   b. Chapter 22, in the form set out in Appendix 2, be adopted;
   c. Chapter 23, in the form set out in Appendix 3, be adopted;
   d. Chapter 33, in the form set out in Appendix 4, be adopted;
   e. Chapter 34, in the form set out in Appendix 5, be adopted; and
   f. The relevant submissions and further submissions be accepted, accepted in part or rejected as set out in Appendix 6.

1686. We also recommend to the Stream 10 Hearing Panel that the definitions listed in Appendix 7 be included in Chapter 2 for the reasons set out above.

For the Hearing Panel

Denis Nugent, Chair
Dated: 30 March 2018

Appendix 1: Chapter 21 – Rural Zone as Recommended

# 21 RURAL

QUEENSTOWN LAKES DISTRICT COUNCIL

# 21.1 Zone Purpose

There are four rural zones in the District. The Rural Zone is the most extensive of these. The Gibbston Valley is recognised as a special character area for viticulture production and the management of this area is provided for in Chapter 23: Gibbston Character Zone. Opportunities for rural living activities are provided for in the Rural-Residential and Rural Lifestyle Zones (Chapter 22).

The purpose of the Rural Zone is to enable farming activities and provide for appropriate other activities that rely on rural resources while protecting, maintaining and enhancing landscape values, ecosystem services, nature conservation values, the soil and water resource and rural amenity.

A wide range of productive activities occur in the Rural Zone and because the majority of the District's distinctive landscapes comprising open spaces, lakes and rivers with high visual quality and cultural value are located in the Rural Zone, there also exists a wide range of living, recreation, commercial and tourism activities and the desire for further opportunities for these activities.

Ski Area Sub-Zones are located within the Rural Zone. These Sub-Zones recognise the contribution tourism infrastructure makes to the economic and recreational values of the District. The purpose of the Ski Area Sub-Zones is to enable the continued development of Ski Areas as year round destinations for ski area, tourism and recreational activities within the identified Sub-Zones where the effects of the development are cumulatively minor.

In addition, the Rural Industrial Sub-Zone includes established industrial activities that are based on rural resources or support farming and rural productive activities.

A substantial proportion of the Outstanding Natural Landscapes of the district comprises private land managed in traditional pastoral farming systems. Rural land values tend to be driven by the high landscape and amenity values in the district. The long term sustainability of pastoral farming will depend upon farmers being able to achieve economic returns from utilising the natural and physical resources of their properties. For this reason, it is important to acknowledge the potential for a range of alternative uses of rural properties that utilise the qualities that make them so valuable.

The Rural Zone is divided into two areas. The first being the area for Outstanding Natural Landscapes and Outstanding Natural Features. The second area being the Rural Character Landscape. These areas give effect to Chapter 3 – Strategic Direction: Objectives 3.2.5.1 and 3.2.5.2, and the policies in Chapters 3 and 6 that implement those objectives.

# 21.2 Objectives and Policies

## 21.2.1 Objective - A range of land uses, including farming and established activities, are enabled while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.

Policies

**21.2.1.1** Enable farming activities while protecting, maintaining and enhancing the values of indigenous biodiversity, ecosystem services, recreational values, the landscape and surface of lakes and rivers and their margins.

**21.2.1.2** Allow Farm Buildings associated with landholdings of 100 hectares or more in area while managing effects of the location, scale and colour of the buildings on landscape values.

**21.2.1.3** Require buildings to be set back a minimum distance from internal boundaries and road boundaries in order to mitigate potential adverse effects on landscape character, visual amenity, outlook from neighbouring properties and to avoid adverse effects on established and anticipated activities.

**21.2.1.4** Minimise the dust, visual, noise and odour effects of activities by requiring them to locate a greater distance from formed roads, neighbouring properties, waterbodies and zones that are likely to contain residential and commercial activity.

**21.2.1.5** Have regard to the location and direction of lights so they do not cause glare to other properties, roads, public places or views of the night sky.

**21.2.1.6** Avoid adverse cumulative impacts on ecosystem services and nature conservation values.

**21.2.1.7** Have regard to the spiritual beliefs, cultural traditions and practices of Tangata whenua.

**21.2.1.8** Have regard to fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision and development in the Rural Zone.

**21.2.1.9** Provide adequate firefighting water and fire service vehicle access to ensure an efficient and effective emergency response.

**21.2.1.10** Commercial activities in the Rural Zone should have a genuine link with the rural land or water resource, farming, horticulture or viticulture activities, or recreation activities associated with resources located within the Rural Zone.

**21.2.1.11** Provide for the establishment of commercial, retail and industrial activities only where these would protect, maintain or enhance rural character, amenity values and landscape values.

**21.2.1.12** Encourage production forestry to be consistent with topography and vegetation patterns, to locate outside of the Outstanding Natural Features and Landscapes and outside of significant natural areas, and ensure production forestry does not degrade the landscape character or visual amenity values of the Rural Character Landscape.

**21.2.1.13** Ensure forestry harvesting avoids adverse effects with regards to siltation and erosion and sites are rehabilitated to minimise runoff, erosion and effects on landscape values.

**21.2.1.14** Limit exotic forestry to species that do not have potential to spread and naturalise.

**21.2.1.15** Ensure traffic from new commercial activities does not diminish rural amenity or affect the safe and efficient operation of the roading and trail network, or access to public places.

**21.2.1.16** Provide for a range of activities that support the vitality, use and enjoyment of the Queenstown Trail and Upper Clutha Tracks networks on the basis that landscape and rural amenity is protected, maintained or enhanced and established activities are not compromised.

## 21.2.2 Objective - The life supporting capacity of soils is sustained.

Policies

**21.2.2.1** Allow for the establishment of a range of activities that utilise the soil resource in a sustainable manner.

**21.2.2.2** Maintain the productive potential and soil resource of Rural Zoned land and encourage land management practices and activities that benefit soil and vegetation cover.

**21.2.2.3** Protect the soil resource by controlling activities including earthworks, indigenous vegetation clearance and prohibit the planting and establishment of identified wilding exotic trees with the potential to spread and naturalise.

## 21.2.3 Objective - The life supporting capacity of water is safeguarded through the integrated management of the effects of activities.

**21.2.3.1** In conjunction with the Otago Regional Council, regional plans and strategies:

a. encourage activities that use water efficiently, thereby conserving water quality and quantity;

b. discourage activities that adversely affect the potable quality and life supporting capacity of water and associated ecosystems.

## 21.2.4 Objective - Situations where sensitive activities conflict with existing and anticipated activities are managed to minimise conflict between incompatible land uses.

Policies

**21.2.4.1** New activities must recognise that permitted and established activities in the Rural Zone may result in effects such as odour, noise, dust and traffic generation that are reasonably expected to occur and will be noticeable to residents and visitors in rural areas.

**21.2.4.2** Control the location and type of non-farming activities in the Rural Zone, so as to minimise conflict between permitted and established activities and those that may not be compatible with such activities.

## 21.2.5 Objective - Mineral extraction opportunities are provided for on the basis the location, scale and effects would not degrade amenity, water, wetlands, landscape and indigenous biodiversity values.

Policies

**21.2.5.1** Have regard to the importance and economic value of locally mined high-quality gravel, rock and other minerals including gold and tungsten.

**21.2.5.2** Provide for prospecting and small scale mineral exploration and recreational gold mining as activities with limited environmental impact.

**21.2.5.3** Ensure that during and following the conclusion of mineral extractive activities, sites are progressively rehabilitated in a planned and co-ordinated manner, to enable the establishment of a land use appropriate to the area.

**21.2.5.4** Ensure potentially significant adverse effects of extractive activities (including mineral exploration) are avoided, or remedied particularly where those activities have potential to degrade landscape quality, character and visual amenity, indigenous biodiversity, lakes and rivers, potable water quality and the life supporting capacity of water.

**21.2.5.5** Avoid or mitigate the potential for other land uses, including development of other resources above, or in close proximity to mineral deposits, to adversely affect the extraction of known mineral deposits.

**21.2.5.6** Encourage use of environmental compensation as a means to address unavoidable residual adverse effects from mineral extraction.

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## 21.2.6 Objective - The future growth, development and consolidation of Ski Areas Activities within identified Ski Area Sub-Zones, is provided for, while adverse effects on the environment are avoided, remedied or mitigated.

Policies

**21.2.6.1** Identify Ski Area Sub-Zones and encourage Ski Area Activities and complementary tourism activities to locate and consolidate within the Sub-Zones.

**21.2.6.2** Control the visual impact of roads, buildings and infrastructure associated with Ski Area Activities.

**21.2.6.3** Provide for the continuation of existing vehicle testing facilities within the Waiorau Snow Farm Ski Area Sub-Zone on the basis that the landscape and indigenous biodiversity values are not further degraded.

**21.2.6.4** Provide for appropriate alternative (non-road) means of transport to and within Ski Area Sub-Zones, by way of passenger lift systems and ancillary structures and facilities.

**21.2.6.5** Provide for Ski Area Sub-Zone Accommodation activities within Ski Area Sub-Zones, which are complementary to outdoor recreation activities within the Ski Area Sub-Zone, that can realise landscape and conservation benefits and that avoid, remedy or mitigate adverse effects on the environment.

## 21.2.7 Objective - An area that excludes activities which are sensitive to aircraft noise, is retained within an airport's Outer Control Boundary, to act as a buffer between airports and Activities Sensitive to Aircraft Noise.

Policies

**21.2.7.1** Prohibit all new activities sensitive to aircraft noise on Rural Zoned land within the Outer Control Boundary at Queenstown Airport and Wanaka Airport to avoid adverse effects arising from aircraft operations on future activities sensitive to aircraft noise.

**21.2.7.2** Identify and maintain areas containing activities that are not sensitive to aircraft noise, within an airport's outer control boundary, to act as a buffer between the airport and activities sensitive to aircraft noise.

**21.2.7.3** Retain open space within the outer control boundary of airports in order to provide a buffer, particularly for safety and noise purposes, between the airport and other activities.

**21.2.7.4** Require as necessary mechanical ventilation for any alterations or additions to Critical Listening Environment within any existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary and require sound insulation and mechanical ventilation for any alterations or additions to Critical Listening Environment within any existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary.

## 21.2.8 Objective - Subdivision, use and development in areas that are unsuitable due to identified constraints not addressed by other provisions of this Plan, is avoided, or the effects of those constraints are remedied or mitigated.

Policies

**21.2.8.1** Prevent subdivision and development within the building restriction areas identified on the District Plan maps, in particular:

a. in the Glenorchy area, protect the heritage value of the visually sensitive Bible Face landform from building and development and to maintain the rural backdrop that the Bible Face provides to the Glenorchy Township;

b. in Ferry Hill, within the building line restriction identified on the planning maps.

## 21.2.9 Objective - Provision for diversification of farming and other rural activities that protect landscape and natural resource values and maintains the character of rural landscapes.

**21.2.9.1** Encourage revenue producing activities that can support the long-term sustainability of the rural areas of the district and that maintain or enhance landscape values and rural amenity.

**21.2.9.2** Ensure that revenue producing activities utilise natural and physical resources (including existing buildings) in a way that maintains and enhances landscape quality, character, rural amenity, and natural resources

**21.2.9.3** Provide for the establishment of activities such as tourism, commercial recreation or visitor accommodation located within farms where these enable landscape values and indigenous biodiversity to be sustained in the longer term.

## 21.2.10 Objective – Commercial Recreation in the Rural Zone is of a nature and scale that is commensurate to the amenity values of the location.

Policies

**21.2.10.1** The group size of commercial recreation activities will be managed so as to be consistent with the level of amenity anticipated in the surrounding environment.

**21.2.10.2** To manage the adverse effects of commercial recreation activities so as not to degrade rural quality or character or visual amenities and landscape values.

**21.2.10.3** To avoid, remedy or mitigate any adverse effects commercial activities may have on the range of recreational activities available in the District and the quality of the experience of the people partaking of these opportunities.

**21.2.10.4** To ensure the scale and location of buildings, noise and lighting associated with commercial recreation activities are consistent with the level of amenity existing and anticipated in the surrounding environment.

## 21.2.11 Objective - The location, scale and intensity of informal airports is managed to maintain amenity values while protecting informal airports from incompatible land uses.

Policies

**21.2.11.1** Ensure informal airports are located, operated and managed so as to maintain the surrounding rural amenity.

**21.2.11.2** Protect rural amenity values, and amenity of other zones from the adverse effects that can arise from informal airports.

**21.2.11.3** Protect lawfully established and anticipated permitted informal airports from the establishment of incompatible activities in the immediate vicinity.

## 21.2.12 Objective - The natural character of lakes and rivers and their margins is protected, maintained or enhanced, while providing for appropriate activities on the surface of lakes and rivers, including recreation, commercial recreation and public transport.

Policies

**21.2.12.1** Have regard to statutory obligations, wāhi Tūpuna and the spiritual beliefs, and cultural traditions of tangata whenua where activities are undertaken on the surface of lakes and rivers and their margins.

**21.2.12.2** Enable people to have access to a wide range of recreational experiences on the lakes and rivers, based on the identified characteristics and environmental limits of the various parts of each lake and river.

**21.2.12.3** Avoid or mitigate the adverse effects of frequent, large-scale or intrusive commercial activities such as those with high levels of noise, vibration, speed and wash, in particular motorised craft, in areas of high passive recreational use, significant nature conservation values and wildlife habitat.

**21.2.12.4** Have regard to the whitewater values of the District's rivers and, in particular, the values of parts of the Kawarau, Nevis and Shotover Rivers as three of the few remaining major unmodified whitewater rivers in New Zealand, and to support measures to protect this characteristic of rivers.

**21.2.12.5** Protect, maintain or enhance the natural character and nature conservation values of lakes, rivers and their margins from inappropriate activities with particular regard to nesting and spawning areas, the intrinsic value of ecosystem services and areas of indigenous fauna habitat and recreational values.

**21.2.12.6** Recognise and provide for the maintenance and enhancement of public access to and enjoyment of the margins of the lakes and rivers.

**21.2.12.7** Ensure that the location, design and use of structures and facilities are such that any adverse effects on visual qualities, safety and conflicts with recreational and other activities on the lakes and rivers are avoided, remedied or mitigated.

**21.2.12.8** Encourage development and use of water based public ferry systems including necessary infrastructure and marinas, in a way that avoids adverse effects on the environment as far as possible, or where avoidance is not practicable, remedies and mitigates such adverse effects.

**21.2.12.9** Take into account the potential adverse effects on nature conservation values from the boat wake of commercial boating activities, having specific regard to the intensity and nature of commercial jet boat activities and the potential for turbidity and erosion.

**21.2.12.10** Ensure that the nature, scale and number of commercial boating operators and/or commercial boats on waterbodies do not exceed levels such that the safety of passengers and other users of the water body cannot be assured.

### 21.2.13 Objective - Rural industrial activities and infrastructure within the Rural Industrial Sub-Zones will support farming and rural productive activities, while protecting, maintaining and enhancing rural character, amenity and landscape values.

Policies

**21.2.13.1** Provide for rural industrial activities and buildings within established nodes of industrial development while protecting, maintaining and enhancing landscape and amenity values.

**21.2.13.2** Provide for limited retail and administrative activities within the Rural Industrial Sub-Zone on the basis it is directly associated with and ancillary to the Rural Industrial Activity on the site.

# 21.3 Other Provisions and Rules

## 21.3.1 District Wide

Attention is drawn to the following District Wide chapters.

| | | | | | |
|---|---|---|---|---|---|
| 1 | Introduction | 2 | Definitions | 3 | Strategic Direction |
| 4 | Urban Development | 5 | Tangata Whenua | 6 | Landscapes and Rural Character |
| *25* | *Earthworks* | 26 | Historic Heritage | 27 | Subdivision |
| 28 | Natural Hazards | *29* | *Transport* | 30 | Energy and Utilities |
| *31* | *Signs* | 32 | Protected Trees | 33 | Indigenous Vegetation |
| 34 | Wilding Exotic Trees | 35 | Temporary Activities and Relocated Buildings | 36 | Noise |
| 37 | Designations | | Planning Maps | | |

## 21.3.2 Interpreting and Applying the Rules

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

**21.3.2.2** Where an activity does not comply with a Standard listed in the Standards tables, the activity status identified by the 'Non-Compliance Status' column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.

**21.3.2.3** For controlled and restricted discretionary activities, the Council shall restrict the exercise of its control or discretion to the matters listed in the rule.

**21.3.2.4** Development and building activities are undertaken in accordance with the conditions of resource subdivision consent and may be subject to monitoring by the Council.

**21.3.3.5** The existence of a farm building either permitted or approved by resource consent under Rule 21.4.2 or Table 5 – Standards for Farm Buildings shall not be considered the permitted baseline for residential or other non-farming activity development within the Rural Zone.

**21.3.3.6** The Ski Area and Rural Industrial Sub-Zones, being Sub-Zones of the Rural Zone, require that all rules applicable to the Rural Zone apply unless stated to the contrary.

**21.3.2.7** Building platforms identified on a site's computer freehold register shall have been registered as part of a resource consent approval by the Council.

**21.3.2.8** The surface and bed of lakes and rivers are zoned Rural, unless otherwise stated.

**21.3.2.9** Internal alterations to buildings including the replacement of joinery is permitted.

**21.3.2.10** These abbreviations are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

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

## 21.3.3 Advice Notes

**21.3.3.1** Compliance with any of the following standards, in particular the permitted standards, does not absolve any commitment to the conditions of any relevant resource consent, consent notice or covenant registered on the computer freehold register of any property.

**21.3.3.2** In addition to any rules for mining, the Otago Regional Plan: Water, also has rules related to suction dredge mining.

**21.3.3.3** Applications for building consent for permitted activities shall include information to demonstrate compliance with the following standards, and any conditions of the applicable resource consent conditions.

# 21.4 Rules - Activities

All activities, including any listed permitted activities shall be subject to the rules and standards contained in Tables 1 to 15.

Table 1 – Activities Generally

Table 2 – Standards Applying Generally in the Zone

Table 3 – Standards for Farm Activities (additional to those in Table 2)

Table 4 – Standards for Structures and Buildings (other than Farm Buildings) (additional to those in Table 2)

Table 5 – Standards for Farm Buildings (additional to those in Table 2)

Table 6 – Standards for Commercial Activities (additional to those in Table 2)

Table 7– Standards for Informal Airports (additional to those in Table 2)

Table 8 – Standards for Mining and Extraction Activities (additional to those in Table 2)

Table 9 – Activities in the Ski Area Sub-Zone (additional to those listed in Table 1)

Table 10 - Activities in Rural Industrial Sub-Zone (additional to those listed in Table 1)

Table 11 – Standards for Rural Industrial Sub-Zone

Table 12– Activities on the Surface of Lakes and Rivers

Table 13 – Standards for Activities on the Surface of Lakes and Rivers

Table 14 – Closeburn Station Activities

Table 15 – Closeburn Station: Standards for Buildings and Structures

| | **Table 1 - Activities - Rural Zone** | **Activity Status** |
|---|---|---|
| | **Farming Activities** | |
| **21.4.1** | Farming Activity that complies with the standards in Table 2 and Table 3. | P |
| **21.4.2** | Construction of or addition to farm buildings that comply with the standards in Table 5. | P |
| **21.4.3** | Factory Farming limited to factory farming of pigs or poultry that complies with the standards in Table 2 and Table 3. | P |
| **21.4.4** | Factory Farming animals other than pigs or poultry. | NC |
| | **Residential Activities** | |
| **21.4.5** | One residential unit, which includes a single residential flat for each residential unit and any other accessory buildings, within any building platform approved by resource consent. | P |
| **21.4.6** | The construction and exterior alteration of buildings located within a building platform approved by resource consent, or registered on the applicable computer freehold register, subject to compliance with the standards in Table 2 and Table 4. | P |
| **21.4.7** | The exterior alteration of any lawfully established building where there is not an approved building platform on the site, subject to compliance with the standards in Table 2 and Table 4. | P |

| | Table 1 - Activities - Rural Zone | Activity Status |
|---|---|---|
| **21.4.8** | Domestic Livestock. | P |
| **21.4.9** | The use of land or buildings for residential activity except as provided for in any other rule. | D |
| **21.4.10** | The identification of a building platform not less than 70m$^2$ and not greater than 1000m$^2$. | D |
| **21.4.11** | The construction of any building including the physical activity associated with buildings including roading, access, lighting, landscaping and earthworks, not provided for by any other rule. | D |
| | **Commercial Activities** | |
| **21.4.12** | Home Occupation that complies with the standards in Table 6. | P |
| **21.4.13** | Commercial recreational activities that comply with the standards in Table 6. | P |
| **21.4.14** | Roadside stalls that meet the standards in Table 6. | P |
| **21.4.15** | | |
| **21.4.16** | Retail sales of farm and garden produce and wine grown, reared or produced on-site or handicrafts produced on the site and that comply with the standards in Table 6, not undertaken through a roadside stall under Rule 21.4.14.<br>Control is reserved to:<br>a. the location of the activity and buildings;<br>b. vehicle crossing location, car parking;<br>c. rural amenity and landscape character. | C |
| **21.4.17** | Commercial activities ancillary to and located on the same site as commercial recreational or recreational activities. | D |
| **21.4.18** | Cafes and restaurants located in a winery complex within a vineyard. | D |
| **21.4.19** | Visitor Accommodation outside of a Ski Area Sub-Zone. | D |
| **21.4.20** | Forestry Activities within the Rural Character Landscapes. | D |
| **21.4.21** | **Retail Sales**<br>Retail sales where the access is onto a State Highway, with the exception of the activities provided for by Rule 21.4.14 or Rule 21.4.16. | NC |
| | **Other Activities** | |
| **21.4.22** | Recreation and/or Recreational Activity. | P |
| **21.4.23** | Informal Airports that comply with Table 7. | P |

| | Table 1 - Activities - Rural Zone | Activity Status |
|---|---|---|
| **21.4.24** | **Passenger Lift Systems not located within a Ski Area Sub-Zone**<br>Discretion is restricted to:<br>a. the impact on landscape values from any alignment, earthworks, design and surface treatment, including measures to mitigate landscape effects including visual quality and amenity values;<br>b. the route alignment and the whether any system or access breaks the line and form of skylines, ridges, hills and prominent slopes;<br>c. earthworks associated with construction of the Passenger Lift System;<br>d. the materials used, colours, lighting and light reflectance;<br>e. geotechnical matters;<br>f. ecological values and any proposed ecological mitigation works.;<br>g. balancing environmental considerations with operational requirements of Ski Area Activities;<br>h. the positive effects arising from providing alternative non-vehicular access and linking Ski Area Sub-Zones to the roading network. | RD |
| **21.4.25** | Ski Area Activities not located within a Ski Area Sub-Zone, with the exception of:<br>a. non-commercial skiing which is permitted as recreation activity under Rule 21.4.22;<br>b. commercial heli skiing not located within a Ski Area Sub-Zone is a commercial recreation activity and Rule 21.4.13 applies;<br>c. Passenger Lift Systems to which Rule 21.4.24 applies. | NC |
| **21.4.26** | Any building within a Building Restriction Area identified on the Planning Maps. | NC |
| | **Activities within the Outer Control Boundary at Queenstown Airport and Wanaka Airport** | |
| **21.4.27** | **New Building Platforms and Activities Sensitive to Aircraft Noise within the Outer Control Boundary - Wanaka Airport**<br>On any site located within the Outer Control Boundary, any new activity sensitive to aircraft noise or new building platform to be used for an activity sensitive to aircraft noise (except an activity sensitive to aircraft noise located on a building platform approved before 20 October 2010). | PR |
| **21.4.28** | **Activities Sensitive to Aircraft Noise within the Outer Control Boundary - Queenstown Airport**<br>On any site located within the Outer Control Boundary, which includes the Air Noise Boundary, as indicated on the District Plan Maps, any new Activity Sensitive to Aircraft Noise. | PR |
| | **Mining Activities** | |
| **21.4.29** | The following mining and extraction activities that comply with the standards in Table 8 are permitted:<br>a. mineral prospecting;<br>b. mining by means of hand-held, non-motorised equipment and suction dredging, where the total motive power of any dredge does not exceed 10 horsepower (7.5 kilowatt); and<br>c. the mining of aggregate for farming activities provided the total volume does not exceed 1000$m^3$ in any one year. | P |

| | Table 1 - Activities - Rural Zone | Activity Status |
|---|---|---|
| **21.4.30** | Mineral exploration that does not involve more than $20m^3$ in volume in any one hectare<br>Control is reserved to:<br>a. the adverse effects on landscape, nature conservation values and water quality;<br>b. ensuring rehabilitation of the site is completed that ensures:<br>i. the long-term stability of the site;<br>ii. that the landforms or vegetation on finished areas are visually integrated into the landscape;<br>iii. water quality is maintained;<br>iv. that the land is returned to its original productive capacity;<br>c. that the land is rehabilitated to indigenous vegetation where the pre-existing land cover immediately prior to the exploration, comprised indigenous vegetation as determined utilising Section 33.3.3 of Chapter 33. | C |
| **21.4.31** | Any mining activity or mineral prospecting other than provided for in Rules 21.4.29 and 21.4.30. | D |
| | **Industrial Activities outside the Rural Industrial Sub-Zone** | |
| **21.4.32** | Industrial Activities directly associated with wineries and underground cellars within a vineyard. | D |
| **21.4.33** | Industrial Activities outside the Rural Industrial Sub-Zone other than those provided for by Rule 21.4.32. | NC |
| | **Default Activity Status When Not Listed** | |
| **21.4.34** | Any activity not otherwise provided for in Tables 1, 9, 10, 12 or 14. | NC |

# 21.5 Rules - General Standards

| Table 2 | Table 2 - Standards Applying Generally in the Zone.<br>The following standards apply to any of the activities described in Tables 1, 9, 10, 12 and 14 in addition to the specific standards in Tables 3- 8, 11, 13 and 15 unless otherwise stated. | Non- compliance Status |
|---|---|---|
| **21.5.1** | **Setback from Internal Boundaries**<br>The setback of any building from internal boundaries shall be 15m.<br>Except this rule shall not apply within the Rural Industrial Sub-Zone. Refer to Table 11. | RD<br>Discretion is restricted to:<br>a. rural amenity and landscape character;<br>b. privacy, outlook and amenity from adjoining properties. |
| **21.5.2** | **Setback from Roads**<br>The setback of any building from a road boundary shall be 20m, except, the minimum setback of any building from State Highway 6 between Lake Hayes and the Shotover River shall be 50m. The minimum setback of any building for other sections of State Highway 6 where the speed limit is 70 km/hr or greater shall be 40m. | RD<br>Discretion is restricted to:<br>a. rural Amenity and landscape character;<br>b. open space;<br>c. the adverse effects on the proposed activity from noise, glare and vibration from the established road. |
| **21.5.3** | **Setback from Neighbours of Buildings Housing Animals**<br>The setback from internal boundaries for any building housing animals shall be 30m. | RD<br>Discretion is restricted to:<br>a. odour;<br>b. noise;<br>c. dust;<br>d. vehicle movements. |
| **21.5.4** | **Setback of buildings from Water bodies**<br>The minimum setback of any building from the bed of a wetland, river or lake shall be 20m. | RD<br>Discretion is restricted to:<br>a. indigenous biodiversity values;<br>b. visual amenity values;<br>c. landscape and natural character;<br>d. open space;<br>e. whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the adverse effects of the location of the building. |

| Table 2 | **Table 2 - Standards Applying Generally in the Zone.**<br>The following standards apply to any of the activities described in Tables 1, 9, 10, 12 and 14 in addition to the specific standards in Tables 3- 8, 11, 13 and 15 unless otherwise stated. | Non- compliance Status |
|---|---|---|
| **21.5.5** | **Airport Noise – Wanaka Airport**<br>Alterations or additions to existing buildings, or construction of a building on a building platform approved before 20 October 2010, that contain an Activity Sensitive to Aircraft Noise and are within the Outer Control Boundary, must be designed to achieve an internal design sound level of 40 dB Ldn, based on the 2036 noise contours, at the same time as meeting the ventilation requirements in Rule 36.6.2, Chapter 36. Compliance can either be demonstrated by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the internal design sound level, or by installation of mechanical ventilation to achieve the requirements in Rule 36.6.2, Chapter 36. | NC |
| **21.5.6** | **Airport Noise – Alteration or Addition to Existing Buildings (excluding any alterations of additions to any non-critical listening environment) within the Queenstown Airport Noise Boundaries**<br>a. Within the Queenstown Airport Air Noise Boundary (ANB) - Alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise must be designed to achieve an Indoor Design Sound Level of 40 dB Ldn, within any Critical Listening Environment, based on the 2037 Noise Contours. Compliance must be demonstrated by either adhering to the sound insulation requirements in Rule 36.6.1 of Chapter 36 and installation of mechanical ventilation to achieve the requirements in Rule 36.6.2 of Chapter 36, or by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level with the windows open.<br>b. Between the Queenstown Airport Outer Control Boundary and the ANB – Alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise must be designed to achieve an Indoor Design Sound Level of 40 dB Ldn within any Critical Listening Environment, based on the 2037 Noise Contours. Compliance must be demonstrated by either installation of mechanical ventilation to achieve the requirements in Rule 36.6.2 of Chapter 36 or by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level with the windows open.<br>Standards (a) and (b) exclude any alterations or additions to any non-critical listening environment. | NC |
| **21.5.7** | **Lighting and Glare**<br>**21.5.7.1** All fixed exterior lighting must be directed away from adjoining sites and roads; and<br>**21.5.7.2** No activity on any site will result in greater than a 3.0 lux spill (horizontal and vertical) of light onto any other site measured at any point inside the boundary of the other site, provided that this rule shall not apply where it can be demonstrated that the design of adjacent buildings adequately mitigates such effects.<br>**21.5.7.3** There must be no upward light spill. | NC |

# 21.6 Rule - Standards for Farm Activities

| | Table 3 – Standards for Farm Activities.<br><br>The following standards apply to Farm Activities. | Non-Compliance Status |
|---|---|---|
| **21.6.1** | **Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing)**<br><br>All effluent holding tanks, effluent treatment and effluent storage ponds, must be located at least 300 metres from any formed road or adjoining property. | RD<br><br>Discretion is restricted to:<br><br>a. odour;<br><br>b. visual prominence;<br><br>c. landscape character;<br><br>d. effects on surrounding properties. |
| **21.6.2** | **Factory Farming (excluding the boarding of animals)**<br><br>Factory farming (excluding the boarding of animals) must be located at least 2 kilometres from a Residential, Rural Residential, Rural Lifestyle, Town Centre, Local Shopping Centre Zone, Millbrook Resort Zone, Waterfall Park Zone or Jacks Point Zone. | D |
| **21.6.3** | **Factory Farming of Pigs**<br><br>**21.6.3.1** The number of housed pigs must not exceed 50 sows or 500 pigs of mixed ages;<br><br>**21.6.3.2** Housed pigs must not be located closer than 500m from a property boundary;<br><br>**21.6.3.4** The number of outdoor pigs must not exceed 100 pigs and their progeny up to weaner stage;<br><br>**21.6.3.5** Outdoor sows must be ringed at all times; and/or<br><br>**21.6.3.6** The stocking rate of outdoor pigs must not exceed 15 pigs per hectare, excluding progeny up to weaner stage. | NC |
| **21.6.4** | **Factory farming of poultry**<br><br>**21.6.4.1** The number of birds must not exceed 10,000 birds.<br><br>**21.6.4.2** Birds must be housed at least 300m from a site boundary. | NC |

# 21.7 Rules - Standards for Buildings

| | Table 4 – Standards for Structures and Buildings<br>The following standards apply to structures and buildings, other than Farm Buildings. | Non-Compliance Status |
|---|---|---|
| **21.7.1** | **Structures**<br>Any structure which is greater than 5 metres in length, and between 1 metre and 2 metres in height must be located a minimum distance of 10 metres from a road boundary, except for:<br>**21.7.1.1** Post and rail, post and wire and post and mesh fences, including deer fences;<br>**21.7.1.2** Any structure associated with farming activities as defined in this plan. | RD<br>Discretion is restricted to:<br>a. effects on landscape character, views and amenity, particularly from public roads;<br>b. the materials used, including their colour, reflectivity and permeability;<br>c. whether the structure will be consistent with traditional rural elements. |
| **21.7.2** | **Buildings**<br>Any building, including any structure larger than 5m$^2$, that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building, are subject to the following:<br>All exterior surfaces* must be coloured in the range of browns, greens or greys, including;<br>**21.7.2.1** Pre-painted steel and all roofs must have a light reflectance value not greater than 20%; and<br>**21.7.2.2** All other surface ** finishes except for schist, must have a light reflectance value of not greater than 30%.<br>**21.7.2.3** In the case of alterations to an existing building not located within a building platform, it does not increase the ground floor area by more than 30% in any ten year period.<br>Except this rule does not apply within the Ski Area Sub-Zones.<br>* Excludes soffits, windows and skylights (but not glass balustrades).<br>** Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed by the Council to be suitably recessive and have the same effect as achieving a light reflectance value of 30%. | RD<br>Discretion is restricted to:<br>a. external appearance;<br>b. visual prominence from both public places and private locations;<br>c. landscape character;<br>d. visual amenity. |

| | **Table 4 – Standards for Structures and Buildings**<br>The following standards apply to structures and buildings, other than Farm Buildings. | **Non-Compliance Status** |
|---|---|---|
| **21.7.3** | **Building size**<br>The ground floor area of any building must not exceed 500m$^2$.<br>Except this rule does not apply to buildings specifically provided for within the Ski Area Sub-Zones. | RD<br>Discretion is restricted to:<br>a. external appearance;<br>b. visual prominence from both public places and private locations;<br>c. landscape character;<br>d. visual amenity;<br>e. privacy, outlook and amenity from adjoining properties. |
| **21.7.4** | **Building Height**<br>The maximum height shall be 8m. | RD<br>Discretion is restricted to:<br>a. rural amenity and landscape character;<br>b. privacy, outlook and amenity from adjoining properties;<br>c. visual prominence from both public places and private locations. |
| **21.7.5** | **Fire Fighting water and access**<br>All new buildings, where there is no reticulated water supply or any reticulated water supply is not sufficient for fire-fighting water supply, must make the following provision for fire-fighting:<br>**21.7.5.1** A water supply of 45,000 litres and any necessary couplings.<br>**21.7.5.2** A hardstand area adjacent to the firefighting water supply capable of supporting fire service vehicles.<br>**21.7.5.3** Firefighting water connection point within 6m of the hardstand, and 90m of the dwelling.<br>**21.7.5.4** Access from the property boundary to the firefighting water connection capable of accommodating and supporting fire service vehicles. | RD<br>Discretion is restricted to:<br>a. the extent to which SNZ PAS 4509: 2008 can be met including the adequacy of the water supply;<br>b. the accessibility of the firefighting water connection point for fire service vehicles;<br>c. whether and the extent to which the building is assessed as a low fire risk. |

# 21.8 Rules - Standards for Farm Buildings

| | **Table 5 - Standards for Farm Buildings**<br>The following standards apply to Farm Buildings. | **Non-compliance Status** |
|---|---|---|
| **21.8.1** | **Construction, Extension or Replacement of a Farm Building**<br>The construction, replacement or extension of a farm building is a permitted activity subject to the following standards:<br>**21.8.1.1** The landholding the farm building is located within must be greater than 100ha; and<br>**21.8.1.2** The density of all buildings on the landholding, inclusive of the proposed building(s) must not exceed one farm building per 50 hectares; and<br>**21.8.1.3** The farm building must not be located within or on an Outstanding Natural Feature (ONF); and<br>**21.8.1.4** If located within the Outstanding Natural Landscape (ONL) the farm building must not exceed 4 metres in height and the ground floor area must not exceed 100m$^2$; and<br>**21.8.1.5** The farm building must not be located at an elevation exceeding 600 masl; and<br>**21.8.1.6** If located within the Rural Character Landscape (RCL), the farm building must not exceed 5m in height and the ground floor area must not exceed 300m$^2$; and<br>**21.8.1.7** Farm buildings must not protrude onto a skyline or above a terrace edge when viewed from adjoining sites, or formed roads within 2km of the location of the proposed building. | RD<br>Discretion is restricted to:<br>a. the extent to which the scale and location of the Farm Building is appropriate in terms of:<br>i. rural amenity values;<br>ii. landscape character;<br>iii. privacy, outlook and rural amenity from adjoining properties;<br>iv. visibility, including lighting. |
| **21.8.2** | **Exterior colours of farm buildings**<br>**21.8.2.1** All exterior surfaces, except for schist, must be coloured in the range of browns, greens or greys (except soffits).<br>**21.8.2.2** Pre-painted steel, and all roofs must have a reflectance value not greater than 20%.<br>**21.8.2.3** Surface finishes, except for schist, must have a reflectance value of not greater than 30%. | RD<br>Discretion is restricted to:<br>a. external appearance;<br>b. visual prominence from both public places and private locations;<br>c. landscape character.;<br>d. visual amenity. |

| | Table 5 - Standards for Farm Buildings<br>The following standards apply to Farm Buildings. | Non-compliance Status |
|---|---|---|
| **21.8.3** | **Building Height**<br>The height of any farm building must not exceed 10m. | RD<br>Discretion is restricted to:<br>a. rural amenity values;<br>b. landscape character;<br>c. privacy, outlook and amenity from adjoining properties. |
| **21.8.4** | **Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing)**<br>All milking sheds or buildings used to house, or feed milking stock must be located at least 300 metres from any adjoining property, lake, river or formed road. | D |

# 21.9 Rules - Standards for Commercial Activities

| | Table 6 - Standards for Commercial Activities | Non-compliance Status |
|---|---|---|
| **21.9.1** | Commercial recreational activities must be undertaken on land, outdoors and must not involve more than 12 persons in any one group. | D |
| **21.9.2** | **Home Occupation**<br>**21.9.2.1** The maximum net floor area of home occupation activities must not exceed 150m$^2$.<br>**21.9.2.2** Goods materials or equipment must not be stored outside a building.<br>**21.9.2.3** All manufacturing, altering, repairing, dismantling or processing of any goods or articles must be carried out within a building. | RD<br>Discretion is restricted to:<br>a. the nature, scale and intensity of the activity in the context of the surrounding rural area;<br>b. visual amenity from neighbouring properties and public places;<br>c. noise, odour and dust;<br>d. the extent to which the activity requires a rural location because of its link to any rural resource in the Rural Zone;<br>e. access safety and transportation effects. |

| | Table 6 - Standards for Commercial Activities | Non-compliance Status |
|---|---|---|
| **21.9.3** | **Roadside Stalls**<br><br>**21.9.3.1** The ground floor area of the roadside stall must not exceed $5m^2$;<br><br>**21.9.3.2** The height must not exceed $2m^2$;<br><br>**21.9.3.3** The minimum sight distance from the roadside stall access must be at least 200m;<br><br>**21.9.3.4** The roadside stall must not be located on legal road reserve. | D |
| **21.9.4** | **Retail Sales**<br><br>Buildings that have a gross floor area that is greater than $25m^2$ to be used for retail sales identified in Table 1 must be setback from road boundaries by at least 30m. | RD<br><br>Discretion is restricted to:<br><br>a. landscape character and visual amenity;<br><br>b. access safety and transportation effects;<br><br>c. on-site parking. |

# 21.10 Rules - Standards for Informal Airports

| | Table 7 - Standards for Informal Airports | Non-compliance Status |
|---|---|---|
| **21.10.1** | **Informal Airports Located on Public Conservation and Crown Pastoral Land**<br><br>Informal airports that comply with the following standards shall be permitted activities:<br><br>**21.10.1.1** Informal airports located on Public Conservation Land where the operator of the aircraft is operating in accordance with a Concession issued pursuant to Section 17 of the Conservation Act 1987.<br><br>**21.10.1.2** Informal airports located on Crown Pastoral Land where the operator of the aircraft is operating in accordance with a Recreation Permit issued pursuant to Section 66A of the Land Act 1948.<br><br>**21.10.1.3** Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities, or the Department of Conservation or its agents.<br><br>**21.10.1.4** In relation to Rules 21.10.1.1 and 21.10.1.2, the informal airport shall be located a minimum distance of 500 metres from any other zone or the notional boundary of any residential unit or approved building platform not located on the same site. | D |

| | Table 7 - Standards for Informal Airports | Non-compliance Status |
|---|---|---|
| **21.10.2** | **Informal Airports Located on other Rural Zoned Land**<br>Informal Airports that comply with the following standards shall be permitted activities:<br>**21.10.2.1** Informal airports on any site that do not exceed a frequency of use of 2 flights* per day;<br>**21.10.2.2** Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities;<br>**21.10.2.3** In relation to point Rule 21.10.2.1, the informal airport shall be located a minimum dis-tance of 500 metres from any other zone or the notional boundary of any residential unit of building platform not located on the same site.<br>* note for the purposes of this Rule a flight includes two aircraft movements i.e. an arrival and departure. | D |

# 21.11 Rules - Standards for Mining

| | Table 8 – Standards for Mining and Extraction Activities | non-compliance Status |
|---|---|---|
| **21.11.1** | **21.11.1.1** The activity will not be undertaken on an Outstanding Natural Feature.<br>**21.11.1.2** The activity will not be undertaken in the bed of a lake or river. | NC |

# 21.12 Rules - Ski Area and Sub-Zone

| | Table 9 - Activities in the Ski Area Sub-Zone<br>Additional to those activities listed in Table 1. | Activity Status |
|---|---|---|
| **21.12.1** | **Ski Area Activities** | P |
| **21.12.2** | **Construction, relocation, addition or alteration of a building**<br>Control is reserved to:<br>a. location, external appearance and size, colour, visual dominance;<br>b. associated earthworks, access and landscaping;<br>c. provision of water supply, sewage treatment and disposal, electricity and communication services (where necessary);<br>d. lighting. | C |

| | **Table 9 - Activities in the Ski Area Sub-Zone**<br>Additional to those activities listed in Table 1. | **Activity Status** |
|---|---|---|
| **21.12.3** | **Passenger Lift Systems**<br>Control is reserved to:<br>a. the extent to which the passenger lift system breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes;<br>b. whether the materials and colour to be used are consistent with the rural landscape of which passenger lift system will form a part;<br>c. the extent of any earthworks required to construct the passenger lift system, in terms of the limitations set out in Chapter 25 Earthworks;<br>d. balancing environmental considerations with operational characteristics. | C |
| **2112.4** | **Night lighting**<br>Control is reserved to:<br>a. hours of operation;<br>b. duration and intensity;<br>c. impact on surrounding properties. | C |
| **21.12.5** | **Vehicle Testing**<br>In the Waiorau Snow Farm Ski Area Activity Sub-Zone; the construction of access ways and tracks associated with the testing of vehicles, their parts and accessories.<br>Control is reserved to:<br>a. gravel and silt run off;<br>b. stormwater, erosion and siltation;<br>c. the sprawl of tracks and the extent to which earthworks modify the landform;<br>d. stability of over-steepened embankments. | C |
| **21.12.6** | **Retail activities ancillary to Ski Area Activities**<br>Control is reserved to:<br>a. location;<br>b. hours of operation with regard to consistency with ski-area activities;<br>c. amenity effects, including loss of remoteness or isolation;<br>d. traffic congestion, access and safety;<br>e. waste disposal;<br>f. cumulative effects. | C |

| | Table 9 - Activities in the Ski Area Sub-Zone<br>Additional to those activities listed in Table 1. | Activity Status |
|---|---|---|
| **21.12.7** | **Ski Area Sub-Zone Accommodation**<br>Comprising a duration of stay of up to 6 months in any 12-month period and including worker accommodation.<br>Discretion is restricted to:<br>a. scale and intensity and whether these would have adverse effects on amenity, including loss of remoteness or isolation;<br>b. location, including whether that because of the scale and intensity the visitor accommodation should be located near the base building area (if any);<br>c. parking;<br>d. provision of water supply, sewage treatment and disposal;<br>e. cumulative effects;<br>f. natural hazards. | RD |
| **21.12.8** | Earthworks, buildings and infrastructure within the No Building and Earthworks Line in the Remarkables Ski Area Sub-Zone | PR |

# 21.13 Rules - Activities in Rural Industrial Sub-Zone

| | Table 10 – Activities in Rural Industrial Sub-Zone<br>Additional to those activities listed in Table 1. | Activity Status |
|---|---|---|
| **21.13.1** | Retail activities within the Rural Industrial Sub-Zone that involve the sale of goods produced, processed or manufactured on site or ancillary to Rural Industrial activities that comply with Table 11. | P |
| **21.13.2** | Administrative offices ancillary to and located on the same site as Rural Industrial activities being undertaken within the Rural Industrial Sub-Zone that comply with Table 11. | P |
| **21.13.3** | Rural Industrial Activities within a Rural Industrial Sub-Zone that comply with Table 11. | P |
| **21.13.4** | Buildings for Rural Industrial Activities within the Rural Industrial Sub-Zone that comply with Table 11. | P |

# 21.14 Rules - Standards for Activities within Rural Industrial Sub-Zone

| | **Table 11 – Standards for activities within the Rural Industrial Sub Zone**<br>These Standards apply to activities listed in Table 1 and Table 10. | **Non-Compliance Status** |
|---|---|---|
| **21.14.1** | **Buildings**<br>Any building, including any structure larger than 5m², that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building are subject to the following:<br>All exterior surface must be coloured in the range of browns, greens or greys (except soffits), including;<br>**21.15.1.1** Pre-painted steel and all roofs must have a reflectance value not greater than 20%; and,<br>**21.15.1.2** All other surface finishes must have a reflectance value of not greater than 30%. | RD<br>Discretion is restricted to:<br>a. external appearance;<br>b. visual prominence from both public places and private locations;<br>c. landscape character. |
| **21.14.2** | **Building size**<br>The ground floor area of any building must not exceed 500m². | RD<br>Discretion is restricted to:<br>a. external appearance;<br>b. visual prominence from both public places and private locations;<br>c. visual amenity;<br>d. privacy, outlook and amenity from adjoining properties. |
| **21.14.3** | **Building Height**<br>The height for of any industrial building must not exceed 10m. | RD<br>Discretion is restricted to:<br>a. rural amenity and landscape character;<br>b. privacy, outlook and amenity from adjoining properties. |

| | Table 11 – Standards for activities within the Rural Industrial Sub Zone<br>These Standards apply to activities listed in Table 1 and Table 10. | Non-Compliance Status |
|---|---|---|
| **21.14.4** | **Setback from Sub-Zone Boundaries**<br>The minimum setback of any building within the Rural Industrial Sub-Zone shall be 10m from the Sub-Zone boundaries. | RD<br>Discretion is restricted to:<br>a. the requirement for landscaping to act as a buffer between the Rural Industrial Sub-Zone and neighbouring properties and whether there is adequate room for landscaping within the reduced setback;<br>b. rural amenity and landscape character;<br>c. Privacy, outlook and amenity from adjoining properties. |
| **21.14.5** | **Retail Activities**<br>Retail activities including the display of items for sale must be undertaken within a building and must not exceed 10% of the building's total floor area. | NC |

# 21.15 Rules - Activities on the Surface of Lakes and Rivers

| | Table 12 - Activities on the Surface of Lakes and Rivers | Activity Status |
|---|---|---|
| **21.15.1** | Activities on the surface of lakes and river not otherwise controlled or restricted by rules in Table 14. | P |
| **21.15.2** | **Motorised Recreational and Commercial Boating Activities**<br>The use of motorised craft for the purpose of emergency search and rescue, hydrological survey, public scientific research, resource management monitoring or water weed control, or for access to adjoining land for farming activities. | P |

| | Table 12 - Activities on the Surface of Lakes and Rivers | Activity Status |
|---|---|---|
| **21.15.3** | **Motorised Recreational Boating Activities**<br>Hawea River, motorised recreational boating activities on no more than six (6) days in each year subject to the following conditions:<br>a. at least four (4) days of such activity are to be in the months January to April, November and December;<br>b. the Jet Boat Association of New Zealand ("JBANZ") (JBANZ or one of the Otago and Southland Branches as its delegate) administers the activity on each day;<br>c. the prior written approval of Central Otago Whitewater Inc is obtained if that organisation is satisfied that none of its member user groups are organising activities on the relevant days; and<br>d. JBANZ gives two (2) calendar months written notice to the Council's Harbour-Master of both the proposed dates and the proposed operating schedule;<br>e. the Council's Harbour-Master satisfies himself that none of the regular kayaking, rafting or other whitewater (non-motorised) river user groups or institutions (not members of Central Otago Whitewater Inc) were intending to use the Hawea River on that day, and issues an approved operating schedule;<br>f. JBANZ carries out, as its expense, public notification on two occasions 14 and 7 days before the proposed jet boating;<br>g. public notification for the purposes of (f) means a public notice with double-size font heading in both the Otago Daily Times and the Southland Times, and written notices posted at the regular entry points to the Hawea River. | P |
| **21.15.4** | **Jetboat Race Events**<br>Jetboat Race Events on the Clutha River, between the Lake Outlet boat ramp and the Albert Town road bridge not exceeding 6 race days in any calendar year.<br>Control is reserved to:<br>a. the date, time, duration and scale of the jetboat race event, including its proximity to other such events, such as to avoid or mitigate adverse effects on residential and recreational activities in the vicinity;<br>b. the adequacy of public notice of the event;<br>c. public safety. | C |
| **21.15.5** | | |

| | Table 12 - Activities on the Surface of Lakes and Rivers | Activity Status |
|---|---|---|
| **21.15.6** | **Jetties and Moorings in the Frankton Arm**<br>Jetties and moorings in the Frankton Arm, identified as the area located to the east of the Outstanding Natural Landscape line as shown on the District Plan Maps.<br>Discretion is restricted to:<br>a. whether they are dominant or obtrusive elements in the shore scape or lake view, particularly when viewed from any public place, including whether they are situated in natural bays and not headlands;<br>b. whether the structure causes an impediment to craft manoeuvring and using shore waters.<br>c. the degree to which the structure will diminish the recreational experience of people using public areas around the shoreline;<br>d. the effects associated with congestion and clutter around the shoreline. Including whether the structure contributes to an adverse cumulative effect;<br>e. whether the structure will be used by a number and range of people and craft, including the general public;<br>f. the degree to which the structure would be compatible with landscape and amenity values, including colour, materials, design. | RD |
| **21.15.7** | **Structures and Moorings**<br>Subject to Rule 21.15.8 any structure or mooring that passes across or through the surface of any lake or river or is attached to the bank of any lake and river, other than where fences cross lakes and rivers. | D |
| **21.15.8** | **Structures and Moorings**<br>Any structures or mooring that passes across or through the surface of any lake or river or attached to the bank or any lake or river in those locations on the District Plan Maps where such structures or moorings are shown as being non-complying. | NC |
| **21.15.9** | **Motorised and non-motorised Commercial Boating Activities**<br>Except where otherwise limited by a rule in Table 12.<br>Note: Any person wishing to commence commercial boating activities could require a concession under the QLDC Navigation Safety Bylaw. There is an exclusive concession currently granted to a commercial boating operator on the Shotover River between Edith Cavell Bridge and Tucker Beach until 1 April 2009 with four rights of renewal of five years each. | D |

| | Table 12 - Activities on the Surface of Lakes and Rivers | Activity Status |
|---|---|---|
| **21.15.10** | **Motorised Recreational and Commercial Boating Activities**<br>The use of motorised craft on the following lakes and rivers is prohibited except as provided for under Rules 21.15.2 or 21.15.3.<br>**21.15.10.1** Hawea River.<br>**21.15.10.2** Lake Hayes - Commercial boating activities only.<br>**21.15.10.3** Any tributary of the Dart and Rees rivers (except the Beansburn and Rockburn tributaries of the Dart River) or upstream of Muddy Creek on the Rees River.<br>**21.15.10.4** Young River or any tributary of the Young or Wilkin Rivers and any other tributaries of the Makarora River.<br>**21.15.10.5** Dingle Burn and Timaru Creek.<br>**21.15.10.6** The tributaries of the Hunter River.<br>**21.15.10.7** Hunter River during the months of May to October inclusive.<br>**21.15.10.8** Motatapu River.<br>**21.15.10.9** Any tributary of the Matukituki River.<br>**21.15.10.10** Clutha River - More than six jet boat race days per year as allowed by Rule 21.15.4. | PR |

# 21.16 Rules - Standards for Surface of Lakes and Rivers

| | Table 13 - Standards for Surface of Lakes and Rivers<br>These Standards apply to the Activities listed in Table 12. | Non-Compliance Status |
|---|---|---|
| **21.16.1** | **Boating craft used for Accommodation**<br>Boating craft on the surface of the lakes and rivers may be used for accommodation, providing that:<br>**21.16.1.1** The craft must only be used for overnight recreational accommodation; and<br>**21.16.1.2** The craft must not be used as part of any commercial activity; and<br>**21.16.1.3** All effluent must be contained on board the craft and removed ensuring that no effluent is discharged into the lake or river. | NC |

| | Table 13 - Standards for Surface of Lakes and Rivers<br>These Standards apply to the Activities listed in Table 12. | Non-Compliance Status |
|---|---|---|
| **21.16.2** | **Jetties and Moorings in the Frankton Arm**<br>Jetties and moorings in the Frankton Arm, identified as the area located to the east of the Outstanding Natural Landscape line as shown on the District Plan Maps.<br>No new jetty within the Frankton Arm identified as the area east of the Outstanding Natural Landscape Line shall:<br>**21.16.2.1** Be closer than 200 metres to any existing jetty;<br>**21.16.2.2** Exceed 20 metres in length;<br>**21.16.2.3** Exceed four berths per jetty, of which at least one berth is available to the public at all times;<br>**21.16.2.4** Be constructed further than 200 metres from a property in which at least one of the registered owners of the jetty resides. | NC |
| **21.16.3** | The following activities are subject to compliance with the following standards:<br>**21.16.3.1** Kawarau River, Lower Shotover River downstream of Tucker Beach and Lake Wakatipu within Frankton Arm - Commercial motorised craft, other than public transport ferry activities, may only operate between the hours of 0800 to 2000.<br>**21.16.3.2** Lake Wanaka, Lake Hawea and Lake Wakatipu - Commercial jetski operations must only be undertaken between the hours of 0800 to 2100 on Lakes Wanaka and Hawea and 0800 and 2000 on Lake Wakatipu.<br>**21.16.3.3** Dart and Rees Rivers - Commercial motorised craft must only operate between the hours of 0800 to 1800, except that above the confluence with the Beansburn on the Dart River commercial motorised craft must only operate between the hours of 1000 to 1700.<br>**21.16.3.4** Dart River – The total number of commercial motorised boating activities must not exceed 26 trips in any one day. No more than two commercial jet boat operators may operate upstream of the confluence of the Beansburn, other than for tramper and angler access only. | NC |

# 21.17 Rules - Closeburn Station Activities

| | Table 14 - Closeburn Station: Activities | Activity |
|---|---|---|
| **21.17.1** | The construction of a single residential unit and any accessory building(s) within lots 1 to 6, 8 to 21 DP 26634 located at Closeburn Station.<br>Control is reserved to:<br>a. external appearances and landscaping, with regard to conditions 2.2(a), (b), (e) and (f) of resource consent RM950829;<br>b. associated earthworks, lighting, access and landscaping;<br>c. provision of water supply, sewage treatment and disposal, electricity and telecommunications services. | C |

# 21.18 Rules - Closeburn Station Standards

| | Table 15 - Closeburn Station: Standards for Buildings and Structures | Non-compliance Status |
|---|---|---|
| **21.18.1** | **Setback from Internal Boundaries**<br>**21.18.1.1** The minimum setback from internal boundaries for buildings within lots 1 to 6 and 8 to 21 DP 26634 at Closeburn Station shall be 2 metres.<br>**21.18.1.2** There shall be no minimum setback from internal boundaries within lots 7 and 22 to 27 DP300573 at Closeburn Station. | D |
| **21.18.2** | **Building Height**<br>**21.18.2.1** The maximum height of any building, other than accessory buildings, within Lots 1 and 6 and 8 to 21 DP 26634 at Closeburn Station shall be 7m.<br>**21.18.2.2** The maximum height of any accessory building within Lots 1 to 6 and 8 to 21 DP 26634 at Closeburn Station shall be 5m.<br>**21.18.2.4** The maximum height of any building within Lot 23 DP 300573 at Closeburn Station shall be 5.5m.<br>**21.18.2.5** The maximum height of any building within Lot 24 DP 300573 at Closeburn Station shall be 5m. | NC |

| | Table 15 - Closeburn Station: Standards for Buildings and Structures | Non-compliance Status |
|---|---|---|
| **21.18.3** | **Residential Density**<br>In the Rural Zone at Closeburn Station, there shall be no more than one residential unit per allotment (being lots 1-27 DP 26634); excluding the large rural lots (being lots 100 and 101 DP 26634) held in common ownership. | NC |
| **21.18.4** | **Building Coverage**<br>In lots 1-27 at Closeburn Station, the maximum residential building coverage of all activities on any site shall be 35%. | NC |

# 21.19

# 21.20 Rules Non-Notification of Applications

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

**21.20.1** Controlled activity retail sales of farm and garden produce and handicrafts grown or produced on site **(Rule 21.4.16),** except where the access is onto a State highway.

**21.20.2** Controlled activity mineral exploration **(Rule 21.4.30)**.

**21.20.3** Controlled activity buildings at Closeburn Station **(Rule 21.17.1)**.

# 21.21 Assessment Matters (Landscape)

## 21.21.1 Outstanding Natural Features and Outstanding Natural Landscapes (ONF and ONL).

The assessment matters set out below are derived from Policies 3.3.30, 6.3.10 and 6.3.12 to 6.3.18 inclusive. Applications shall be considered with regard to the following assessment matters:

**21.21.1.1** In applying the assessment matters, the Council will work from the presumption that in or on Outstanding Natural Features and Landscapes, the applicable activities are inappropriate in almost all locations and that successful applications will be exceptional cases where the landscape or feature can absorb the change and where the buildings and structures and associated roading and boundary changes are reasonably difficult to see from beyond the boundary of the site the subject of application.

**21.21.1.2** Existing vegetation that:

a. was either planted after, or, self-seeded and less than 1 metre in height at 28 September 2002; and,

b. obstructs or substantially interferes with views of the proposed development from roads or other public places, shall not be considered:

i. as beneficial under any of the following assessment matters unless the Council considers the vegetation (or some of it) is appropriate for the location in the context of the proposed development; and

ii. as part of the permitted baseline.

**21.21.1.3** Effects on landscape quality and character

In considering whether the proposed development will maintain or enhance the quality and character of Outstanding Natural Features and Landscapes, the Council shall be satisfied of the extent to which the proposed development will affect landscape quality and character, taking into account the following elements:

a. physical attributes:

i. geological, topographical, geographic elements in the context of whether these formative processes have a profound influence on landscape character;

ii. vegetation (exotic and indigenous);

iii. the presence of waterbodies including lakes, rivers, streams, wetlands.

b. visual attributes:

   i. legibility or expressiveness – how obviously the feature or landscape demonstrates its formative processes;

   ii. aesthetic values including memorability and naturalness;

   iii. transient values including values at certain times of the day or year;

   iv. human influence and management – settlements, land management patterns, buildings, roads.

c. Appreciation and cultural attributes:

   i. Whether the elements identified in (a) and (b) are shared and recognised;

   ii. Cultural and spiritual values for tangata whenua;

   iii. Historical and heritage associations.

   The Council acknowledges that Tangata Whenua beliefs and values for a specific location may not be known without input from iwi.

d. In the context of (a) to (c) above, the degree to which the proposed development will affect the existing landscape quality and character, including whether the proposed development accords with or degrades landscape quality and character, and to what degree.

e. any proposed new boundaries will not give rise to artificial or unnatural lines (such as planting and fence lines) or otherwise degrade the landscape character.

**21.21.1.4** Effects on visual amenity

In considering whether the potential visibility of the proposed development will maintain and enhance visual amenity, values the Council shall be satisfied that:

a. the extent to which the proposed development will not be visible or will be reasonably difficult to see when viewed from public roads and other public places. In the case of proposed development in the vicinity of unformed legal roads, the Council shall also consider present use and the practicalities and likelihood of potential use of unformed legal roads for vehicular and/or pedestrian, cycling, equestrian and other means of access;

b. the proposed development will not be visually prominent such that it detracts from public or private views of and within Outstanding Natural Features and Landscapes;

c. the proposal will be appropriately screened or hidden from view by elements that are in keeping with the character of the landscape;

d. the proposed development will not reduce the visual amenity values of the wider landscape (not just the immediate landscape);

e. structures will not be located where they will break the line and form of any ridges, hills and slopes;

f. any roads, access, lighting, earthworks and landscaping will not reduce the visual amenity of the landscape.

**21.21.1.5** Design and density of Development

In considering the appropriateness of the design and density of the proposed development, whether and to what extent:

a. opportunity has been taken to aggregate built development to utilise common access ways including roads, pedestrian linkages, services and open space (ie. open space held in one title whether jointly or otherwise);

b. there is merit in clustering the proposed building(s) or building platform(s) within areas that are least sensitive to change;

c. development, including access, is located within the parts of the site where it would be least visible from public and private locations;

d. development, including access, is located in the parts of the site where it has the least impact on landscape character.

**21.21.1.6** Cumulative effects of subdivision and development on the landscape

Taking into account whether and to what extent existing, consented or permitted development (including unimplemented but existing resource consent or zoning) may already have degraded:

a. the landscape quality or character; or,

b. the visual amenity values of the landscape.

The Council shall be satisfied the proposed development, in combination with these factors will not further adversely affect the landscape quality, character, or visual amenity values.

## 21.21.2 Rural Character Landscape (RCL)

The assessment matters below have been derived from Policies 3.3.32, 6.3.10 and 6.3.19 to 6.3.29 inclusive. Applications shall be considered with regard to the following assessment matters because in the Rural Character Landscapes the applicable activities are unsuitable in many locations.

**21.21.2.1** Existing vegetation that:

a. was either planted after, or, self seeded and less than 1 metre in height at 28 September 2002; and,

b. obstructs or substantially interferes with views of the proposed development from roads or other public places, shall not be considered:

i. as beneficial under any of the following assessment matters unless the Council considers the vegetation (or some of it) is appropriate for the location in the context of the proposed development; and

ii. as part of the permitted baseline.

**21.21.2.2** Effects on landscape quality and character:

The following shall be taken into account:

a. where the site is adjacent to an Outstanding Natural Feature or Landscape, whether and the extent to which the proposed development will adversely affect the quality and character of the adjacent Outstanding Natural Feature or Landscape;

b. whether and the extent to which the scale and nature of the proposed development will degrade the quality and character of the surrounding Rural Character Landscape;

c. whether the design and any landscaping would be compatible with or would enhance the quality and character of the Rural Character Landscape.

**21.21.2.3** Effects on visual amenity:

Whether the development will result in a loss of the visual amenity of the Rural Character Landscape, having regard to whether and the extent to which:

a. the visual prominence of the proposed development from any public places will reduce the visual amenity of the Rural Character Landscape. In the case of proposed development which is visible from unformed legal roads, regard shall be had to the frequency and intensity of the present use and, the practicalities and likelihood of potential use of these unformed legal roads as access;

b. the proposed development is likely to be visually prominent such that it detracts from private views;

c. any screening or other mitigation by any proposed method such as earthworks and/or new planting will detract from or obstruct views of the Rural Character Landscape from both public and private locations;

d. the proposed development is enclosed by any confining elements of topography and/or vegetation and the ability of these elements to reduce visibility from public and private locations;

e. any proposed roads, boundaries and associated planting, lighting, earthworks and landscaping will reduce visual amenity, with particular regard to elements which are inconsistent with the existing natural topography and patterns;

f. boundaries follow, wherever reasonably possible and practicable, the natural lines of the landscape or landscape units.

**21.21.2.4** Design and density of development:

In considering the appropriateness of the design and density of the proposed development, whether and to what extent:

a. opportunity has been taken to aggregate built development to utilise common access ways including roads, pedestrian linkages, services and open space (ie. open space held in one title whether jointly or otherwise);

b. there is merit in clustering the proposed building(s) or building platform(s) having regard to the overall density and intensity of the proposed development and whether this would exceed the ability of the landscape to absorb change;

c. development, including access, is located within the parts of the site where they will be least visible from public and private locations;

d. development, including access, is located in the parts of the site where they will have the least impact on landscape character.

**21.21.2.5** Tangata Whenua, biodiversity and geological values:

a. whether and to what extent the proposed development will degrade Tangata Whenua values including Töpuni or nohoanga, indigenous biodiversity, geological or geomorphological values or features and, the positive effects any proposed or existing protection or regeneration of these values or features will have.

The Council acknowledges that Tangata Whenua beliefs and values for a specific location may not be known without input from iwi.

**21.21.2.6** Cumulative effects of development on the landscape:

Taking into account whether and to what extent any existing, consented or permitted development (including unimplemented but existing resource consent or zoning) has degraded landscape quality, character, and visual amenity values. The Council shall be satisfied;

a. the proposed development will not further degrade landscape quality, character and visual amenity values, with particular regard to situations that would result in a loss of valued quality, character and openness due to the prevalence of residential or non-farming activity within the Rural Landscape.

b. where in the case resource consent may be granted to the proposed development but it represents a threshold to which the landscape could absorb any further development, whether any further cumulative adverse effects would be avoided by way of imposing a covenant, consent notice or other legal instrument that maintains open space.

## 21.21.3 Other factors and positive effects, applicable in all the landscape categories (ONF, ONL and RCL)

**21.21.3.1** In the case of a proposed residential activity or specific development, whether a specific building design, rather than nominating a building platform, helps demonstrate whether the proposed development is appropriate.

**21.21.3.2** Other than where the proposed development is a subdivision and/or residential activity, whether the proposed development, including any buildings and the activity itself, are consistent with rural activities or the rural resource and would maintain or enhance the quality and character of the landscape.

**21.21.3.3** In considering whether there are any positive effects in relation to the proposed development, or remedying or mitigating the continuing adverse effects of past subdivision or development, the Council shall take the following matters into account:

a. whether the proposed subdivision or development provides an opportunity to protect the landscape from further development and may include open space covenants or esplanade reserves;

b. whether the proposed subdivision or development would enhance the character of the landscape, or protects and enhances indigenous biodiversity values, in particular the habitat of any threatened species, or land environment identified as chronically or acutely threatened on the Land Environments New Zealand (LENZ) threatened environment status;

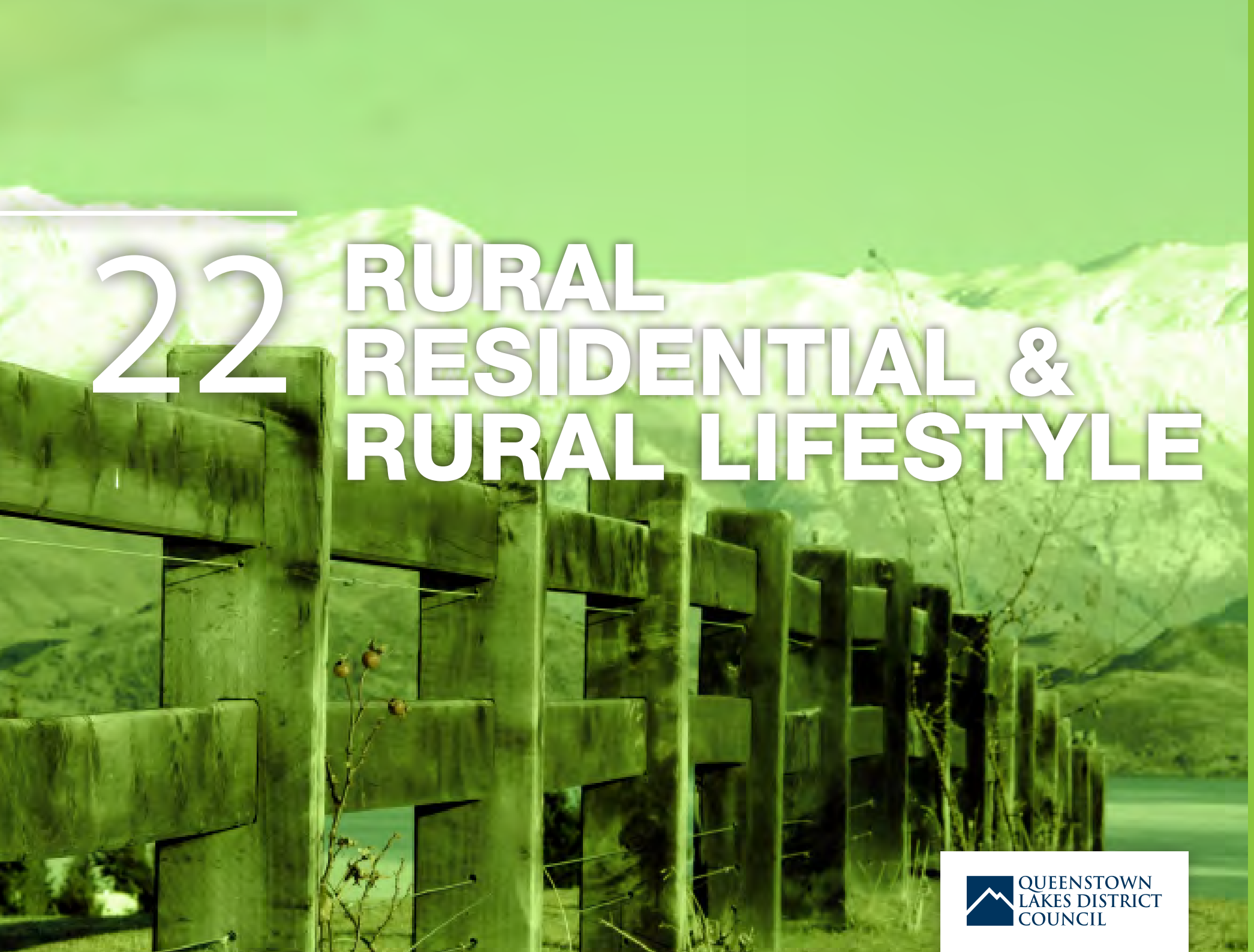
c. any positive effects including environmental compensation, easements for public access such as walking, cycling or bridleways or access to lakes, rivers or conservation areas;

d. any opportunities to retire marginal farming land and revert it to indigenous vegetation;

e. where adverse effects cannot be avoided, mitigated or remedied, the merits of any compensation;

f. whether the proposed development assists in retaining the land use in low intensity farming where that activity maintains the valued landscape character.

Appendix 2: Chapter 22 – Rural Residential and Rural Lifestyle Zones as Recommended



# 22 RURAL RESIDENTIAL & RURAL LIFESTYLE

QUEENSTOWN LAKES DISTRICT COUNCIL

# 22.1 Zone Purpose

There are four rural zones in the District. The Rural Zone is the most extensive of these. The Gibbston Valley is recognised as a special character area for viticulture production and the management of this area is provided for in Chapter 23: Gibbston Character Zone. Opportunities for rural living activities are provided for in the Rural-Residential and Rural Lifestyle Zones.

The Rural Residential and Rural Lifestyle zones provide residential living opportunities on the periphery of urban areas and within specific locations amidst the Rural Zone. In both zones a minimum allotment size is necessary to maintain the character and quality of the zones and the open space, rural and natural landscape values of the surrounding Rural Zone.

While development is anticipated in the Rural Residential and Rural Lifestyle zones, the district is subject to natural hazards and, where applicable, it is anticipated that development will recognise and manage the risks of natural hazards at the time of subdivision or the identification of building platforms.

## Rural Residential Zone

The Rural Residential zone generally provides for development at a density of up to one residence every 4000m$^2$. Some Rural Residential areas are located within visually sensitive landscapes. Additional provisions apply to development in some areas to enhance landscape values, indigenous vegetation, the quality of living environments within the zone and to manage the visual effects of the anticipated development from outside the zone, particularly from surrounding rural areas, lakes and rivers. The potential adverse effects of buildings are controlled by bulk and location, colour and lighting standards and, where required, design and landscaping controls imposed at the time of subdivision.

## Rural Lifestyle Zone

The Rural Lifestyle zone provides for rural living opportunities with an overall density of one residential unit per two hectares across a subdivision. Building platforms are identified at the time of subdivision to manage the sprawl of buildings, manage adverse effects on landscape values and to manage other identified constraints such as natural hazards and servicing. The potential adverse effects of buildings are controlled by height, colour and lighting standards.

Many of the Rural Lifestyle zones are located within sensitive parts of the district's distinctive landscapes. While residential development is anticipated within these zones, provisions are included to manage the visual prominence of buildings, control residential density and generally discourage commercial activities. Building location is controlled by the identification of building platforms, bulk and location standards and, where required, design and landscaping controls imposed at the time of subdivision.

The Deferred Rural Lifestyle (Buffer) zone east of Dalefield Road places limits on the expansion of rural lifestyle development at that location.

The 'Hawthorn Triangle' Rural Lifestyle Zone bordered by Speargrass Flat, Lower Shotover and Domain Roads defines an existing settlement of properties. The adjoining Rural Lifestyle zoned areas within the Wakatipu Basin identify the potential for further limited residential development, within the density limits set out in the provisions[1].

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

# 22.2 Objectives and Policies

## 22.2.1 Objective - The District's landscape quality, character and amenity values are maintained and enhanced while enabling rural living opportunities in areas that can absorb development.

Policies

**22.2.1.1** Ensure the visual prominence of buildings is avoided, remedied or mitigated particularly development and associated earthworks on prominent slopes, ridges and skylines.

**22.2.1.2** Set density and building coverage standards in order to maintain rural living character and amenity values and the open space and rural qualities of the District's landscapes.

**22.2.1.3** Allow for flexibility of the density provisions, where design-led and innovative patterns of subdivision and residential development, roading and planting would enhance the character and amenity values of the zone and the District's landscapes.

**22.2.1.4** Manage anticipated activities that are located near Outstanding Natural Features and Outstanding Natural Landscapes so that they do not diminish the qualities of these landscapes and their importance as part of the District's landscapes.

**22.2.1.5** Maintain and enhance landscape values and amenity values within the zones by controlling the colour, scale, location and height of permitted buildings and in certain locations or circumstances require landscaping and vegetation controls.

**22.2.1.6** Lights be located and directed so as to avoid glare to other properties, roads, and other public places and to avoid degradation of views of the night sky.

**22.2.1.7** Have regard to fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision, development and any landscaping.

**22.2.1.8** Provide adequate firefighting water and fire service vehicle access to ensure an efficient and effective emergency response.

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## 22.2.2 Objective - The predominant land uses within the Rural Residential and Rural Lifestyle Zones are rural and residential activities.

Policies

**22.2.2.1** Enable residential and farming activities in both zones, and provide for community and visitor accommodation activities which, in terms of location, scale and type, community are compatible with and enhance the predominant activities of the relevant zone.

**22.2.2.2** Any development, including subdivision located on the periphery of residential and township areas, shall avoid undermining the integrity of the urban rural edge and where applicable, the urban growth boundaries.

**22.2.2.3** Discourage commercial, community and other non-residential activities, including restaurants, visitor accommodation and industrial activities, that would diminish amenity values and the quality and character of the rural living environment.

**22.2.2.4** The bulk, scale and intensity of buildings used for visitor accommodation activities are to be commensurate with the anticipated development of the zone and surrounding residential activities.

## 22.2.3 Objective - New development does not exceed available capacities for servicing and infrastructure.

Policies

**22.2.3.1** Discourage new development that requires servicing and infrastructure at a cost to the community.

**22.2.3.2** Ensure traffic generated by new development does not compromise road safety or efficiency.

## 22.2.4 Objective - Sensitive activities conflicting with existing and anticipated rural activities are managed.

Policies

**22.2.4.1** Recognise existing and permitted activities, including activities within the surrounding Rural Zone might result in effects such as odour, noise, dust and traffic generation that are established, or reasonably expected to occur and will be noticeable to residents and visitors in rural areas.

## 22.2.5 Objective - Bob's Cove Rural Residential Sub-Zone - Residential Development is comprehensively-planned with ample open space and a predominance of indigenous vegetation throughout the zone.

**22.2.5.1** Ensure at least 75% of the zone is retained as undomesticated area and at least 50% of this area is established and maintained in indigenous species such that total indigenous vegetation cover is maintained over that area.

**22.2.5.2** Ensure there is open space in front of buildings that remains generally free of vegetation to avoid disrupting the open pastoral character of the area and the lake and mountain views.

### 22.2.6 Objective - Bob's Cove Rural Residential Zone - The ecological and amenity values of the Bob's Cove Rural Residential zone are maintained and enhanced.

**22.2.6.1** To ensure views of Lake Wakatipu and the surrounding landforms from the Glenorchy-Queenstown Road are retained through appropriate landscaping and the retention of view shafts.

**22.2.6.2** To ensure the ecological and amenity values of Bob's Cove are retained and, where possible, enhanced through:

a. appropriate landscaping using native plants;

b. restricting the use of exotic plants;

c. removing wilding species;

d. providing guidance on the design and colour of buildings;

e. maintaining view shafts from the Queenstown-Glenorchy Road.

# 22.3 Other Provisions and Rules

## 22.3.1 District Wide

Attention is drawn to the following District Wide chapters.

| | | | | | |
|---|---|---|---|---|---|
| 1 | Introduction | 2 | Definitions | 3 | Strategic Direction |
| 4 | Urban Development | 5 | Tangata Whenua | 6 | Landscapes and Rural Character |
| *25* | *Earthworks* | 26 | Historic Heritage | 27 | Subdivision |
| 28 | Natural Hazards | *29* | *Transport* | 30 | Energy and Utilities |
| *31* | *Signs* | 32 | Protected Trees | 33 | Indigenous Vegetation |
| 34 | Wilding Exotic Trees | 35 | Temporary Activities and Relocated Buildings | 36 | Noise |
| 37 | Designations | | Planning Maps | | |

## 22.3.2 Interpreting and Applying the Rules

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

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

**22.3.2.3** Compliance with any of the following standards, in particular the permitted standards, does not absolve any commitment to the conditions of any relevant land use consent, consent notice or covenant registered on the site's computer freehold register.

**22.3.2.4** Development and building activities are to be undertaken in accordance with the conditions of resource and subdivision consent and may be subject to monitoring by the Council.

**22.3.2.5** Applications for building consent for permitted activities shall include information to demonstrate compliance with the following standards, and any conditions of the applicable resource consent or subdivision.

**22.3.2.6** For controlled and restricted discretionary activities, the Council shall restrict the exercise of its control and discretion to the matters listed in the rule.

**22.3.2.7** Building platforms identified on a site's computer freehold register must have been registered as part of a resource consent approval by the Council.

**22.3.2.8** Sub-Zones, being a subset of the respective Rural Residential and Rural Lifestyle zones require that all rules applicable to the respective zone apply, unless specifically stated to the contrary.

**22.3.2.9** In addition to Tables 1 and 2, the following standards apply to the areas specified:

Table 3: Rural Residential Zone at Forest Hill.

Table 4: Rural Residential Bob's Cove and Sub Zone.

Table 5: Rural Residential Zone at Camp Hill.

Table 6: Wyuna Station Rural Lifestyle Zone.

**22.3.2.10** These abbreviations are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

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

## 22.3.3 Exemptions

**22.3.3.1** The standards pertaining to the colours and materials of buildings in Table 2 do not apply to soffits or, doors that are less than 1.8m wide.

**22.3.3.2** Internal alterations to buildings including the replacement of joinery is permitted.

# 22.4 Rules - Activities

| | Table 1: Activities - Rural Residential and Rural Lifestyle Zones | Activity Status |
|---|---|---|
| **22.4.1** | **Rural Residential Zone**<br>The construction and exterior alteration of buildings. | P |
| **22.4.2** | **Rural Lifestyle Zone** | |
| | **22.4.2.1** The construction and exterior alteration of buildings located within a building platform approved by resource consent, or registered on the applicable computer freehold register. | P |
| | **22.4.2.2** Where there is not an approved building platform on the site the exterior alteration of existing buildings located outside of a building platform not exceeding 30% of the ground floor area of the existing building in any ten year period. | P |
| | **22.4.2.3** Where there is not an approved building platform on the site the exterior alteration of existing buildings located outside of a building platform that do not comply with Rule 22.4.2.2.<br>Discretion is restricted to:<br>a. external appearance;<br>b. visibility from public places;<br>c. landscape character;<br>d. visual amenity. | RD |
| | **22.4.2.4** The identification of a building platform not less than 70m$^2$ and not greater than 1000m$^2$ for the purposes of a residential unit except where identified by Rule 27.7.10. | D |
| | **Rural Residential and Rural Lifestyle Zones** | |
| **22.4.3** | **Residential Activity** | P |
| **22.4.4** | **Residential Flat** (activity only, the specific rules for the construction of any buildings apply). | P |
| **22.4.5** | **Farming Activity** | P |
| **22.4.6** | **Home Occupation** that complies with the standards in Table 2. | P |
| **22.4.7** | | |
| **22.4.8** | **Informal Airports** for emergency landings, rescues, fire-fighting and activities ancillary to farming activities. | P |

| | Table 1: Activities - Rural Residential and Rural Lifestyle Zones | Activity Status |
|---|---|---|
| **22.4.9** | **Home Occupation activity involving retail sales limited to handicrafts or items grown or produced on the site.**<br>Control is reserved to:<br>a. privacy on neighbouring properties;<br>b. scale and intensity of the activity;<br>c. traffic generation, parking, access;<br>d. noise;<br>e. signs and Lighting. | C |
| **22.4.10** | **Visitor accommodation including the construction or use of buildings for visitor accommodation.** | D |
| **22.4.11** | **Informal airports in the Rural Lifestyle Zone, except as provided for by Rule 22.4.8.** | D |
| **22.4.12** | Any building within a **Building Restriction Area** that is identified on the planning maps. | NC |
| **22.4.13** | **Any other activity not listed in Table 1.** | NC |
| **22.4.14** | **Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building or any activity requiring an Offensive Trade Licence under the Health Act 1956** except where such activities are undertaken as part of a Farming Activity, Residential Activity or a permitted Home Occupation. | PR |

# 22.5 Rules - Standards

| | Table 2: Standards - Rural Residential and Rural Lifestyle Zones | Non- compliance Status |
|---|---|---|
| **22.5.1** | **Building Materials and Colours**<br>All buildings, including any structure larger than 5m$^2$, new, relocated, altered, reclad or repainted, are subject to the following in order to ensure they are visually recessive within the surrounding landscape.<br>All exterior surfaces* must be coloured in the range of browns, greens or greys including:<br>**25.5.1.1** Pre-painted steel and all roofs must have a light reflectance value not greater than 20%; and<br>**25.5.1.2** All other surface** finishes except for schist, must have a light reflectance value of not greater than 30%.<br>** Excludes soffits, windows and skylights (but not glass balustrades).*<br>*** Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed by the Council to be suitably recessive and have the same effect as achieving a light reflectance value of 30%.* | RD<br>Discretion is restricted to:<br>a. whether the building would be visually prominent, especially in the context of the wider landscape, rural environment and as viewed from neighbouring properties;<br>b. whether the proposed colour is appropriate given the existence of established screening or in the case of alterations, if the proposed colour is already present on a long established building;<br>c. the size and height of the building where the subject colours would be applied. |

| | Table 2: Standards - Rural Residential and Rural Lifestyle Zones | Non- compliance Status |
|---|---|---|
| **22.5.2** | **Building Coverage (Rural Residential Zone only)**<br>The maximum ground floor area of any building must not exceed 15% of the net site area. | RD<br>Discretion is restricted to:<br>a. the effect on open space, character and amenity;<br>b. effects on views and outlook from neighbouring properties;<br>c. ability of stormwater and effluent to be disposed of on-site. |
| **22.5.3** | **Building Size**<br>The maximum ground floor area of any individual building must not exceed 500m$^2$. | RD<br>Discretion is restricted to:<br>a. visual dominance;<br>b. the effect on open space, rural living character and amenity;<br>c. effects on views and outlook from neighbouring properties;<br>d. building design. |
| **22.5.4** | **Setback from internal boundaries**<br>The minimum setback of any building from internal boundaries shall be:<br>**22.5.4.1** Rural Residential zone: 6m<br>**22.5.4.2** Rural Lifestyle zone: 10m<br>**22.5.4.3** Rural Residential zone at the north of Lake Hayes - 15m [2] | RD<br>Discretion is restricted to:<br>a. visual dominance;<br>b. The effect on open space, rural living character and amenity;<br>c. effects on privacy, views and outlook from neighbouring properties;<br>d. reverse sensitivity effects on adjacent properties;<br>e. landscaping. |
| **22.5.5** | **Setback from roads**<br>The minimum setback of any building from a road boundary shall be:<br>**22.5.5.1** Rural Lifestyle Zone: 20m<br>**22.5.5.2** Rural Residential Zone: 10m<br>**22.5.5.3** Rural Residential Zone where the road is a State Highway: 15m | NC |

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

| | Table 2: Standards - Rural Residential and Rural Lifestyle Zones | Non- compliance Status |
|---|---|---|
| **22.5.6** | **Setback of buildings from water bodies**<br>The minimum setback of any building from the bed of a river, lake or wetland shall be 20m. | RD<br>Discretion is restricted to:<br>a. any indigenous biodiversity values;<br>b. visual amenity values;<br>c. landscape character;<br>d. open space;<br>e. whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the location of the building. |
| **22.5.7** | **Home Occupation**<br>Home occupation activities must comply with the following:<br>**22.5.7.1** No more than one full time equivalent person from outside the household may be employed in the home occupation activity.<br>**22.5.7.2** The maximum number of vehicle trips* shall be:<br>a. heavy vehicles: 2 per week;<br>b. other vehicles: 10 per day.<br>**22.5.7.3** The net floor area must not exceed:<br>a. Rural Residential Zone: 60m$^2$;<br>b. Rural Lifestyle Zone: 150m$^2$.<br>**22.5.7.4** Activities and the storage of materials must be indoors.<br>**A vehicle trip is two movements, generally to and from a site.* | D |
| **22.5.8** | **Building Height**<br>The maximum height shall be 8 metres. | NC |
| **22.5.9** | **Lighting and Glare**<br>**22.5.9.1** All fixed exterior lighting must be directed away from adjacent roads and sites.<br>**22.5.9.2** Activities on any site must not result in more than a 3 lux spill (horizontal and vertical) of light to any other site, measured at any point within the boundary of the other site.<br>**22.5.9.3** There must be no upward light spill. | NC |
| **22.5.10** | **Heavy Vehicle Storage**<br>No more than one heavy vehicle shall be stored or parked outside, overnight on any site for any activity. | NC |

| | Table 2: Standards - Rural Residential and Rural Lifestyle Zones | Non- compliance Status |
|---|---|---|
| **22.5.11** | **Residential Density: Rural Residential Zone**<br><br>**22.5.11.1** Not more than one residential unit per 4000m$^2$ net site area. | NC |
| **22.5.12** | **Residential Density: Rural Lifestyle Zone**<br><br>**22.5.12.1** One residential unit located within each building platform.<br><br>**22.5.12.2** On sites less than 2ha there must be only one residential unit.<br><br>**22.5.12.3** On sites equal to or greater than 2 hectares there must be no more than one residential unit per two hectares on average with a minimum of 1 residential unit per one hectare. For the purpose of calculating any average, any allotment greater than 4 hectares, including the balance, is deemed to be 4 hectares. | NC |
| **22.5.13** | **Fire Fighting water and access**<br><br>New buildings where there is no reticulated water supply or it is not sufficient for fire-fighting water supply must provide the following provision for firefighting:<br><br>**22.5.13.1** A water supply of 20,000 litres and any necessary couplings.<br><br>**22.5.13.2** A hardstand area adjacent to the firefighting water supply capable of supporting fire service vehicles.<br><br>**22.5.13.3** Firefighting water connection point within 6m of the hardstand, and 90m of the dwelling.<br><br>**22.5.13.4** Access from the property boundary to the firefighting. | RD<br><br>Discretion is restricted to all of the following:<br><br>a. the extent to which SNZ PAS 4509: 2008 can be met including the adequacy of the water supply;<br><br>b. the accessibility of the firefighting water connection point for fire service vehicles;<br><br>c. whether and the extent to which the building is assessed as a low fire risk. |

| Table 3 | Rural Lifestyle Deferred and Buffer zones | Non-Compliance Status |
|---|---|---|
| **22.5.14** | The erection of more than one non-residential building[3]. | NC |
| **22.5.15** | In each area of the Deferred Rural Lifestyle zones east of Dalefield Road up to two residential allotments may be created with a single residential building platform on each allotment[4]. | D |
| **22.5.16** | The land in the Deferred Rural Lifestyle (Buffer) zone shall be held in a single allotment containing no more than one residential building platform[5]. | D |
| **22.5.17** | In the Deferred Rural Lifestyle (Buffer) zone, apart from the curtilage area, the land shall be maintained substantially in pasture. Tree planting and natural revegetation shall be confined to gullies and watercourses, as specified in covenants and on landscape plans[6]. | D |
| **22.5.18** | In the Buffer zone, the maximum building height in the building platform shall be 6.5m[7]. | NC |

[3, 4, 5, 6, 7] Greyed out text indicates the provision is subject to variation and is therefore not part of the Hearing Panel's recommendations.

| | Table 3: Rural Residential Forest Hill | Non- Compliance Status |
|---|---|---|
| **22.5.19** | **Indigenous Vegetation**<br>The minimum area on any site to be retained or reinstated in indigenous vegetation shall be 70 percent of the net site area. For the purpose of this rule net area shall exclude access to the site, consideration of the risk of fire and the building restriction area. | NC |
| **22.5.20** | **Building Restriction**<br>The building restriction area adjoining the Queenstown-Glenorchy Road, shall be retained and/or reinstated in indigenous vegetation. | NC |

| | Table 4: Rural Residential Bob's Cove and Sub-Zone | Non- compliance Status |
|---|---|---|
| **22.5.21** | **Building Height (Sub-Zone only)**<br>Maximum building height is 6m. | RD<br>The matters of discretion are listed in provision 22.5.32. |
| **22.5.22** | **Setback from roads**<br>Buildings shall be setback a minimum of 10m from roads, and 15m from Glenorchy – Queenstown Road. | NC |
| **22.5.23** | **Open space (Sub-Zone only)**<br>Those areas that are set aside as "open space" shall not contain any vegetation of a height greater than 2 metres, such that the vegetation does not disrupt the open pastoral character or the views of the lake and mountains beyond. | RD<br>The matters of discretion are listed in provision 22.5.32. |
| **22.5.24** | **Residential Density**<br>The maximum average density of residential units shall be 1 residential unit per 4000m$^2$ calculated over the total area within the zone. | D |
| **22.5.25** | **Boundary Planting Sub-Zone only**<br>**22.5.25.1** Where the 15 metre Building Restriction Area adjoins a development area, it shall be planted in indigenous tree and shrub species common to the area, at a density of one plant per square metre.<br>**22.5.25.2** Where a building is proposed within 50 metres of the Glenorchy-Queenstown Road, such indigenous planting shall be established to a height of 2 metres and have survived for at least 18 months prior to any residential buildings being erected. | RD<br>The matters of discretion are listed in provision 22.5.32. |
| **22.5.26** | **Building setbacks**<br>Buildings shall be located a distance of 10m from internal boundaries. | RD<br>The matters of discretion are listed in provision 22.5.32. |

| | Table 4: Rural Residential Bob's Cove and Sub-Zone | Non- compliance Status |
|---|---|---|
| **22.5.27** | **Building setbacks and landscaping**<br><br>Where a building is proposed within 50 metres of the Glenorchy-Queenstown Road, all landscaping to be undertaken within this distance on the subject property shall consist of native species in accordance with the assessment criteria in provision 22.5.32, subject to the requirement below:<br><br>**22.5.27.1** All landscaping within 15 metres of the Glenorchy-Queenstown Road shall be planted prior to the commencement of the construction of the proposed building.<br><br>**22.5.27.2** All landscaping from 15 metres to 50 metres from the Glenorchy-Queenstown Road shall be established within the first planting season after the completion of the building on the site. | RD<br><br>The matters of discretion are listed in provision 22.5.32. |
| **22.5.28** | **Building setbacks: Sub-Zone only**<br><br>No building shall be erected within an area that has been identified as Undomesticated Area. | NC |
| **22.5.29** | **Landscaping: Sub-Zone only**<br><br>Where development areas and undomesticated areas have not been identified as part of a previous subdivision, at least 75% of the total area of the zone shall be set aside as "Undomesticated Area" and the remainder as "Development Area"; and at least 50% of the 'undomesticated area' shall be retained, established, and maintained in indigenous vegetation with a closed canopy such that this area has total indigenous litter cover.<br><br>This rule shall be given effect to by consent notice registered against the title of the lot created, to the benefit of the lot holder and the Council.<br><br>Such areas shall be identified and given effect to by way of covenant, as part of any land use consent application. | NC |
| **22.5.30** | **Indigenous vegetation: Sub-Zone only**<br><br>At least 50% of the undomesticated area within the zone shall be retained, established, and maintained in indigenous vegetation with a closed canopy, such that complete indigenous litter cover is maintained over the area; and<br><br>The landscaping and maintenance of the undomesticated area shall be detailed in a landscaping plan that is provided as part of any subdivision application. This landscaping plan shall identify the proposed species and shall provide details of the proposed maintenance programme to ensure a survival rate of at least 90% within the first 5 years. | NC |

| | Table 4: Rural Residential Bob's Cove and Sub-Zone | Non- compliance Status |
|---|---|---|
| **22.5.31** | **Definitions that apply within the Bob's Cove Rural-Residential Sub-Zone:**<br>**Development Area**<br>Means all that land used for:<br>a. buildings;<br>b. outdoor living areas;<br>c. pathways and accessways, but excluding the main accessway leading from the Glenorchy Queenstown Road to the development areas;<br>d. private garden; and<br>e. mown grass surfaces, but excluding large areas of commonly-owned mown pasture or grazed areas that are to be used for recreational purposes.<br>**Undomesticated Area**<br>Means all other land not included in the definition of "Development Area". | |
| **22.5.32** | **Matters of discretion for restricted discretionary activities:**<br>**22.5.32.1** The form and density of development (including buildings and associated accessways) are designed to:<br>a. compliment the landscape and the pattern of existing and proposed vegetation; and<br>b. mitigate the visual impact of the development when viewed from Lake Wakatipu and the Glenorchy-Queenstown Road.<br>**22.5.32.2** The vegetation is, or is likely to be, of sufficient maturity to effectively minimise the impact of the proposed building when viewed from Lake Wakatipu and the Glenorchy-Queenstown Road.<br>**22.5.32.3** The development provides for 75% of the zone to be established and maintained as undomesticated, such that there is a predominance of indigenous vegetation.<br>**22.5.32.4** The form of development mitigates the visual impact from Lake Wakatipu and the Glenorchy-Queenstown Road.<br>**22.5.32.5** Whether and the extent to which the proposed landscaping contains predominantly indigenous species (comprising a mix of trees, shrubs, and grasses) that are suited to the general area, such as red beech, native tussocks, hebes, pittosporum, coprosmas, cabbage trees, and lancewoods. | |

| | Table 5: Rural Residential Camp Hill | Non-compliance Status |
|---|---|---|
| **22.5.33** | **Zone Boundary Setback**<br>The minimum setback of any building from the zone boundary, or the top of the escarpment where this is located within the zone boundary, shall be 20m. | NC |
| **22.5.34** | **Building Height**<br>The maximum height of any building shall be 5.5m. | NC |
| **22.5.35** | **Maximum Number of Residential Units**<br>There shall be no more than 36 residential units within the Rural Residential Zone Camp Hill. | NC |

| Table 6 | Ferry Hill Rural Residential Sub Zone - Refer to Part 22.7.2 for the concept development plan | Non-compliance Status |
|---|---|---|
| **22.5.33** | **Density**<br>There shall be no more than one residential unit per lot[9]. | NC |
| **22.5.34** | **Building Height**<br>The maximum building height shall be 6.5m for lots 9-15 on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone. Chimney and ventilation structures may be 7.2m high in this sub-zone[10]. | D |
| **22.5.35** | **Building Location**<br>The location of buildings shall be in accordance with the Concept Development Plan for the Ferry Hill Rural Residential sub-zone, in rule 22.7.2 [11]. | D |
| **22.5.36** | **Design Standards**<br>Within Lots 9-15 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone:<br>**22.5.36.1** The roof pitch shall be between 20° and 30° and roof dormers and roof lights are to be incorporated in the roof pitch;<br>**22.5.36.2** Roof finishes of buildings shall be within the following range: Slate shingle, cedar shingle, steel roofing (long run corrugated or tray) in the following colours, or similar, only: Coloursteel colours New Denim Blue, Grey Friars, Ironsand or Lignite;<br>**22.5.36.3** Wall claddings of buildings shall be within the following range: cedar shingles, natural timber (clear stain), painted plaster in the following colours or equivalent: Resene 5YO18, 5B025, 5B030, 4GR18, 1B55, 5G013, 3YO65, 3YO20; stone cladding provided the stone shall be limited to Otago schist only and all pointing/mortar shall be recessed[12]. | D |

[9, 10, 11, 12] Greyed out text indicates the provision is subject to variation and is therefore not part of the Hearing Panel's recommendations.

| Table 6 | Ferry Hill Rural Residential Sub Zone - Refer to Part 22.7.2 for the concept development plan | Non-compliance Status |
|---|---|---|
| **22.5.37** | **Landscaping**<br><br>**22.5.37.1** Any application for building consent shall be accompanied by a landscape plan that shows the species, number, and location of all plantings to be established, and shall include details of the proposed timeframes for all such plantings and a maintenance programme.<br><br>**22.5.37.2** The landscape plan shall ensure:<br>a. that the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone is planted with a predominance of indigenous species in a manner which enhances naturalness; and<br>b. that residential development on sites adjoining Tucker Beach Road is subject to screening.<br><br>**22.5.37.3** Plantings at the foot of, on, and above the escarpment within lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone shall include indigenous trees, shrubs, and tussock grasses.<br><br>**22.5.37.4** Plantings on Lots 1 – 17 may include, willow (except Crack Willow), larch, maple as well as indigenous species.<br><br>**22.5.37.5** The erection of solid or paling fences is not permitted[13]. | D |

| | Table 6: Wynuna Station Rural Lifestyle Zone | Non- compliance Status |
|---|---|---|
| **22.5.38** | The identification of any building platforms or construction of dwellings prior to the granting of subdivision consent that has assessed policies 27.3.5.1, 27.3.6.1 and 27.3.6.2. | PR |

# 22.6 Rules - Non-Notification of Applications

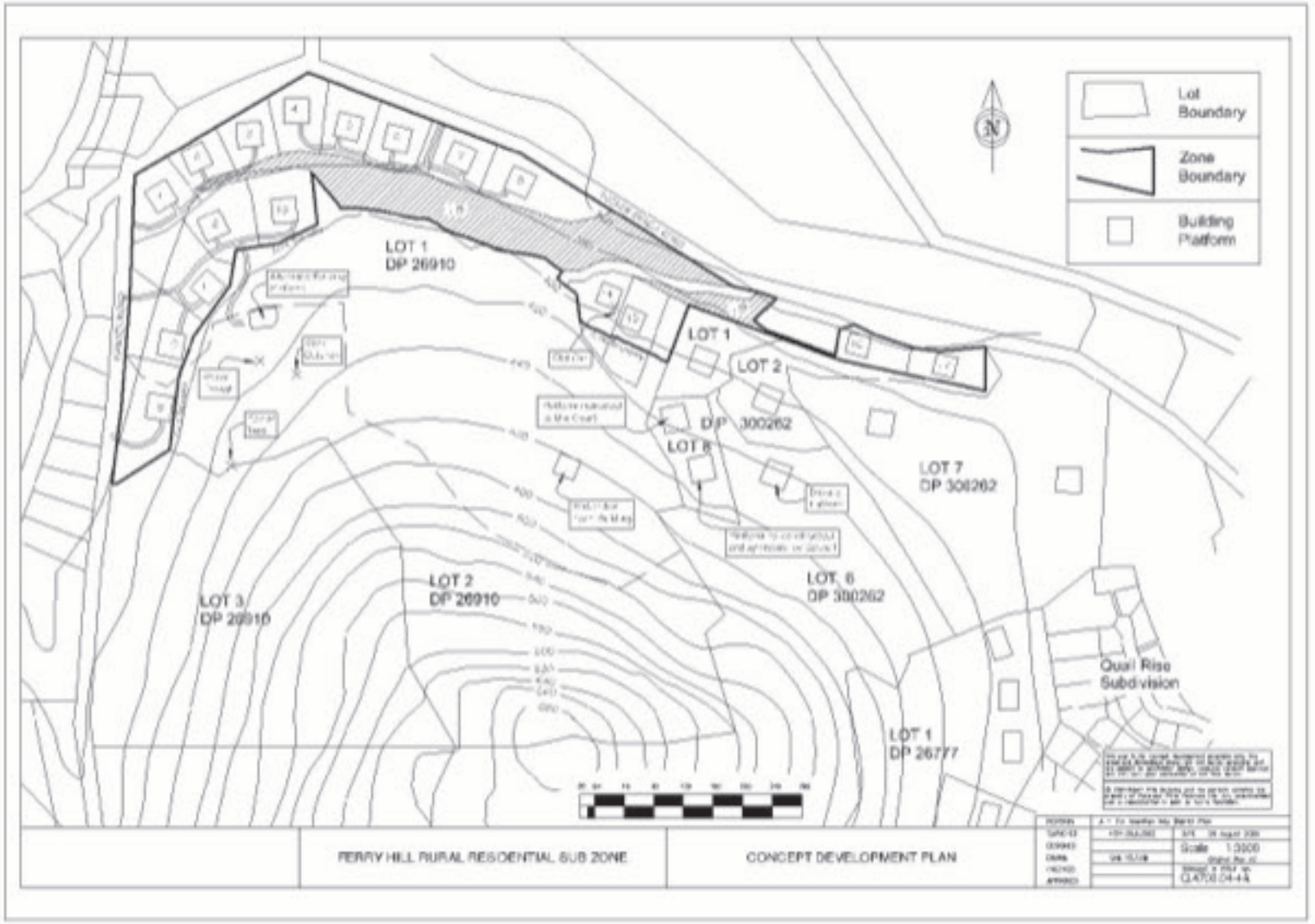
Any application for resource consent for the following matters shall not require the written approval of other persons and shall not be notified or limited-notified:

**22.6.1** Controlled activity Home occupation **(Rule 22.4.9)**. Except where the access is onto a State Highway.

**22.7.2** Rural Residential Ferry Hill Sub Zone Concept Development Plan[14].

[13, 14] Greyed out text indicates the provision is subject to variation and is therefore not part of the Hearing Panel's recommendations.

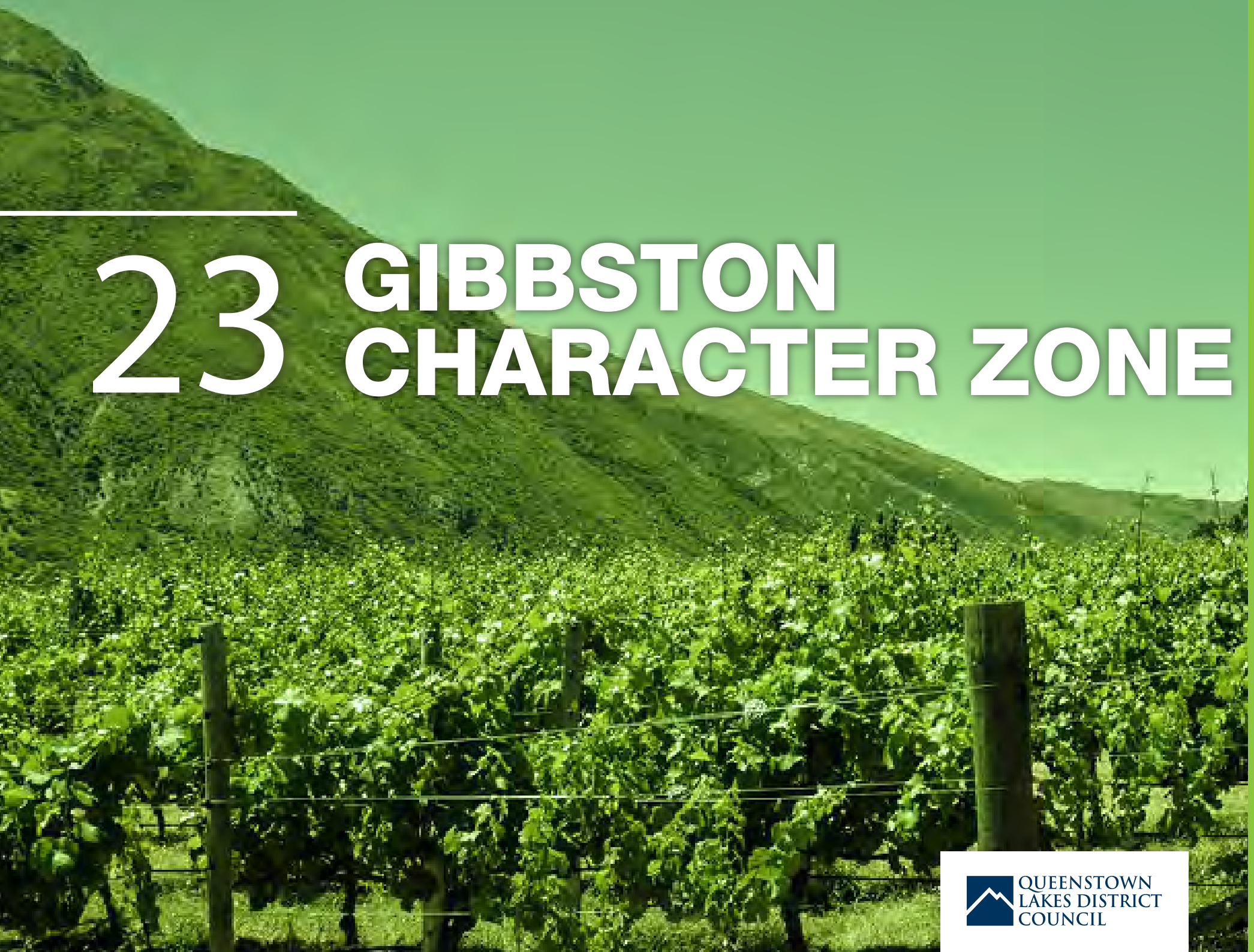
## 22.7.2 Rural Residential Ferry Hill Sub-Zone Concept Development Plan[15].




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

Appendix 3: Chapter 23 – Gibbston Character Zone as Recommended

# 23 GIBBSTON CHARACTER ZONE



QUEENSTOWN LAKES DISTRICT COUNCIL

# 23.1 Zone Purpose

The purpose of the Gibbston Character Zone is to provide primarily for viticulture and commercial activities with an affiliation to viticulture within the confined space of the Gibbston Valley.

The zone is recognised as having a distinctive character and sense of place. It incorporates terraced areas above the Kawarau River, lying between and including Chard Farm and Waitiri. Soils, the microclimate within this area and availability of water have enabled development for viticulture to the extent that this is an acclaimed wine producing area.

The zone has experienced residential subdivision and development. This creates the potential to degrade the distinctive character and create conflict with established and anticipated intensive viticultural activities.

# 23.2 Objectives and Policies

## 23.2.1 Objective - The economic viability, character and landscape values of the Gibbston Character Zone are protected by enabling viticulture and other appropriate activities that rely on the rural resource of the Gibbston Valley and managing the adverse effects resulting from other activities locating in the Zone.

Policies

**23.2.1.1** Enable viticulture activities and provide for other appropriate activities that rely on the rural resource of the Gibbston Valley while protecting, maintaining or enhancing the values of indigenous biodiversity, ecosystems services, the landscape and surface of lakes and rivers and their margins.

**23.2.1.2** Ensure land with potential value for rural productive activities is not compromised by the inappropriate location of other developments and buildings.

**23.2.1.3** Ensure activities not based on the rural resources of the area occur only where the character and productivity of the Gibbston Character Zone and wider Gibbston Valley will not be adversely impacted.

**23.2.1.4** Provide for a range of buildings allied to rural productive activity and worker accommodation.

**23.2.1.5** Avoid or mitigate adverse effects of development on the landscape and economic values of the Gibbston Character Zone and wider Gibbston Valley.

**23.2.1.6** Protect, maintain and enhance landscape values by ensuring all structures are located in areas with the potential to absorb change.

**23.2.1.7** Avoid the location of structures, including water tanks, other than regionally significant infrastructure, on skylines, ridges, hills and prominent slopes.

**23.2.1.8** Locate, design, operate and maintain regionally significant infrastructure so as to seek to avoid significant adverse effects on the character of the landscape, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases.

**23.2.1.9** In cases where it is demonstrated that regionally significant infrastructure cannot avoid significant adverse effects on the character of the landscape, such adverse effects shall be minimised.

**23.2.10** Provide for the establishment of activities such as commercial recreation, visitor accommodation and rural living that are complementary to the character and viability of the Gibbston Character Zone, providing they do not impinge on rural productive activities.

**23.2.1.11** The location and direction of lights do not cause glare to other properties, roads, public places or degrade views of the night sky.

**23.2.1.12** Avoid adverse cumulative impacts on ecosystem and nature conservation values.

**23.2.1.13** Have regard to the risk of fire from vegetation and the potential risk to people and buildings, when assessing subdivision and development.

## 23.2.2 Objective - The life supporting capacity of soils is sustained.

Policies

**23.2.2.1** Avoid the adverse effects of subdivision and development on the life-supporting capacity of soil.

**23.2.2.2** Enable a range of activities to utilise the range of soil types and microclimates.

**23.2.2.3** Protect the soil resource by controlling activities including earthworks and indigenous vegetation clearance.

**23.2.2.4** Encourage land management practices and activities that benefit soil and vegetation cover.

## 23.2.3 Objective - The life supporting capacity of water is safeguarded through the integrated management of the effects of activities.

Policy

**23.2.3.1** In conjunction with the Otago Regional Council, regional plans and strategies:

a. encourage activities, that use water efficiently, thereby conserving water quality and quantity;

b. discourage activities that adversely affect the potable quality and life supporting capacity of water and associated ecosystems.

### 23.2.4 Objective - Land management practices that recognise and accord with the environmental sensitivity and amenity values of the Gibbston Character Zone are encouraged.

Policies

**23.2.4.1** Encourage appropriate management of vegetation cover and development including earthworks to prevent siltation and sedimentation effects on water resources.

**23.2.4.2** Noise levels should not be inconsistent with rural productive activities and the character and rural amenity of the Gibbston area.

**23.2.4.3** Control access and egress to ensure safe and efficient movement of traffic on roads and for users of trails, walkways and cycleways.

**23.2.4.4** Manage forestry and farm-forestry activities to avoid adverse effects on landscape, amenity and viticulture production.

## 23.3 Other Provisions and Rules

### 23.3.1 District Wide

Attention is drawn to the following District Wide chapters.

| | | | | | |
|---|---|---|---|---|---|
| 1 | Introduction | 2 | Definitions | 3 | Strategic Direction |
| 4 | Urban Development | 5 | Tangata Whenua | 6 | Landscapes and Rural Character |
| *25* | *Earthworks* | 26 | Historic Heritage | 27 | Subdivision |
| 28 | Natural Hazards | *29* | *Transport* | 30 | Energy and Utilities |
| *31* | *Signs* | 32 | Protected Trees | 33 | Indigenous Vegetation |
| 34 | Wilding Exotic Trees | 35 | Temporary Activities and Relocated Buildings | 36 | Noise |
| 37 | Designations | | Planning Maps | | |

### 23.3.2 Interpreting and Applying the Rules

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

**23.3.2.2** Compliance with any of the following standards, in particular the permitted standards, does not absolve any commitment to the conditions of any relevant land use consent, consent notice or covenant registered on the site's computer freehold register.

**23.3.2.3** Where an activity does not comply with a standard listed in the standards tables, the activity status identified by the 'Non-Compliance Status' column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.

**23.3.2.4** The Council reserves the right to ensure development and building activities are undertaken in accordance with the conditions of resource and subdivision consent through monitoring.

**23.3.2.5** Applications for building consent for permitted activities shall include information to demonstrate compliance with the following standards, and any conditions of the applicable resource consent subdivision conditions.

**23.3.2.6** For controlled and restricted discretionary activities, the Council shall restrict the exercise of its discretion to the matters listed in the rule.

**23.3.2.7** Building platforms identified on a site's computer freehold register shall have been registered as part of a resource consent approval by the Council.

**23.3.2.8** Internal alterations to buildings including the replacement of joinery are permitted.

**23.3.2.9** These abbreviations are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

# 23.4 Rules - Activities

All activities, including any listed permitted activities shall be subject to the rules and standards contained in Tables 1 to 3.

Table 1 – Activities

Table 2 – Buildings

Table 3 – Commercial activities

| | Table 1: Activities | Activity Status |
|---|---|---|
| | **Farming Activities** | |
| **23.4.1** | Farming Activity (includes viticulture). | P |
| **23.4.2** | Domestic Livestock. | P |
| **23.4.3** | Factory Farming. | NC |
| | **Buildings, Residential Activity, Subdivision and Development** | |
| **23.4.4** | The construction and exterior alteration of residential buildings located within a building platform approved by resource consent, or registered on the applicable computer freehold register, subject to compliance with Table 2. | P |
| **23.4.5** | The exterior alteration of any lawfully established building located outside of a building platform, subject to compliance with the standards in Table 2. | P |
| **23.4.6** | One residential unit within any building platform approved by resource consent. | P |
| **23.4.7** | Residential Flat (activity only, the specific rules for the construction of any buildings apply). | P |
| **23.4.8** | The use of land or buildings for Residential Activity except as provided for by any other rule. | D |
| **23.4.9** | The identification of a building platform not less than 70m$^2$ and not greater than 1000m$^2$. | D |
| **23.4.10** | The construction of any building including the physical activity associated with buildings including roading, access, lighting, landscaping and earthworks, not provided for by any other rule. | D |
| | **Commercial Activities** | |
| **23.4.11** | Home Occupation that complies with the standards in Table 3. | P |
| **23.4.12** | Industrial Activities limited to wineries and underground cellars, not exceeding 300m$^2$. | P |
| **23.4.13** | Commercial recreation activities that comply with the standards in Table 3. | P |
| **23.4.14** | Retail sales of farm and garden produce, handicrafts and wine that is grown, reared or produced on the site and that comply with the standards in Table 3.<br>Control is reserved to:<br>a. the location of the activity and buildings;<br>b. access, vehicle crossing location, car parking;<br>c. screening and location of storage areas for waste materials, outdoor display areas and parking;<br>d. signage;<br>e. lighting. | C |

| | Table 1: Activities | Activity Status |
|---|---|---|
| **23.4.15** | **Winery and Farm Buildings**<br>The construction, addition or alteration of a farm building or winery with control reserved to:<br>a. location, scale, height and external appearance, as it effects the Gibbston Valley's landscape and amenity values;<br>b. landscaping;<br>c. parking and access, in respect of earthworks and the impact on the safety and efficiency of State Highway 6;<br>d. the location, scale and functional need of car parking;<br>e. associated earthworks;<br>f. provision of water supply, sewage treatment and disposal;<br>g. lighting, including car parking areas;<br>h. screening and location of storage areas for waste materials, outdoor display and signage areas and parking. | C |
| **23.4.16** | Visitor Accommodation. | D |
| | **Other Activities** | |
| **23.4.17** | Non-commercial recreation and recreational activity. | P |
| **23.4.18** | Informal Airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities. | P |
| **23.4.19** | Informal Airports, expect as provided for in 23.4.18. | D |
| **23.4.20** | Any activity not listed in Tables 1. | NC |
| **23.4.21** | | |

# 23.5 Rules - Standards

| | Table 2: Standards for Buildings | Non- compliance Status |
|---|---|---|
| **23.5.1** | **Buildings, Materials and Colours**<br><br>Any building, including any structure larger than 5m$^2$, that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building are subject to the following:<br><br>All exterior surfaces shall be coloured in the range of browns, greens or greys (except soffits), including;<br><br>**23.5.1.1** Pre-painted steel, and all roofs must have a light reflectance value not greater than 20%.<br><br>**23.5.1.2** All other surface** finishes except for schist must have a light reflectance value of not greater than 30%.<br><br>**23.5.1.3** In the case of alterations to an existing building where there is not an approved building platform on the site, it does not increase the building coverage by more than 30% in a ten year period.<br><br>Except these standards do not apply to the blades of frost fighting devices.<br><br>* Excludes soffits, windows and skylights (but not glass balustrades).<br><br>** Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed by the Council to be suitably recessive and have the same effect as achieving a light reflectance value of 30%. | RD<br><br>Discretion is restricted to:<br><br>a. external appearance;<br><br>b. visibility from public places and surrounding properties;<br><br>c. lighting;<br><br>d. landscape character;<br><br>e. visual amenity. |
| **23.5.2** | **Building size**<br><br>The ground floor area of any building must not exceed 500m$^2$. | RD<br><br>Discretion is restricted to:<br><br>a. external appearance;<br><br>b. visibility from public places;<br><br>c. landscape character;<br><br>d. visual amenity;<br><br>e. privacy, outlook and amenity from adjoining properties. |
| **23.5.3** | **Building Height**<br><br>The maximum height of any residential building, residential accessory building or commercial building other than for a farming or winery building shall be 8m. | NC |

| | Table 2: Standards for Buildings | Non- compliance Status |
|---|---|---|
| **23.5.4** | **Building Height**<br>The maximum height of any farming or winery building shall be 10m, other than frost fighting towers which must not exceed 12m in height. | NC |
| **23.5.5** | **Setback from Internal Boundaries (any building)**<br>The minimum setback of buildings from internal boundaries shall be 6m. | RD<br>Discretion is restricted to:<br>a. rural Amenity;<br>b. landscape character;<br>c. privacy, outlook and amenity from adjoining properties. |
| **23.5.6** | **Setback from Roads (any building)**<br>The minimum setback of buildings from road boundaries shall be 20m, except the minimum setback of any building for sections of State Highway 6 where the speed limit is 70 km/hr or greater shall be 40m. | NC |
| **23.5.7** | **Setback of buildings from Water bodies**<br>The minimum setback of any building from the bed of a water body shall be 20m. | RD<br>Discretion is restricted to:<br>a. any indigenous biodiversity values;<br>b. visual amenity values;<br>c. landscape character;<br>d. open space;<br>e. whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the location of the building. |
| **23.5.8** | All fixed exterior lighting must be directed away from adjacent sites and roads. | NC |

| | Table 3: Standards for Commercial Activities | Non- compliance Status |
|---|---|---|
| **23.5.9** | **Commercial Recreation Activities**<br>Commercial recreation activity must be undertaken outdoors and must not involve more than 10 persons in any one group. | D |
| **23.5.10** | **Retail Sales**<br>Buildings in excess of 25m$^2$ gross floor area to be used for retail sales identified in Table 1 must be setback from road boundaries by a minimum distance of 30m. | RD<br>Discretion is restricted to:<br>a. landscape character and visual amenity;<br>b. access;<br>c. on-site parking. |

| | Table 3: Standards for Commercial Activities | Non- compliance Status |
|---|---|---|
| **23.5.11** | **Home Occupation**<br><br>**23.5.11.1** The maximum net floor area of home occupation activities must no exceed100m$^2$.<br><br>**23.5.11.2** Goods, materials or equipment must not be stored outside a building.<br><br>**23.5.11.3** All manufacturing, altering, repairing, dismantling or processing of any goods or articles must be carried out within a building. | RD<br><br>Discretion is restricted to:<br><br>a. the nature, scale and intensity of the activity in the context of the surrounding rural area;<br><br>b. visual amenity from neighbouring properties and public places;<br><br>c. noise, odour and dust;<br><br>d. the extent to which the activity requires a rural location because of its affiliation to rural resources;<br><br>e. screening and location of storage areas for waste materials, lighting, outdoor display areas and parking;<br><br>f. access safety and transportation effects. |
| **23.5.12** | | |
| **23.5.13** | | |

# 23.6 Rules - Non-Notification of Applications

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

**23.6.1** Controlled activity retail sales of farm and garden produce and handicrafts grown or produced on site (Rule 23.4.14), except where the access is directly onto a State highway.

**23.6.2** Controlled activity winery and farm buildings (Rule 23.4.15) except where the access is directly onto a State highway.

# 23.7 Rules - Assessment Matters (Landscape)

The following assessment matters apply to any discretionary or activity within the Gibbston Character Zone where landscape is relevant.

## 23.7.1 Effects on landscape character:

The following shall be taken into account:

**23.7.1.1** Where the activity is adjacent to an Outstanding Natural Feature or Landscape, whether and the extent to which the proposed development will adversely affect the quality or character of the adjacent Outstanding Natural Landscape or Feature.

**23.7.1.2** Whether and the extent to which the scale and nature of the proposed development will degrade the character of the surrounding landscape.

**23.7.1.3** Whether the design and landscaping would be compatible with or would enhance the character of the landscape.

## 23.7.2 Effects on visual amenity

Whether the development will result in a loss of the visual amenity of the Gibbston Valley landscape, having regard to whether and the extent to which:

**23.7.2.1** The visual prominence of the proposed development from any public places, in particular State Highway 6, cycleways and bridleways.

**23.7.2.2** The proposed development is likely to be visually prominent such that it detracts from private views.

**23.7.2.3** Any screening or other mitigation by any proposed method such as earthworks and/or new planting will detract from the landscape character or obstruct views of the landscape from both public and private locations.

**23.7.2.4** The proposed development is enclosed by any confining elements of topography and/or vegetation and the ability of these elements to reduce visibility from public and private locations.

**23.7.2.5** Any roads, access boundaries and associated planting, earthworks and landscaping will reduce visual amenity, with particular regard to elements that are inconsistent with the existing natural topography and patterns.

**23.7.2.6** Boundaries follow, wherever reasonably possible and practicable, the natural lines of the landscape or landscape units.

## 23.7.3 Design and density of development

In considering the appropriateness of the design and density of proposed development, whether and to what extent:

**23.7.3.1** Opportunity has been taken to aggregate built development to utilise common access ways including roads, pedestrian linkages, services and open space (ie. open space held in one title whether jointly or otherwise).

**23.7.3.2** There is merit in clustering the proposed building(s) or building platform(s) having regard to the overall density of the proposed development and whether this would exceed the ability of the landscape to absorb change.

**23.7.3.3** Development is located within the parts of the site where they will be least visible from public and private locations.

**23.7.3.4** Development is located in the parts of the site where they will have the least impact on landscape character.

## 23.7.4 Tangata Whenua, biodiversity and geological values

**23.7.4.1** Whether and to what extent the proposed development will degrade Tangata Whenua values including Töpuni or nohoanga, indigenous biodiversity, geological or geomorphological values or features and, the positive effects any proposed or existing protection or regeneration of these values or features.

The Council acknowledges that Tangata Whenua beliefs and values for a specific location may not be known without input from iwi.

## 23.7.5 Cumulative effects of development on the landscape

Taking into account whether and to what extent any existing, consented or permitted development (including unimplemented but existing resource consent or zoning) has degraded landscape quality, character, and visual amenity values, the Council shall be satisfied:

**23.7.5.1** The proposed development will not further degrade landscape quality and character and visual amenity values, with particular regard to situations that would result in a loss of rural character and openness due to the prevalence of residential activity within the Gibbston Valley landscape.

**23.7.5.2** Where in the case resource consent may be granted to the proposed development but it represents a threshold to which the landscape could absorb any further development. Whether any further cumulative adverse effects would be avoided by way of imposing a covenant, consent notice or other legal instrument that maintains open space.

## 23.7.6 Other Factors and positive effects

In considering whether there are any positive effects in relation to the proposed development, or remedying or mitigating the continuing adverse effects of past subdivision or development, the Council shall take the following matters into account:

**23.7.6.1** Whether the proposed subdivision or development provides an opportunity to protect the landscape from further development and may include open space covenants or esplanade reserves.

**23.7.6.2** Whether the proposed subdivision or development would enhance the character of the landscape, or protects and enhances indigenous biodiversity values, in particular the habitat of any threatened species, or land environment identified as chronically or acutely threatened on the Land Environments New Zealand (LENZ) threatened environment status.

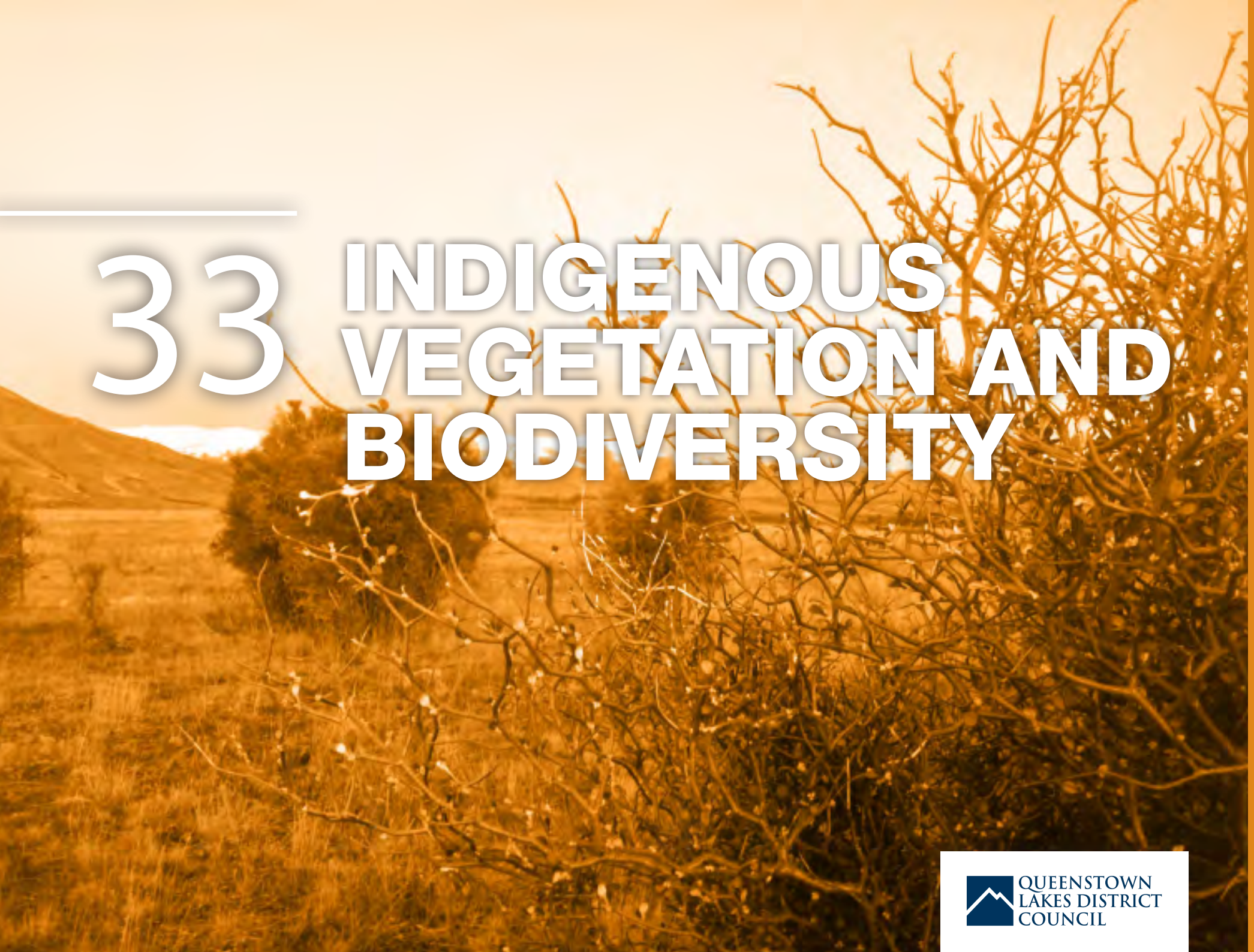
**23.7.6.3** Any positive effects including environmental compensation, easements for public access to lakes, rivers or conservation areas.

**23.7.6.4** Any opportunities to retire marginal farming land and revert it to indigenous vegetation.

**23.7.6.5** Where adverse effects cannot avoided, mitigated or remedied, the merits of any compensation.

**23.7.6.6** In the case of a proposed residential activity or specific development, whether a specific building design, rather than nominating a building platform, helps demonstrate the proposed development would maintain or enhance the character of the Gibbston Valley landscape.

Appendix 4: Chapter 33 – Indigenous Vegetation and Biodiversity as Recommended



# 33 INDIGENOUS VEGETATION AND BIODIVERSITY

QUEENSTOWN LAKES DISTRICT COUNCIL

# 33.1 Purpose

The District contains a diverse range of habitats that support indigenous plants and animals. Many of these are endemic, comprising forests, shrubland, herbfields, tussock grasslands, wetlands, lake and river margins. Indigenous biodiversity is also an important component of ecosystem services and the District's landscapes.

The Council has a responsibility to maintain indigenous biodiversity and to recognise and provide for the protection of significant indigenous vegetation and significant habitats of indigenous fauna, which are collectively referred to as Significant Natural Areas (SNAs).

Such activities  as ski-field development within identified Ski Area Sub Zones, farming, fence, road and track construction can be reasonably expected to be undertaken providing such activities maintain or enhance the District's indigenous biodiversity values. In addition, there are ski-field developments where vegetation clearance is already managed under separate legislation such as the Conservation Act or the Land Act.

The limited clearance of indigenous vegetation is permitted, with discretion applied through the resource consent process to ensure that indigenous vegetation clearance activities exceeding the permitted limits protect, maintain or enhance indigenous biodiversity values. Where the clearance of indigenous vegetation would have significant residual effects after avoiding, remedying or mitigating adverse effects, opportunities for biodiversity offsetting are encouraged.

Alpine environments are identified as areas above 1070m and are among the least modified environments in the District.  Due to thin and infertile soils and severe climatic factors, establishment and growth rates in plant life are slow, and these areas are sensitive to modification. In addition, because these areas contribute to the District's distinctive landscapes, and are susceptible to exotic pest plants, changes to vegetation at these elevations may be conspicuous and have significant effects on landscape character and indigenous biodiversity.

The District's lowlands comprising the lower slopes of mountain ranges and valley floors have been modified by urban growth, farming activities and rural residential development. Much of the indigenous vegetation habitat has been removed and these areas are identified in the Land Environments of New Zealand Threatened Environment Classification as either acutely or chronically threatened environments, having less than 20% indigenous vegetation remaining.

# 33.2 Objectives and Policies

## 33.2.1 Objective - Indigenous biodiversity is protected, maintained and enhanced.

Policies

**33.2.1.1** Identify the District's Significant Natural Areas, including the ongoing identification of Significant Natural Areas through the resource consent process, using the criteria set out in Policy 33.2.1.8, and schedule them in the District Plan to assist with their management for protection.

**33.2.1.2** Provide standards in the District Plan for indigenous vegetation that is not identified as a Significant Natural Area, which are practical to apply and that permit the clearance of a limited area of indigenous vegetation.

**33.2.1.3** Have regard to and take into account the values off tangata whenua and kaitiakitanga.

**33.2.1.4** Encourage the long-term protection of indigenous vegetation and in particular Significant Natural Areas by encouraging land owners to consider non-regulatory methods such as open space covenants administered under the Queen Elizabeth II National Trust Act 1977.

**33.2.1.5** Undertake activities involving the clearance of indigenous vegetation in a manner that ensures the District's indigenous biodiversity is protected, maintained or enhanced.

**33.2.1.6** Manage the adverse effects of activities on indigenous biodiversity by:

a. avoiding adverse effects as far as practicable and, where total avoidance is not practicable, minimising adverse effects;

b. requiring remediation where adverse effects cannot be avoided;

c. requiring mitigation where adverse effects on the areas identified above cannot be avoided or remediated;

d. requiring any residual adverse effects on significant indigenous vegetation or indigenous fauna to be offset through protection, restoration and enhancement actions that achieve no net loss and preferably a net gain in indigenous biodiversity values, having particular regard to:

    i. limits to biodiversity offsetting due the affected biodiversity being irreplaceable or vulnerable;

    ii. the ability of a proposed offset to demonstrate it can achieve no net loss or preferably a net gain;

    iii. Schedule 33.8 – Framework for the use of Biodiversity Offsets;

e. enabling any residual adverse effects on other indigenous vegetation or indigenous fauna to be offset through protection, restoration and enhancement actions that achieve no net loss and preferably a net gain in indigenous biodiversity values having particular regard to:

    i. the ability of a proposed offset to demonstrate it can achieve no net loss or preferably a net gain;

    ii. Schedule 33. 8 – Framework for the use of Biodiversity Offsets.

**33.2.1.7** Protect the habitats of indigenous fauna, and in particular, birds in wetlands, beds of rivers and lakes and their margins for breeding, roosting, feeding and migration.

**33.2.1.8** Determine the significance of areas of indigenous vegetation and habitats of indigenous fauna by applying the following criteria:

a. **Representativeness**

    Whether the area is an example of an indigenous vegetation type or habitat that is representative of that which formerly covered the Ecological District;

OR

b. **Rarity**

Whether the area supports;

i. indigenous vegetation and habitats within originally rare ecosystems;

ii. indigenous species that are threatened, at risk, uncommon, nationally or within the ecological district;

iii. indigenous vegetation or habitats of indigenous fauna that has been reduced to less than 10% of its former extent, regionally or within a relevant Land Environment or Ecological District;

OR

c. **Diversity and Pattern**

Whether the area supports a highly diverse assemblage of indigenous vegetation and habitat types, and whether these have a high indigenous biodiversity value including:

i. indigenous taxa;

ii. ecological changes over gradients;

OR

d. **Distinctiveness**

Whether the area supports or provides habitats for indigenous species:

i. at their distributional limit within Otago or nationally;

ii. are endemic to the Otago region;

iii. are distinctive, of restricted occurrence or have developed as a result of unique environmental factors;

OR

e. **Ecological Context**

The relationship of the area with its surroundings, including whether the area proposed to be cleared:

i. has important connectivity value allowing dispersal of indigenous fauna between different areas;

ii. has an important buffering function to protect values of an adjacent area or feature;

iii. is important for indigenous fauna during some part of their life cycle.

## 33.2.2 Objective - Significant Natural Areas are protected, maintained and enhanced.

Policies

**33.2.2.1** Avoid the clearance of indigenous vegetation within scheduled Significant Natural Areas, and those other areas that meet the criteria in Policy 33.2.1.8, that would reduce indigenous biodiversity values.

**33.2.2.2** Allow the clearance of indigenous vegetation within Significant Natural Areas only in exceptional circumstances and ensure that clearance is undertaken in a manner that retains the indigenous biodiversity values of the Significant Natural Area.

**33.2.2.3** Provide for small scale, low impact indigenous vegetation removal to enable the maintenance of existing fences and tracks in recognition that the majority of Significant Natural Areas are located within land used for rural activities.

## 33.2.3 Objective - Land use and development maintains indigenous biodiversity values.

Policies

**33.2.3.1** Ensure the clearance of indigenous vegetation within the margins of water bodies does not reduce natural character and indigenous biodiversity values, or create erosion.

**33.2.3.2** Encourage opportunities to remedy adverse effects through the retention, rehabilitation or protection of the same indigenous vegetation community elsewhere on the site.

**33.2.3.3** Encourage the retention and enhancement of indigenous vegetation including in locations that have potential for regeneration, or provide stability, and particularly where productive values are low, or in riparian areas or gullies.

**33.2.3.4** Have regard to any areas in the vicinity of the indigenous vegetation proposed to be cleared, that constitute the same habitat or species which are protected by covenants or other formal protection mechanisms.

## 33.2.4 Objective - Indigenous biodiversity and landscape values of alpine environments are protected from the effects of vegetation clearance and exotic tree and shrub planting.

Policies

**33.2.4.1** Protect the alpine environments from vegetation clearance as those environments contribute to the distinct indigenous biodiversity and landscape qualities of the District and are vulnerable to change.

**33.2.4.2** Protect the alpine environment from degradation due to planting and spread of exotic species.

# 33.3 Other Provisions and Rules

## 33.3.1 District Wide

Attention is drawn to the following District Wide chapters.

| | | | | | |
|---|---|---|---|---|---|
| 1 | Introduction | 2 | Definitions | 3 | Strategic Direction |
| 4 | Urban Development | 5 | Tangata Whenua | 6 | Landscapes and Rural Character |
| *25* | *Earthworks* | 26 | Historic Heritage | 27 | Subdivision |
| 28 | Natural Hazards | *29* | *Transport* | 30 | Energy and Utilities |
| *31* | *Signs* | 32 | Protected Trees | 34 | Wilding Exotic Trees |
| 35 | Temporary Activities and Relocated Buildings | 36 | Noise | 37 | Designations |
| | Planning Maps | | | | |

## 33.3.2 Interpreting and Applying the Rules

**33.3.2.1** Compliance with any of the following Standards, in particular the permitted Standards, does not absolve any commitment to the conditions of any relevant land use consent, consent notice or covenant registered on the site's computer freehold register.

**33.3.2.2** Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the 'Non-Compliance Status' column applies.

**33.3.2.3** The rules in Chapter 33 apply to all parts of the District, including formed and unformed roads, whether zoned or not.

**33.3.2.4** The following abbreviations are used in the tables. Any activity that is not permitted (P) or prohibited (PR) requires resource consent.

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

### 33.3.3 Rules: Application of the indigenous vegetation rules

**33.3.3.1** For the purposes of determining compliance with the rules in Tables 1 - 4, indigenous vegetation must be measured cumulatively over the area(s) to be cleared.

**33.3.3.2** Rules 33.5.1 and 33.5.2 shall apply where indigenous vegetation attains 'structural dominance' and the indigenous vegetation exceeds 50% of the total area to be cleared or total number of species present of the total area to be cleared.

**33.3.3.3** Rules 33.5.1 and 33.5.2 4 shall apply where indigenous vegetation does not attain structural dominance and exceeds 67% of the total area to be cleared, or total number of species present of the total area to be cleared.

**33.3.3.4** Structural dominance means indigenous species that are in the tallest stratum.

**33.3.3.5** Rules 33.3.3.2 and 33.3.3.3 do not apply to Significant Natural Areas listed in Schedule 33.7. In a Significant Natural Area all clearance is subject to Rules 33.5.4 and 33.5.5.

Advice Notes

Refer to the Planning Maps and Part 33.7 for the Schedule of Significant Natural Areas.

## 33.4 Rules - Clearance of Indigenous Vegetation

| Table 1 | Any activity involving the clearance of indigenous vegetation, earthworks within SNAs and the planting of exotic plant species shall be subject to the following rules: | Activity Status |
|---|---|---|
| **33.4.1** | Activities that do not breach any of the Standards in Tables 2 to 4. | P |
| **33.4.2** | Notwithstanding Table 3, activities in any area identified in the District Plan maps and scheduled as a Significant Natural Area that is, or becomes protected by a covenant under the Queen Elizabeth II National Trust Act 1977. | P |
| **33.4.3** | Indigenous vegetation clearance for the operation and maintenance of existing and in service/operational roads, tracks, drains, utilities, structures and/or fence lines, but excludes their expansion. | P |
| **33.4.4** | Indigenous vegetation clearance for the construction of walkways or trails up to 1.5 metres in width provided that it does not involve the clearance of trees greater than a height of 4 metres. | P |
| **33.4.5** | Indigenous vegetation clearance within the Ski Area Sub Zones on land administered under the Conservation Act 1987 where the relevant approval has been obtained from the Department of Conservation, providing that:<br><br>a. the indigenous vegetation clearance does not exceed the approval by the Department of Conservation;<br><br>b. prior to the clearance of indigenous vegetation, the Council is provided with the relevant application and approval from the Department of Conservation. | P |

| Table 1 | Any activity involving the clearance of indigenous vegetation, earthworks within SNAs and the planting of exotic plant species shall be subject to the following rules: | Activity Status |
|---|---|---|
| **33.4.6** | Clearance of indigenous trees that have been wind thrown and/or are dead standing as a result of natural causes and have become dangerous to life or property. | P |
| **33.4.7** | Any clearance of indigenous vegetation within 20m of the bed of a water body. | D |

# 33.5 Rules - Standards for Permitted Activities

| Table 2 | Clearance of indigenous vegetation not located within a Significant Natural Area or within Alpine Environments: | Non-Compliance |
|---|---|---|
| **33.5.1** | Where indigenous vegetation is less than 2.0 metres in height.<br>In any continuous period of 5 years the maximum area of indigenous vegetation that may be cleared is limited to:<br>**33.5.1.1** 500m$^2$ on sites that have a total area of 10ha or less; and<br>**33.5.1.2** 5,000m$^2$ on any other site. | D |
| **33.5.2** | Where indigenous vegetation is greater than 2.0 metres in height:<br>In any continuous period of 5 years the maximum area of indigenous vegetation that may be cleared is limited to:<br>**33.5.2.1** 50m$^2$ on sites that have a total area of 10ha or less; and<br>**33.5.2.2** 500m$^2$ on any other site. | D |

| Table 3 | Activities within Significant Natural Areas identified in Schedule 33.7 and on the District Plan maps: | Non-Compliance |
|---|---|---|
| **33.5.3** | Earthworks must:<br>**33.5.3.1** be to enable the maintenance of existing fences and tracks; and<br>**33.5.3.2** be less than 50m$^2$ in any one hectare in any continuous period of 5 years; and<br>**33.5.3.3** not be undertaken on slopes with an angle greater than 20$^o$. | D |
| **33.5.4** | The clearance of indigenous vegetation must not exceed 50m$^2$ in area in any continuous period of 5 years. | D |
| **33.5.5** | The clearance of exotic vegetation that is specified indigenous fauna habitat must not exceed 50m$^2$ in area in any continuous period of 5 years. | D |
| **33.5.6** | There must be no planting of any exotic species. | D |

| Table 4 | Activities within Alpine Environments – land 1070 metres above sea level: | Non-Compliance |
|---|---|---|
| **33.5.7** | The following rules apply to any land that is higher than 1070 meters above sea level:<br><br>**33.5.7.1** indigenous vegetation must not be cleared;<br><br>**33.5.7.2** exotic species must not be planted.<br><br>Except where indigenous vegetation clearance is permitted by Rule 33.4.5 | D |
| | Clarification: For the purpose of the clearance of indigenous vegetation by way of burning, the altitude limit of 1070 metres means the average maximum altitude of any land to be burnt, averaged over north and south facing slopes. | |

# 33.6 Rules - Non-Notification of Applications

The provisions of the RMA apply in determining whether an application needs to be processed on a notified basis. No activities or non-compliances with the standards in this chapter have been identified for processing on a non-notified basis.

# 33.7 Schedule of Significant Natural Areas

| Identifier | Map Number | SNA Site Name | Property or location Reference | Description/Dominant Indigenous Vegetation |
|---|---|---|---|---|
| A10C | 9 | SNA C Mount Alfred Faces | Mt Earnslaw Station, Glenorchy | Mixed beech forest, montane and sub-alpine shrubland and sub-alpine short tussock land. |
| A8A | 12 | SNA A Fan Creek Shrublands | Mt Creighton Station | Grey shrubland. Old matagouri with Olearia odorata, Coprosma propinqua, Aristotelia fruticosa, Carmichaelia petriei and briar. |
| A8B | 12 | SNA B Lake Face Shrublands | Mt Creighton Station | Broadleaf indigenous hardwood community. Common species within this community include: Griselinia littoralis, Olearia spp., cabbage tree, Pseudopanax sp., marble leaf and Coprosma spp.. |
| A8C | 9, 10, 12, 13 | SNA C Sites 1 to 9 Manuka Shrublands | Mt Creighton Station | Extensive shrublands of manuka. |
| A8D | 12 | SNA D Moke Creek Wetland | Mt Creighton Station | Wetland marsh. |
| A23A | 12, 38 | SNA A | Closeburn | Shrubland dominated by manuka and Coprosma propinqua. |
| B3A | 8 | SNA A | Mt Burke Station | Shrubland consisting of kanuka (Kunzea ericoides), manuka (Leptospermum scoparium), matagouri (Discaria toumatou), kowhai (Sophora sp.) and briar (Rosa rubiginosa). |

| Identifier | Map Number | SNA Site Name | Property or location Reference | Description/Dominant Indigenous Vegetation |
|---|---|---|---|---|
| B3B | 8, 18 | SNA B | Mt Burke Station | Woodland dominated by kanuka, but also contains a stand of halls totara (Podocarpus cunninghamii) on rubbly slopes at the head of the catchment and kowhai (Sophora sp.) in the upper kanuka forest. |
| B3C | 8 | SNA C | Mt Burke Station | Woodland dominated by halls totara (Podocarpus cunninghamii) and mountain toatoa (Phyllocladus alpinus). |
| B11A | 4 | SNA A Sites 1 to 2 Estuary Burn | Minaret Station | Kanuka woodland with a minor component of matagouri and mingimingi. |
| B11C | 4 | SNA C Sites 1 to 6 Bay Burn | Minaret Station | Kanuka dominated woodland with a minor component of matagouri and mingimingi and regenerating broadleaved species. |
| B11D | 4, 7 | SNA D Minaret Burn | Minaret Station | Shrubland mosaic consisting of manuka/kanuka woodland and broadleaved indigenous hardwoods and beech forest. |
| B11F | 4 | SNA F Minaret Bay Riparian | Minaret Station | Indigenous broadleaved hardwoods. |
| B15A | 4, 5 | SNA A Sites 1 to 3 Mt Albert Burn & Craigie Burn Kanuka Woodlands | Mt Albert Station | Lakeshore fan communities - dense kanuka forest on flat river fans where the Craigie Burn and Albert Burn flow into the lake. The wet flats on the north side of the Albert Burn contain an excellent population of Olearia lineata growing along a small stream. |
| B15B | 2, 5 | SNA B Sites 1 to 5 Lake face shrublands and forest | Mt Albert Station | Beech forest remnants in several gullies and spreading onto some adjacent rolling country and generally surrounded by regenerating manuka shrubland. |
| B16A | 8 | SNA A Long Valley Creek | Glen Dene Station | Shrubland mosaic consisting of manuka woodland, broadleaved indigenous hardwoods and beech forest. |
| B16B | 5 | SNA B Sites 1 to 3 Lake Wanaka Shrublands | Glen Dene Station | Shrubland mosaic consisting of manuka woodland, broadleaved indigenous hardwoods and beech forest. |
| C14A | 13, 13a | SNA A Sites 1 to 5 Remarkables Face SNA | Remarkables Station | Remnant broadleaf forest forming a buffer to Wye Creek and a good representation of sub-alpine shrubland occurring on several of the south faces of the steep spurs descending from the west faces of the Remarkables, as well as remnant totara logs. |
| C24A | 13 | SNA A Wye Creek SNA | Lake Wakatipu Station | Shrubland dominated by bracken fern and Pittosporum tenuifolium, but also including tutu, Coprosma propinqua, Griselinia littoralis, manuka, Hebe salicifolia, matagouri, mistletoe sp., Carmichaelia sp., and Cordyline australis. |
| D1A | 13 | SNA A | Loche Linnhe Station | Grey shrubland consisting of Olearia odorata, Olearia fimbriata, Discaria toumatou, Coprosma propinqua, Coprosma rugosa, Melicytus alpinus, Muehlenbeckia complexa, and Rubus schmidelioides. |
| D1B | 13 | SNA B Sites 1 to 3 | Loche Linnhe Station | Forest and shrubland consisting of Griselinia littoralis, Aristotelia serrata, Olearia arborescens, Metrosideros umbellata, Carpodetus serratus, Fuschia excorticata, Sophora microphylla, Pittosporum tenuifolium, Pseudopanax crassifolium and Coriaria arborea. |

| Identifier | Map Number | SNA Site Name | Property or location Reference | Description/Dominant Indigenous Vegetation |
|---|---|---|---|---|
| D1C | 15 | SNA C | Loche Linnhe Station | Beech forest dominated by mountain beech (Nothofagus solandri. cliffortoides) with occasional mature red beech (Nothofagus fusca), located above the highway. |
| D1D | 15 | SNA D | Loche Linnhe Station | Grey shrubland and pasture grassland. Species recorded include tree daisys (Olearia odorata, Olearia fimbriata), matagouri, Coprosma propinqua, briar and Melicytus alpinus. |
| D1E | 15 | SNA E | Loche Linnhe Station | Beech forest dominated by mountain beech (Nothofagus solandri. cliffortoides), with occasional mature red beech (Nothofagus fusca). |
| D4A | 15 | SNA A Halfway Bay Lake Shore | Lake Wakatipu Station | Red and mountain beech forest in gullies, broadleaf lakeshore forest (including kowhai, broadleaf, occasional southern rata, Olearia species and Coprosma species) and regenerating broadleaf forest, shrubland, bracken fernland, occasional gorse and wild conifers. |
| D5A | 13, 13b | SNA A Sites 1 to 7 Lakeshore Gullies | Cecil Peak Station | Beech forest, shrubland, bracken fernland and pasture grasses. |
| D6A | 12, 13 | SNA A McKinlays Creek | Walter Peak Station/Cecil Peak Station | Mountain beech forest with remnant and regenerating shrubland on steep, rocky slopes and exotic grassland that follows along a vehicle track. |
| D6B | 14 | SNA B Von – White Burn | Walter Peak Station | A series of extensive ponds and bogs with red tussock merging into dryland hard tussockland. |
| D7A | 12, 14 | SNA A Sites 1 to 2 North Von, Lower Wetlands | Mt Nicholas Station/Walter Peak Station | Lacustrine wetland, swamp, marshland and bog. |
| D7B | 12, 14 | SNA B North Von, Central Wetlands | Mt Nicholas Station | Palustrine wetlands and sub alpine bogs. |
| D7C | 12 | SNA C Sites 1 to 3 North Von, Upper Wetlands | Mt Nicholas Station | Cushion bog, sedgeland, rushland and turf communities containing plants typical of these communities. |
| D7D | 14 | SNA D North Von Lower Wetlands | Mt Nicholas Station | A kettle lake, kettle holes and adjacent wetlands and ephemeral wetlands. |
| E18B | 8, 18 | SNA B | Watkins Rd, Hawea Flat | Mosaic of short tussock grassland, cushionfields and herbfields. |
| E18C | 8, 18 | SNA C | Mt Iron | Kanuka woodland. |
| E18D | 8, 18 | SNA D Sites 1 to 2 | Mt Iron | Kanuka woodland. |
| E18G | 8 | SNA G | Wanaka-Luggate Hwy, Upper Clutha River | Kanuka woodland with some small areas of short tussock grassland dominated by introduced grasses. |
| E18H | 8, 18 | SNA H | Mt Iron | Kanuka woodland. |
| E19A | 8 | SNA A | Glenfoyle Station | Kanuka woodland. |
| E19B | 8, 11 | SNA B | Glenfoyle Station | Kanuka woodland, dominated by kanuka but also including a more diverse plant assemblage in the gully bottoms including matagouri, Coprosma propinqua and tree daisys (Olearia sp.). |

| Identifier | Map Number | SNA Site Name | Property or location Reference | Description/Dominant Indigenous Vegetation |
|---|---|---|---|---|
| E19C | 8, 11 | SNA C | Glenfoyle Station | Kanuka woodland. |
| E30A | 8, 11, 11a | SNA A Dead Horse Creek | Lake McKay Station | Kanuka woodland dominated by kanuka, but also includes shrubland species such as matagouri, native broom, Coprosma propinqua and mature stands of Olearia lineata. |
| E30B | 8, 11 | SNA B Sites 1 to 4 Tin Hut Creek | Lake McKay Station | Kanuka woodland dominated by kanuka but also includes other shrubland species such as matagouri, native broom, and Coprosma propinqua. |
| E30C | 11 | SNA C Alice Burn Tributary | Lake McKay Station | Grey shrubland, which includes significant populations of Olearia lineata. |
| E30D | 8, 11, 18a | SNA D Luggate Creek | Lake McKay Station | Kanuka woodland dominated by kanuka but also includes other shrubland species such as matagouri, native broom, and Coprosma propinqua. |
| E30E | 8, 11 | SNA E Sites 1 to 2 Lake McKay | Lake McKay Station | Kanuka woodland dominated by kanuka but also includes other shrubland species such as matagouri, native broom, and Coprosma propinqua. |
| E30F | 8, 11 | SNA F Alice Burn | Lake McKay Station | Kanuka woodland dominated by kanuka but also includes other shrubland species such as matagouri, native broom, and Coprosma propinqua. |
| E35A | 8, 11 | Sites 1 to 11 Sheepskin Creek | Luggate-Cromwell Road, Upper Clutha. | Diverse kanuka, and mixed kanuka/mingimingi–matagouri, scrub/shrubland communities in mid to lower reaches of the Sheepskin Creek catchment with intervening areas of pasture. |
| E37A | 8, 11 | SNA A | Kane Road – Hawea Back Road, Hawea Flat | Grey shrubland on rocky outcrop, including Coprosma intertexta, Coprosma propinqua, Coprosma tayloriae, Coprosma rigida, Coprosma crassifolius, Carmichaelia petriei, Melicytus alpinus, Discaria toumatou, Pteridium esculentum, Muehlenbeckia complexa and Cordyline australis. |
| E38A | 8, 18a | SNA A Sites 1 to 5 | Stevensons Road, Clutha River | Cushion fields (including Pimelea sericeovillosa subsp. pulvinaris) and kanuka stands. |
| E39A | 8, 18, 24b | SNA A | Dublin Bay Road, Albert Town, Wanaka. | Short tussock grassland and cushion field. |
| E44A | 8 | SNA A Sites 1 to 2 | Te Awa Road Hawea River | Hard tussock grassland with shrubland species, including kanuka, Ozothamnus leptophyllus and matagouri. |
| E45A | 8 | SNA A Sites 1 to 2 | Te Awa Road Hawea River | Kanuka stands with other native species interspersed including Coprosma propinqua, Ozothamnus leptophyllus, matagouri and stands of bracken fern. |
| F2A | 10 | SNA A | Branch Creek, Cardrona Valley | Shrubland including Dracophyllum longifolium, Dracophyllum uniflorum, Olearia avicennifolia, Olearia arborscens, Olearia nummularifolia, Olearia odorata, and Coprosma propinqua, with a small pocket of silver beech forest. |

| Identifier | Map Number | SNA Site Name | Property or location Reference | Description/Dominant Indigenous Vegetation |
|---|---|---|---|---|
| F2B | 10 | SNA B Sites 1 to 3 | Branch Creek, Cardrona Valley | Shrubland consisting of matagouri, Olearia odorata, Olearia bullata, Aristotelia fruiticosa, Coprosma propinqua, Coprosma tayloriae, Carmichaelia petriei, sweet briar, elderberry, Melicytus alpinus, Rubus schmidelioides and Meuhlenbeckia australis. |
| F2C | 10 | SNA C Sites 1 to 2 | Branch Creek, Cardrona Valley | Shrubland consisting of matagouri, Olearia odorata, Olearia bullata, Aristotelia fruiticosa, Coprosma propinqua, Carmichaelia petriei, sweet briar, elderberry, Melicytus alpinus, Rubus schmidelioides and Meuhlenbeckia australis. |
| F2D | 10 | SNA D | Branch Creek, Cardrona Valley | Shrubland consisting of matagouri, Olearia odorata, Olearia bullata, Aristotelia fruiticosa, Coprosma propinqua, Coprosma tayloriae, Carmichaelia petriei, sweet briar, elderberry, Melicytus alpinus, Rubus schmidelioides and Meuhlenbeckia australis. |
| F21A | 10 | SNA A | Hillend Station, Wanaka | Coprosma-matagouri-Olearia shrubland with some elder and briar and a small pocket of silver beech forest. |
| F21B | 10 | SNA B Sites 1 to 3 | Hillend Station, Wanaka | Shrubland including matagouri, Coprosma propinqua, kanuka – manuka, Olearia odorata, briar and elder. |
| F21C | 10 | SNA C Sites 1 to 2 | Hillend Station, Wanaka | Beech forest fragments with extensive areas of regenerating shrubland. |
| F22A | 10 | SNA A Sites 1 to 2 Back Creek | Back Creek, Cardrona Valley. | Grey shrubland dominated by Olearia odorata, Coprosma propinqua and matagouri. |
| F26A | 10 | SNA A | Avalon Station, Cardrona Valley | Grey shrubland including Coprosma propinqua, matagouri, Olearia odorata and briar. |
| F26B | 10 | SNA B | Avalon Station, Cardrona Valley | Grey shrubland including Olearia spp., Coprosma propinqua, matagouri and Corokia cotoneaster. |
| F26C | 10 | SNA C Sites 1 to 3 | Avalon Station, Cardrona Valley | Grey shrubland including Olearia lineata, Coprosma propinqua, matagouri, Hebe salicifolia and Carmichaelia kirkii. |
| F31A | 13, 15a | SNA A Kawarau Faces | Waitiri Station, Kawarau Gorge. | Shrubland heavily dominated by matagouri and sweet briar but also includes Coprosma propinqua and to a lesser degree Olearia odorata. |
| F32A | 13, 30 | SNA A Sites 1 to 3 Owen Creek | Remarkables Range. | Grey shrubland dominated by Olearia species, Coprosma propinqua, Discaria toumatou, Carmichaelia petriei, Melicytus alpinus, Rubus schmidelioides and Meuhlenbeckia species. |
| F32B | 13, 30 | SNA B Rastus Burn | Remarkables Range. | Grey shrubland dominated by Olearia species, Coprosma propinqua, Discaria toumatou, Carmichaelia petriei, Melicytus alpinus, Rubus schmidelioides, and Meuhlenbeckia species. |
| F40A | 13, 15a | SNA A | Gibbston Valley | Grey shrubland largely dominated by matagouri and Coprosma propinqua, but also includes populations of Olearia spp. and Muehlenbeckia complexa. |

| Identifier | Map Number | SNA Site Name | Property or location Reference | Description/Dominant Indigenous Vegetation |
|---|---|---|---|---|
| F40B | 13, 15a | SNA B | Gibbston Valley | Grey shrubland including Olearia odorata, Olearia lineata, Discaria toumatou, Coprosma propinqua, Melicytus alpinus, Muehlenbeckia complexa, Rubus schmidelioides, Carmichaelia petriei, Clematis quadribracteolata and Hebe salicifolia. |
| F40C | 13, 15a | SNA C | Gibbston Valley | Grey shrubland. |
| F40D | 13, 15a | SNA D | Gibbston Valley | Grey shrubland dominated by matagouri and kowhai, but also includes Coprosma propinqua, Melycitus alpinus, Coprosma crassifolia and Muehlenbeckia complexa. |
| G28A | 10, 26 | SNA A Site 6 | Coronet Peak (Bush Creek) | Olearia odorata–matagouri shrubland. |
| G28A | 10, 26 | SNA A Site 7 | Coronet Peak (Bush Creek) | Mountain beech forest. |
| G33A | 10 | SNA A | Ben Lomond Station, Upper Shotover River | Mixed mingimingi–matagouri–Olearia spp. shrubland. |
| G33B | 10 | SNA B | Ben Lomond Station, Upper Shotover River | Mixed mingimingi–matagouri–Olearia spp. shrubland. |
| G33C | 9 | SNA C | Ben Lomond Station, Upper Shotover River | Extensive manuka scrub & shrubland community and mountain beech forest. |
| G34A | 7 | SNA A | Alpha Burn Station, West Wanaka | Kanuka, mingimingi-matagouri-kohuhu-broadleaf-manuka/ bracken shrubland. |
| G34B | 7 | SNA B | Alpha Burn Station, West Wanaka | Kohuhu-broadleaf shrubland merging with mingimingi-matagouri/ bracken shrubland. |
| G34C | 7 | SNA C | Alpha Burn Station, West Wanaka | Mixed broadleaf–kohuhu–mingimingi–matagouri–bracken shrubland. |
| G34D | 7 | SNA D | Alpha Burn Station, West Wanaka | Mixed beech forest, manuka forest, montane shrubland. |
| 2A | 5 | Hunter River Delta | G38 270 557 | WERI: A braided river used for fishing and recreational boating activities. An important site for bird breeding. |
| 16A | 10 | Caspar Flat Bush | E40 669 936 | SSWI: An area with mountain beech. Bird species present include yellow breasted tit, rifleman, grey warbler and silvereye. Reasonable canopy but low plant diversity (natural for environment). |
| 17A | 10 | Left Branch bush | E40 665 925 | SSWI: An area of mountain beech, mountain toatoa, small leaf Coprosmas and ferns. A very steep south facing habitat. Reasonable canopy but very little plant diversity (natural for environment). Bird species include yellow breasted tit, rifleman, silvereye and grey warbler. Some large slips. |
| 18A | 10 | Butchers Gully Bush | E40 665 906 | SSWI: An area with mountain beech and mountain toatoa. Bird species include grey warbler, rifleman and yellow breasted tit. A steep south facing habitat. Reasonable canopy but little plant diversity. Some slipping. |

| Identifier | Map Number | SNA Site Name | Property or location Reference | Description/Dominant Indigenous Vegetation |
|---|---|---|---|---|
| 35A | 9, 10 | Mount Aurum Remnants | S123 520 930 | SSWI: An area with mountain beech, situated in gullies and on southern faces. Reasonable canopy, but low plant diversity. Yellow breasted tit, rifleman and grey warbler present. |
| 38A | 12 | Moke Lake | S132 470 738 | WERI, SSWI: A steep montane lake surrounded by tussock farmland. Brown trout fishery. |
| 40A | 12 | Lake Isobel | S132 406 807 | WERI: A lake with restiad bog and tussock land (Chionochloa species). |
| 41A | 12 | Lake Kirkpatrick | S132 477 704 | WERI, SSWI: A sub-alpine lake with Carex bog and surrounded by tussock farmland. Common native water-fowl present. More important as trout fishery. |
| 42A | 12, 38 | Few Creek Bush (includes 127) | S132 440 675 | SSWI: A moderate sized plain beech forest (red beech, mountain beech) with common forest birds, including brown creeper, fantail, bellbird, rifleman, grey warbler and yellow breasted tit. |
| 43A | 12, 38 | Twelve Mile Bush | S132 420 655 | SSWI: Reasonable sized bush with more diversity than usual, with red beech, mountain beech, broadleaf shrubbery, bracken and tussock surrounds. Good range of common forest birds, including brown creeper, fantail, bellbird, rifleman, grey warbler and yellow breasted tit. Very good lakeshore diversity. |
| 57A | 31 | Lake Johnson | F41 735 695 | WERI, SSWI: An eutrophied lowland lake, rush and sedge swamp (Carex species - Cyperaceae). |
| 69A | 13 | Shadow Basin Tarn | F41 798 639 | Montane lake and montane flush surrounded by steep slopes of snow tussock, cushion vegetation and herb fields. |
| 71A | 13 | Lake Alta (adjoins 70) | F41 801 632 | WERI: A montane lake surrounded by steep snow tussock slopes with extensive cushion vegetation and herb fields. |
| 72A | 13 | Upper Wye Lakes | F41 812 612 | WERI: Four montane lakes surrounded by scree and snow tussock. Cushion vegetation and herb fields. |
| 91A | 5 | Dingle Lagoon | G39 220 347 | WERI SSWI: A lagoon with a sloping edge with good plant communities and populations of paradise shelduck, mallard, grey duck and Canada geese. |
| 114A | 6, 9 | Mt Earnslaw Forest and Bush Remnants | E40 | SSWI: A healthy area of bush with red beech, totara, mountain beech, Grisilinea, fuchsia, wineberry, Coprosma sp., hard fern. Good numbers of bush birds present, including yellow breasted tit, rifleman, bellbird, grey warbler and silvereye. |
| 126A | 32 | Gorge Road Wetland | S132 555 720 | Significant site of insects and plants (Carox socta). |

# 33.8 Framework for the use of biodiversity offsets

The following sets out a framework for the use of biodiversity offsets. It should be read in conjunction with the NZ Government *Guidance on Good Practice Biodiversity Offsetting in New Zealand*, August 2014:

a. restoration, enhancement and protection actions will only be considered a biodiversity offset where they are used to offset the anticipated residual effects of activities after appropriate avoidance, minimisation, remediation and mitigation actions have occurred as per Policy 33.2.1.6, i.e. not in situations where they are used to mitigate the adverse effects of activities;

b. a proposed biodiversity offset should contain an explicit loss and gain calculation and should demonstrate the manner in which no net loss or preferably a net gain in biodiversity can be achieved on the ground;

c. a biodiversity offset should recognise the limits to offsets due to irreplaceable and vulnerable biodiversity and its design and implementation should include provisions for addressing sources of uncertainty and risk of failure of the delivery of no net loss;

d. restoration, enhancement and protection actions undertaken as a biodiversity offset are demonstrably additional to what otherwise would occur, including that they are additional to any remediation or mitigation undertaken in relation to the adverse effects of the activity;

e. offset actions should be undertaken close to the location of development, where this will result in the best ecological outcome;

f. the values to be lost through the activity to which the offset applies are counterbalanced by the proposed offsetting activity which is at least commensurate with the adverse effects on indigenous biodiversity, so that the overall result is no net loss, and preferably a net gain in ecological values;

g. the offset is applied so that the ecological values being achieved through the offset are the same or similar to those being lost;

h. as far as practicable, the positive ecological outcomes of the offset last at least as long as the impact of the activity, and preferably in perpetuity. Adaptive management responses should be incorporated into the design of the offset, as required to ensure that the positive ecological outcomes are maintained over time;

i. the biodiversity offset should be designed and implemented in a landscape context – i.e. with an understanding of both the donor and recipient sites role, or potential role in the ecological context of the area;

j. the development application identifies the intention to utilise an offset, and includes a biodiversity offset management plan that:

    i. sets out baseline information on indigenous biodiversity that is potentially impacted by the proposal at both the donor and recipient sites;

    ii. demonstrates how the requirements set out in this appendix will be addressed;

    iii. identifies the monitoring approach that will be used to demonstrate how the matters set out in this appendix have been addressed, over an appropriate timeframe.

(While this appendix sets out a framework for the use of biodiversity offsets in the Queenstown Lakes District Council District Plan, many of the concepts are also applicable to other forms of effects management where an overall outcome of no net loss and preferably a net gain in biodiversity values are not intended, but restoration and protection actions will be undertaken).

Appendix 5: Chapter 34 – Wilding Exotic Trees as Recommended

# 34 WILDING EXOTIC TREES

QUEENSTOWN LAKES DISTRICT COUNCIL

# 34.1 Purpose

The purpose of these provisions is to prevent the spread of wilding exotic trees. Wilding is the term used for the natural regeneration or seedling spread of exotic trees, occurring in unintended locations and not managed for forestry production.

The District values and relies on its distinctive landscapes, open spaces and rural productive land for its social, cultural and economic wellbeing. Wilding trees are spreading across parts of the District and have visually degraded parts of the landscape, biodiversity values and can threaten the productive values of the soil resource. The spread of wilding trees has left other areas vulnerable to landscape and biodiversity degradation.

The Council manages existing wilding trees through the non-statutory document, 'The Wakatipu Wilding Conifer Strategy'. The District Plan also has a role in reducing the potential for wilding tree spread by controlling the planting of wilding potential species.

# 34.2 Objective and Policies

## 34.2.1 Objective - Protection of the District's landscape, biodiversity and soil resource values from the spread of wilding exotic trees.

Policy

**34.2.1.1** Avoid the further spread of identified wilding tree species by prohibiting the planting of identified species.

**34.2.1.2** Ensure that any planting and ongoing management of Radiata pine (Pinus radiata) is effective and can be practicably managed to avoid the adverse effects of the spread of wilding trees and degradation to the landscape.

**34.2.1.3** That any proposal for the planting and ongoing management of Radiata pine (Pinus radiata) shall consider the following to ensure the spread of wilding trees can be contained:

a. The location and potential for wilding take-off, having specific regard to the slope and exposure to wind;

b. The surrounding land uses and whether these would reduce the potential for wilding spread;

c. The ownership of the surrounding land and whether this would constrain the ability to manage wilding spread;

d. Whether management plans are proposed for the avoidance or containment of wilding spread;

e. Whether a risk assessment has been completed and the results are favourable to the proposal.

# 34.3 Other Provisions and Rules

## 34.3.1 District Wide

Attention is drawn to the following District Wide chapters.

| | | | | | |
|---|---|---|---|---|---|
| 1 | Introduction | 2 | Definitions | 3 | Strategic Direction |
| 4 | Urban Development | 5 | Tangata Whenua | 6 | Landscapes and Rural Character |
| *25* | *Earthworks* | 26 | Historic Heritage | 27 | Subdivision |
| 28 | Natural Hazards | *29* | *Transport* | 30 | Energy and Utilities |
| *31* | *Signs* | 32 | Protected Trees | 33 | Indigenous Vegetation |
| 35 | Temporary Activities and Relocated Buildings | 36 | Noise | 37 | Designations |
| | Planning Maps | | | | |

## 34.3.2 Interpreting and Applying the Rules

**34.3.2.1** The rules in Chapter 34 apply to all parts of the District, including formed and unformed roads, whether zoned or not.

# 34.4 Rule - Planting of Wilding Exotic Trees

| Rule | Table 1 | Activity Status |
|---|---|---|
| **34.4.1** | Planting of the following:<br>a. Radiata pine (Pinus radiata) | Discretionary |
| **34.4.2** | Planting of the following:<br>a. Contorta or lodgepole pine (Pinus contorta);<br>b. Scots pine (Pinus sylestris sylvestris);<br>c. Douglas fir (Pseudotsuga menziesii);<br>d. European larch (Larix decidua);<br>e. Corsican pine (Pinus nigra);<br>f. Bishops pine (Pinus muricate);<br>g. Ponderosa pine (Pinus Ponderosa);<br>h. Mountain pine (Pinus mugo uncinata);<br>i. Dwarf Mountain pine (Pinus mugo);<br>j. Maritime pine (Pinus pinaster);<br>k. Sycamore (Acer pseudoplatanus);<br>l. Hawthorn (Crataegus monogyna);<br>m. Boxthorn (Lycium ferocissimum);<br>n. Buddleia (Buddleja davidii);<br>o. Grey willow (Salix cinereal);<br>p. Crack willow (Salix fragilis);<br>q. Cotoneaster (Simonsii);<br>r. Rowan (Sorbus aucuparia);<br>s. Spanish heath (Erica lusitanica). | Prohibited<br>No application for resource consent can be accepted. |

## 34.4.3 Exemption

**34.4.3.1** For avoidance of doubt, this rule does not require the felling or removal of any tree identified and scheduled in the District Plan as a protected tree.

# 34.4 Rules - Non-Notification of Applications

The provisions of the RMA apply in determining whether an application needs to be processed on a notified basis. No activities in this chapter have been identified for processing on a non-notified basis.

# Appendix 6: Recommendations on Submissions and Further Submissions

## Part A: Submissions

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS002.10 | Rogers, Jeff | Reject | Part B |
| OS009.6 | Drayron, Terry | Accept in Part | 58 |
| OS009.7 | Drayron, Terry | Accept in Part | 5.23 |
| OS009.8 | Drayron, Terry | Reject | 45 |
| OS011.1 | Newton, Jill | Accept | 13.2 |
| OS012.1 | Landpro | Accept in part | 42.2 |
| OS019.10 | Fround, Kain | Accept in part | Part C |
| OS019.11 | Fround, Kain | Accept in part | Part D |
| OS019.16 | Fround, Kain | Accept in Part | 58 |
| OS019.22 | Fround, Kain | Accept in Part | Part B |
| OS019.23 | Fround, Kain | Accept in Part | 45 |
| OS021.40 | Walsh, Alison | Accept in part | Part C |
| OS021.42 | Walsh, Alison | Accept in part | 23.1 |
| OS021.43 | Walsh, Alison | Accept in part | 25 |
| OS021.44 | Walsh, Alison | Accept | 26.1 |
| OS021.45 | Walsh, Alison | Accept in part | 28.1 |
| OS021.46 | Walsh, Alison | Accept in part | 35 |
| OS021.47 | Walsh, Alison | Accept in part | 37 |
| OS021.48 | Walsh, Alison | Accept in part | Part D |
| OS021.59 | Walsh, Alison | Accept in Part | 58 |
| OS021.62 | Walsh, Alison | Accept in Part | Part B |
| OS021.63 | Walsh, Alison | Accept in Part | Part B |
| OS029.1 | Shearer, Jane | Accept in part | 28.2 |
| OS029.2 | Shearer, Jane | Accept in part | 23.1 |
| OS029.3 | Shearer, Jane | Reject | 28.2 |
| OS056.1 | Aviation New Zealand | Accept in Part | 6.23 |
| OS072.5 | Kelvin Peninsula Community Association | Accept in Part | 58 |
| OS085.1 | Flahive, Gillian | Reject | 58 |
| OS093.1 | Evans, Mike | Accept in Part | 6.23 |
| OS095.1 | Albert Town Community Assoc | Accept in Part | 58 |
| OS096.1 | Peter Terence Hale | Accept | 6.7 |
| OS105.1 | Chartres, Allan | Accept in Part | 6.23 |
| OS105.2 | Chartres, Allan | Accept in Part | 6.23 |
| OS105.3 | Chartres, Allan | Accept in Part | 6.23 |
| OS106.1 | Trelawn Place | Accept in Part | 6.23 |
| OS109.1 | Couper, Steve | Accept in Part | 6.23 |
| OS114.1 | Tapper, Jules | Accept in Part | 6.23 |
| OS115.8 | Micoud, Florence | Reject | 55 |
| OS117.12 | Lawton, Maggie | Accept in Part | 58 |
| OS117.19 | Lawton, Maggie | Reject | 4.40 |
| OS117.20 | Lawton, Maggie | Accept in Part | 7.7 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS117.21 | Lawton, Maggie | Reject | 4.6 |
| OS117.22 | Lawton, Maggie | Accept in Part | 4.6 |
| OS117.8 | Lawton, Maggie | Accept | Part C |
| OS122.1 | Skydive Queenstown Limited | Reject | 2.3 |
| OS122.2 | Skydive Queenstown Limited | Accept in Part | 4 |
| OS122.3 | Skydive Queenstown Limited | Reject | 4.36 |
| OS122.4 | Skydive Queenstown Limited | Accept in Part | 6.15 |
| OS122.5 | Skydive Queenstown Limited | Accept in Part | 6.23 |
| OS122.6 | Skydive Queenstown Limited | Accept in Part | 6.23 |
| OS126.2 | Hunter Leece / Anne Kobienia | Accept in part | 27.12 |
| OS126.3 | Hunter Leece / Anne Kobienia | Reject | 28.11 |
| OS127.1 | Chisholm, Simon | Accept in part | 27.15 |
| OS127.2 | Chisholm, Simon | Reject | 28.8 |
| OS133.1 | Woodfield, Kate | Accept in Part | 46 |
| OS134.1 | Lemaire-Sicre, Keri | Reject | 4.10 |
| OS135.1 | Baker, Joan | Accept in Part | 6.23 |
| OS1366.10 | Moraine Creek Limited | Reject | 6.15 |
| OS1366.7 | Moraine Creek Limited | Accept in Part | 6.23 |
| OS1366.8 | Moraine Creek Limited | Accept in Part | 6.23 |
| OS137.1 | Glenorchy Air | Accept in Part | 6.23 |
| OS138.1 | Baker, Cliff | Accept in Part | 6.23 |
| OS143.1 | Bowman, Richard | Accept in Part | 6.23 |
| OS145.10 | Upper Clutha Environmental Society (Inc) | Reject | 6.4 |
| OS145.11 | Upper Clutha Environmental Society (Inc) | Reject | 9.1 |
| OS145.13 | Upper Clutha Environmental Society (Inc) | Reject | 19 |
| OS145.2 | Upper Clutha Environmental Society (Inc) | Accept in Part | 19.5 |
| OS145.25 | Upper Clutha Environmental Society (Inc) | Reject | 6.8 |
| OS145.3 | Upper Clutha Environmental Society (Inc) | Reject | 19.5 |
| OS145.7 | Upper Clutha Environmental Society (Inc) | Reject | 6.7 |
| OS145.8 | Upper Clutha Environmental Society (Inc) | Reject | 6.8 |
| OS146.1 | Bradley, Sue | Reject | 28.2 |
| OS146.2 | Bradley, Sue | Reject | 31 |
| OS157.4 | Wilson, Miles | Reject | 27.10 |
| OS162.1 | Campbell, Carlton | Accept in Part | 6.23 |
| OS162.2 | Campbell, Carlton | Accept in Part | 6.23 |
| OS162.3 | Campbell, Carlton | Accept in Part | 6.23 |
| OS163.2 | Woodfield, Vaughn | Reject | 49 |
| OS163.3 | Woodfield, Vaughn | Reject | 49 |
| OS166.5 | Aurum Survey Consultants | Reject | 31 |
| OS166.6 | Aurum Survey Consultants | Reject | 28.2 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS167.1 | Queenstown Rafting Limited | Accept in Part | 4.40 |
| OS167.2 | Queenstown Rafting Limited | Reject | 14.2 |
| OS167.3 | Queenstown Rafting Limited | Reject | 14.2 |
| OS174.1 | Stephani, Steven | Accept in Part | 6.23 |
| OS176.1 | Davies, Jenny | Reject | Part B |
| OS179.10 | Vodafone NZ | Reject | 19.3 |
| OS179.9 | Vodafone NZ | Reject | 19.1 |
| OS186.1 | Gilbertson, Shaun | Accept in Part | 6.23 |
| OS187.8 | Kiddle, Nicholas | Accept in Part | 58 |
| OS191.8 | Spark Trading NZ Limited | Reject | 19 |
| OS194.1 | Ecroyd, John | Accept in Part | 4.48 |
| OS194.2 | Ecroyd, John | Reject | 4.46 |
| OS194.3 | Ecroyd, John | Reject | 6.22 |
| OS197.22 | Hylton, Jeffrey | Accept in part | 35 |
| OS198.1 | Woodfield, Kate | Reject | 49 |
| OS209.1 | Green, Michael | Accept in Part | 6.23 |
| OS209.2 | Green, Michael | Accept in Part | 6.23 |
| OS211.1 | Aircraft Owners and Pilots Assn Nz (Inc) | Accept in Part | 6.23 |
| OS211.2 | Aircraft Owners and Pilots Assn Nz (Inc) | Accept in Part | 6.23 |
| OS213.1 | Manners Wood, Clive | Accept in Part | 6.23 |
| OS214.1 | Woodfield, Kate | Reject | 49 |
| OS217.16 | Berriman, Jay | N/A | 24.3 |
| OS217.17 | Berriman, Jay | Accept | 24.4 |
| OS217.19 | Berriman, Jay | Accept in Part | 4.24 |
| OS217.20 | Berriman, Jay | Accept in Part | 4.31 |
| OS217.21 | Berriman, Jay | Reject | 4.35 |
| OS217.22 | Berriman, Jay | Accept in Part | 4.51 |
| OS217.23 | Berriman, Jay | Accept in Part | 6.23 |
| OS219.1 | Juie Q.T. Limited | Accept in part | Part C |
| OS219.2 | Juie Q.T. Limited | Accept | 27.3 |
| OS219.3 | Juie Q.T. Limited | Accept | 27.5 |
| OS219.4 | Juie Q.T. Limited | Accept | 27.6 |
| OS219.5 | Juie Q.T. Limited | Accept | 28.5 |
| OS219.6 | Juie Q.T. Limited | Accept | 28.12 |
| OS220.2 | Manners Wood, Clive | Reject | 6.2 |
| OS220.3 | Manners Wood, Clive | Accept in Part | 4.26 |
| OS221.3 | Cleaver, Susan | Reject | 24.3 |
| OS221.5 | Cleaver, Susan | Accept in Part | 6.23 |
| OS224.1 | Queenstown Milford User Group | Accept in Part | 6.23 |
| OS229.3 | Felzar Properties Ltd | Accept | Part C |
| OS231.1 | Antony Strain, Sarah Strain and Samuel Strain | Accept | Part C |
| OS236.1 | Perkins, Claire & Nigel | Accept in part | Part C |
| OS236.2 | Perkins, Claire & Nigel | Accept in part | 27.11 |
| OS236.3 | Perkins, Claire & Nigel | Accept | 27.14 |
| OS236.4 | Perkins, Claire & Nigel | Reject | 27.10 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS236.5 | Perkins, Claire & Nigel | Accept in part | 24.3 |
| OS238.109 | NZIA Southern and Architecture + Women Southern | Accept | 39 |
| OS238.110 | NZIA Southern and Architecture + Women Southern | Reject | 42.4 |
| OS238.111 | NZIA Southern and Architecture + Women Southern | Reject | 42.5 |
| OS238.112 | NZIA Southern and Architecture + Women Southern | Reject | 43.1 |
| OS238.120 | NZIA Southern and Architecture + Women Southern | Accept | 23 |
| OS238.121 | NZIA Southern and Architecture + Women Southern | Accept in part | 24.2 |
| OS238.122 | NZIA Southern and Architecture + Women Southern | Reject | 24.2 |
| OS238.123 | NZIA Southern and Architecture + Women Southern | Accept in part | 24.3 |
| OS238.124 | NZIA Southern and Architecture + Women Southern | Reject | 27.4 |
| OS238.125 | NZIA Southern and Architecture + Women Southern | Reject | 27.8 |
| OS238.126 | NZIA Southern and Architecture + Women Southern | Reject | 28.2 |
| OS238.128 | NZIA Southern and Architecture + Women Southern | Reject | 3 |
| OS238.129 | NZIA Southern and Architecture + Women Southern | Reject | 6.8 |
| OS238.130 | NZIA Southern and Architecture + Women Southern | Reject | 6.13 |
| OS238.131 | NZIA Southern and Architecture + Women Southern | Reject | 6.14 |
| OS238.132 | NZIA Southern and Architecture + Women Southern | Accept in Part | 6.23 |
| OS238.133 | NZIA Southern and Architecture + Women Southern | Reject | 13.1 |
| OS243.10 | Byrch, Christine | Accept in part | 24.5 |
| OS243.11 | Byrch, Christine | Reject | 24.6 |
| OS243.12 | Byrch, Christine | Accept in part | 26 |
| OS243.13 | Byrch, Christine | Reject | 27.1 |
| OS243.14 | Byrch, Christine | Accept | Report 4B |
| OS243.15 | Byrch, Christine | Reject | 28.1 |
| OS243.16 | Byrch, Christine | Reject | 28.1 |
| OS243.17 | Byrch, Christine | Accept | 28.6 |
| OS243.18 | Byrch, Christine | Reject | 28.2 |
| OS243.19 | Byrch, Christine | Accept | Report 4B |
| OS243.21 | Byrch, Christine | Accept in Part | 4.17 |
| OS243.22 | Byrch, Christine | Accept | 4.40 |
| OS243.24 | Byrch, Christine | Accept | 24.4 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS243.25 | Byrch, Christine | Accept | 24.3 |
| OS243.26 | Byrch, Christine | Reject | Report 4B |
| OS243.27 | Byrch, Christine | Accept in part | 27.12 |
| OS243.28 | Byrch, Christine | Reject | 27.13 |
| OS243.30 | Byrch, Christine | Accept in part | 28.3 |
| OS243.31 | Byrch, Christine | Accept in part | 28.4 |
| OS243.32 | Byrch, Christine | Accept | 28.7 |
| OS243.33 | Byrch, Christine | Accept | Report 4B |
| OS243.7 | Byrch, Christine | Reject | 23 |
| OS243.8 | Byrch, Christine | Accept in part | 24.2 |
| OS243.9 | Byrch, Christine | Accept in part | 24.3 |
| OS248.18 | Shotover Trust | Accept in Part | 4.25 |
| OS248.19 | Shotover Trust | Accept in Part | 4.26 |
| OS248.2 | Shotover Trust | Reject | 24.3 |
| OS248.3 | Shotover Trust | Reject | 27.4 |
| OS248.4 | Shotover Trust | Reject | 27.2 |
| OS248.5 | Shotover Trust | Reject | 24 |
| OS249.12 | Willowridge Developments Limited | Accept | 19.1 |
| OS249.13 | Willowridge Developments Limited | Accept in Part | 19.1 |
| OS251.10 | PowerNet Limited | Reject | 19.8 |
| OS251.7 | PowerNet Limited | Reject | 19.1 |
| OS251.8 | PowerNet Limited | Reject | 19.3 |
| OS251.9 | PowerNet Limited | Reject | 19.6 |
| OS257.1 | Shackleton, Louise | Accept in Part | Part B |
| OS265.3 | Bunn, Phillip | Reject | 24.3 |
| OS265.6 | Bunn, Phillip | Accept in Part | 6.23 |
| OS271.16 | Board of Airline Representatives of New Zealand (BARNZ) | Accept in Part | 4.20 |
| OS271.17 | Board of Airline Representatives of New Zealand (BARNZ) | Accept | 6.26 |
| OS281.1 | Wakatipu Reforestation Trust | Accept in Part | 58 |
| OS281.2 | Wakatipu Reforestation Trust | Reject | 46 |
| OS285.14 | MacColl, Debbie | Reject | 24.3 |
| OS285.17 | MacColl, Debbie | Accept in Part | 4.35 |
| OS285.18 | MacColl, Debbie | Reject | 6.23 |
| OS285.19 | MacColl, Debbie | Accept in Part | 4.37 |
| OS286.1 | Metzger, Urs & Rosalie | Accept in Part | 58 |
| OS286.2 | Metzger, Urs & Rosalie | Reject | 23 |
| OS288.4 | Limited, Barn Hill | Accept in Part | 4.35 |
| OS288.5 | Limited, Barn Hill | Reject | 6.23 |
| OS288.6 | Limited, Barn Hill | Accept in Part | 4.37 |
| OS288.7 | Limited, Barn Hill | Accept in Part | 4.35 |
| OS289.14 | Brown, A | Accept | 4.5 |
| OS289.15 | Brown, A | Accept in Part | 4.7 |
| OS289.16 | Brown, A | Reject | 7.7 |
| OS289.17 | Brown, A | Accept in part | 24.2 |
| OS290.3 | Ryan, Christine | Accept in Part | 58 |
| OS290.4 | Ryan, Christine | Accept in Part | 46 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS290.5 | Ryan, Christine | Accept in Part | 48.6 |
| OS294.3 | Bunn, Steven | Reject | 24.3 |
| OS294.5 | Bunn, Steven | Reject | 6.23 |
| OS296.4 | Royal New Zealand Aero Club Inc/Flying NZ | Accept in Part | 6.23 |
| OS296.5 | Royal New Zealand Aero Club Inc/Flying NZ | Accept in Part | 6.23 |
| OS296.6 | Royal New Zealand Aero Club Inc/Flying NZ | Accept in Part | 6.23 |
| OS296.7 | Royal New Zealand Aero Club Inc/Flying NZ | Accept in Part | 6.23 |
| OS301.1 | Austin, Tim | Reject | 4.46 |
| OS303.2 | Maluschnig, Steve | Reject | 5 |
| OS307.2 | Kawarau Jet Services Holdings Ltd | Reject | 3 |
| OS307.3 | Kawarau Jet Services Holdings Ltd | Accept in Part | 4.40 |
| OS307.4 | Kawarau Jet Services Holdings Ltd | Accept in Part | 14 |
| OS307.5 | Kawarau Jet Services Holdings Ltd | Accept in Part | 6.22 |
| OS307.6 | Kawarau Jet Services Holdings Ltd | Accept | 14 |
| OS310.6 | Waterston, Jon - represented by Brown & Company Planning Group Ltd | Reject | 6.23 |
| OS310.9 | Waterston, Jon - represented by Brown & Company Planning Group Ltd | Accept in Part | 6.23 |
| OS313.3 | Langley, John | Accept in Part | 58 |
| OS313.4 | Langley, John | Accept in Part | 50 |
| OS314.6 | Wakatipu Holdings | Reject | 13.1 |
| OS315.11 | The Alpine Group Limited | Reject | 49 |
| OS315.6 | The Alpine Group Limited | Reject | 6.15 |
| OS315.7 | The Alpine Group Limited | Accept in Part | 6.23 |
| OS315.8 | The Alpine Group Limited | Accept in Part | 6.23 |
| OS315.9 | The Alpine Group Limited | Accept | 6.29 |
| OS320.1 | Burdon, Lesley & Jerry | Reject | 6.19 |
| OS323.1 | Frost, Jed - represented by Attn: Nick Geddes Clark Fortune McDonald & Associates | Accept | 15 |
| OS323.2 | Frost, Jed - represented by Attn: Nick Geddes Clark Fortune McDonald & Associates | Accept | 15 |
| OS323.3 | Frost, Jed - represented by Attn: Nick Geddes Clark Fortune McDonald & Associates | Accept | 15 |
| OS323.4 | Frost, Jed - represented by Attn: Nick Geddes Clark Fortune McDonald & Associates | Accept | 15 |
| OS323.5 | Frost, Jed - represented by Attn: Nick Geddes Clark Fortune McDonald & Associates | Accept | 15 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS325.16 | Solobio Ltd - owner of Matukituki Station | Accept | 4.2 |
| OS325.17 | Solobio Ltd - owner of Matukituki Station | Accept in Part | 6.4 |
| OS325.18 | Solobio Ltd - owner of Matukituki Station | Accept | 6.3 |
| OS325.19 | Solobio Ltd - owner of Matukituki Station | Accept in Part | 9.1 |
| OS325.20 | Solobio Ltd - owner of Matukituki Station | Accept | 9.2 |
| OS325.21 | Solobio Ltd - owner of Matukituki Station | Accept | 9.3 |
| OS325.3 | Solobio Ltd - owner of Matukituki Station | Accept in Part | 4.1 - 4.4 |
| OS325.4 | Solobio Ltd - owner of Matukituki Station | Accept | 4.5 - 4.6 |
| OS325.5 | Solobio Ltd - owner of Matukituki Station | Accept in Part | 4.31 |
| OS325.6 | Solobio Ltd - owner of Matukituki Station | Accept | 6 |
| OS330.1 | The Station at Waitiri | Accept | 38 |
| OS330.2 | The Station at Waitiri | Accept | 38 |
| OS330.3 | The Station at Waitiri | Accept | 42.6 |
| OS330.4 | The Station at Waitiri | Accept | 38 |
| OS330.5 | The Station at Waitiri | Accept in part | Part D |
| OS331.3 | The Station at Waitiri | Reject | 6.7 |
| OS332.2 | Rachel Brown | Accept | Part C |
| OS332.3 | Rachel Brown | Accept in Part | 58 |
| OS332.4 | Rachel Brown | Reject | 7.5 |
| OS332.5 | Rachel Brown | Accept in Part | 4.1 |
| OS335.23 | Blennerhassett, Nic | Accept | 4 |
| OS335.25 | Blennerhassett, Nic | Accept in Part | 4.31 |
| OS335.26 | Blennerhassett, Nic | Accept in Part | 7.5 |
| OS335.27 | Blennerhassett, Nic | Accept in Part | 7.6 |
| OS335.28 | Blennerhassett, Nic | Reject | 7.7 |
| OS335.29 | Blennerhassett, Nic | Accept in Part | 7.8 |
| OS339.100 | Alty, Evan | Accept in Part | 51.8 |
| OS339.101 | Alty, Evan | Reject | 51.8 |
| OS339.102 | Alty, Evan | Accept | 51.9 |
| OS339.103 | Alty, Evan | Accept in Part | 51.9 |
| OS339.104 | Alty, Evan | Accept | 51.9 |
| OS339.105 | Alty, Evan | Accept in Part | 53.2 |
| OS339.106 | Alty, Evan | Accept | 48.4 |
| OS339.107 | Alty, Evan | Accept in Part | 48.4 |
| OS339.108 | Alty, Evan | Accept in Part | 48.4 |
| OS339.109 | Alty, Evan | Reject | 48.4 |
| OS339.110 | Alty, Evan | Accept | 53.4 |
| OS339.111 | Alty, Evan | Reject | 53.4 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS339.112 | Alty, Evan | Reject | 53.4 |
| OS339.113 | Alty, Evan | Reject | 48.6 |
| OS339.114 | Alty, Evan | Reject | 48.6 |
| OS339.115 | Alty, Evan | Accept | 48.6 |
| OS339.116 | Alty, Evan | Reject | 48.7 |
| OS339.117 | Alty, Evan | Accept in Part | 48.5 |
| OS339.118 | Alty, Evan | Accept in Part | 51.5 |
| OS339.119 | Alty, Evan | Reject | 51.6 |
| OS339.120 | Alty, Evan | Accept in Part | 51.7 |
| OS339.121 | Alty, Evan | Accept | 53.6 |
| OS339.122 | Alty, Evan | Accept | 54 |
| OS339.123 | Alty, Evan | Reject | 48.3 |
| OS339.124 | Alty, Evan | Accept in Part | 55 |
| OS339.125 | Alty, Evan | Reject | Part E |
| OS339.126 | Alty, Evan | Reject | 58 |
| OS339.127 | Alty, Evan | Reject | 58 |
| OS339.128 | Alty, Evan | Accept | 58 |
| OS339.29 | Alty, Evan | Reject | 3 |
| OS339.30 | Alty, Evan | Accept in Part | 4.1 |
| OS339.31 | Alty, Evan | Accept | 4.2 |
| OS339.32 | Alty, Evan | Accept | 4.4 |
| OS339.33 | Alty, Evan | Accept in Part | 4.7 |
| OS339.34 | Alty, Evan | Accept | 4.8 |
| OS339.35 | Alty, Evan | Reject | 4.7 |
| OS339.36 | Alty, Evan | Accept | 4.13 |
| OS339.37 | Alty, Evan | Accept in Part | 4.14 |
| OS339.38 | Alty, Evan | Accept in Part | 4.22 |
| OS339.39 | Alty, Evan | Reject | 4.23 |
| OS339.40 | Alty, Evan | Reject | 4.24 |
| OS339.41 | Alty, Evan | Reject | 4.26 |
| OS339.42 | Alty, Evan | Accept in Part | 4.27 |
| OS339.43 | Alty, Evan | Reject | 4.33 |
| OS339.44 | Alty, Evan | Accept in Part | 4.34 |
| OS339.45 | Alty, Evan | Reject | 4.40 |
| OS339.46 | Alty, Evan | Accept in Part | 4.44 |
| OS339.47 | Alty, Evan | Accept | 4.45 |
| OS339.48 | Alty, Evan | Reject | 6.20 |
| OS339.49 | Alty, Evan | Reject | 6.27 |
| OS339.5 | Alty, Evan | Accept in Part | 48.2 |
| OS339.50 | Alty, Evan | Accept in Part | 6.27 |
| OS339.51 | Alty, Evan | Reject | 7 |
| OS339.52 | Alty, Evan | Accept | 7.4 |
| OS339.53 | Alty, Evan | Reject | 7.7 |
| OS339.54 | Alty, Evan | Reject | 8.1 |
| OS339.55 | Alty, Evan | Reject | 8.2 |
| OS339.56 | Alty, Evan | Reject | 8.3 |
| OS339.57 | Alty, Evan | Reject | 8.4 |
| OS339.58 | Alty, Evan | Reject | 23 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS339.59 | Alty, Evan | Reject | 24.2 |
| OS339.6 | Alty, Evan | Reject | 48.2 |
| OS339.60 | Alty, Evan | Reject | 27.4 |
| OS339.64 | Alty, Evan | Accept | 28.7 |
| OS339.7 | Alty, Evan | Accept in Part | 51.2 |
| OS339.73 | Alty, Evan | Accept in Part | 50 |
| OS339.74 | Alty, Evan | Accept in Part | 50 |
| OS339.75 | Alty, Evan | Reject | 50 |
| OS339.76 | Alty, Evan | Reject | 50 |
| OS339.77 | Alty, Evan | Accept in Part | 48.2 |
| OS339.78 | Alty, Evan | Accept in Part | 51.2 |
| OS339.79 | Alty, Evan | Reject | 48.2 |
| OS339.8 | Alty, Evan | Reject | 51.2 |
| OS339.80 | Alty, Evan | Reject | 48.2 |
| OS339.81 | Alty, Evan | Accept in Part | 51.2 |
| OS339.82 | Alty, Evan | Reject | 51.2 |
| OS339.83 | Alty, Evan | Reject | 51.2 |
| OS339.84 | Alty, Evan | Accept in Part | 51.2 |
| OS339.85 | Alty, Evan | Accept in Part | 51.2 |
| OS339.86 | Alty, Evan | Accept in Part | 51.2 |
| OS339.87 | Alty, Evan | Reject | 51.3 |
| OS339.88 | Alty, Evan | Accept in Part | 51.4 |
| OS339.89 | Alty, Evan | Accept in Part | 51.4 |
| OS339.90 | Alty, Evan | Accept in Part | 51.4 |
| OS339.91 | Alty, Evan | Accept in Part | 51.4 |
| OS339.92 | Alty, Evan | Accept in Part | 51.4 |
| OS339.93 | Alty, Evan | Accept in Part | 51.8 |
| OS339.94 | Alty, Evan | Reject | 51.8 |
| OS339.95 | Alty, Evan | Accept in Part | 51.8 |
| OS339.96 | Alty, Evan | Accept in Part | 51.8 |
| OS339.97 | Alty, Evan | Accept | 51.8 |
| OS339.98 | Alty, Evan | Reject | 51.8 |
| OS339.99 | Alty, Evan | Accept in Part | 51.8 |
| OS343.4 | ZJV (NZ) Limited | Accept in Part | 2.2 and 3 |
| OS343.5 | ZJV (NZ) Limited | Accept in Part | 4.1 |
| OS343.6 | ZJV (NZ) Limited | Reject | 4.2 |
| OS343.7 | ZJV (NZ) Limited | Accept in Part | 4.31 |
| OS343.8 | ZJV (NZ) Limited | Accept in Part | 4.32 |
| OS345.10 | McQuilkin, (K)John - represented by Brown & Company Planning Group Ltd | Accept in Part | 4.31 |
| OS345.11 | McQuilkin, (K)John - represented by Brown & Company Planning Group Ltd | Accept in Part | 4.32 |
| OS345.12 | McQuilkin, (K)John - represented by Brown & Company Planning Group Ltd | Reject | 19 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS345.7 | McQuilkin, (K)John - represented by Brown & Company Planning Group Ltd | Accept in Part | 2.2 and 3 |
| OS345.8 | McQuilkin, (K)John - represented by Brown & Company Planning Group Ltd | Accept in Part | 4.1 |
| OS345.9 | McQuilkin, (K)John - represented by Brown & Company Planning Group Ltd | Reject | 4.2 |
| OS348.6 | Greenslade, Mrs M K - represented by Attn: Nick Geddes Clark Fortune McDonald & Associates | Reject | 6.7 |
| OS350.2 | Dalefield Trustee Ltd | Accept | 27.4 |
| OS350.3 | Dalefield Trustee Ltd | Reject | 27.4 |
| OS350.4 | Dalefield Trustee Ltd | Accept | 27.6 |
| OS350.5 | Dalefield Trustee Ltd | Accept in part | 28.6 |
| OS350.6 | Dalefield Trustee Ltd | Accept | 28.7 |
| OS355.13 | Matukituki Trust | Accept | 6.6 |
| OS355.14 | Matukituki Trust | Accept | 6.7 |
| OS355.15 | Matukituki Trust | Accept in Part | 19.1 |
| OS355.16 | Matukituki Trust | Accept | 19.8 |
| OS355.17 | Matukituki Trust | Accept in Part | Part B |
| OS356.11 | X-Ray Trust Limited | Reject | 4.1 |
| OS356.12 | X-Ray Trust Limited | Reject | 4.2 |
| OS356.13 | X-Ray Trust Limited | Reject | 4.3 |
| OS356.14 | X-Ray Trust Limited | Reject | 4.4 |
| OS356.15 | X-Ray Trust Limited | Accept in Part | 4.4 |
| OS356.16 | X-Ray Trust Limited | Accept | 4.4 |
| OS356.17 | X-Ray Trust Limited | Reject | 4.4 |
| OS356.18 | X-Ray Trust Limited | Accept | 4.5 - 4.6 |
| OS356.19 | X-Ray Trust Limited | Reject | 4.6 |
| OS356.20 | X-Ray Trust Limited | Accept | 4.7 |
| OS356.21 | X-Ray Trust Limited | Accept in Part | 4.10 |
| OS356.22 | X-Ray Trust Limited | Reject | 4.22 |
| OS356.23 | X-Ray Trust Limited | Accept in Part | 4.31 |
| OS356.24 | X-Ray Trust Limited | Accept in Part | 4.33 |
| OS356.25 | X-Ray Trust Limited | Accept in Part | 4.40 |
| OS360.1 | Stuart Clark | Accept in part | Part C |
| OS367.2 | Borrell, John | Accept in part | 28.6 |
| OS367.3 | Borrell, John | Reject | 28.4 |
| OS367.4 | Borrell, John | Reject | 28.9 |
| OS368.1 | Anna-Marie Chin Architects and Phil Vautier | Accept in part | 24.2 |
| OS368.13 | Anna-Marie Chin Architects and Phil Vautier | Reject | 3 |
| OS368.14 | Anna-Marie Chin Architects and Phil Vautier | Reject | 8.3 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS368.15 | Anna-Marie Chin Architects and Phil Vautier | Reject | 8.2 |
| OS368.16 | Anna-Marie Chin Architects and Phil Vautier | Accept in Part | 8.2 |
| OS368.2 | Anna-Marie Chin Architects and Phil Vautier | Reject | 24.2 |
| OS368.3 | Anna-Marie Chin Architects and Phil Vautier | Reject | 28.4 |
| OS368.4 | Anna-Marie Chin Architects and Phil Vautier | Reject | 28.2 |
| OS373.13 | Department of Conservation | Accept in Part | 6.23 |
| OS373.18 | Department of Conservation | Accept in Part | 48.1 |
| OS373.19 | Department of Conservation | Reject | 50 |
| OS373.20 | Department of Conservation | Accept in Part | 48.2 |
| OS373.21 | Department of Conservation | Accept in Part | 51.2 |
| OS373.22 | Department of Conservation | Reject | 48.2 |
| OS373.23 | Department of Conservation | Reject | 48.2 |
| OS373.24 | Department of Conservation | Reject | 51.2 |
| OS373.25 | Department of Conservation | Accept | 51.2 |
| OS373.26 | Department of Conservation | Accept | 51.2 |
| OS373.27 | Department of Conservation | Reject | 51.2 |
| OS373.28 | Department of Conservation | Accept | 51.2 |
| OS373.29 | Department of Conservation | Accept in Part | 51.2 |
| OS373.30 | Department of Conservation | Reject | 48.2 |
| OS373.31 | Department of Conservation | Accept in Part | 51.4 |
| OS373.32 | Department of Conservation | Reject | 51.4 |
| OS373.33 | Department of Conservation | Accept in Part | 51.4 |
| OS373.34 | Department of Conservation | Accept in Part | 51.4 |
| OS373.35 | Department of Conservation | Reject | 51.4 |
| OS373.36 | Department of Conservation | Accept in Part | 51.4 |
| OS373.37 | Department of Conservation | Accept in Part | 51.8 |
| OS373.38 | Department of Conservation | Accept in Part | 51.8 |
| OS373.39 | Department of Conservation | Accept in Part | 51.8 |
| OS373.40 | Department of Conservation | Accept in Part | 51.8 |
| OS373.41 | Department of Conservation | Reject | 51.8 |
| OS373.42 | Department of Conservation | Accept | 51.8 |
| OS373.43 | Department of Conservation | Accept | 51.8 |
| OS373.44 | Department of Conservation | Accept in Part | 51.8 |
| OS373.45 | Department of Conservation | Reject | 51.8 |
| OS373.46 | Department of Conservation | Accept | 51.9 |
| OS373.47 | Department of Conservation | Accept in Part | 51.9 |
| OS373.48 | Department of Conservation | Accept | 51.9 |
| OS373.49 | Department of Conservation | Accept in Part | 53.2 |
| OS373.50 | Department of Conservation | Accept in Part | 48.4 |
| OS373.51 | Department of Conservation | Reject | 48.6 |
| OS373.52 | Department of Conservation | Reject | 53.4 |
| OS373.53 | Department of Conservation | Accept in Part | 48.7 |
| OS373.54 | Department of Conservation | Reject | 51.6 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS373.55 | Department of Conservation | Accept in Part | 53.6 |
| OS373.56 | Department of Conservation | Reject | 48.3 |
| OS373.57 | Department of Conservation | Accept in Part | 55 |
| OS373.58 | Department of Conservation | Accept in Part | Part E |
| OS373.59 | Department of Conservation | Accept in part | 58 |
| OS373.60 | Department of Conservation | Accept | 58 |
| OS375.15 | Carey-Smith, Jeremy - represented by Brown & Company Planning Group Ltd | Accept in Part | 2.2 and 3 |
| OS375.16 | Carey-Smith, Jeremy - represented by Brown & Company Planning Group Ltd | Accept in Part | 4.1 |
| OS375.17 | Carey-Smith, Jeremy - represented by Brown & Company Planning Group Ltd | Reject | 4.2 |
| OS375.18 | Carey-Smith, Jeremy - represented by Brown & Company Planning Group Ltd | Accept in Part | 4.31 |
| OS375.19 | Carey-Smith, Jeremy - represented by Brown & Company Planning Group Ltd | Accept in Part | 4.32 |
| OS376.2 | Southern Hemisphere Proving Grounds Limited | Reject | 4.17 |
| OS377.1 | MT ROSA WINES LTD | Accept in part | 40.1 |
| OS377.2 | MT ROSA WINES LTD | Accept in part | 40.2 |
| OS377.3 | MT ROSA WINES LTD | Accept in part | 40.5 |
| OS378.25 | Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as “Peninsula Bay Joint Venture” (PBJV)) | Accept in Part | 19 |
| OS378.26 | Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as “Peninsula Bay Joint Venture” (PBJV)) | Accept | 19.6 |
| OS378.29 | Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as “Peninsula Bay Joint Venture” (PBJV)) | Accept in Part | 48.2 |
| OS378.30 | Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as “Peninsula Bay Joint Venture” (PBJV)) | Accept in Part | 51.8 |
| OS378.37 | Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as “Peninsula Bay Joint Venture” (PBJV)) | Reject | Part E |
| OS380.41 | Villa delLago | Accept in part | 24.2 |
| OS380.42 | Villa delLago | Accept in part | 24.3 |
| OS380.43 | Villa delLago | Accept | 24.4 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS380.44 | Villa delLago | Accept | 24.6 |
| OS380.52 | Villa delLago | Reject | 4.1 |
| OS380.53 | Villa delLago | Reject | 4.10 |
| OS380.54 | Villa delLago | Accept in Part | 4.17 |
| OS380.55 | Villa delLago | Accept in Part | 4.22 |
| OS380.58 | Villa delLago | Reject | 46 |
| OS382.1 | Helicopters Queenstown Limited | Accept | 4 |
| OS382.2 | Helicopters Queenstown Limited | Accept in Part | 6.23 |
| OS382.3 | Helicopters Queenstown Limited | Accept in Part | 6.23 |
| OS383.42 | Queenstown Lakes District Council | Reject | 23 |
| OS383.43 | Queenstown Lakes District Council | Reject | 23 |
| OS383.44 | Queenstown Lakes District Council | Accept | 28.1 |
| OS383.80 | Queenstown Lakes District Council | Accept in Part | 13.6 |
| OS383.81 | Queenstown Lakes District Council | Accept in Part | 14.8 |
| OS383.82 | Queenstown Lakes District Council | Accept | 49 |
| OS383.83 | Queenstown Lakes District Council | Accept | 55 |
| OS384.10 | Glen Dene Ltd | Accept | 27.4 |
| OS384.11 | Glen Dene Ltd | Accept | 6.8 |
| OS384.12 | Glen Dene Ltd | Accept | 27.4 |
| OS384.13 | Glen Dene Ltd | Accept | 7.4 |
| OS384.14 | Glen Dene Ltd | Accept in Part | 7.5 |
| OS384.15 | Glen Dene Ltd | Accept in Part | 7.6 |
| OS384.16 | Glen Dene Ltd | Reject | 7.7 |
| OS384.17 | Glen Dene Ltd | Accept in Part | 7.8 |
| OS384.18 | Glen Dene Ltd | Accept in Part | 9.1 |
| OS384.19 | Glen Dene Ltd | Accept | 9.1 |
| OS384.20 | Glen Dene Ltd | Reject | 9.1 |
| OS384.21 | Glen Dene Ltd | Accept in Part | Part E |
| OS384.6 | Glen Dene Ltd | Reject | Part B |
| OS384.7 | Glen Dene Ltd | Accept | 6.3 |
| OS384.8 | Glen Dene Ltd | Accept in Part | 6.4 |
| OS384.9 | Glen Dene Ltd | Accept | 6.7 |
| OS385.1 | Wright, Frank | Reject | 4.21 |
| OS385.2 | Wright, Frank | Reject | 4.36 |
| OS385.3 | Wright, Frank | Accept in Part | 4.37 |
| OS385.4 | Wright, Frank | Accept in Part | 6.23 |
| OS385.5 | Wright, Frank | Accept in Part | 6.23 |
| OS385.6 | Wright, Frank | Accept in Part | 6.23 |
| OS385.7 | Wright, Frank | Accept in Part | 6.23 |
| OS386.1 | Johnston & Inwood, Lisa & Greg | Reject | 58 |
| OS386.2 | Johnston & Inwood, Lisa & Greg | Accept in Part | 58 |
| OS386.3 | Johnston & Inwood, Lisa & Greg | Accept in Part | 58 |
| OS390.1 | Run 505 Limited | Reject | 55 |
| OS390.2 | Run 505 Limited | Reject | Part B |
| OS400.3 | James Cooper | Reject | 7.5 |
| OS400.6 | James Cooper | Accept in Part | 48.3 |
| OS405.1 | Trilane Industries Limited | Accept in Part | 6.23 |
| OS407.10 | Mount Cardrona Station Limited | Reject | 8.4 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS407.11 | Mount Cardrona Station Limited | Accept in Part | 12.1 |
| OS407.12 | Mount Cardrona Station Limited | Accept in Part | 12.2 |
| OS407.5 | Mount Cardrona Station Limited | Accept in Part | 2.2 and 3 |
| OS407.6 | Mount Cardrona Station Limited | Accept in Part | 4.1 |
| OS407.7 | Mount Cardrona Station Limited | Accept in Part | 4.17 |
| OS407.8 | Mount Cardrona Station Limited | Accept in Part | 4.31 |
| OS407.9 | Mount Cardrona Station Limited | Accept in Part | 6.17 |
| OS411.1 | NT McDonald Family Trust | Reject | 6.7 |
| OS411.3 | NT McDonald Family Trust | Reject | 8.2 |
| OS411.4 | NT McDonald Family Trust | Reject | 28.2 |
| OS414.6 | Clark Fortune McDonald & Associates Ltd | Reject | 6.7 |
| OS421.8 | Two Degrees Mobile Limited | Accept in Part | 19 |
| OS423.3 | Bunn, Carol | Reject | 24.3 |
| OS423.6 | Bunn, Carol | Accept in Part | 6.23 |
| OS430.16 | Ayrburn Farm Estate Ltd | Accept in Part | 4.31 |
| OS430.17 | Ayrburn Farm Estate Ltd | Accept in Part | 4.32 |
| OS430.18 | Ayrburn Farm Estate Ltd | Accept in Part | 4.33 |
| OS430.19 | Ayrburn Farm Estate Ltd | Accept in Part | 4.34 |
| OS430.8 | Ayrburn Farm Estate Ltd | Accept in Part | 2.2 and 3 |
| OS430.9 | Ayrburn Farm Estate Ltd | Accept in Part | 4.1 |
| OS431.5 | Barbara Kipke | Accept in part | Part C |
| OS433.74 | Queenstown Airport Corporation | Reject | 3 |
| OS433.75 | Queenstown Airport Corporation | Accept in Part | 4.10 |
| OS433.76 | Queenstown Airport Corporation | Accept in Part | 4.11 |
| OS433.77 | Queenstown Airport Corporation | Accept in Part | 4.20 |
| OS433.78 | Queenstown Airport Corporation | Accept | 4.21 |
| OS433.79 | Queenstown Airport Corporation | Reject | 4.21 |
| OS433.80 | Queenstown Airport Corporation | Accept | 4.21 |
| OS433.81 | Queenstown Airport Corporation | Accept | 4.21 |
| OS433.82 | Queenstown Airport Corporation | Accept | 4.23 |
| OS433.83 | Queenstown Airport Corporation | Reject | 4 |
| OS433.84 | Queenstown Airport Corporation | Reject | 2.5 |
| OS433.85 | Queenstown Airport Corporation | Accept in Part | 6.26 |
| OS433.86 | Queenstown Airport Corporation | Accept | 6.26 |
| OS433.88 | Queenstown Airport Corporation | Reject | 2.5 |
| OS433.90 | Queenstown Airport Corporation | Accept in Part | 7.12 |
| OS433.91 | Queenstown Airport Corporation | Accept | 7.13 |
| OS433.93 | Queenstown Airport Corporation | Reject | 19.1 |
| OS436.1 | Cooper, Paul | Accept | 14.5 |
| OS436.2 | Cooper, Paul | Accept in Part | 6.23 |
| OS437.36 | Trojan Helmet Limited | Accept in Part | 3 |
| OS437.37 | Trojan Helmet Limited | Accept in Part | 4.1 |
| OS437.38 | Trojan Helmet Limited | Accept in Part | 4.3 |
| OS437.39 | Trojan Helmet Limited | Accept in Part | 4.4 |
| OS437.40 | Trojan Helmet Limited | Reject | 4.4 |
| OS437.41 | Trojan Helmet Limited | Accept in Part | 4.31 |
| OS437.42 | Trojan Helmet Limited | Accept in Part | 4.32 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS438.32 | New Zealand Fire Service | Accept in Part | 16 |
| OS438.33 | New Zealand Fire Service | Accept | 24.4 |
| OS438.34 | New Zealand Fire Service | Accept | 38 |
| OS439.2 | Lake McKay Station Ltd | Reject | 51.5 |
| OS441.1 | ASLA Ltd | Reject | 7 |
| OS442.8 | Bunn, David and Margaret | Reject | 6.23 |
| OS443.3 | Trojan Helmet Limited | Accept in part | 28.2 |
| OS443.4 | Trojan Helmet Limited | Reject | 28.4 |
| OS444.1 | Taylor, Mark and Jane | Accept in part | 24.2 |
| OS444.2 | Taylor, Mark and Jane | Accept in part | 24.3 |
| OS444.3 | Taylor, Mark and Jane | Reject | 37 |
| OS444.4 | Taylor, Mark and Jane | Accept in part | 28.2 |
| OS444.5 | Taylor, Mark and Jane | Reject | 28.12 |
| OS444.6 | Taylor, Mark and Jane | Reject | 35 |
| OS444.8 | Taylor, Mark and Jane | Accept in part | 28.4 |
| OS444.9 | Taylor, Mark and Jane | Reject | 24.2 |
| OS45.6 | Horlor, Maree | Accept in Part | 6.4 |
| OS45.7 | Horlor, Maree | Accept in Part | 14.2 |
| OS45.8 | Horlor, Maree | Accept | 5 |
| OS45.9 | Horlor, Maree | Accept | 5 |
| OS452.3 | Trojan Helmet Limited | Accept in part | 28.2 |
| OS452.4 | Trojan Helmet Limited | Reject | 28.4 |
| OS456.24 | Hogans Gully Farming Limited | Accept in Part | 2.2 and 3 |
| OS456.25 | Hogans Gully Farming Limited | Accept in Part | 4.1 |
| OS456.26 | Hogans Gully Farming Limited | Reject | 4.2 |
| OS456.27 | Hogans Gully Farming Limited | Accept in Part | 4.31 |
| OS456.28 | Hogans Gully Farming Limited | Accept in Part | 4.32 |
| OS456.29 | Hogans Gully Farming Limited | Reject | 19 |
| OS457.1 | Cranfield, Robert | Accept in Part | 6.23 |
| OS458.1 | Beale, Simon | Accept | 58 |
| OS463.2 | Millson, Zuzana | Reject | 4.24 |
| OS468.1 | O'Connell, Phillipa | Reject | 3 |
| OS477.1 | Clarke, Ian | Accept in Part | 48.7 |
| OS477.2 | Clarke, Ian | Accept | 48.7 |
| OS481.5 | Cabo Limited | Accept | 28.1 |
| OS486.3 | Temple Peak Ltd | Accept in part | 27.15 |
| OS489.1 | Bungy New Zealand and Paul Henry van Asch | Reject | 6.15 |
| OS489.2 | Bungy New Zealand and Paul Henry van Asch | Reject | 6.15 |
| OS490.1 | Gibbston Valley Wines Limited | Accept in part | 42.6 |
| OS497.1 | Arcadian Triangle Limited | Reject | 23 |
| OS497.14 | Arcadian Triangle Limited | Accept in part | 27.10 |
| OS497.15 | Arcadian Triangle Limited | Accept in part | 27.10 |
| OS497.2 | Arcadian Triangle Limited | Reject | 23 |
| OS497.3 | Arcadian Triangle Limited | Accept in part | 24.2 |
| OS497.4 | Arcadian Triangle Limited | Accept | 24.2 |
| OS497.5 | Arcadian Triangle Limited | Accept in part | 24.2 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS497.6 | Arcadian Triangle Limited | Accept in part | 24.3 |
| OS497.7 | Arcadian Triangle Limited | Reject | 24.3 |
| OS497.8 | Arcadian Triangle Limited | Accept in part | 28.2 |
| OS497.9 | Arcadian Triangle Limited | Reject | 28.4 |
| OS500.7 | Mr David Broomfield | Accept in Part | 6.23 |
| OS501.14 | Woodlot Properties Limited | Reject | 8.3 |
| OS501.7 | Woodlot Properties Limited | Reject | 58 |
| OS508.1 | Raymont, Paul | Accept in Part | 6.23 |
| OS513.24 | Jenny Barb | Accept in Part | 4.1 |
| OS513.25 | Jenny Barb | Accept in Part | 4.1 |
| OS513.26 | Jenny Barb | Accept in Part | 4.23 |
| OS513.27 | Jenny Barb | Reject | 19.5 |
| OS513.28 | Jenny Barb | Reject | 19.5 |
| OS513.29 | Jenny Barb | Reject | 19.5 |
| OS513.30 | Jenny Barb | Reject | 23 |
| OS513.31 | Jenny Barb | Reject | 23 |
| OS513.32 | Jenny Barb | Accept in part | 24.2 |
| OS513.33 | Jenny Barb | Accept | 24.2 |
| OS513.34 | Jenny Barb | Accept in part | 24.2 |
| OS513.35 | Jenny Barb | Accept in part | 24.3 |
| OS513.36 | Jenny Barb | Reject | 24.3 |
| OS513.37 | Jenny Barb | Reject | 24.3 |
| OS513.38 | Jenny Barb | Reject | 28.4 |
| OS514.4 | Duncan Fea | Accept in part | Part C |
| OS514.7 | Duncan Fea | Accept in Part | 58 |
| OS514.8 | Duncan Fea | Reject | 58 |
| OS515.20 | Wakatipu Equities | Accept in Part | 4.1 |
| OS515.21 | Wakatipu Equities | Reject | 4.2 |
| OS515.22 | Wakatipu Equities | Accept in Part | 4.23 |
| OS515.23 | Wakatipu Equities | Reject | 19.5 |
| OS515.24 | Wakatipu Equities | Reject | 19.5 |
| OS515.25 | Wakatipu Equities | Reject | 19.5 |
| OS515.26 | Wakatipu Equities | Accept in part | 24.2 |
| OS515.27 | Wakatipu Equities | Accept | 24.2 |
| OS515.28 | Wakatipu Equities | Accept in part | 24.2 |
| OS515.29 | Wakatipu Equities | Accept in part | 24.3 |
| OS515.30 | Wakatipu Equities | Reject | 24.3 |
| OS515.31 | Wakatipu Equities | Accept in part | 28.2 |
| OS515.32 | Wakatipu Equities | Reject | 28.4 |
| OS519.33 | New Zealand Tungsten Mining Limited | Reject | 3 |
| OS519.34 | New Zealand Tungsten Mining Limited | Reject | 4.11 |
| OS519.35 | New Zealand Tungsten Mining Limited | Reject | 4.13 |
| OS519.36 | New Zealand Tungsten Mining Limited | Accept in Part | 4.14 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS519.37 | New Zealand Tungsten Mining Limited | Reject | 4.15 |
| OS519.38 | New Zealand Tungsten Mining Limited | Reject | 4.15 |
| OS519.39 | New Zealand Tungsten Mining Limited | Reject | 4.15 |
| OS519.40 | New Zealand Tungsten Mining Limited | Reject | 4.15 |
| OS519.41 | New Zealand Tungsten Mining Limited | Accept in Part | 4.15 |
| OS519.42 | New Zealand Tungsten Mining Limited | Accept in Part | 4.15 |
| OS519.43 | New Zealand Tungsten Mining Limited | Reject | 4.15 |
| OS519.44 | New Zealand Tungsten Mining Limited | Accept in Part | 4.14 |
| OS519.45 | New Zealand Tungsten Mining Limited | Accept in Part | 4.14 |
| OS519.46 | New Zealand Tungsten Mining Limited | Accept | 4.47 |
| OS519.47 | New Zealand Tungsten Mining Limited | Reject | 5 |
| OS519.48 | New Zealand Tungsten Mining Limited | Reject | 8.4 |
| OS519.49 | New Zealand Tungsten Mining Limited | Reject | 9.1 |
| OS519.50 | New Zealand Tungsten Mining Limited | Reject | 19.1 |
| OS519.51 | New Zealand Tungsten Mining Limited | Reject | 19.3 |
| OS519.52 | New Zealand Tungsten Mining Limited | Accept in Part | 6.27 |
| OS522.24 | Kristie Jean Brustad and Harry James Inch | Accept in Part | 4.1 |
| OS522.25 | Kristie Jean Brustad and Harry James Inch | Reject | 4.2 |
| OS522.26 | Kristie Jean Brustad and Harry James Inch | Accept in Part | 4.23 |
| OS522.27 | Kristie Jean Brustad and Harry James Inch | Reject | 19.5 |
| OS522.28 | Kristie Jean Brustad and Harry James Inch | Reject | 19.5 |
| OS522.29 | Kristie Jean Brustad and Harry James Inch | Reject | 19.5 |
| OS522.30 | Kristie Jean Brustad and Harry James Inch | Accept in part | 24.2 |
| OS522.31 | Kristie Jean Brustad and Harry James Inch | Accept | 24.2 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS522.32 | Kristie Jean Brustad and Harry James Inch | Accept in part | 24.2 |
| OS522.33 | Kristie Jean Brustad and Harry James Inch | Accept in part | 24.3 |
| OS522.34 | Kristie Jean Brustad and Harry James Inch | Reject | 24.3 |
| OS522.35 | Kristie Jean Brustad and Harry James Inch | Accept in part | 28.2 |
| OS522.36 | Kristie Jean Brustad and Harry James Inch | Reject | 28.4 |
| OS523.1 | Robert and Elvena Heywood | Reject | 23 |
| OS523.10 | Robert and Elvena Heywood | Reject | 28.4 |
| OS523.2 | Robert and Elvena Heywood | Reject | 23 |
| OS523.3 | Robert and Elvena Heywood | Accept in part | 24.2 |
| OS523.4 | Robert and Elvena Heywood | Accept | 24.2 |
| OS523.5 | Robert and Elvena Heywood | Accept in part | 24.2 |
| OS523.6 | Robert and Elvena Heywood | Accept in part | 24.3 |
| OS523.7 | Robert and Elvena Heywood | Reject | 24.3 |
| OS523.8 | Robert and Elvena Heywood | Reject | 24.3 |
| OS523.9 | Robert and Elvena Heywood | Accept in part | 28.2 |
| OS524.35 | Ministry of Education | Reject | 4.55 |
| OS524.36 | Ministry of Education | Accept in part | 24.3 |
| OS524.37 | Ministry of Education | Accept in part | 24.3 |
| OS530.1 | Byron Ballan | Accept in part | 24.2 |
| OS530.2 | Byron Ballan | Accept | 24.2 |
| OS530.3 | Byron Ballan | Accept in part | 24.2 |
| OS530.4 | Byron Ballan | Accept in part | 24.3 |
| OS530.5 | Byron Ballan | Reject | 24.3 |
| OS530.6 | Byron Ballan | Reject | 22.3 |
| OS530.7 | Byron Ballan | Accept in part | 28.2 |
| OS530.8 | Byron Ballan | Reject | 28.4 |
| OS531.20 | Crosshill Farms Limited | Accept in Part | 4.1 |
| OS531.21 | Crosshill Farms Limited | Reject | 4.2 |
| OS531.22 | Crosshill Farms Limited | Accept in Part | 4.23 |
| OS531.23 | Crosshill Farms Limited | Reject | 19.5 |
| OS531.24 | Crosshill Farms Limited | Reject | 19.5 |
| OS531.25 | Crosshill Farms Limited | Reject | 19.5 |
| OS531.32 | Crosshill Farms Limited | Reject | 55 |
| OS532.17 | Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith) | Reject | 19.5 |
| OS532.18 | Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith) | Reject | 19.5 |
| OS532.19 | Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith) | Reject | 19.5 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS532.20 | Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith) | Accept in part | 24.2 |
| OS532.21 | Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith) | Accept in part | 24.3 |
| OS532.22 | Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith) | Reject | 24.3 |
| OS532.23 | Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith) | Accept in part | 28.2 |
| OS532.24 | Bill & Jan Walker Family Trust c/- Duncan Fea (Trustee) and (Maree Baker Galloway/Warwick Goldsmith) | Reject | 28.4 |
| OS534.17 | Wayne Evans, G W Stalker Family Trust, Mike Henry | Reject | 19.5 |
| OS534.18 | Wayne Evans, G W Stalker Family Trust, Mike Henry | Reject | 19.5 |
| OS534.19 | Wayne Evans, G W Stalker Family Trust, Mike Henry | Reject | 19.5 |
| OS534.20 | Wayne Evans, G W Stalker Family Trust, Mike Henry | Reject | 23 |
| OS534.21 | Wayne Evans, G W Stalker Family Trust, Mike Henry | Reject | 23 |
| OS534.22 | Wayne Evans, G W Stalker Family Trust, Mike Henry | Accept in part | 24.2 |
| OS534.23 | Wayne Evans, G W Stalker Family Trust, Mike Henry | Accept in part | 24.3 |
| OS534.24 | Wayne Evans, G W Stalker Family Trust, Mike Henry | Reject | 24.3 |
| OS534.25 | Wayne Evans, G W Stalker Family Trust, Mike Henry | Reject | 24.3 |
| OS534.26 | Wayne Evans, G W Stalker Family Trust, Mike Henry | Accept in part | 28.2 |
| OS534.27 | Wayne Evans, G W Stalker Family Trust, Mike Henry | Reject | 28.4 |
| OS535.17 | G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain | Reject | 19.5 |
| OS535.18 | G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain | Reject | 19.5 |
| OS535.19 | G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain | Reject | 19.5 |
| OS535.20 | G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain | Reject | 23 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS535.21 | G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain | Reject | 23 |
| OS535.22 | G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain | Accept in part | 24.2 |
| OS535.23 | G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain | Accept in part | 24.3 |
| OS535.24 | G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain | Reject | 24.3 |
| OS535.25 | G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain | Reject | 24.3 |
| OS535.26 | G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain | Accept in part | 28.2 |
| OS535.27 | G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain | Reject | 28.4 |
| OS537.23 | Slopehill Joint Venture | Accept in Part | 4.1 |
| OS537.24 | Slopehill Joint Venture | Reject | 4.2 |
| OS537.25 | Slopehill Joint Venture | Accept in Part | 4.23 |
| OS537.26 | Slopehill Joint Venture | Reject | 19.5 |
| OS537.27 | Slopehill Joint Venture | Reject | 19.5 |
| OS537.28 | Slopehill Joint Venture | Accept in part | 24.2 |
| OS537.29 | Slopehill Joint Venture | Accept | 24.2 |
| OS537.30 | Slopehill Joint Venture | Accept in part | 24.2 |
| OS537.31 | Slopehill Joint Venture | Accept in part | 24.3 |
| OS537.32 | Slopehill Joint Venture | Reject | 24.3 |
| OS537.33 | Slopehill Joint Venture | Accept in part | 28.2 |
| OS537.34 | Slopehill Joint Venture | Reject | 28.4 |
| OS537.44 | Slopehill Joint Venture | Reject | 19.5 |
| OS546.2 | J L M Davies, A J Morcom & Veritas 2013 Limited | Accept in part | Part C |
| OS546.3 | J L M Davies, A J Morcom & Veritas 2013 Limited | Reject | Part C |
| OS546.4 | J L M Davies, A J Morcom & Veritas 2013 Limited | Reject | 22.3 |
| OS554.2 | R H Ffiske | Accept in part | Part C |
| OS554.3 | R H Ffiske | Reject | Part C |
| OS554.4 | R H Ffiske | Reject | 22.3 |
| OS554.5 | R H Ffiske | Reject | Part C |
| OS557.2 | Speargrass Trust | Reject | Part C |
| OS557.3 | Speargrass Trust | Reject | 22.3 |
| OS563.1 | Hogan, Garth | Accept in Part | 6.23 |
| OS565.3 | J M Martin | Reject | 22.3 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS568.1 | Grant Laurie Bissett | Accept in Part | 4 |
| OS568.2 | Grant Laurie Bissett | Accept in Part | 6.23 |
| OS568.3 | Grant Laurie Bissett | Accept in Part | 6.23 |
| OS568.4 | Grant Laurie Bissett | Accept in Part | 6.18 |
| OS568.7 | Grant Laurie Bissett | Reject | 4.56 |
| OS568.8 | Grant Laurie Bissett | Accept in Part | 6.7 |
| OS570.4 | Shotover Hamlet Investments Limited | Accept in Part | Part B |
| OS571.1 | Totally Tourism Limited | Accept in Part | 4.35 |
| OS571.2 | Totally Tourism Limited | Accept in Part | 6.23 |
| OS571.3 | Totally Tourism Limited | Accept in Part | 6.23 |
| OS571.5 | Totally Tourism Limited | Reject | 6.15 |
| OS572.4 | NZSki Limited | Accept in Part | 53.3 |
| OS573.1 | Phillip Middleton Rive | Accept in Part | 6.23 |
| OS577.1 | Murray and Narelle Garrick | Accept in part | 24.3 |
| OS577.2 | Murray and Narelle Garrick | Reject | 27.14 |
| OS580.14 | Contact Energy Limited | Accept in Part | 51.2 |
| OS585.5 | Pennycook, Heather | Reject | Part B |
| OS590.10 | Kane, Sam | Accept | 48.7 |
| OS590.6 | Kane, Sam | Reject | 4.8 |
| OS590.7 | Kane, Sam | Reject | 51.2 |
| OS590.8 | Kane, Sam | Reject | 55 |
| OS590.9 | Kane, Sam | Accept in Part | 51.8 |
| OS594.2 | Alexander Kenneth & Robert Barry Robins & Robins Farm Limited | Accept in part | Part C |
| OS594.3 | Alexander Kenneth & Robert Barry Robins & Robins Farm Limited | Reject | Part C |
| OS594.4 | Alexander Kenneth & Robert Barry Robins & Robins Farm Limited | Reject | 22.3 |
| OS595.1 | Matakauri Lodge Limited | Reject | Report 4B |
| OS595.2 | Matakauri Lodge Limited | Reject | Report 4B |
| OS598.26 | Straterra | Accept | 19.1 |
| OS598.39 | Straterra | Reject | 4.11 |
| OS598.40 | Straterra | Reject | 4.13 |
| OS598.41 | Straterra | Accept in Part | 4.14 |
| OS598.42 | Straterra | Accept in Part | 4.14 |
| OS598.43 | Straterra | Accept in Part | 4.14 |
| OS598.44 | Straterra | Accept in Part | 4.14 |
| OS598.45 | Straterra | Accept in Part | 4.31 |
| OS598.46 | Straterra | Accept in Part | 4.32 |
| OS598.47 | Straterra | Accept in Part | 4.33 |
| OS600.114 | Federated Farmers of New Zealand | Accept in Part | 50 |
| OS600.115 | Federated Farmers of New Zealand | Reject | 48.2 |
| OS600.116 | Federated Farmers of New Zealand | Accept in Part | 51.2 |
| OS600.117 | Federated Farmers of New Zealand | Reject | 48.2 |
| OS600.118 | Federated Farmers of New Zealand | Accept in Part | 48.2 |
| OS600.119 | Federated Farmers of New Zealand | Reject | 51.2 |
| OS600.120 | Federated Farmers of New Zealand | Accept in Part | 51.2 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS600.121 | Federated Farmers of New Zealand | Accept in Part | 51.2 |
| OS600.122 | Federated Farmers of New Zealand | Accept in Part | 51.2 |
| OS600.123 | Federated Farmers of New Zealand | Reject | 51.4 |
| OS600.124 | Federated Farmers of New Zealand | Reject | 51.4 |
| OS600.125 | Federated Farmers of New Zealand | Accept in Part | 51.4 |
| OS600.126 | Federated Farmers of New Zealand | Accept in Part | 51.8 |
| OS600.127 | Federated Farmers of New Zealand | Accept in Part | 51.8 |
| OS600.128 | Federated Farmers of New Zealand | Accept in Part | 51.8 |
| OS600.129 | Federated Farmers of New Zealand | Accept in Part | 51.8 |
| OS600.130 | Federated Farmers of New Zealand | Accept | 51.8 |
| OS600.131 | Federated Farmers of New Zealand | Accept in Part | 48.4 |
| OS600.132 | Federated Farmers of New Zealand | Accept | 48.6 |
| OS600.133 | Federated Farmers of New Zealand | Accept | 53.4 |
| OS600.134 | Federated Farmers of New Zealand | Accept | 53.4 |
| OS600.135 | Federated Farmers of New Zealand | Accept | 53.4 |
| OS600.136 | Federated Farmers of New Zealand | Accept | 48.7 |
| OS600.137 | Federated Farmers of New Zealand | Reject | 51.7 |
| OS600.138 | Federated Farmers of New Zealand | Accept in Part | 48.7 |
| OS600.139 | Federated Farmers of New Zealand | Reject | 58 |
| OS600.140 | Federated Farmers of New Zealand | Accept | 58 |
| OS600.141 | Federated Farmers of New Zealand | Accept in Part | 58 |
| OS600.55 | Federated Farmers of New Zealand | Accept | 3 |
| OS600.56 | Federated Farmers of New Zealand | Accept in Part | 4.1 |
| OS600.57 | Federated Farmers of New Zealand | Accept | 4.2 |
| OS600.58 | Federated Farmers of New Zealand | Accept in Part | 4.3 |
| OS600.59 | Federated Farmers of New Zealand | Accept | 4.4 |
| OS600.60 | Federated Farmers of New Zealand | Accept in Part | 4.4 |
| OS600.61 | Federated Farmers of New Zealand | Accept | 4.4 |
| OS600.62 | Federated Farmers of New Zealand | Reject | 4.4 |
| OS600.63 | Federated Farmers of New Zealand | Accept | 4.6 |
| OS600.64 | Federated Farmers of New Zealand | Accept | 4.6 |
| OS600.65 | Federated Farmers of New Zealand | Reject | 4.6 |
| OS600.66 | Federated Farmers of New Zealand | Accept | 4.7 |
| OS600.67 | Federated Farmers of New Zealand | Reject | 4.8 |
| OS600.68 | Federated Farmers of New Zealand | Accept in Part | 4.10 |
| OS600.69 | Federated Farmers of New Zealand | Accept in Part | 4.11 |
| OS600.70 | Federated Farmers of New Zealand | Accept in Part | 4.11 |
| OS600.71 | Federated Farmers of New Zealand | Accept in Part | 4.24 |
| OS600.72 | Federated Farmers of New Zealand | Accept | 4.29 |
| OS600.73 | Federated Farmers of New Zealand | Accept in Part | 4.32 |
| OS600.74 | Federated Farmers of New Zealand | Accept in Part | 4.31 |
| OS600.75 | Federated Farmers of New Zealand | Accept in Part | 4.34 |
| OS600.76 | Federated Farmers of New Zealand | Accept in Part | 4.36 |
| OS600.77 | Federated Farmers of New Zealand | Accept in Part | 4.40 |
| OS600.78 | Federated Farmers of New Zealand | Accept | 6.3 |
| OS600.79 | Federated Farmers of New Zealand | Accept | 7.1 |
| OS600.80 | Federated Farmers of New Zealand | Accept in Part | 7.2 |
| OS600.81 | Federated Farmers of New Zealand | Accept | 7.4 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS600.82 | Federated Farmers of New Zealand | Accept in Part | 7.5 |
| OS600.83 | Federated Farmers of New Zealand | Accept in Part | 7.6 |
| OS600.84 | Federated Farmers of New Zealand | Accept | 7.7 |
| OS600.85 | Federated Farmers of New Zealand | Accept in Part | 8.1 |
| OS600.86 | Federated Farmers of New Zealand | Accept in Part | 8.2 |
| OS600.87 | Federated Farmers of New Zealand | Accept | 8.3 |
| OS600.88 | Federated Farmers of New Zealand | Accept | 8.4 |
| OS600.89 | Federated Farmers of New Zealand | Reject | 9.1 |
| OS600.90 | Federated Farmers of New Zealand | Reject | 9.2 |
| OS600.91 | Federated Farmers of New Zealand | Accept | 9.3 |
| OS600.92 | Federated Farmers of New Zealand | Accept in Part | 6.23 |
| OS600.93 | Federated Farmers of New Zealand | Accept in Part | 6.23 |
| OS600.94 | Federated Farmers of New Zealand | Accept | 17 |
| OS600.95 | Federated Farmers of New Zealand | Accept in part | 24.3 |
| OS600.96 | Federated Farmers of New Zealand | Accept in part | 24.3 |
| OS600.97 | Federated Farmers of New Zealand | Accept in part | 24.5 |
| OS600.98 | Federated Farmers of New Zealand | Accept | 24.5 |
| OS607.27 | Te Anau Developments Limited | Accept in Part | 2.4 |
| OS607.29 | Te Anau Developments Limited | Accept in Part | 4.40 |
| OS607.30 | Te Anau Developments Limited | Reject | 4 |
| OS607.31 | Te Anau Developments Limited | Reject | 4 |
| OS607.33 | Te Anau Developments Limited | Accept in Part | 4.35 |
| OS607.34 | Te Anau Developments Limited | Reject | 4.36 |
| OS607.35 | Te Anau Developments Limited | Accept in Part | 4.37 |
| OS607.36 | Te Anau Developments Limited | Reject | 6.26 |
| OS607.37 | Te Anau Developments Limited | Accept in Part | 6.23 |
| OS608.57 | Darby Planning LP | Accept in Part | 4.1 |
| OS608.58 | Darby Planning LP | Reject | 4.2 |
| OS608.59 | Darby Planning LP | Reject | 4.3 |
| OS608.60 | Darby Planning LP | Accept in Part | 4.32 |
| OS608.61 | Darby Planning LP | Accept in Part | 4.33 |
| OS608.62 | Darby Planning LP | Accept in Part | 4.34 |
| OS608.63 | Darby Planning LP | Accept | 6.3 |
| OS608.64 | Darby Planning LP | Accept in Part | 6.4 |
| OS608.65 | Darby Planning LP | Accept in Part | 6.7 |
| OS608.66 | Darby Planning LP | Accept | 6.8 |
| OS608.67 | Darby Planning LP | Accept in Part | 6.8 |
| OS608.68 | Darby Planning LP | Accept | 6.12 |
| OS608.69 | Darby Planning LP | Accept in Part | 6.23 |
| OS608.70 | Darby Planning LP | Accept in Part | 8.2 |
| OS608.71 | Darby Planning LP | Accept in Part | 9.2 |
| OS608.72 | Darby Planning LP | Reject | 19.1 |
| OS608.73 | Darby Planning LP | Accept in Part | 19.3 |
| OS610.10 | Soho Ski Area Limited and Blackmans Creek No. 1 LP | Accept in Part | 4.17 |
| OS610.11 | Soho Ski Area Limited and Blackmans Creek No. 1 LP | Accept in Part | 4.17 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS610.12 | Soho Ski Area Limited and Blackmans Creek No. 1 LP | Accept in Part | 6.17 |
| OS610.13 | Soho Ski Area Limited and Blackmans Creek No. 1 LP | Accept in Part | 6.23 |
| OS610.14 | Soho Ski Area Limited and Blackmans Creek No. 1 LP | Accept in Part | 12.6 |
| OS610.15 | Soho Ski Area Limited and Blackmans Creek No. 1 LP | Accept in Part | 8.2 |
| OS610.16 | Soho Ski Area Limited and Blackmans Creek No. 1 LP | Accept in Part | 8.3 |
| OS610.19 | Soho Ski Area Limited and Blackmans Creek No. 1 LP | Accept in Part | 53.1 |
| OS610.5 | Soho Ski Area Limited and Blackmans Creek No. 1 LP | Accept in Part | 2.2 and 3 |
| OS610.6 | Soho Ski Area Limited and Blackmans Creek No. 1 LP | Reject | 5 |
| OS610.7 | Soho Ski Area Limited and Blackmans Creek No. 1 LP | Accept in Part | 4.17 |
| OS610.8 | Soho Ski Area Limited and Blackmans Creek No. 1 LP | Accept in Part | 4.18 |
| OS610.9 | Soho Ski Area Limited and Blackmans Creek No. 1 LP | Accept | 4.18 |
| OS613.10 | Treble Cone Investments Limited. | Accept in Part | 4.17 |
| OS613.11 | Treble Cone Investments Limited. | Accept in Part | 4.17 |
| OS613.12 | Treble Cone Investments Limited. | Accept in Part | 6.17 |
| OS613.13 | Treble Cone Investments Limited. | Accept in Part | 6.23 |
| OS613.14 | Treble Cone Investments Limited. | Accept in Part | 12.6 |
| OS613.15 | Treble Cone Investments Limited. | Accept in Part | 8.2 |
| OS613.16 | Treble Cone Investments Limited. | Accept in Part | 8.3 |
| OS613.19 | Treble Cone Investments Limited. | Accept in Part | 53.4 |
| OS613.5 | Treble Cone Investments Limited. | Accept in Part | 2.2 and 3 |
| OS613.6 | Treble Cone Investments Limited. | Reject | 5 |
| OS613.7 | Treble Cone Investments Limited. | Accept in Part | 4.17 |
| OS613.8 | Treble Cone Investments Limited. | Accept in Part | 4.18 |
| OS613.9 | Treble Cone Investments Limited. | Accept | 4.18 |
| OS615.24 | Cardrona Alpine Resort Limited | Accept in Part | 2.2 and 3 |
| OS615.26 | Cardrona Alpine Resort Limited | Reject | 4.17 |
| OS615.27 | Cardrona Alpine Resort Limited | Accept in Part | 4.18 |
| OS615.28 | Cardrona Alpine Resort Limited | Accept | 4.18 |
| OS615.29 | Cardrona Alpine Resort Limited | Reject | 4.17 |
| OS615.30 | Cardrona Alpine Resort Limited | Reject | 12.1 |
| OS615.31 | Cardrona Alpine Resort Limited | Reject | 12.1 |
| OS615.32 | Cardrona Alpine Resort Limited | Reject | 6.2 |
| OS615.33 | Cardrona Alpine Resort Limited | Reject | 6.17 |
| OS615.34 | Cardrona Alpine Resort Limited | Accept in Part | 6.18 |
| OS615.35 | Cardrona Alpine Resort Limited | Reject | 6.18 |
| OS621.58 | Real Journeys Limited | Accept in Part | 4.24 |
| OS621.59 | Real Journeys Limited | Accept in Part | 4.40 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS621.60 | Real Journeys Limited | Accept in Part | 4.1 |
| OS621.61 | Real Journeys Limited | Reject | 4.2 |
| OS621.62 | Real Journeys Limited | Reject | 4.3 |
| OS621.63 | Real Journeys Limited | Accept in Part | 4.11 |
| OS621.64 | Real Journeys Limited | Reject | 4.18 |
| OS621.65 | Real Journeys Limited | Accept in Part | 4.24 |
| OS621.66 | Real Journeys Limited | Reject | 4.26 |
| OS621.67 | Real Journeys Limited | Accept in Part | 4.30 |
| OS621.68 | Real Journeys Limited | Reject | 4.33 |
| OS621.69 | Real Journeys Limited | Accept in Part | 4.34 |
| OS621.70 | Real Journeys Limited | Accept in Part | 4.40 |
| OS621.71 | Real Journeys Limited | Reject | 4.42 |
| OS621.72 | Real Journeys Limited | Reject | 4.43 |
| OS621.73 | Real Journeys Limited | Reject | 4.45 |
| OS621.74 | Real Journeys Limited | Accept in Part | 4.48 |
| OS621.75 | Real Journeys Limited | Reject | 4.49 |
| OS621.76 | Real Journeys Limited | Reject | 4.50 |
| OS621.78 | Real Journeys Limited | Accept in Part | 2.4 |
| OS621.83 | Real Journeys Limited | Reject | 6.26 |
| OS621.84 | Real Journeys Limited | Accept in Part | 6.15 |
| OS621.85 | Real Journeys Limited | Accept in Part | 14.2 |
| OS621.86 | Real Journeys Limited | Accept in Part | 14 |
| OS621.87 | Real Journeys Limited | Reject | 14.4 |
| OS621.88 | Real Journeys Limited | Accept in Part | 14.2 |
| OS621.90 | Real Journeys Limited | Accept in Part | 14 |
| OS621.91 | Real Journeys Limited | Reject | 14.7 |
| OS621.92 | Real Journeys Limited | Accept | 19.1 |
| OS624.22 | Columb, D & M - represented by John Edmonds + Associates Ltd | Accept in Part | 4.24 |
| OS624.23 | Columb, D & M - represented by John Edmonds + Associates Ltd | Accept in Part | 4.1 |
| OS624.24 | Columb, D & M - represented by John Edmonds + Associates Ltd | Reject | 4.2 |
| OS624.25 | Columb, D & M - represented by John Edmonds + Associates Ltd | Reject | 4.3 |
| OS624.26 | Columb, D & M - represented by John Edmonds + Associates Ltd | Accept in Part | 4.11 |
| OS624.27 | Columb, D & M - represented by John Edmonds + Associates Ltd | Accept in Part | 4.24 |
| OS624.28 | Columb, D & M - represented by John Edmonds + Associates Ltd | Reject | 4.26 |
| OS624.29 | Columb, D & M - represented by John Edmonds + Associates Ltd | Accept in Part | 4.30 |
| OS624.30 | Columb, D & M - represented by John Edmonds + Associates Ltd | Reject | 4.33 |
| OS624.31 | Columb, D & M - represented by John Edmonds + Associates Ltd | Accept in Part | 4.34 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS624.32 | Columb, D & M - represented by John Edmonds + Associates Ltd | Accept | 19.1 |
| OS624.33 | Columb, D & M - represented by John Edmonds + Associates Ltd | Reject | 8.2 |
| OS624.34 | Columb, D & M - represented by John Edmonds + Associates Ltd | Reject | 6.2 |
| OS624.35 | Columb, D & M - represented by John Edmonds + Associates Ltd | Reject | 7.4 |
| OS624.36 | Columb, D & M - represented by John Edmonds + Associates Ltd | Reject | 6.15 |
| OS635.73 | Aurora Energy Limited | Accept in Part | 51.4 |
| OS635.74 | Aurora Energy Limited | Reject | 51.4 |
| OS635.75 | Aurora Energy Limited | Accept in Part | 51.4 |
| OS635.76 | Aurora Energy Limited | Accept | 48.6 |
| OS636.10 | Crown Range Holdings Ltd | Accept in Part | Part B |
| OS636.5 | Crown Range Holdings Ltd | Reject | 24.3 |
| OS636.6 | Crown Range Holdings Ltd | Accept in Part | 4.22 |
| OS636.7 | Crown Range Holdings Ltd | Accept in Part | 4.31 |
| OS636.8 | Crown Range Holdings Ltd | Reject | 6.2 |
| OS636.9 | Crown Range Holdings Ltd | Reject | 6.10 |
| OS643.10 | Crown Range Enterprises | Reject | 4.6 |
| OS643.11 | Crown Range Enterprises | Accept in Part | 4.22 |
| OS643.12 | Crown Range Enterprises | Accept in Part | 4.31 |
| OS643.13 | Crown Range Enterprises | Reject | 6.2 |
| OS643.14 | Crown Range Enterprises | Reject | 6.10 |
| OS643.15 | Crown Range Enterprises | Accept in Part | Part B |
| OS643.9 | Crown Range Enterprises | Reject | 4.6 |
| OS649.14 | Southern District Health Board | Accept in Part | 4.20 |
| OS649.15 | Southern District Health Board | Accept | 4.43 |
| OS649.16 | Southern District Health Board | Accept in Part | 6.26 |
| OS649.17 | Southern District Health Board | Accept | 6.26 |
| OS649.18 | Southern District Health Board | Accept | 6.26 |
| OS649.19 | Southern District Health Board | Accept | 6.26 |
| OS649.3 | Southern District Health Board | Accept in Part | 4.1 |
| OS658.1 | Queenstown Water Taxis Ltd | Reject | 6.26 |
| OS659.1 | Longview Environmental Trust | Accept in Part | 4 |
| OS659.2 | Longview Environmental Trust | Accept in Part | 7.5 |
| OS659.3 | Longview Environmental Trust | Reject | 7.5 |
| OS659.4 | Longview Environmental Trust | Reject | 7.6 |
| OS660.2 | Fairfax, Andrew - represented by John Edmonds + Associates Ltd | Accept in Part | 4.31 |
| OS660.3 | Fairfax, Andrew - represented by John Edmonds + Associates Ltd | Reject | 4 |
| OS660.4 | Fairfax, Andrew - represented by John Edmonds + Associates Ltd | Accept in Part | 6.23 |
| OS660.5 | Fairfax, Andrew - represented by John Edmonds + Associates Ltd | Accept in Part | 6.23 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS662.2 | Macauley, I and P - represented by John Edmonds + Associates Ltd | Accept in Part | 4.31 |
| OS662.3 | Macauley, I and P - represented by John Edmonds + Associates Ltd | Reject | 4 |
| OS662.4 | Macauley, I and P - represented by John Edmonds + Associates Ltd | Accept in Part | 6.23 |
| OS662.5 | Macauley, I and P - represented by John Edmonds + Associates Ltd | Accept in Part | 6.23 |
| OS669.10 | Cook Adam Trustees Limited, C & M Burgess | Reject | 23 |
| OS669.11 | Cook Adam Trustees Limited, C & M Burgess | Reject | 24.2 |
| OS669.12 | Cook Adam Trustees Limited, C & M Burgess | Accept in part | 24.2 |
| OS669.13 | Cook Adam Trustees Limited, C & M Burgess | Reject | 24.2 |
| OS669.14 | Cook Adam Trustees Limited, C & M Burgess | Reject | 24.2 |
| OS669.15 | Cook Adam Trustees Limited, C & M Burgess | Accept in part | 24.3 |
| OS669.16 | Cook Adam Trustees Limited, C & M Burgess | Accept | 22.3 |
| OS669.17 | Cook Adam Trustees Limited, C & M Burgess | Accept | 22.3 |
| OS669.18 | Cook Adam Trustees Limited, C & M Burgess | Reject | 27.2 |
| OS669.19 | Cook Adam Trustees Limited, C & M Burgess | Accept | 27.3 |
| OS669.20 | Cook Adam Trustees Limited, C & M Burgess | Reject | 28.11 |
| OS671.4 | Queenstown Trails Trust | Accept in Part | 4.24 |
| OS674.1 | Hadley, J & R | Reject | 23 |
| OS674.10 | Hadley, J & R | Accept in part | Report 4B |
| OS674.11 | Hadley, J & R | Accept | 27.11 |
| OS674.12 | Hadley, J & R | Accept in part | 27.12 |
| OS674.13 | Hadley, J & R | Accept | 27.14 |
| OS674.14 | Hadley, J & R | Reject | 27.12 |
| OS674.15 | Hadley, J & R | Reject | 23 |
| OS674.2 | Hadley, J & R | Accept in part | 24.1 |
| OS674.3 | Hadley, J & R | Accept in part | 27.1 |
| OS674.6 | Hadley, J & R | Accept in part | 24.3 |
| OS674.7 | Hadley, J & R | Reject | 27.10 |
| OS674.8 | Hadley, J & R | Accept | 27.14 |
| OS674.9 | Hadley, J & R | Accept in part | 24.3 |
| OS675.1 | Hadley, J - represented by Hadley Consultants Ltd | Accept in Part | Part B |
| OS684.1 | Ramsay, Michael | Reject | 58 |
| OS684.2 | Ramsay, Michael | Reject | 58 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS684.4 | Ramsay, Michael | Accept | 14.2 |
| OS688.29 | Justin Crane and Kirsty Mactaggart | Accept in Part | 14.5 |
| OS688.5 | Justin Crane and Kirsty Mactaggart | Accept in Part | 4.22 |
| OS688.6 | Justin Crane and Kirsty Mactaggart | Reject | 6.2 |
| OS688.7 | Justin Crane and Kirsty Mactaggart | Reject | 6.10 |
| OS688.8 | Justin Crane and Kirsty Mactaggart | Reject | Part B |
| OS693.10 | Private Property Limited | Accept in Part | 4.22 |
| OS693.11 | Private Property Limited | Accept in Part | 4.31 |
| OS693.12 | Private Property Limited | Reject | 6.2 |
| OS693.13 | Private Property Limited | Reject | 6.9 |
| OS693.14 | Private Property Limited | Reject | 6.10 |
| OS693.15 | Private Property Limited | Accept in Part | 19.1 |
| OS693.7 | Private Property Limited | Reject | 4.6 |
| OS693.8 | Private Property Limited | Reject | 4.6 |
| OS693.9 | Private Property Limited | Reject | 4.11 |
| OS694.22 | Glentui Heights Ltd | Reject | 27.2 |
| OS694.23 | Glentui Heights Ltd | Accept | 27.3 |
| OS694.24 | Glentui Heights Ltd | Accept in part | Part C |
| OS701.10 | Kane, Paul | Reject | 8.1 |
| OS701.11 | Kane, Paul | Reject | 8 |
| OS701.12 | Kane, Paul | Reject | 8.2 |
| OS701.13 | Kane, Paul | Reject | 17 |
| OS701.14 | Kane, Paul | Reject | 51.2 |
| OS701.15 | Kane, Paul | Reject | 51.2 |
| OS701.16 | Kane, Paul | Reject | 51.8 |
| OS701.17 | Kane, Paul | Reject | 48.6 |
| OS701.18 | Kane, Paul | Reject | 53.3 |
| OS701.19 | Kane, Paul | Accept | 48.7 |
| OS701.6 | Kane, Paul | Reject | 4.2 |
| OS701.7 | Kane, Paul | Reject | 7.5 |
| OS701.8 | Kane, Paul | Reject | 7.6 |
| OS701.9 | Kane, Paul | Reject | 8 |
| OS702.10 | Lake Wakatipu Stations Limited | Reject | 6.9 |
| OS702.11 | Lake Wakatipu Stations Limited | Reject | 6.10 |
| OS702.12 | Lake Wakatipu Stations Limited | Accept in Part | 19.1 |
| OS702.5 | Lake Wakatipu Stations Limited | Reject | 4.6 |
| OS702.6 | Lake Wakatipu Stations Limited | Reject | 4.6 |
| OS702.7 | Lake Wakatipu Stations Limited | Reject | 4.11 |
| OS702.8 | Lake Wakatipu Stations Limited | Accept in Part | 4.22 |
| OS702.9 | Lake Wakatipu Stations Limited | Accept in Part | 4.31 |
| OS706.100 | Forest and Bird NZ | Accept in Part | 48.4 |
| OS706.101 | Forest and Bird NZ | Reject | 48.4 |
| OS706.102 | Forest and Bird NZ | Accept | 53.4 |
| OS706.103 | Forest and Bird NZ | Reject | 53.4 |
| OS706.104 | Forest and Bird NZ | Reject | 53.4 |
| OS706.105 | Forest and Bird NZ | Reject | 48.6 |
| OS706.106 | Forest and Bird NZ | Reject | 48.6 |
| OS706.107 | Forest and Bird NZ | Accept | 48.6 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS706.108 | Forest and Bird NZ | Reject | 48.7 |
| OS706.109 | Forest and Bird NZ | Accept in Part | 48.5 |
| OS706.110 | Forest and Bird NZ | Accept in Part | 51.5 |
| OS706.111 | Forest and Bird NZ | Reject | 51.6 |
| OS706.112 | Forest and Bird NZ | Accept in Part | 51.7 |
| OS706.113 | Forest and Bird NZ | Accept | 53.6 |
| OS706.114 | Forest and Bird NZ | Reject | 54 |
| OS706.115 | Forest and Bird NZ | Reject | 48.3 |
| OS706.116 | Forest and Bird NZ | Accept in Part | 55 |
| OS706.117 | Forest and Bird NZ | Reject | Part E |
| OS706.118 | Forest and Bird NZ | Reject | 58 |
| OS706.119 | Forest and Bird NZ | Reject | 58 |
| OS706.120 | Forest and Bird NZ | Accept | 58 |
| OS706.21 | Forest and Bird NZ | Reject | 3 |
| OS706.22 | Forest and Bird NZ | Accept in Part | 4.1 |
| OS706.23 | Forest and Bird NZ | Accept | 4.2 |
| OS706.24 | Forest and Bird NZ | Accept | 4.4 |
| OS706.25 | Forest and Bird NZ | Reject | 4.7 |
| OS706.26 | Forest and Bird NZ | Accept | 4.8 |
| OS706.27 | Forest and Bird NZ | Reject | 4.9 |
| OS706.28 | Forest and Bird NZ | Accept | 4.13 |
| OS706.29 | Forest and Bird NZ | Accept in Part | 4.14 |
| OS706.30 | Forest and Bird NZ | Accept in Part | 4.22 |
| OS706.31 | Forest and Bird NZ | Reject | 4.23 |
| OS706.32 | Forest and Bird NZ | Reject | 4.24 |
| OS706.33 | Forest and Bird NZ | Reject | 4.26 |
| OS706.34 | Forest and Bird NZ | Accept in Part | 4.27 |
| OS706.35 | Forest and Bird NZ | Reject | 4.33 |
| OS706.36 | Forest and Bird NZ | Accept in Part | 4.34 |
| OS706.37 | Forest and Bird NZ | Reject | 4.40 |
| OS706.38 | Forest and Bird NZ | Accept in Part | 4.44 |
| OS706.39 | Forest and Bird NZ | Accept | 4.45 |
| OS706.40 | Forest and Bird NZ | Reject | 6.20 |
| OS706.41 | Forest and Bird NZ | Reject | 6.27 |
| OS706.42 | Forest and Bird NZ | Accept in Part | 6.27 |
| OS706.43 | Forest and Bird NZ | Reject | 7 |
| OS706.44 | Forest and Bird NZ | Accept | 7.4 |
| OS706.45 | Forest and Bird NZ | Reject | 7.7 |
| OS706.46 | Forest and Bird NZ | Reject | 8.1 |
| OS706.47 | Forest and Bird NZ | Reject | 8.2 |
| OS706.48 | Forest and Bird NZ | Reject | 8.3 |
| OS706.49 | Forest and Bird NZ | Reject | 8.4 |
| OS706.50 | Forest and Bird NZ | Reject | 23 |
| OS706.51 | Forest and Bird NZ | Reject | 24.2 |
| OS706.52 | Forest and Bird NZ | Reject | 27.4 |
| OS706.56 | Forest and Bird NZ | Accept | 28.7 |
| OS706.65 | Forest and Bird NZ | Accept in Part | 50 |
| OS706.66 | Forest and Bird NZ | Accept in Part | 50 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS706.67 | Forest and Bird NZ | Reject | 50 |
| OS706.68 | Forest and Bird NZ | Reject | 50 |
| OS706.69 | Forest and Bird NZ | Accept in Part | 48.2 |
| OS706.70 | Forest and Bird NZ | Accept in Part | 51.2 |
| OS706.71 | Forest and Bird NZ | Reject | 48.2 |
| OS706.72 | Forest and Bird NZ | Reject | 48.2 |
| OS706.73 | Forest and Bird NZ | Accept in Part | 51.2 |
| OS706.74 | Forest and Bird NZ | Reject | 51.2 |
| OS706.75 | Forest and Bird NZ | Reject | 51.2 |
| OS706.76 | Forest and Bird NZ | Accept in Part | 51.2 |
| OS706.77 | Forest and Bird NZ | Accept in Part | 51.2 |
| OS706.78 | Forest and Bird NZ | Accept in Part | 51.2 |
| OS706.79 | Forest and Bird NZ | Reject | 51.3 |
| OS706.80 | Forest and Bird NZ | Accept in Part | 51.4 |
| OS706.81 | Forest and Bird NZ | Accept in Part | 51.4 |
| OS706.82 | Forest and Bird NZ | Accept in Part | 51.4 |
| OS706.83 | Forest and Bird NZ | Accept in Part | 51.4 |
| OS706.84 | Forest and Bird NZ | Accept in Part | 51.4 |
| OS706.85 | Forest and Bird NZ | Accept in Part | 51.8 |
| OS706.86 | Forest and Bird NZ | Reject | 51.8 |
| OS706.87 | Forest and Bird NZ | Accept in Part | 51.8 |
| OS706.88 | Forest and Bird NZ | Accept in Part | 51.8 |
| OS706.89 | Forest and Bird NZ | Accept | 51.8 |
| OS706.90 | Forest and Bird NZ | Reject | 51.8 |
| OS706.91 | Forest and Bird NZ | Accept in Part | 51.8 |
| OS706.92 | Forest and Bird NZ | Accept in Part | 51.8 |
| OS706.93 | Forest and Bird NZ | Reject | 51.8 |
| OS706.94 | Forest and Bird NZ | Accept | 51.9 |
| OS706.95 | Forest and Bird NZ | Accept in Part | 51.9 |
| OS706.96 | Forest and Bird NZ | Accept | 51.9 |
| OS706.97 | Forest and Bird NZ | Accept in Part | 53.2 |
| OS706.98 | Forest and Bird NZ | Accept | 48.4 |
| OS706.99 | Forest and Bird NZ | Accept in Part | 48.4 |
| OS712.12 | Bobs Cove Developments Limited | Reject | 27.2 |
| OS712.13 | Bobs Cove Developments Limited | Accept | 27.3 |
| OS712.4 | Bobs Cove Developments Limited | Reject | 7 |
| OS713.2 | Heli Tours Limited | Accept in Part | 6.23 |
| OS716.17 | Ngai Tahu Tourism Ltd | Accept in Part | 14.5 |
| OS716.18 | Ngai Tahu Tourism Ltd | Accept | 14.8 |
| OS719.100 | NZ Transport Agency | Reject | 7.2 |
| OS719.101 | NZ Transport Agency | Accept | 10.2 |
| OS719.102 | NZ Transport Agency | Accept in Part | 10.4 |
| OS719.103 | NZ Transport Agency | Accept in Part | 14.2 |
| OS719.104 | NZ Transport Agency | Accept | 17 |
| OS719.105 | NZ Transport Agency | Accept | 19.1 |
| OS719.106 | NZ Transport Agency | Accept | 19.5 |
| OS719.107 | NZ Transport Agency | Accept | 24.3 |
| OS719.108 | NZ Transport Agency | Accept in part | 24.3 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS719.109 | NZ Transport Agency | Accept | 24.4 |
| OS719.110 | NZ Transport Agency | Accept | 24.4 |
| OS719.111 | NZ Transport Agency | Accept | 24.4 |
| OS719.112 | NZ Transport Agency | Accept in part | 24.5 |
| OS719.113 | NZ Transport Agency | Accept | 24.5 |
| OS719.114 | NZ Transport Agency | Accept | 27.8 |
| OS719.115 | NZ Transport Agency | Reject | Report 4B |
| OS719.116 | NZ Transport Agency | Reject | 28.6 |
| OS719.117 | NZ Transport Agency | Accept | 35 |
| OS719.118 | NZ Transport Agency | Reject | Report 4B |
| OS719.119 | NZ Transport Agency | Accept | 38 |
| OS719.120 | NZ Transport Agency | Accept | 38 |
| OS719.121 | NZ Transport Agency | Accept | 42.5 |
| OS719.122 | NZ Transport Agency | Accept | 42.6 |
| OS719.123 | NZ Transport Agency | Reject | 43.3 |
| OS719.124 | NZ Transport Agency | Accept | 38 |
| OS719.125 | NZ Transport Agency | Accept | 38 |
| OS719.126 | NZ Transport Agency | Accept | 38 |
| OS719.127 | NZ Transport Agency | Accept | 43.5 |
| OS719.95 | NZ Transport Agency | Accept | 4.4 |
| OS719.96 | NZ Transport Agency | Accept | 4.4 |
| OS719.97 | NZ Transport Agency | Accept in Part | 4.10 |
| OS719.98 | NZ Transport Agency | Accept in Part | 4.11 |
| OS719.99 | NZ Transport Agency | Accept in Part | 4.30 |
| OS723.10 | Wakatipu Aero Club | Accept in Part | 6.23 |
| OS723.2 | Wakatipu Aero Club | Accept in Part | 4.10 |
| OS723.3 | Wakatipu Aero Club | Accept in Part | 4.11 |
| OS723.4 | Wakatipu Aero Club | Accept in Part | 4.35 |
| OS723.5 | Wakatipu Aero Club | Accept in Part | 4.36 |
| OS723.6 | Wakatipu Aero Club | Accept in Part | 4.37 |
| OS723.7 | Wakatipu Aero Club | Accept in Part | 4.35 |
| OS723.8 | Wakatipu Aero Club | Accept in Part | 6.23 |
| OS723.9 | Wakatipu Aero Club | Accept in Part | 6.23 |
| OS725.5 | Ian Percy & Fiona Aitken Family Trust | Reject | 7 |
| OS728.1 | Wanaka Residents Association | Accept in Part | Part B |
| OS730.10 | Snow, Adrian - represented by Town Planning Group Limited | Accept in Part | 6.23 |
| OS730.2 | Snow, Adrian - represented by Town Planning Group Limited | Accept in Part | 4.10 |
| OS730.3 | Snow, Adrian - represented by Town Planning Group Limited | Accept in Part | 4.11 |
| OS730.4 | Snow, Adrian - represented by Town Planning Group Limited | Accept in Part | 4.35 |
| OS730.5 | Snow, Adrian - represented by Town Planning Group Limited | Accept in Part | 4.36 |
| OS730.6 | Snow, Adrian - represented by Town Planning Group Limited | Accept in Part | 4.37 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS730.7 | Snow, Adrian - represented by Town Planning Group Limited | Accept in Part | 4.35 |
| OS730.8 | Snow, Adrian - represented by Town Planning Group Limited | Accept in Part | 6.23 |
| OS730.9 | Snow, Adrian - represented by Town Planning Group Limited | Accept in Part | 6.23 |
| OS732.10 | Revell William Buckham | Accept in Part | 6.23 |
| OS732.2 | Revell William Buckham | Accept in Part | 4.10 |
| OS732.3 | Revell William Buckham | Accept in Part | 4.11 |
| OS732.4 | Revell William Buckham | Accept in Part | 4.35 |
| OS732.5 | Revell William Buckham | Accept in Part | 4.36 |
| OS732.6 | Revell William Buckham | Accept in Part | 4.37 |
| OS732.7 | Revell William Buckham | Accept in Part | 4.35 |
| OS732.8 | Revell William Buckham | Accept in Part | 6.23 |
| OS732.9 | Revell William Buckham | Accept in Part | 6.23 |
| OS734.10 | Connor, Kerry - represented by Town Planning Group Limited | Accept in Part | 6.23 |
| OS734.2 | Connor, Kerry - represented by Town Planning Group Limited | Accept in Part | 4.10 |
| OS734.3 | Connor, Kerry - represented by Town Planning Group Limited | Accept in Part | 4.11 |
| OS734.4 | Connor, Kerry - represented by Town Planning Group Limited | Accept in Part | 4.35 |
| OS734.5 | Connor, Kerry - represented by Town Planning Group Limited | Accept in Part | 4.36 |
| OS734.6 | Connor, Kerry - represented by Town Planning Group Limited | Accept in Part | 4.37 |
| OS734.7 | Connor, Kerry - represented by Town Planning Group Limited | Accept in Part | 4.35 |
| OS734.8 | Connor, Kerry - represented by Town Planning Group Limited | Accept in Part | 6.23 |
| OS734.9 | Connor, Kerry - represented by Town Planning Group Limited | Accept in Part | 6.23 |
| OS736.10 | Southern Lakes Learn to Fly Limited | Accept in Part | 6.23 |
| OS736.2 | Southern Lakes Learn to Fly Limited | Accept in Part | 4.10 |
| OS736.3 | Southern Lakes Learn to Fly Limited | Accept in Part | 4.11 |
| OS736.4 | Southern Lakes Learn to Fly Limited | Accept in Part | 4.35 |
| OS736.5 | Southern Lakes Learn to Fly Limited | Accept in Part | 4.36 |
| OS736.6 | Southern Lakes Learn to Fly Limited | Accept in Part | 4.37 |
| OS736.7 | Southern Lakes Learn to Fly Limited | Accept in Part | 4.35 |
| OS736.8 | Southern Lakes Learn to Fly Limited | Accept in Part | 6.23 |
| OS736.9 | Southern Lakes Learn to Fly Limited | Accept in Part | 6.23 |
| OS738.10 | Sproull, Hank - represented by Town Planning Group Limited | Accept in Part | 6.23 |
| OS738.2 | Sproull, Hank - represented by Town Planning Group Limited | Accept in Part | 4.10 |
| OS738.3 | Sproull, Hank - represented by Town Planning Group Limited | Accept in Part | 4.11 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS738.4 | Sproull, Hank - represented by Town Planning Group Limited | Accept in Part | 4.35 |
| OS738.5 | Sproull, Hank - represented by Town Planning Group Limited | Accept in Part | 4.36 |
| OS738.6 | Sproull, Hank - represented by Town Planning Group Limited | Accept in Part | 4.37 |
| OS738.7 | Sproull, Hank - represented by Town Planning Group Limited | Accept in Part | 4.35 |
| OS738.8 | Sproull, Hank - represented by Town Planning Group Limited | Accept in Part | 6.23 |
| OS738.9 | Sproull, Hank - represented by Town Planning Group Limited | Accept in Part | 6.23 |
| OS739.10 | Southern Lakes Learn to Fly Limited | Accept in Part | 6.23 |
| OS739.2 | Southern Lakes Learn to Fly Limited | Accept in Part | 4.10 |
| OS739.3 | Southern Lakes Learn to Fly Limited | Accept in Part | 4.11 |
| OS739.4 | Southern Lakes Learn to Fly Limited | Accept in Part | 4.35 |
| OS739.5 | Southern Lakes Learn to Fly Limited | Accept in Part | 4.36 |
| OS739.6 | Southern Lakes Learn to Fly Limited | Accept in Part | 4.37 |
| OS739.7 | Southern Lakes Learn to Fly Limited | Accept in Part | 4.35 |
| OS739.8 | Southern Lakes Learn to Fly Limited | Accept in Part | 6.23 |
| OS739.9 | Southern Lakes Learn to Fly Limited | Accept in Part | 6.23 |
| OS740.1 | Wakatipu Wilding Conifer Control Group | Accept in Part | 58 |
| OS740.2 | Wakatipu Wilding Conifer Control Group | Accept in Part | 58 |
| OS740.3 | Wakatipu Wilding Conifer Control Group | Reject | 58 |
| OS740.4 | Wakatipu Wilding Conifer Control Group | Reject | 58 |
| OS751.9 | Hansen Family Partnership | Reject | 6 |
| OS755.14 | Guardians of Lake Wanaka | Reject | 4.7 |
| OS755.15 | Guardians of Lake Wanaka | Reject | 4.8 |
| OS755.16 | Guardians of Lake Wanaka | Accept in Part | 7.7 |
| OS755.17 | Guardians of Lake Wanaka | Reject | 4.40 |
| OS755.18 | Guardians of Lake Wanaka | Reject | 46 |
| OS755.19 | Guardians of Lake Wanaka | Reject | 50 |
| OS755.20 | Guardians of Lake Wanaka | Accept in Part | 48.2 |
| OS758.1 | Jet Boating New Zealand | Accept in Part | 4.40 |
| OS758.10 | Jet Boating New Zealand | Accept in Part | 14.5 |
| OS758.11 | Jet Boating New Zealand | Reject | 14.5 |
| OS758.2 | Jet Boating New Zealand | Reject | 14.1 |
| OS758.3 | Jet Boating New Zealand | Reject | 14.5 |
| OS758.4 | Jet Boating New Zealand | Accept in Part | 14.5 |
| OS758.5 | Jet Boating New Zealand | Accept in Part | 14.5 |
| OS758.6 | Jet Boating New Zealand | Accept in Part | 14.5 |
| OS758.7 | Jet Boating New Zealand | Accept in Part | 14.5 |
| OS758.8 | Jet Boating New Zealand | Accept in Part | 14.5 |
| OS758.9 | Jet Boating New Zealand | Accept in Part | 14.5 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS760.10 | Southern Lakes Aviation Limited | Accept in Part | 6.23 |
| OS760.2 | Southern Lakes Aviation Limited | Accept in Part | 4.10 |
| OS760.3 | Southern Lakes Aviation Limited | Accept in Part | 4.11 |
| OS760.4 | Southern Lakes Aviation Limited | Accept in Part | 4.35 |
| OS760.5 | Southern Lakes Aviation Limited | Accept in Part | 4.36 |
| OS760.6 | Southern Lakes Aviation Limited | Accept in Part | 4.37 |
| OS760.7 | Southern Lakes Aviation Limited | Accept in Part | 4.35 |
| OS760.8 | Southern Lakes Aviation Limited | Accept in Part | 6.23 |
| OS760.9 | Southern Lakes Aviation Limited | Accept in Part | 6.23 |
| OS761.19 | ORFEL Ltd | Accept in part | 24.2 |
| OS761.20 | ORFEL Ltd | Accept in part | 24.2 |
| OS761.21 | ORFEL Ltd | Reject | 22.3 |
| OS761.22 | ORFEL Ltd | Accept in part | 24.3 |
| OS761.23 | ORFEL Ltd | Reject | 22.3 |
| OS761.24 | ORFEL Ltd | Accept | 27.4 |
| OS761.25 | ORFEL Ltd | Accept in part | 27.4 |
| OS761.26 | ORFEL Ltd | Accept in part | 27.4 |
| OS761.27 | ORFEL Ltd | Accept | 27.6 |
| OS761.28 | ORFEL Ltd | Accept in part | 28.2 |
| OS761.32 | ORFEL Ltd | Accept in part | 28.2 |
| OS761.33 | ORFEL Ltd | Accept in part | 28.2 |
| OS761.34 | ORFEL Ltd | Accept in part | 28.2 |
| OS763.1 | Lake Hayes Limited | Accept in part | 24.2 |
| OS763.10 | Lake Hayes Limited | Accept in part | 28.2 |
| OS763.2 | Lake Hayes Limited | Accept in part | 24.2 |
| OS763.3 | Lake Hayes Limited | Accept in part | 24.3 |
| OS763.4 | Lake Hayes Limited | Accept in part | 24.3 |
| OS763.5 | Lake Hayes Limited | Reject | 22.3 |
| OS763.6 | Lake Hayes Limited | Accept | 22.3 |
| OS763.7 | Lake Hayes Limited | Accept in part | 27.2 |
| OS763.8 | Lake Hayes Limited | Accept | 27.3 |
| OS763.9 | Lake Hayes Limited | Accept | 27.5 |
| OS764.1 | Mount Christina Limited | Accept in part | 24.2 |
| OS764.10 | Mount Christina Limited | Accept | 27.6 |
| OS764.11 | Mount Christina Limited | Reject | 27.2 |
| OS764.12 | Mount Christina Limited | Accept in part | 28.2 |
| OS764.13 | Mount Christina Limited | Accept in part | 28.2 |
| OS764.14 | Mount Christina Limited | Accept in part | 28.2 |
| OS764.15 | Mount Christina Limited | Accept in part | 28.2 |
| OS764.16 | Mount Christina Limited | Accept in part | 28.3 |
| OS764.17 | Mount Christina Limited | Reject | 28.4 |
| OS764.2 | Mount Christina Limited | Accept in part | 24.2 |
| OS764.3 | Mount Christina Limited | Reject | 22.3 |
| OS764.4 | Mount Christina Limited | Accept in part | 24.3 |
| OS764.5 | Mount Christina Limited | Accept in part | 24.3 |
| OS764.6 | Mount Christina Limited | Reject | 22.3 |
| OS764.7 | Mount Christina Limited | Accept | 22.3 |
| OS764.8 | Mount Christina Limited | Accept | 27.3 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS764.9 | Mount Christina Limited | Accept | 27.5 |
| OS766.18 | Queenstown Wharves GP Limited | Accept in Part | 4.40 |
| OS766.19 | Queenstown Wharves GP Limited | Reject | 4.41 |
| OS766.20 | Queenstown Wharves GP Limited | Accept in Part | 4.42 |
| OS766.21 | Queenstown Wharves GP Limited | Reject | 4.43 |
| OS766.22 | Queenstown Wharves GP Limited | Reject | 4.44 |
| OS766.23 | Queenstown Wharves GP Limited | Reject | 4.45 |
| OS766.24 | Queenstown Wharves GP Limited | Accept in Part | 4.46 |
| OS766.25 | Queenstown Wharves GP Limited | Accept in Part | 4.47 |
| OS766.26 | Queenstown Wharves GP Limited | Accept in Part | 4.48 |
| OS766.27 | Queenstown Wharves GP Limited | Reject | 14 |
| OS766.28 | Queenstown Wharves GP Limited | Reject | 14.2 |
| OS766.29 | Queenstown Wharves GP Limited | Accept in Part | 14.2 |
| OS766.30 | Queenstown Wharves GP Limited | Accept in Part | 14.2 |
| OS766.31 | Queenstown Wharves GP Limited | Reject | 14.7 |
| OS767.1 | Lake Hayes Cellar Limited | Accept in part | 24.2 |
| OS767.10 | Lake Hayes Cellar Limited | Accept | 27.5 |
| OS767.11 | Lake Hayes Cellar Limited | Accept | 27.6 |
| OS767.15 | Lake Hayes Cellar Limited | Reject | 28.4 |
| OS767.2 | Lake Hayes Cellar Limited | Accept in part | 24.2 |
| OS767.3 | Lake Hayes Cellar Limited | Accept in part | 24.3 |
| OS767.5 | Lake Hayes Cellar Limited | Reject | 22.3 |
| OS767.6 | Lake Hayes Cellar Limited | Accept | 22.3 |
| OS767.9 | Lake Hayes Cellar Limited | Accept | 27.3 |
| OS771.7 | Hawea Community Association | Accept | Part C |
| OS771.8 | Hawea Community Association | Accept | 23 |
| OS778.1 | Over the Top Ltd | Accept in Part | 6.23 |
| OS781.8 | Chorus New Zealand Limited | Accept in Part | 19.1 |
| OS781.9 | Chorus New Zealand Limited | Reject | 19.3 |
| OS784.10 | Jeremy Bell Investments Limited | Reject | 9.1 |
| OS784.11 | Jeremy Bell Investments Limited | Accept in Part | 6.23 |
| OS784.12 | Jeremy Bell Investments Limited | Reject | 51.2 |
| OS784.13 | Jeremy Bell Investments Limited | Reject | 51.2 |
| OS784.14 | Jeremy Bell Investments Limited | Accept in Part | 51.8 |
| OS784.15 | Jeremy Bell Investments Limited | Accept | 53.2 |
| OS784.16 | Jeremy Bell Investments Limited | Accept in Part | 48.4 |
| OS784.17 | Jeremy Bell Investments Limited | Reject | 48.6 |
| OS784.18 | Jeremy Bell Investments Limited | Reject | 53.3 |
| OS784.19 | Jeremy Bell Investments Limited | Reject | 53.6 |
| OS784.20 | Jeremy Bell Investments Limited | Accept | 48.3 |
| OS784.21 | Jeremy Bell Investments Limited | Accept | 53.2 |
| OS784.22 | Jeremy Bell Investments Limited | Accept | 48.7 |
| OS784.23 | Jeremy Bell Investments Limited | Accept in Part | 58 |
| OS784.5 | Jeremy Bell Investments Limited | Reject | 4.2 |
| OS784.6 | Jeremy Bell Investments Limited | Accept in Part | 4.6 |
| OS784.7 | Jeremy Bell Investments Limited | Reject | 6 |
| OS784.8 | Jeremy Bell Investments Limited | Reject | 7.5 |
| OS784.9 | Jeremy Bell Investments Limited | Reject | 8.2 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS788.1 | Otago Fish and Game Council | Reject | 51.4 |
| OS788.2 | Otago Fish and Game Council | Reject | 47.1 |
| OS788.3 | Otago Fish and Game Council | Accept in Part | 48.5 |
| OS791.10 | Burdon, Tim | Accept in Part | 4.1 |
| OS791.11 | Burdon, Tim | Accept in Part | 4.3 |
| OS791.12 | Burdon, Tim | Reject | 4.8 |
| OS791.13 | Burdon, Tim | Accept in Part | 4.31 |
| OS791.14 | Burdon, Tim | Accept in Part | 51.4 |
| OS791.15 | Burdon, Tim | Accept in Part | 51.8 |
| OS791.16 | Burdon, Tim | Accept in Part | 51.8 |
| OS791.17 | Burdon, Tim | Accept in Part | 51.8 |
| OS791.18 | Burdon, Tim | Accept | 51.9 |
| OS791.19 | Burdon, Tim | Reject | 55 |
| OS791.20 | Burdon, Tim | Accept | 48.7 |
| OS794.10 | Lakes Land Care | Accept in Part | 4.1 |
| OS794.11 | Lakes Land Care | Accept in Part | 4.3 |
| OS794.12 | Lakes Land Care | Reject | 4.8 |
| OS794.13 | Lakes Land Care | Accept in Part | 4.31 |
| OS794.14 | Lakes Land Care | Accept in Part | 51.4 |
| OS794.15 | Lakes Land Care | Accept in Part | 51.8 |
| OS794.16 | Lakes Land Care | Accept in Part | 51.8 |
| OS794.17 | Lakes Land Care | Accept in Part | 51.8 |
| OS794.18 | Lakes Land Care | Accept | 51.9 |
| OS794.19 | Lakes Land Care | Reject | 55 |
| OS794.20 | Lakes Land Care | Accept | 48.7 |
| OS798.2 | Otago Regional Council | Accept | 19.3 |
| OS798.3 | Otago Regional Council | Accept | 6 |
| OS798.35 | Otago Regional Council | Accept in Part | 4.4 |
| OS798.4 | Otago Regional Council | Accept in Part | 51.1 |
| OS798.5 | Otago Regional Council | Accept | 4 |
| OS798.6 | Otago Regional Council | Accept | 4 |
| OS798.7 | Otago Regional Council | Accept in Part | 7.7 |
| OS798.8 | Otago Regional Council | Accept in Part | 4.13 |
| OS798.9 | Otago Regional Council | Reject | 6.27 |
| OS805.100 | Transpower New Zealand Limited | Accept | 48.6 |
| OS805.53 | Transpower New Zealand Limited | Reject | 3 |
| OS805.54 | Transpower New Zealand Limited | Reject | 4.1 |
| OS805.55 | Transpower New Zealand Limited | Reject | 4.51 |
| OS805.56 | Transpower New Zealand Limited | Reject | 4.10 |
| OS805.57 | Transpower New Zealand Limited | Reject | 5 |
| OS805.58 | Transpower New Zealand Limited | Reject | 39 |
| OS805.59 | Transpower New Zealand Limited | Reject | 40.1 |
| OS805.60 | Transpower New Zealand Limited | Accept in part | 40.4 |
| OS805.61 | Transpower New Zealand Limited | Reject | 42.1 |
| OS805.96 | Transpower New Zealand Limited | Reject | 51.2 |
| OS805.97 | Transpower New Zealand Limited | Reject | 51.2 |
| OS805.98 | Transpower New Zealand Limited | Reject | 51.4 |
| OS805.99 | Transpower New Zealand Limited | Reject | 53.2 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS806.100 | Queenstown Park Limited | Reject | 4.3 |
| OS806.101 | Queenstown Park Limited | Reject | 4.4 |
| OS806.102 | Queenstown Park Limited | Reject | 4.4 |
| OS806.103 | Queenstown Park Limited | Reject | 4.4 |
| OS806.104 | Queenstown Park Limited | Reject | 4.4 |
| OS806.105 | Queenstown Park Limited | Accept | 4.6 |
| OS806.106 | Queenstown Park Limited | Reject | 4.6 |
| OS806.107 | Queenstown Park Limited | Reject | 4.6 |
| OS806.108 | Queenstown Park Limited | Reject | 4.11 |
| OS806.109 | Queenstown Park Limited | Reject | 4.11 |
| OS806.110 | Queenstown Park Limited | Reject | 4.13 |
| OS806.113 | Queenstown Park Limited | Reject | 4.21 |
| OS806.114 | Queenstown Park Limited | Reject | 4.22 |
| OS806.115 | Queenstown Park Limited | Accept in Part | 4.24 |
| OS806.116 | Queenstown Park Limited | Accept in Part | 4.25 |
| OS806.117 | Queenstown Park Limited | Accept in Part | 4.26 |
| OS806.118 | Queenstown Park Limited | Reject | 4.29 |
| OS806.119 | Queenstown Park Limited | Accept in Part | 4.30 |
| OS806.120 | Queenstown Park Limited | Accept in Part | 4.31 |
| OS806.121 | Queenstown Park Limited | Accept in Part | 4.40 |
| OS806.122 | Queenstown Park Limited | Reject | 4.40 |
| OS806.123 | Queenstown Park Limited | Reject | 4.42 |
| OS806.124 | Queenstown Park Limited | Reject | 4.43 |
| OS806.125 | Queenstown Park Limited | Reject | 4.44 |
| OS806.126 | Queenstown Park Limited | Reject | 4.45 |
| OS806.127 | Queenstown Park Limited | Accept in Part | 4.46 |
| OS806.128 | Queenstown Park Limited | Accept in Part | 4.47 |
| OS806.129 | Queenstown Park Limited | Accept in Part | 4.48 |
| OS806.130 | Queenstown Park Limited | Reject | 4.49 |
| OS806.131 | Queenstown Park Limited | Reject | 4.50 |
| OS806.132 | Queenstown Park Limited | Accept in Part | 4.51 |
| OS806.133 | Queenstown Park Limited | Reject | 5 |
| OS806.134 | Queenstown Park Limited | Reject | 5 |
| OS806.136 | Queenstown Park Limited | Accept in Part | 5 |
| OS806.137 | Queenstown Park Limited | Reject | 5 |
| OS806.138 | Queenstown Park Limited | Reject | 6.6 |
| OS806.139 | Queenstown Park Limited | Reject | 6.9 |
| OS806.140 | Queenstown Park Limited | Accept in Part | 6.7 |
| OS806.141 | Queenstown Park Limited | Accept in part | 6.12 |
| OS806.142 | Queenstown Park Limited | Reject | 6.12 |
| OS806.143 | Queenstown Park Limited | Reject | 6.13 |
| OS806.144 | Queenstown Park Limited | Accept in Part | 6.14 |
| OS806.145 | Queenstown Park Limited | Accept | 6.15 |
| OS806.146 | Queenstown Park Limited | Reject | 6.18 |
| OS806.148 | Queenstown Park Limited | Reject | 6.19 |
| OS806.149 | Queenstown Park Limited | Reject | 14 |
| OS806.151 | Queenstown Park Limited | Accept | 6.24 |
| OS806.152 | Queenstown Park Limited | Accept in Part | 6.26 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS806.153 | Queenstown Park Limited | Reject | 6.27 |
| OS806.154 | Queenstown Park Limited | Reject | 6.27 |
| OS806.155 | Queenstown Park Limited | Reject | 10.2 |
| OS806.156 | Queenstown Park Limited | Accept in Part | 14.2 |
| OS806.157 | Queenstown Park Limited | Reject | 14.7 |
| OS806.158 | Queenstown Park Limited | Accept in Part | 14.8 |
| OS806.159 | Queenstown Park Limited | Reject | 7.4 |
| OS806.160 | Queenstown Park Limited | Reject | 19.1 |
| OS806.161 | Queenstown Park Limited | Reject | 19.3 |
| OS806.162 | Queenstown Park Limited | Accept | 19.8 |
| OS806.206 | Queenstown Park Limited | Reject | 49 |
| OS806.207 | Queenstown Park Limited | Reject | 48.2 |
| OS806.208 | Queenstown Park Limited | Reject | 51.2 |
| OS806.209 | Queenstown Park Limited | Reject | 51.2 |
| OS806.210 | Queenstown Park Limited | Accept | 51.2 |
| OS806.211 | Queenstown Park Limited | Accept in Part | 51.2 |
| OS806.212 | Queenstown Park Limited | Accept in Part | 51.2 |
| OS806.213 | Queenstown Park Limited | Reject | 48.2 |
| OS806.214 | Queenstown Park Limited | Reject | 51.4 |
| OS806.215 | Queenstown Park Limited | Accept in Part | 51.8 |
| OS806.216 | Queenstown Park Limited | Reject | 51.8 |
| OS806.217 | Queenstown Park Limited | Reject | 51.9 |
| OS806.218 | Queenstown Park Limited | Reject | 51.9 |
| OS806.219 | Queenstown Park Limited | Reject | 53.2 |
| OS806.220 | Queenstown Park Limited | Accept in Part | 48.4 |
| OS806.221 | Queenstown Park Limited | Reject | 53.3 |
| OS806.222 | Queenstown Park Limited | Accept in Part | 53.4 |
| OS806.223 | Queenstown Park Limited | Accept in Part | 48.7 |
| OS806.224 | Queenstown Park Limited | Reject | 49 |
| OS806.227 | Queenstown Park Limited | Accept in Part | 51.2 |
| OS806.4 | Queenstown Park Limited | Reject | 55 |
| OS806.96 | Queenstown Park Limited | Reject | 2.2 and 3 |
| OS806.97 | Queenstown Park Limited | Reject | 3 |
| OS806.98 | Queenstown Park Limited | Accept in Part | 4.1 |
| OS806.99 | Queenstown Park Limited | Reject | 4.2 |
| OS809.16 | Queenstown Lakes District Council | Accept in Part | 48.7 |
| OS809.17 | Queenstown Lakes District Council | Accept in Part | 48.5 |
| OS809.18 | Queenstown Lakes District Council | Reject | 48.5 |
| OS809.19 | Queenstown Lakes District Council | Reject | 51.6 |
| OS810.36 | Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua | Reject | 3 |
| OS810.37 | Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua | Reject | 4.4 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS810.38 | Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua | Reject | 4.23 |
| OS810.39 | Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua | Reject | 4.24 |
| OS810.40 | Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua | Reject | 4.33 |
| OS810.41 | Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua | Accept in Part | 4.41 |
| OS810.42 | Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua | Reject | 9.1 |
| OS811.1 | Scaife, Marc | Accept in part | Part C |
| OS811.10 | Scaife, Marc | Reject | 28.12 |
| OS811.11 | Scaife, Marc | Reject | 6.7 and 21.3 |
| OS811.12 | Scaife, Marc | Accept | Report 4B |
| OS811.13 | Scaife, Marc | Reject | 30 |
| OS811.2 | Scaife, Marc | Accept in part | 27.4 |
| OS811.3 | Scaife, Marc | Accept in part | 27.4 |
| OS811.4 | Scaife, Marc | Accept in part | 24.5 |
| OS811.5 | Scaife, Marc | Accept in part | 27.12 |
| OS811.6 | Scaife, Marc | Reject | 28.1 |
| OS811.7 | Scaife, Marc | Reject | 28.3 |
| OS811.8 | Scaife, Marc | Accept in part | 28.4 |
| OS811.9 | Scaife, Marc | Reject | 28.5 |
| OS817.5 | Te Ao Marama Inc | Accept in Part | 58 |
| OS817.7 | Te Ao Marama Inc | Reject | 51.2 |
| OS820.12 | Jeremy Bell Investments | Reject | 28.4 |
| OS820.7 | Jeremy Bell Investments | Reject | 27.4 |
| OS820.8 | Jeremy Bell Investments | Reject | 28.4 |
| OS829.1 | Anderson Branch Creek Ltd | Reject | 8.2 |
| OS829.10 | Anderson Branch Creek Ltd | Accept in Part | 58 |
| OS829.2 | Anderson Branch Creek Ltd | Reject | 8.2 |
| OS829.3 | Anderson Branch Creek Ltd | Reject | 9.1 |
| OS829.6 | Anderson Branch Creek Ltd | Accept in Part | Part E |
| OS829.7 | Anderson Branch Creek Ltd | Reject | Part E |
| OS829.8 | Anderson Branch Creek Ltd | Reject | Part E |
| OS829.9 | Anderson Branch Creek Ltd | Reject | Part E |
| OS833.1 | Barnett & Buckley, Rosemary & Thomas Anthony | Accept in Part | 6.23 |

| Submission Number | Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|
| OS834.5 | McPhail, Helen | Accept in Part | Part B |
| OS836.25 | Arcadian Triangle Limited | Accept in Part | 19.3 |
| OS843.1 | Shai Lanuel - represented by Skytrek Tandems Ltd | Accept in Part | 4.10 |
| OS843.2 | Shai Lanuel - represented by Skytrek Tandems Ltd | Accept in Part | 4.11 |
| OS843.3 | Shai Lanuel - represented by Skytrek Tandems Ltd | Accept in Part | 4.35 |
| OS843.4 | Shai Lanuel - represented by Skytrek Tandems Ltd | Accept in Part | 4.36 |
| OS843.5 | Shai Lanuel - represented by Skytrek Tandems Ltd | Accept in Part | 4.37 |
| OS843.6 | Shai Lanuel - represented by Skytrek Tandems Ltd | Accept in Part | 4.37 |
| OS843.7 | Shai Lanuel - represented by Skytrek Tandems Ltd | Accept in Part | 6.23 |
| OS843.8 | Shai Lanuel - represented by Skytrek Tandems Ltd | Accept in Part | 6.23 |
| OS843.9 | Shai Lanuel - represented by Skytrek Tandems Ltd | Accept in Part | 6.23 |
| OS844.1 | Queenstown Congregation of Jehovah's Witnesses | Reject | 23 |
| OS844.10 | Queenstown Congregation of Jehovah's Witnesses | Reject | 35 |
| OS844.2 | Queenstown Congregation of Jehovah's Witnesses | Accept in part | 24.3 |
| OS844.3 | Queenstown Congregation of Jehovah's Witnesses | Accept in part | 24.3 |
| OS844.4 | Queenstown Congregation of Jehovah's Witnesses | Reject | 24.3 |
| OS844.5 | Queenstown Congregation of Jehovah's Witnesses | Reject | 24.3 |
| OS844.6 | Queenstown Congregation of Jehovah's Witnesses | Reject | 24.3 |
| OS844.7 | Queenstown Congregation of Jehovah's Witnesses | Accept | 27.3 |
| OS844.8 | Queenstown Congregation of Jehovah's Witnesses | Reject | 27.11 |
| OS844.9 | Queenstown Congregation of Jehovah's Witnesses | Reject | 28.2 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1012.36 | 145.10 | Willowridge Developments Limited | Accept in Part | 6.4 |
| FS1012.37 | 145.11 | Willowridge Developments Limited | Accept | 9.1 |
| FS1013.8 | 725.5 | Orchard Road Holdings Limited | Accept | 7 |
| FS1015.1 | 313.4 | Straterra | Reject | 50 |
| FS1015.10 | 339.50 | Straterra | Accept in Part | 6.27 |
| FS1015.109 | 706.27 | Straterra | Accept | 4.9 |
| FS1015.11 | 339.75 | Straterra | Reject | 50 |
| FS1015.110 | 706.28 | Straterra | Reject | 4.13 |
| FS1015.111 | 706.29 | Straterra | Accept in Part | 4.14 |
| FS1015.112 | 706.33 | Straterra | Accept | 4.26 |
| FS1015.113 | 706.37 | Straterra | Accept | 4.40 |
| FS1015.114 | 706.52 | Straterra | Accept | 27.4 |
| FS1015.115 | 706.67 | Straterra | Reject | 50 |
| FS1015.116 | 706.70 | Straterra | Reject | 51.2 |
| FS1015.117 | 706.72 | Straterra | Accept in Part | 48.2 |
| FS1015.118 | 706.74 | Straterra | Accept in Part | 51.2 |
| FS1015.119 | 706.77 | Straterra | Reject | 51.2 |
| FS1015.12 | 339.82 | Straterra | Accept in Part | 51.2 |
| FS1015.120 | 706.80 | Straterra | Accept in Part | 51.4 |
| FS1015.121 | 706.82 | Straterra | Reject | 51.4 |
| FS1015.122 | 706.84 | Straterra | Accept in Part | 51.4 |
| FS1015.123 | 706.95 | Straterra | Accept in Part | 51.9 |
| FS1015.124 | 758.1 | Straterra | Accept in Part | 4.40 |
| FS1015.13 | 339.85 | Straterra | Reject | 51.2 |
| FS1015.132 | 764.5 | Straterra | Reject | 24.3 |
| FS1015.133 | 767.4 | Straterra | reject | 24.3 |
| FS1015.136 | 788.1 | Straterra | Accept in Part | 51.4 |
| FS1015.137 | 798.8 | Straterra | Reject | 4.13 |
| FS1015.14 | 339.88 | Straterra | Accept in Part | 51.4 |
| FS1015.15 | 339.89 | Straterra | Reject | 51.4 |
| FS1015.16 | 339.90 | Straterra | Reject | 51.4 |
| FS1015.17 | 339.92 | Straterra | Accept in Part | 51.4 |
| FS1015.18 | 339.95 | Straterra | Reject | 51.8 |
| FS1015.19 | 339.103 | Straterra | Accept in Part | 51.9 |
| FS1015.20 | 356.17 | Straterra | Reject | 4.4 |
| FS1015.24 | 373.19 | Straterra | Reject | 50 |
| FS1015.25 | 373.23 | Straterra | Accept in Part | 48.2 |
| FS1015.26 | 373.28 | Straterra | Reject | 51.2 |
| FS1015.27 | 373.31 | Straterra | Accept in Part | 51.4 |
| FS1015.28 | 373.34 | Straterra | Reject | 51.4 |
| FS1015.29 | 373.36 | Straterra | Accept in Part | 51.4 |
| FS1015.4 | 339.35 | Straterra | Accept | 4.7 |
| FS1015.5 | 339.36 | Straterra | Reject | 4.13 |
| FS1015.6 | 339.37 | Straterra | Accept in Part | 4.14 |
| FS1015.69 | 519.33 | Straterra | Reject | 3 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1015.7 | 339.41 | Straterra | Accept | 4.26 |
| FS1015.70 | 519.34 | Straterra | Reject | 4.11 |
| FS1015.71 | 519.35 | Straterra | Reject | 4.13 |
| FS1015.72 | 519.36 | Straterra | Accept in Part | 4.14 |
| FS1015.73 | 519.37 | Straterra | Reject | 4.15 |
| FS1015.74 | 519.38 | Straterra | Reject | 4.15 |
| FS1015.75 | 519.39 | Straterra | Reject | 4.15 |
| FS1015.76 | 519.40 | Straterra | Reject | 4.15 |
| FS1015.77 | 519.41 | Straterra | Accept in Part | 4.15 |
| FS1015.78 | 519.42 | Straterra | Accept in Part | 4.15 |
| FS1015.79 | 519.43 | Straterra | Reject | 4.15 |
| FS1015.8 | 339.45 | Straterra | Accept | 4.40 |
| FS1015.80 | 519.44 | Straterra | Accept in Part | 4.14 |
| FS1015.81 | 519.45 | Straterra | Accept in Part | 4.14 |
| FS1015.82 | 519.46 | Straterra | Accept | 4.47 |
| FS1015.83 | 519.47 | Straterra | Reject | 5 |
| FS1015.84 | 519.48 | Straterra | Reject | 8.4 |
| FS1015.85 | 519.49 | Straterra | Reject | 9.1 |
| FS1015.86 | 519.50 | Straterra | Reject | 19.1 |
| FS1015.87 | 519.51 | Straterra | Reject | 19.3 |
| FS1015.88 | 519.52 | Straterra | Accept in Part | 6.27 |
| FS1015.9 | 339.49 | Straterra | Accept | 6.27 |
| FS1020.2 | 163.2 | Woodfield, Vaughn | Reject | 49 |
| FS1021.1 | 133.1 | Woodfield, Kate | Accept in Part | 46 |
| FS1030.10 | 433.90 | Jeremy Bell Investments Limited | Reject | 7.12 |
| FS1030.15 | 649.14 | Jeremy Bell Investments Limited | Accept in Part | 4.20 |
| FS1030.16 | 649.16 | Jeremy Bell Investments Limited | Accept in Part | 6.26 |
| FS1030.17 | 649.17 | Jeremy Bell Investments Limited | Reject | 6.26 |
| FS1030.18 | 649.18 | Jeremy Bell Investments Limited | Reject | 6.26 |
| FS1030.3 | 433.83 | Jeremy Bell Investments Limited | Reject | 2.5 |
| FS1030.5 | 433.78 | Jeremy Bell Investments Limited | Reject | 4.21 |
| FS1030.6 | 433.79 | Jeremy Bell Investments Limited | Accept | 4.21 |
| FS1030.7 | 433.80 | Jeremy Bell Investments Limited | Reject | 4.21 |
| FS1030.8 | 433.83 | Jeremy Bell Investments Limited | Accept in Part | 2.5 |
| FS1030.9 | 433.85 | Jeremy Bell Investments Limited | Accept in Part | 6.26 |
| FS1034.114 | 600.114 | Upper Clutha Environmental Society (Inc.) | Reject | 50 |
| FS1034.115 | 600.115 | Upper Clutha Environmental Society (Inc.) | Accept in Part | 48.2 |
| FS1034.116 | 600.116 | Upper Clutha Environmental Society (Inc.) | Reject | 51.2 |
| FS1034.117 | 600.117 | Upper Clutha Environmental Society (Inc.) | Accept | 48.2 |
| FS1034.118 | 600.118 | Upper Clutha Environmental Society (Inc.) | Reject | 48.2 |
| FS1034.119 | 600.119 | Upper Clutha Environmental Society (Inc.) | Accept in Part | 51.2 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1034.120 | 600.120 | Upper Clutha Environmental Society (Inc.) | Reject | 51.2 |
| FS1034.121 | 600.121 | Upper Clutha Environmental Society (Inc.) | Reject | 51.2 |
| FS1034.122 | 600.122 | Upper Clutha Environmental Society (Inc.) | Reject | 51.2 |
| FS1034.123 | 600.123 | Upper Clutha Environmental Society (Inc.) | Accept | 51.4 |
| FS1034.124 | 600.124 | Upper Clutha Environmental Society (Inc.) | Accept | 51.4 |
| FS1034.125 | 600.125 | Upper Clutha Environmental Society (Inc.) | Reject | 51.4 |
| FS1034.126 | 600.126 | Upper Clutha Environmental Society (Inc.) | Accept in Part | 51.8 |
| FS1034.127 | 600.127 | Upper Clutha Environmental Society (Inc.) | Accept in Part | 51.8 |
| FS1034.128 | 600.128 | Upper Clutha Environmental Society (Inc.) | Reject | 51.8 |
| FS1034.129 | 600.129 | Upper Clutha Environmental Society (Inc.) | Reject | 51.8 |
| FS1034.130 | 600.130 | Upper Clutha Environmental Society (Inc.) | Reject | 51.8 |
| FS1034.131 | 600.131 | Upper Clutha Environmental Society (Inc.) | Accept in Part | 48.4 |
| FS1034.132 | 600.132 | Upper Clutha Environmental Society (Inc.) | Reject | 48.6 |
| FS1034.133 | 600.133 | Upper Clutha Environmental Society (Inc.) | Reject | 53.4 |
| FS1034.134 | 600.134 | Upper Clutha Environmental Society (Inc.) | Reject | 53.4 |
| FS1034.135 | 600.135 | Upper Clutha Environmental Society (Inc.) | Reject | 53.4 |
| FS1034.136 | 600.136 | Upper Clutha Environmental Society (Inc.) | Reject | 48.7 |
| FS1034.137 | 600.137 | Upper Clutha Environmental Society (Inc.) | Accept | 51.7 |
| FS1034.138 | 600.138 | Upper Clutha Environmental Society (Inc.) | Reject | 48.7 |
| FS1034.139 | 600.139 | Upper Clutha Environmental Society (Inc.) | Accept in Part | 58 |
| FS1034.140 | 600.140 | Upper Clutha Environmental Society (Inc.) | Reject | 58 |
| FS1034.141 | 600.141 | Upper Clutha Environmental Society (Inc.) | Reject | 58 |
| FS1034.151 | 820.7 | Upper Clutha Environmental Society (Inc.) | Accept | 27.4 |
| FS1034.152 | 820.8 | Upper Clutha Environmental Society (Inc.) | Accept | 28.4 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1034.156 | 820.12 | Upper Clutha Environmental Society (Inc.) | Accept | 28.4 |
| FS1034.215 | 608.57 | Upper Clutha Environmental Society (Inc.) | Accept in Part | 4.1 |
| FS1034.216 | 608.58 | Upper Clutha Environmental Society (Inc.) | Accept | 4.2 |
| FS1034.217 | 608.59 | Upper Clutha Environmental Society (Inc.) | Accept | 4.3 |
| FS1034.218 | 608.60 | Upper Clutha Environmental Society (Inc.) | Accept in Part | 4.32 |
| FS1034.219 | 608.61 | Upper Clutha Environmental Society (Inc.) | Accept in Part | 4.33 |
| FS1034.220 | 608.62 | Upper Clutha Environmental Society (Inc.) | Accept in Part | 4.34 |
| FS1034.221 | 608.63 | Upper Clutha Environmental Society (Inc.) | Reject | 6.3 |
| FS1034.222 | 608.64 | Upper Clutha Environmental Society (Inc.) | Accept in Part | 6.4 |
| FS1034.223 | 608.65 | Upper Clutha Environmental Society (Inc.) | Accept in Part | 6.7 |
| FS1034.224 | 608.66 | Upper Clutha Environmental Society (Inc.) | Reject | 6.8 |
| FS1034.225 | 608.67 | Upper Clutha Environmental Society (Inc.) | Accept in Part | 6.8 |
| FS1034.226 | 608.68 | Upper Clutha Environmental Society (Inc.) | Reject | 6.12 |
| FS1034.227 | 608.69 | Upper Clutha Environmental Society (Inc.) | Accept in Part | 6.23 |
| FS1034.228 | 608.70 | Upper Clutha Environmental Society (Inc.) | Accept in Part | 8.2 |
| FS1034.229 | 608.71 | Upper Clutha Environmental Society (Inc.) | Reject | 9.2 |
| FS1034.230 | 608.72 | Upper Clutha Environmental Society (Inc.) | Reject | 19.1 |
| FS1034.231 | 608.73 | Upper Clutha Environmental Society (Inc.) | Accept in Part | 19.3 |
| FS1034.55 | 600.55 | Upper Clutha Environmental Society (Inc.) | Reject | 3 |
| FS1034.56 | 600.56 | Upper Clutha Environmental Society (Inc.) | Reject | 4.1 |
| FS1034.57 | 600.57 | Upper Clutha Environmental Society (Inc.) | Reject | 4.2 |
| FS1034.58 | 600.58 | Upper Clutha Environmental Society (Inc.) | Reject | 4.3 |
| FS1034.59 | 600.59 | Upper Clutha Environmental Society (Inc.) | Reject | 4.4 |
| FS1034.60 | 600.60 | Upper Clutha Environmental Society (Inc.) | Accept in Part | 4.4 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1034.61 | 600.61 | Upper Clutha Environmental Society (Inc.) | Accept | 4.4 |
| FS1034.62 | 600.62 | Upper Clutha Environmental Society (Inc.) | Accept | 4.4 |
| FS1034.63 | 600.63 | Upper Clutha Environmental Society (Inc.) | Reject | 4.6 |
| FS1034.64 | 600.64 | Upper Clutha Environmental Society (Inc.) | Reject | 4.6 |
| FS1034.65 | 600.65 | Upper Clutha Environmental Society (Inc.) | Accept | 4.6 |
| FS1034.66 | 600.66 | Upper Clutha Environmental Society (Inc.) | Reject | 4.7 |
| FS1034.67 | 600.67 | Upper Clutha Environmental Society (Inc.) | Accept | 4.8 |
| FS1034.68 | 600.68 | Upper Clutha Environmental Society (Inc.) | Accept in Part | 4.10 |
| FS1034.69 | 600.69 | Upper Clutha Environmental Society (Inc.) | Accept in Part | 4.11 |
| FS1034.70 | 600.70 | Upper Clutha Environmental Society (Inc.) | Accept in Part | 4.11 |
| FS1034.71 | 600.71 | Upper Clutha Environmental Society (Inc.) | Accept in Part | 4.24 |
| FS1034.72 | 600.72 | Upper Clutha Environmental Society (Inc.) | Reject | 4.29 |
| FS1034.73 | 600.73 | Upper Clutha Environmental Society (Inc.) | Accept in Part | 4.32 |
| FS1034.74 | 600.74 | Upper Clutha Environmental Society (Inc.) | Accept in Part | 4.31 |
| FS1034.75 | 600.75 | Upper Clutha Environmental Society (Inc.) | Accept in Part | 4.34 |
| FS1034.76 | 600.76 | Upper Clutha Environmental Society (Inc.) | Accept in Part | 4.36 |
| FS1034.77 | 600.77 | Upper Clutha Environmental Society (Inc.) | Accept in Part | 4.40 |
| FS1034.78 | 600.78 | Upper Clutha Environmental Society (Inc.) | Reject | 6.3 |
| FS1034.79 | 600.79 | Upper Clutha Environmental Society (Inc.) | Reject | 7.1 |
| FS1034.80 | 600.80 | Upper Clutha Environmental Society (Inc.) | Accept in Part | 7.2 |
| FS1034.81 | 600.81 | Upper Clutha Environmental Society (Inc.) | Reject | 7.4 |
| FS1034.82 | 600.82 | Upper Clutha Environmental Society (Inc.) | Accept in Part | 7.5 |
| FS1034.83 | 600.83 | Upper Clutha Environmental Society (Inc.) | Accept in Part | 7.6 |
| FS1034.84 | 600.84 | Upper Clutha Environmental Society (Inc.) | Reject | 7.7 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1034.85 | 600.85 | Upper Clutha Environmental Society (Inc.) | Accept in Part | 8.1 |
| FS1034.86 | 600.86 | Upper Clutha Environmental Society (Inc.) | Accept in Part | 8.2 |
| FS1034.87 | 600.87 | Upper Clutha Environmental Society (Inc.) | Reject | 8.3 |
| FS1034.88 | 600.88 | Upper Clutha Environmental Society (Inc.) | Reject | 8.4 |
| FS1034.89 | 600.89 | Upper Clutha Environmental Society (Inc.) | Accept in Part | 9.1 |
| FS1034.90 | 600.90 | Upper Clutha Environmental Society (Inc.) | Accept | 9.2 |
| FS1034.91 | 600.91 | Upper Clutha Environmental Society (Inc.) | Reject | 9.3 |
| FS1034.92 | 600.92 | Upper Clutha Environmental Society (Inc.) | Accept in Part | 6.23 |
| FS1034.93 | 600.93 | Upper Clutha Environmental Society (Inc.) | Accept in Part | 6.23 |
| FS1034.94 | 600.94 | Upper Clutha Environmental Society (Inc.) | Reject | 17 |
| FS1034.95 | 600.95 | Upper Clutha Environmental Society (Inc.) | Reject | 24.3 |
| FS1034.96 | 600.96 | Upper Clutha Environmental Society (Inc.) | Reject | 24.3 |
| FS1034.97 | 600.97 | Upper Clutha Environmental Society (Inc.) | Reject | 24.5 |
| FS1034.98 | 600.98 | Upper Clutha Environmental Society (Inc.) | Reject | 24.5 |
| FS1040.1 | 145.7 | Forest and Bird | Reject | 6.7 |
| FS1040.10 | 373.23 | Forest and Bird | Reject | 48.2 |
| FS1040.11 | 373.32 | Forest and Bird | Accept in Part | 51.4 |
| FS1040.12 | 373.37 | Forest and Bird | Accept in Part | 51.8 |
| FS1040.13 | 373.51 | Forest and Bird | Reject | 48.6 |
| FS1040.14 | 373.53 | Forest and Bird | Accept in Part | 48.7 |
| FS1040.15 | 373.54 | Forest and Bird | Reject | 51.6 |
| FS1040.16 | 373.56 | Forest and Bird | Reject | 48.3 |
| FS1040.17 | 373.58 | Forest and Bird | Accept in Part | Part E |
| FS1040.18 | 373.60 | Forest and Bird | Accept | 58 |
| FS1040.19 | 458.1 | Forest and Bird | Reject | 58 |
| FS1040.20 | 514.7 | Forest and Bird | Accept in part | 58 |
| FS1040.21 | 514.8 | Forest and Bird | Reject | 58 |
| FS1040.24 | 519.41 | Forest and Bird | Accept in Part | 4.15 |
| FS1040.25 | 519.43 | Forest and Bird | Reject | 4.15 |
| FS1040.26 | 519.45 | Forest and Bird | Accept in Part | 4.14 |
| FS1040.27 | 519.52 | Forest and Bird | Accept in Part | 6.27 |
| FS1040.36 | 598.40 | Forest and Bird | Accept | 4.13 |
| FS1040.37 | 598.42 | Forest and Bird | Reject | 4.14 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1040.50 | 600.62 | Forest and Bird | Accept | 4.4 |
| FS1040.51 | 600.65 | Forest and Bird | Accept | 4.6 |
| FS1040.52 | 600.67 | Forest and Bird | Reject | 4.8 |
| FS1040.53 | 600.84 | Forest and Bird | Reject | 7.7 |
| FS1040.54 | 600.115 | Forest and Bird | Accept in Part | 48.2 |
| FS1040.55 | 600.123 | Forest and Bird | Reject | 51.4 |
| FS1040.56 | 600.124 | Forest and Bird | Accept | 51.4 |
| FS1040.57 | 600.128 | Forest and Bird | Reject | 51.8 |
| FS1040.58 | 600.129 | Forest and Bird | Reject | 51.8 |
| FS1040.59 | 600.136 | Forest and Bird | Reject | 48.7 |
| FS1040.60 | 600.137 | Forest and Bird | Accept | 51.7 |
| FS1040.61 | 600.138 | Forest and Bird | Reject | 48.7 |
| FS1040.62 | 600.139 | Forest and Bird | Accept in Part | 58 |
| FS1040.63 | 600.141 | Forest and Bird | Reject | 58 |
| FS1040.9 | 373.19 | Forest and Bird | Reject | 50 |
| FS1049.25 | 378.25 | LAC Property Trustees Limited | Accept in Part | 19 |
| FS1049.26 | 378.26 | LAC Property Trustees Limited | Reject | 19.6 |
| FS1049.29 | 378.29 | LAC Property Trustees Limited | Accept in Part | 48.2 |
| FS1049.30 | 378.30 | LAC Property Trustees Limited | Accept in Part | 51.8 |
| FS1049.37 | 378.37 | LAC Property Trustees Limited | Accept | Part E |
| FS1050.10 | 674.9 | Jan Andersson | Accept in part | 24.3 |
| FS1050.11 | 674.10 | Jan Andersson | Accept in part | Report 4B |
| FS1050.12 | 674.11 | Jan Andersson | Accept | 27.11 |
| FS1050.13 | 674.12 | Jan Andersson | Accept in part | 27.12 |
| FS1050.14 | 674.13 | Jan Andersson | Accept | 27.14 |
| FS1050.15 | 674.14 | Jan Andersson | Reject | 27.12 |
| FS1050.16 | 674.15 | Jan Andersson | Reject | 23 |
| FS1050.17 | 675.1 | Jan Andersson | Accept in Part | Part B |
| FS1050.2 | 674.1 | Jan Andersson | Reject | 23 |
| FS1050.28 | 430.8 | Jan Andersson | Accept in Part | 3 |
| FS1050.29 | 430.9 | Jan Andersson | Reject | 4.1 |
| FS1050.3 | 674.2 | Jan Andersson | Accept in part | 24.1 |
| FS1050.4 | 674.3 | Jan Andersson | Accept in part | 27.1 |
| FS1050.7 | 674.6 | Jan Andersson | Accept in part | 24.3 |
| FS1050.8 | 674.7 | Jan Andersson | Reject | 27.10 |
| FS1050.9 | 674.8 | Jan Andersson | Accept | 27.14 |
| FS1061.24 | 751.9 | Otago Foundation Trust Board | Reject | 6 |
| FS1065.6 | 546.4 | Ohapi Trust | Reject | 22.3 |
| FS1066.10 | 730.10 | Aircraft Owners and Pilots Associates (NZ) Inc | Accept in Part | 6.23 |
| FS1066.2 | 730.2 | Aircraft Owners and Pilots Associates (NZ) Inc | Accept in Part | 4.10 |
| FS1066.3 | 730.3 | Aircraft Owners and Pilots Associates (NZ) Inc | Accept in Part | 4.11 |
| FS1066.4 | 730.4 | Aircraft Owners and Pilots Associates (NZ) Inc | Accept in Part | 4.35 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1066.5 | 730.5 | Aircraft Owners and Pilots Associates (NZ) Inc | Accept in Part | 4.36 |
| FS1066.6 | 730.6 | Aircraft Owners and Pilots Associates (NZ) Inc | Accept in Part | 4.37 |
| FS1066.7 | 730.7 | Aircraft Owners and Pilots Associates (NZ) Inc | Accept in Part | 4.35 |
| FS1066.8 | 730.8 | Aircraft Owners and Pilots Associates (NZ) Inc | Accept in Part | 6.23 |
| FS1066.9 | 730.9 | Aircraft Owners and Pilots Associates (NZ) Inc | Accept in Part | 6.23 |
| FS1068.20 | 535.20 | Lemaire-Sicre, Keri & Roland | Accept | 23 |
| FS1068.21 | 535.21 | Lemaire-Sicre, Keri & Roland | Accept | 23 |
| FS1071.109 | 414.6 | Lake Hayes Estate Community Association | Accept | 6.7 |
| FS1071.33 | 535.20 | Lake Hayes Estate Community Association | Accept | 23 |
| FS1071.34 | 535.21 | Lake Hayes Estate Community Association | Accept | 23 |
| FS1071.78 | 532.20 | Lake Hayes Estate Community Association | Reject | 24.2 |
| FS1071.82 | 532.24 | Lake Hayes Estate Community Association | Accept | 28.4 |
| FS1077.48 | 433.74 | Board of Airline Representatives of New Zealand (BARNZ) | Reject | 3 |
| FS1080.14 | 572.4 | Director General of Conservation | Withdrawn | 53.3 |
| FS1080.2 | 600.62 | Director General of Conservation | Accept | 4.4 |
| FS1080.3 | 600.65 | Director General of Conservation | Accept | 4.6 |
| FS1080.4 | 600.84 | Director General of Conservation | Reject | 7.7 |
| FS1080.5 | 519.41 | Director General of Conservation | Reject | 4.15 |
| FS1080.6 | 519.43 | Director General of Conservation | Accept in Part | 4.15 |
| FS1080.7 | 519.45 | Director General of Conservation | Accept in Part | 4.14 |
| FS1082.1 | 674.1 | Hadley, J and R | Reject | 23 |
| FS1082.10 | 674.10 | Hadley, J and R | Accept in part | Report 4B |
| FS1082.11 | 674.11 | Hadley, J and R | Accept | 27.11 |
| FS1082.12 | 674.12 | Hadley, J and R | Accept in part | 27.12 |
| FS1082.13 | 674.13 | Hadley, J and R | Accept | 27.14 |
| FS1082.14 | 674.14 | Hadley, J and R | Reject | 27.12 |
| FS1082.15 | 674.15 | Hadley, J and R | Reject | 23 |
| FS1082.16 | 444.3 | Hadley, J and R | Reject | 37 |
| FS1082.17 | 444.5 | Hadley, J and R | Reject | 28.12 |
| FS1082.2 | 674.2 | Hadley, J and R | Accept in part | 24.1 |
| FS1082.25 | 430.8 | Hadley, J and R | Accept in Part | 3 |
| FS1082.26 | 430.9 | Hadley, J and R | Accept in Part | 4.1 |
| FS1082.3 | 674.3 | Hadley, J and R | Accept in part | 27.1 |
| FS1082.6 | 674.6 | Hadley, J and R | Accept in part | 24.3 |
| FS1082.7 | 674.7 | Hadley, J and R | Reject | 27.10 |
| FS1082.8 | 674.8 | Hadley, J and R | Accept | 27.14 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1082.9 | 674.9 | Hadley, J and R | Accept in part | 24.3 |
| FS1084.10 | 430.9 | Clarke, Wendy | Reject | 4.1 |
| FS1084.9 | 430.8 | Clarke, Wendy | Accept in Part | 3 |
| FS1085.17 | 706.77 | Contact Energy Limited | Reject | 51.2 |
| FS1085.18 | 373.28 | Contact Energy Limited | Reject | 51.2 |
| FS1085.19 | 600.122 | Contact Energy Limited | Accept in Part | 51.2 |
| FS1086.1 | 675.1 | Hadley, J | Accept in Part | Part B |
| FS1086.11 | 430.8 | Hadley, J | Accept in Part | 3 |
| FS1086.12 | 430.9 | Hadley, J | Reject | 4.1 |
| FS1087.10 | 430.9 | Hart, Robyn | Reject | 4.1 |
| FS1087.9 | 430.8 | Hart, Robyn | Accept in Part | 3 |
| FS1088.6 | 600.85 | Ross and Judith Young Family Trust | Accept in Part | 8.1 |
| FS1088.7 | 600.86 | Ross and Judith Young Family Trust | Accept in Part | 8.2 |
| FS1088.8 | 600.87 | Ross and Judith Young Family Trust | Reject | 8.3 |
| FS1088.9 | 600.88 | Ross and Judith Young Family Trust | Reject | 8.4 |
| FS1089.10 | 674.9 | McGuiness, Mark | Accept in part | 24.3 |
| FS1089.11 | 674.10 | McGuiness, Mark | Accept in part | Report 4B |
| FS1089.12 | 674.11 | McGuiness, Mark | Accept | 27.11 |
| FS1089.13 | 674.12 | McGuiness, Mark | Accept in part | 27.12 |
| FS1089.14 | 674.13 | McGuiness, Mark | Accept | 27.14 |
| FS1089.15 | 674.14 | McGuiness, Mark | Reject | 27.12 |
| FS1089.16 | 674.15 | McGuiness, Mark | Reject | 23 |
| FS1089.2 | 674.1 | McGuiness, Mark | Reject | 23 |
| FS1089.27 | 430.8 | McGuiness, Mark | Accept in Part | 3 |
| FS1089.28 | 430.9 | McGuiness, Mark | Reject | 4.1 |
| FS1089.3 | 674.2 | McGuiness, Mark | Accept in part | 24.1 |
| FS1089.35 | 444.1 | McGuiness, Mark | Accept in part | 24.2 |
| FS1089.36 | 444.2 | McGuiness, Mark | Accept in part | 24.3 |
| FS1089.37 | 444.5 | McGuiness, Mark | Reject | 28.12 |
| FS1089.4 | 674.3 | McGuiness, Mark | Accept in part | 27.1 |
| FS1089.7 | 674.6 | McGuiness, Mark | Accept in part | 24.3 |
| FS1089.8 | 674.7 | McGuiness, Mark | Reject | 27.10 |
| FS1089.9 | 674.8 | McGuiness, Mark | Accept | 27.14 |
| FS1091.19 | 600.65 | Jeremy Bell Investments Limited | Reject | 4.6 |
| FS1091.20 | 600.82 | Jeremy Bell Investments Limited | Reject | 7.5 |
| FS1091.21 | 600.83 | Jeremy Bell Investments Limited | Accept in Part | 7.6 |
| FS1091.22 | 693.9 | Jeremy Bell Investments Limited | Accept | 4.11 |
| FS1091.25 | 706.74 | Jeremy Bell Investments Limited | Accept in Part | 51.2 |
| FS1091.26 | 706.78 | Jeremy Bell Investments Limited | Reject | 51.2 |
| FS1091.27 | 706.113 | Jeremy Bell Investments Limited | Reject | 53.6 |
| FS1091.28 | 706.120 | Jeremy Bell Investments Limited | Accept in Part | 58 |
| FS1091.32 | 806.98 | Jeremy Bell Investments Limited | Accept in Part | 4.1 |
| FS1091.33 | 806.109 | Jeremy Bell Investments Limited | Accept | 4.11 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1091.4 | 373.25 | Jeremy Bell Investments Limited | Reject | 51.2 |
| FS1091.5 | 373.37 | Jeremy Bell Investments Limited | Accept in Part | 51.8 |
| FS1091.6 | 373.50 | Jeremy Bell Investments Limited | Accept in Part | 48.4 |
| FS1091.7 | 373.51 | Jeremy Bell Investments Limited | Accept in Part | 48.6 |
| FS1091.8 | 384.21 | Jeremy Bell Investments Limited | Accept in Part | Part E |
| FS1093.1 | 9.7 | T R Currie | Accept in Part | 6.23 |
| FS1093.10 | 105.2 | T R Currie | Accept in Part | 6.23 |
| FS1093.11 | 105.3 | T R Currie | Accept in Part | 6.23 |
| FS1093.12 | 211.1 | T R Currie | Accept in Part | 6.23 |
| FS1093.13 | 211.2 | T R Currie | Accept in Part | 6.23 |
| FS1093.2 | 143.1 | T R Currie | Accept in Part | 6.23 |
| FS1093.4 | 568.2 | T R Currie | Accept in Part | 6.23 |
| FS1093.5 | 568.3 | T R Currie | Accept in Part | 6.23 |
| FS1093.6 | 568.4 | T R Currie | Accept in Part | 6.23 |
| FS1093.7 | 833.1 | T R Currie | Accept in Part | 6.23 |
| FS1093.8 | 56.1 | T R Currie | Accept in Part | 6.23 |
| FS1093.9 | 105.1 | T R Currie | Accept in Part | 6.23 |
| FS1095.26 | 378.26 | Nick Brasington | Reject | 19.6 |
| FS1095.29 | 378.29 | Nick Brasington | Accept in Part | 48.2 |
| FS1095.30 | 378.30 | Nick Brasington | Accept in Part | 51.8 |
| FS1095.37 | 378.37 | Nick Brasington | Accept | Part E |
| FS1097.1 | 9.8 | Queenstown Park Limited | Accept | 46 |
| FS1097.119 | 271.16 | Queenstown Park Limited | Accept in Part | 4.20 |
| FS1097.120 | 271.17 | Queenstown Park Limited | Reject | 6.26 |
| FS1097.129 | 285.14 | Queenstown Park Limited | Reject | 24.3 |
| FS1097.13 | 45.6 | Queenstown Park Limited | Accept in Part | 6.4 |
| FS1097.134 | 290.5 | Queenstown Park Limited | Accept in Part | 48.6 |
| FS1097.14 | 45.7 | Queenstown Park Limited | Accept in Part | 14.2 |
| FS1097.140 | 307.3 | Queenstown Park Limited | Accept in Part | 4.40 |
| FS1097.141 | 313.4 | Queenstown Park Limited | Accept in Part | 50 |
| FS1097.144 | 315.6 | Queenstown Park Limited | Accept in Part | 6.15 |
| FS1097.147 | 325.3 | Queenstown Park Limited | Accept in Part | 4.1 - 4.4 |
| FS1097.148 | 325.5 | Queenstown Park Limited | Accept in Part | 4.31 |
| FS1097.149 | 325.6 | Queenstown Park Limited | Reject | 6 |
| FS1097.152 | 339.8 | Queenstown Park Limited | Accept in Part | 51.2 |
| FS1097.158 | 339.29 | Queenstown Park Limited | Accept | 3 |
| FS1097.159 | 339.37 | Queenstown Park Limited | Accept in Part | 4.14 |
| FS1097.160 | 339.40 | Queenstown Park Limited | Accept | 4.24 |
| FS1097.161 | 339.41 | Queenstown Park Limited | Accept in Part | 4.26 |
| FS1097.162 | 339.43 | Queenstown Park Limited | Accept | 4.33 |
| FS1097.163 | 339.44 | Queenstown Park Limited | Accept in Part | 4.34 |
| FS1097.164 | 339.49 | Queenstown Park Limited | Accept | 6.27 |
| FS1097.165 | 339.50 | Queenstown Park Limited | Accept in Part | 6.27 |
| FS1097.166 | 339.59 | Queenstown Park Limited | Accept | 24.2 |
| FS1097.167 | 339.75 | Queenstown Park Limited | Accept | 50 |
| FS1097.168 | 339.78 | Queenstown Park Limited | Reject | 51.2 |
| FS1097.169 | 339.80 | Queenstown Park Limited | Accept in Part | 48.2 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1097.170 | 339.82 | Queenstown Park Limited | Accept in Part | 51.2 |
| FS1097.171 | 339.83 | Queenstown Park Limited | Reject | 51.2 |
| FS1097.172 | 339.85 | Queenstown Park Limited | Reject | 51.2 |
| FS1097.173 | 339.87 | Queenstown Park Limited | Accept in Part | 51.3 |
| FS1097.174 | 339.89 | Queenstown Park Limited | Reject | 51.4 |
| FS1097.175 | 339.90 | Queenstown Park Limited | Reject | 51.4 |
| FS1097.176 | 339.91 | Queenstown Park Limited | Accept in Part | 51.4 |
| FS1097.177 | 339.92 | Queenstown Park Limited | Accept in Part | 51.4 |
| FS1097.178 | 339.93 | Queenstown Park Limited | Accept in Part | 51.8 |
| FS1097.179 | 339.95 | Queenstown Park Limited | Reject | 51.8 |
| FS1097.180 | 339.103 | Queenstown Park Limited | Accept in Part | 51.9 |
| FS1097.181 | 339.111 | Queenstown Park Limited | Accept | 53.4 |
| FS1097.182 | 339.112 | Queenstown Park Limited | Accept | 53.4 |
| FS1097.183 | 339.116 | Queenstown Park Limited | Accept in Part | 48.7 |
| FS1097.184 | 339.118 | Queenstown Park Limited | Reject | 51.5 |
| FS1097.185 | 339.119 | Queenstown Park Limited | Accept | 51.6 |
| FS1097.186 | 339.124 | Queenstown Park Limited | Reject | 55 |
| FS1097.189 | 343.4 | Queenstown Park Limited | Accept in Part | 3 |
| FS1097.190 | 343.5 | Queenstown Park Limited | Accept in Part | 4.1 |
| FS1097.191 | 343.7 | Queenstown Park Limited | Accept in Part | 4.31 |
| FS1097.192 | 343.8 | Queenstown Park Limited | Accept in Part | 4.32 |
| FS1097.198 | 345.7 | Queenstown Park Limited | Accept in Part | 3 |
| FS1097.199 | 345.8 | Queenstown Park Limited | Accept in Part | 4.1 |
| FS1097.200 | 345.9 | Queenstown Park Limited | Reject | 4.2 |
| FS1097.201 | 345.11 | Queenstown Park Limited | Accept in Part | 4.32 |
| FS1097.207 | 355.15 | Queenstown Park Limited | Reject | 19.1 |
| FS1097.211 | 356.15 | Queenstown Park Limited | Accept in Part | 4.4 |
| FS1097.212 | 356.17 | Queenstown Park Limited | Reject | 4.4 |
| FS1097.213 | 356.24 | Queenstown Park Limited | Accept in Part | 4.33 |
| FS1097.214 | 368.13 | Queenstown Park Limited | Reject | 3 |
| FS1097.219 | 373.19 | Queenstown Park Limited | Accept | 50 |
| FS1097.22 | 122.1 | Queenstown Park Limited | Reject | 3 |
| FS1097.220 | 373.23 | Queenstown Park Limited | Accept | 48.2 |
| FS1097.221 | 373.24 | Queenstown Park Limited | Reject | 51.2 |
| FS1097.222 | 373.25 | Queenstown Park Limited | Reject | 51.2 |
| FS1097.223 | 373.28 | Queenstown Park Limited | Reject | 51.2 |
| FS1097.224 | 373.31 | Queenstown Park Limited | Reject | 51.4 |
| FS1097.225 | 373.34 | Queenstown Park Limited | Reject | 51.4 |
| FS1097.226 | 373.36 | Queenstown Park Limited | Accept in Part | 51.4 |
| FS1097.227 | 373.37 | Queenstown Park Limited | Accept in Part | 51.8 |
| FS1097.228 | 373.51 | Queenstown Park Limited | Accept in Part | 48.6 |
| FS1097.229 | 373.53 | Queenstown Park Limited | Accept in Part | 48.7 |
| FS1097.23 | 122.2 | Queenstown Park Limited | Reject | 4 |
| FS1097.230 | 373.54 | Queenstown Park Limited | Accept | 51.6 |
| FS1097.236 | 375.16 | Queenstown Park Limited | Accept in Part | 4.1 |
| FS1097.237 | 375.18 | Queenstown Park Limited | Accept in Part | 4.31 |
| FS1097.238 | 375.19 | Queenstown Park Limited | Accept in Part | 4.32 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1097.24 | 122.4 | Queenstown Park Limited | Accept in Part | 6.15 |
| FS1097.25 | 145.2 | Queenstown Park Limited | Accept in Part | 19.5 |
| FS1097.253 | 378.25 | Queenstown Park Limited | Reject | 19 |
| FS1097.254 | 380.58 | Queenstown Park Limited | Accept | 46 |
| FS1097.255 | 384.21 | Queenstown Park Limited | Accept in Part | Part E |
| FS1097.26 | 145.3 | Queenstown Park Limited | Accept | 19.5 |
| FS1097.266 | 407.5 | Queenstown Park Limited | Accept in Part | 3 |
| FS1097.267 | 407.6 | Queenstown Park Limited | Accept in Part | 4.1 |
| FS1097.268 | 407.7 | Queenstown Park Limited | Accept in Part | 4.17 |
| FS1097.269 | 407.8 | Queenstown Park Limited | Accept in Part | 4.31 |
| FS1097.270 | 407.9 | Queenstown Park Limited | Accept in Part | 6.17 |
| FS1097.271 | 407.10 | Queenstown Park Limited | Reject | 8.4 |
| FS1097.272 | 407.12 | Queenstown Park Limited | Accept in Part | 12.2 |
| FS1097.285 | 430.8 | Queenstown Park Limited | Accept in Part | 3 |
| FS1097.30 | 145.10 | Queenstown Park Limited | Accept | 6.4 |
| FS1097.31 | 145.11 | Queenstown Park Limited | Accept | 9.1 |
| FS1097.360 | 433.74 | Queenstown Park Limited | Accept | 3 |
| FS1097.361 | 433.75 | Queenstown Park Limited | Accept in Part | 4.10 |
| FS1097.362 | 433.76 | Queenstown Park Limited | Accept in Part | 4.11 |
| FS1097.363 | 433.77 | Queenstown Park Limited | Accept in Part | 4.20 |
| FS1097.364 | 433.78 | Queenstown Park Limited | Reject | 4.21 |
| FS1097.365 | 433.79 | Queenstown Park Limited | Accept | 4.21 |
| FS1097.366 | 433.80 | Queenstown Park Limited | Reject | 4.21 |
| FS1097.367 | 433.81 | Queenstown Park Limited | Reject | 4.21 |
| FS1097.368 | 433.82 | Queenstown Park Limited | Reject | 4.23 |
| FS1097.369 | 433.83 | Queenstown Park Limited | Accept in Part | 2.5 |
| FS1097.370 | 433.84 | Queenstown Park Limited | Accept in Part | 2.5 |
| FS1097.371 | 433.85 | Queenstown Park Limited | Accept in Part | 6.26 |
| FS1097.372 | 433.86 | Queenstown Park Limited | Accept in Part | 6.26 |
| FS1097.374 | 433.88 | Queenstown Park Limited | Accept in Part | 2.5 |
| FS1097.376 | 433.90 | Queenstown Park Limited | Reject | 7.12 |
| FS1097.377 | 433.91 | Queenstown Park Limited | Reject | 7.13 |
| FS1097.379 | 433.93 | Queenstown Park Limited | Reject | 19.1 |
| FS1097.40 | 145.25 | Queenstown Park Limited | Accept | 6.8 |
| FS1097.421 | 439.2 | Queenstown Park Limited | Accept in Part | 51.5 |
| FS1097.436 | 463.2 | Queenstown Park Limited | Accept | 4.24 |
| FS1097.468 | 515.20 | Queenstown Park Limited | Accept in Part | 4.1 |
| FS1097.469 | 515.21 | Queenstown Park Limited | Reject | 4.2 |
| FS1097.470 | 515.23 | Queenstown Park Limited | Reject | 19.5 |
| FS1097.471 | 515.24 | Queenstown Park Limited | Reject | 19.5 |
| FS1097.472 | 515.25 | Queenstown Park Limited | Reject | 19.5 |
| FS1097.49 | 167.3 | Queenstown Park Limited | Accept | 14.2 |
| FS1097.523 | 572.4 | Queenstown Park Limited | Accept in Part | 53.3 |
| FS1097.533 | 598.26 | Queenstown Park Limited | Accept | 19.1 |
| FS1097.538 | 600.62 | Queenstown Park Limited | Reject | 4.4 |
| FS1097.539 | 600.114 | Queenstown Park Limited | Accept in Part | 50 |
| FS1097.540 | 600.124 | Queenstown Park Limited | Reject | 51.4 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1097.543 | 600.123 | Queenstown Park Limited | Reject | 51.4 |
| FS1097.556 | 607.29 | Queenstown Park Limited | Accept in Part | 4.40 |
| FS1097.557 | 607.30 | Queenstown Park Limited | Reject | 4 |
| FS1097.559 | 607.36 | Queenstown Park Limited | Reject | 6.26 |
| FS1097.560 | 607.37 | Queenstown Park Limited | Accept in Part | 6.23 |
| FS1097.570 | 608.57 | Queenstown Park Limited | Accept in Part | 4.1 |
| FS1097.571 | 608.58 | Queenstown Park Limited | Reject | 4.2 |
| FS1097.572 | 608.59 | Queenstown Park Limited | Reject | 4.3 |
| FS1097.573 | 608.60 | Queenstown Park Limited | Accept in Part | 4.32 |
| FS1097.574 | 608.61 | Queenstown Park Limited | Accept in Part | 4.33 |
| FS1097.575 | 608.62 | Queenstown Park Limited | Accept in Part | 4.34 |
| FS1097.576 | 608.72 | Queenstown Park Limited | Reject | 19.1 |
| FS1097.577 | 608.73 | Queenstown Park Limited | Accept in Part | 19.3 |
| FS1097.582 | 610.5 | Queenstown Park Limited | Accept in Part | 3 |
| FS1097.583 | 610.6 | Queenstown Park Limited | Reject | 5 |
| FS1097.584 | 610.10 | Queenstown Park Limited | Accept in Part | 4.17 |
| FS1097.585 | 610.11 | Queenstown Park Limited | Accept in Part | 4.17 |
| FS1097.590 | 613.5 | Queenstown Park Limited | Accept in Part | 3 |
| FS1097.591 | 613.10 | Queenstown Park Limited | Accept in Part | 4.17 |
| FS1097.592 | 613.11 | Queenstown Park Limited | Accept in Part | 4.17 |
| FS1097.594 | 613.6 | Queenstown Park Limited | Reject | 5 |
| FS1097.603 | 615.32 | Queenstown Park Limited | Reject | 6.2 |
| FS1097.608 | 621.60 | Queenstown Park Limited | Accept in Part | 4.1 |
| FS1097.609 | 621.63 | Queenstown Park Limited | Accept in Part | 4.11 |
| FS1097.613 | 621.70 | Queenstown Park Limited | Accept in Part | 4.40 |
| FS1097.614 | 621.86 | Queenstown Park Limited | Accept in Part | 14 |
| FS1097.617 | 621.71 | Queenstown Park Limited | Reject | 4.42 |
| FS1097.618 | 621.72 | Queenstown Park Limited | Reject | 4.43 |
| FS1097.620 | 621.91 | Queenstown Park Limited | Reject | 14.7 |
| FS1097.622 | 624.24 | Queenstown Park Limited | Reject | 4.2 |
| FS1097.646 | 636.7 | Queenstown Park Limited | Accept in Part | 4.31 |
| FS1097.647 | 636.8 | Queenstown Park Limited | Reject | 6.2 |
| FS1097.650 | 671.4 | Queenstown Park Limited | Accept in Part | 4.24 |
| FS1097.658 | 636.8 | Queenstown Park Limited | Reject | 6.2 |
| FS1097.660 | 693.11 | Queenstown Park Limited | Accept in Part | 4.31 |
| FS1097.663 | 701.10 | Queenstown Park Limited | Reject | 8.1 |
| FS1097.664 | 701.12 | Queenstown Park Limited | Accept | 8.2 |
| FS1097.665 | 701.13 | Queenstown Park Limited | Reject | 17 |
| FS1097.67 | 217.20 | Queenstown Park Limited | Accept in Part | 4.31 |
| FS1097.670 | 706.27 | Queenstown Park Limited | Accept | 4.9 |
| FS1097.671 | 706.36 | Queenstown Park Limited | Accept in Part | 4.34 |
| FS1097.672 | 706.41 | Queenstown Park Limited | Accept | 6.27 |
| FS1097.673 | 706.74 | Queenstown Park Limited | Accept in Part | 51.2 |
| FS1097.674 | 706.82 | Queenstown Park Limited | Reject | 51.4 |
| FS1097.675 | 706.83 | Queenstown Park Limited | Accept in Part | 51.4 |
| FS1097.676 | 706.85 | Queenstown Park Limited | Accept in Part | 51.8 |
| FS1097.677 | 706.95 | Queenstown Park Limited | Accept in Part | 51.9 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1097.678 | 706.103 | Queenstown Park Limited | Accept | 53.4 |
| FS1097.679 | 706.104 | Queenstown Park Limited | Accept | 53.4 |
| FS1097.680 | 706.105 | Queenstown Park Limited | Accept in Part | 48.6 |
| FS1097.681 | 706.108 | Queenstown Park Limited | Accept in Part | 48.7 |
| FS1097.682 | 706.110 | Queenstown Park Limited | Reject | 51.5 |
| FS1097.683 | 706.113 | Queenstown Park Limited | Reject | 53.6 |
| FS1097.684 | 706.116 | Queenstown Park Limited | Reject | 55 |
| FS1097.709 | 784.14 | Queenstown Park Limited | Accept in Part | 51.8 |
| FS1097.710 | 784.16 | Queenstown Park Limited | Accept in Part | 48.4 |
| FS1097.714 | 788.1 | Queenstown Park Limited | Accept | 51.4 |
| FS1097.715 | 798.3 | Queenstown Park Limited | Accept | 6 |
| FS1097.721 | 809.19 | Queenstown Park Limited | Accept | 51.6 |
| FS1097.729 | 430.16 | Queenstown Park Limited | Accept in Part | 4.31 |
| FS1097.730 | 430.17 | Queenstown Park Limited | Accept in Part | 4.32 |
| FS1097.731 | 430.18 | Queenstown Park Limited | Accept in Part | 4.33 |
| FS1097.732 | 430.19 | Queenstown Park Limited | Accept in Part | 4.34 |
| FS1097.765 | 437.36 | Queenstown Park Limited | Accept in Part | 3 |
| FS1097.766 | 437.37 | Queenstown Park Limited | Accept in Part | 4.1 |
| FS1097.767 | 437.38 | Queenstown Park Limited | Accept in Part | 4.3 |
| FS1097.768 | 437.39 | Queenstown Park Limited | Accept in Part | 4.4 |
| FS1097.769 | 437.40 | Queenstown Park Limited | Reject | 4.4 |
| FS1097.77 | 238.128 | Queenstown Park Limited | Accept | 3 |
| FS1097.770 | 437.41 | Queenstown Park Limited | Accept in Part | 4.31 |
| FS1097.771 | 437.42 | Queenstown Park Limited | Accept in Part | 4.32 |
| FS1097.78 | 238.129 | Queenstown Park Limited | Accept | 6.8 |
| FS1097.8 | 19.22 | Queenstown Park Limited | Accept in Part | Part B |
| FS1097.81 | 243.21 | Queenstown Park Limited | Accept in Part | 4.17 |
| FS1097.85 | 248.18 | Queenstown Park Limited | Accept in Part | 4.25 |
| FS1097.86 | 248.19 | Queenstown Park Limited | Accept in Part | 4.26 |
| FS1097.94 | 251.7 | Queenstown Park Limited | Reject | 19.1 |
| FS1097.95 | 251.8 | Queenstown Park Limited | Reject | 19.3 |
| FS1097.96 | 251.9 | Queenstown Park Limited | Reject | 19.6 |
| FS1097.97 | 251.10 | Queenstown Park Limited | Reject | 19.8 |
| FS1099.8 | 430.8 | Thomas, Brendon and Katrina | Accept in Part | 3 |
| FS1099.9 | 430.9 | Thomas, Brendon and Katrina | Reject | 4.1 |
| FS1102.14 | 501.14 | Cranfield, Bob and Justine | Accept | 8.3 |
| FS1105.24 | 615.24 | Cardrona Valley Residents and Ratepayers Society Inc | Accept in Part | 3 |
| FS1105.26 | 615.26 | Cardrona Valley Residents and Ratepayers Society Inc | Reject | 4.17 |
| FS1105.27 | 615.27 | Cardrona Valley Residents and Ratepayers Society Inc | Accept in Part | 4.18 |
| FS1105.28 | 615.28 | Cardrona Valley Residents and Ratepayers Society Inc | Accept | 4.18 |
| FS1105.29 | 615.29 | Cardrona Valley Residents and Ratepayers Society Inc | Reject | 4.17 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1105.30 | 615.30 | Cardrona Valley Residents and Ratepayers Society Inc | Reject | 12.1 |
| FS1105.31 | 615.31 | Cardrona Valley Residents and Ratepayers Society Inc | Reject | 12.1 |
| FS1105.32 | 615.32 | Cardrona Valley Residents and Ratepayers Society Inc | Reject | 6.2 |
| FS1105.33 | 615.33 | Cardrona Valley Residents and Ratepayers Society Inc | Reject | 6.17 |
| FS1105.34 | 615.34 | Cardrona Valley Residents and Ratepayers Society Inc | Accept in Part | 6.18 |
| FS1105.35 | 615.35 | Cardrona Valley Residents and Ratepayers Society Inc | Reject | 6.18 |
| FS1107.114 | 238.109 | Man Street Properties Ltd | Reject | 39 |
| FS1107.115 | 238.110 | Man Street Properties Ltd | Accept in part | 42.4 |
| FS1107.116 | 238.111 | Man Street Properties Ltd | Accept in part | 42.5 |
| FS1107.117 | 238.112 | Man Street Properties Ltd | Accept in part | 43.1 |
| FS1107.125 | 238.120 | Man Street Properties Ltd | Reject | 23 |
| FS1107.126 | 238.121 | Man Street Properties Ltd | Accept in part | 24.2 |
| FS1107.127 | 238.122 | Man Street Properties Ltd | Accept | 24.2 |
| FS1107.128 | 238.123 | Man Street Properties Ltd | Reject | 24.3 |
| FS1107.129 | 238.124 | Man Street Properties Ltd | Accept | 27.4 |
| FS1107.130 | 238.125 | Man Street Properties Ltd | Accept | 27.8 |
| FS1107.131 | 238.126 | Man Street Properties Ltd | Accept | 28.2 |
| FS1107.133 | 238.128 | Man Street Properties Ltd | Accept | 3 |
| FS1107.134 | 238.129 | Man Street Properties Ltd | Accept | 6.8 |
| FS1107.135 | 238.130 | Man Street Properties Ltd | Accept | 6.13 |
| FS1107.136 | 238.131 | Man Street Properties Ltd | Accept in Part | 6.14 |
| FS1107.137 | 238.132 | Man Street Properties Ltd | Accept in Part | 6.23 |
| FS1107.138 | 238.133 | Man Street Properties Ltd | Accept | 13.1 |
| FS1109.1 | 38.2 | Bunn, Phillip | Chapter 27 | 7.1 |
| FS1115.6 | 621.70 | Queenstown Wharves Limited | Accept in Part | 4.40 |
| FS1115.7 | 621.86 | Queenstown Wharves Limited | Accept in Part | 14 |
| FS1115.8 | 621.87 | Queenstown Wharves Limited | Reject | 14.2 |
| FS1115.9 | 621.91 | Queenstown Wharves Limited | Reject | 14.7 |
| FS1117.123 | 433.74 | Remarkables Park Limited | Accept | 3 |
| FS1117.124 | 433.75 | Remarkables Park Limited | Accept in Part | 4.10 |
| FS1117.125 | 433.76 | Remarkables Park Limited | Accept in Part | 4.11 |
| FS1117.126 | 433.77 | Remarkables Park Limited | Accept in Part | 4.20 |
| FS1117.127 | 433.78 | Remarkables Park Limited | Reject | 4.21 |
| FS1117.128 | 433.79 | Remarkables Park Limited | Accept | 4.21 |
| FS1117.129 | 433.80 | Remarkables Park Limited | Reject | 4.21 |
| FS1117.130 | 433.81 | Remarkables Park Limited | Reject | 4.21 |
| FS1117.131 | 433.82 | Remarkables Park Limited | Reject | 4.23 |
| FS1117.132 | 433.83 | Remarkables Park Limited | Accept in Part | 2.5 |
| FS1117.133 | 433.84 | Remarkables Park Limited | Accept in Part | 2.5 |
| FS1117.134 | 433.85 | Remarkables Park Limited | Accept in Part | 6.26 |
| FS1117.135 | 433.86 | Remarkables Park Limited | Reject | 6.26 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1117.137 | 433.88 | Remarkables Park Limited | Accept in Part | 2.5 |
| FS1117.139 | 433.90 | Remarkables Park Limited | Reject | 7.12 |
| FS1117.14 | 243.21 | Remarkables Park Limited | Accept in Part | 4.17 |
| FS1117.140 | 433.91 | Remarkables Park Limited | Reject | 7.13 |
| FS1117.186 | 433.93 | Remarkables Park Limited | Reject | 19.1 |
| FS1117.233 | 598.26 | Remarkables Park Limited | Accept | 19.1 |
| FS1117.261 | 621.86 | Remarkables Park Limited | Accept in Part | 14 |
| FS1117.262 | 621.87 | Remarkables Park Limited | Reject | 14.2 |
| FS1117.36 | 271.16 | Remarkables Park Limited | Accept in Part | 4.20 |
| FS1117.37 | 271.17 | Remarkables Park Limited | Reject | 6.26 |
| FS1121.12 | 251.9 | Aurora Energy Limited | Reject | 19.6 |
| FS1121.46 | 339.90 | Aurora Energy Limited | Reject | 51.4 |
| FS1121.47 | 339.111 | Aurora Energy Limited | Accept | 53.4 |
| FS1125.17 | 763.3 | New Zealand Fire Service | Accept in part | 24.3 |
| FS1125.6 | 524.35 | New Zealand Fire Service | Reject | 4.55 |
| FS1129.9 | 430.9 | Hill, Graeme - represented by Graeme Todd GTODD LAW | Reject | 4.1 |
| FS1132.13 | 238.128 | Federated Farmers of New Zealand | Reject | 3 |
| FS1132.18 | 339.92 | Federated Farmers of New Zealand | Accept in Part | 51.4 |
| FS1132.19 | 339.100 | Federated Farmers of New Zealand | Reject | 51.8 |
| FS1132.20 | 339.120 | Federated Farmers of New Zealand | Accept in Part | 51.7 |
| FS1132.21 | 339.126 | Federated Farmers of New Zealand | Accept in Part | 58 |
| FS1132.24 | 373.25 | Federated Farmers of New Zealand | Reject | 51.2 |
| FS1132.25 | 373.35 | Federated Farmers of New Zealand | Accept | 51.4 |
| FS1132.26 | 373.37 | Federated Farmers of New Zealand | Accept in Part | 51.8 |
| FS1132.27 | 373.51 | Federated Farmers of New Zealand | Accept in Part | 48.6 |
| FS1132.28 | 373.54 | Federated Farmers of New Zealand | Accept | 51.6 |
| FS1132.33 | 607.35 | Federated Farmers of New Zealand | Accept in Part | 4.37 |
| FS1132.49 | 701.6 | Federated Farmers of New Zealand | Reject | 4.2 |
| FS1132.53 | 706.21 | Federated Farmers of New Zealand | Accept | 3 |
| FS1132.54 | 706.43 | Federated Farmers of New Zealand | Accept in Part | 7 |
| FS1132.55 | 706.85 | Federated Farmers of New Zealand | Accept in Part | 51.8 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1132.56 | 706.87 | Federated Farmers of New Zealand | Reject | 51.8 |
| FS1132.57 | 706.92 | Federated Farmers of New Zealand | Accept in Part | 51.8 |
| FS1132.58 | 706.95 | Federated Farmers of New Zealand | Accept in Part | 51.9 |
| FS1132.59 | 706.105 | Federated Farmers of New Zealand | Accept | 48.6 |
| FS1132.60 | 706.106 | Federated Farmers of New Zealand | Accept | 48.6 |
| FS1132.61 | 788.1 | Federated Farmers of New Zealand | Accept | 51.4 |
| FS1132.62 | 798.7 | Federated Farmers of New Zealand | Accept in Part | 7.7 |
| FS1132.63 | 805.53 | Federated Farmers of New Zealand | Accept | 3 |
| FS1132.64 | 805.56 | Federated Farmers of New Zealand | Accept | 4.10 |
| FS1133.10 | 430.9 | Blair, John - represented by Graeme Todd GTODD LAW | Reject | 4.1 |
| FS1133.9 | 430.8 | Blair, John - represented by Graeme Todd GTODD LAW | Accept in Part | 3 |
| FS1137.25 | 615.24 | Curtis, Kay | Accept in Part | 3 |
| FS1137.27 | 615.26 | Curtis, Kay | Reject | 4.17 |
| FS1137.28 | 615.27 | Curtis, Kay | Accept in Part | 4.18 |
| FS1137.29 | 615.28 | Curtis, Kay | Accept | 4.18 |
| FS1137.30 | 615.29 | Curtis, Kay | Reject | 4.17 |
| FS1137.31 | 615.30 | Curtis, Kay | Reject | 12.1 |
| FS1137.32 | 615.31 | Curtis, Kay | Reject | 12.1 |
| FS1137.33 | 615.32 | Curtis, Kay | Reject | 6.2 |
| FS1137.34 | 615.33 | Curtis, Kay | Reject | 6.17 |
| FS1137.35 | 615.34 | Curtis, Kay | Accept in Part | 6.18 |
| FS1137.36 | 615.35 | Curtis, Kay | Reject | 6.18 |
| FS1146.1 | 674.1 | Nicolson, Lee | Reject | 23 |
| FS1146.10 | 674.10 | Nicolson, Lee | Accept in part | Report 4B |
| FS1146.11 | 674.11 | Nicolson, Lee | Accept | 27.11 |
| FS1146.12 | 674.12 | Nicolson, Lee | Accept in part | 27.12 |
| FS1146.13 | 674.13 | Nicolson, Lee | Accept | 27.14 |
| FS1146.14 | 674.14 | Nicolson, Lee | Reject | 27.12 |
| FS1146.15 | 674.15 | Nicolson, Lee | Reject | 23 |
| FS1146.16 | 675.1 | Nicolson, Lee | Accept in Part | Part B |
| FS1146.2 | 674.2 | Nicolson, Lee | Accept in part | 24.1 |
| FS1146.26 | 430.8 | Nicolson, Lee | Accept in Part | 3 |
| FS1146.27 | 430.9 | Nicolson, Lee | Reject | 4.1 |
| FS1146.3 | 674.3 | Nicolson, Lee | Accept in part | 27.1 |
| FS1146.6 | 674.6 | Nicolson, Lee | Accept in part | 24.3 |
| FS1146.7 | 674.7 | Nicolson, Lee | Reject | 27.10 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1146.8 | 674.8 | Nicolson, Lee | Accept | 27.14 |
| FS1146.9 | 674.9 | Nicolson, Lee | Accept in part | 24.3 |
| FS1150.10 | 350.5 | ORFEL Limited | Reject | 28.6 |
| FS1150.11 | 367.2 | ORFEL Limited | Accept in part | 28.6 |
| FS1150.12 | 367.4 | ORFEL Limited | Accept | 28.9 |
| FS1150.14 | 368.2 | ORFEL Limited | Accept | 24.2 |
| FS1150.2 | 238.122 | ORFEL Limited | Accept | 24.2 |
| FS1150.3 | 238.124 | ORFEL Limited | Accept | 27.4 |
| FS1150.5 | 811.5 | ORFEL Limited | Accept in part | 27.12 |
| FS1150.6 | 811.7 | ORFEL Limited | Accept | 28.3 |
| FS1150.7 | 811.9 | ORFEL Limited | Accept | 28.5 |
| FS1150.8 | 243.8 | ORFEL Limited | Reject | 24.2 |
| FS1150.9 | 706.51 | ORFEL Limited | Accept | 24.2 |
| FS1152.11 | 758.1 | Kawarau Jet Services Holdings Ltd | Accept in Part | 4.40 |
| FS1152.12 | 766.18 | Kawarau Jet Services Holdings Ltd | Reject | 4.40 |
| FS1152.13 | 766.30 | Kawarau Jet Services Holdings Ltd | Accept in Part | 14.2 |
| FS1152.14 | 806.130 | Kawarau Jet Services Holdings Ltd | Reject | 4.48 |
| FS1152.15 | 806.131 | Kawarau Jet Services Holdings Ltd | Reject | 4.50 |
| FS1152.7 | 621.58 | Kawarau Jet Services Holdings Ltd | Accept in Part | 4.24 |
| FS1152.8 | 621.69 | Kawarau Jet Services Holdings Ltd | Accept in Part | 4.34 |
| FS1152.9 | 621.75 | Kawarau Jet Services Holdings Ltd | Reject | 4.49 |
| FS1153.1 | 610.11 | Mount Cardrona Station Ltd | Accept in Part | 4.17 |
| FS1153.3 | 610.14 | Mount Cardrona Station Ltd | Accept in Part | 12.6 |
| FS1154.10 | 608.61 | Hogans Gully Farm Ltd | Accept in Part | 4.33 |
| FS1154.5 | 122.1 | Hogans Gully Farm Ltd | Reject | 3 |
| FS1154.6 | 122.2 | Hogans Gully Farm Ltd | Accept in Part | 4 |
| FS1154.9 | 608.60 | Hogans Gully Farm Ltd | Accept in Part | 4.32 |
| FS1155.2 | 238.110 | Mt Rosa Wines Ltd | Accept in part | 42.4 |
| FS1155.3 | 490.1 | Mt Rosa Wines Ltd | Accept in part | 42.6 |
| FS1157.28 | 238.128 | Trojan Helmet Ltd | Accept | 3 |
| FS1157.29 | 238.129 | Trojan Helmet Ltd | Accept | 6.8 |
| FS1157.30 | 238.130 | Trojan Helmet Ltd | Accept | 6.13 |
| FS1157.31 | 238.131 | Trojan Helmet Ltd | Accept in Part | 6.14 |
| FS1157.32 | 238.132 | Trojan Helmet Ltd | Accept in Part | 6.23 |
| FS1157.33 | 238.133 | Trojan Helmet Ltd | Accept | 13.1 |
| FS1157.35 | 238.120 | Trojan Helmet Ltd | Reject | 23 |
| FS1157.36 | 238.121 | Trojan Helmet Ltd | Accept in part | 24.2 |
| FS1157.37 | 238.122 | Trojan Helmet Ltd | Accept | 24.2 |
| FS1157.38 | 238.123 | Trojan Helmet Ltd | Reject | 24.3 |
| FS1157.39 | 238.124 | Trojan Helmet Ltd | Accept | 27.4 |
| FS1157.40 | 238.125 | Trojan Helmet Ltd | Accept | 27.8 |
| FS1157.41 | 238.126 | Trojan Helmet Ltd | Accept | 28.2 |
| FS1157.52 | 146.1 | Trojan Helmet Ltd | Accept in part | 28.2 |
| FS1157.56 | 444.4 | Trojan Helmet Ltd | Accept in part | 28.2 |
| FS1157.57 | 534.26 | Trojan Helmet Ltd | Accept in part | 28.2 |
| FS1157.58 | 534.27 | Trojan Helmet Ltd | Reject | 28.4 |
| FS1157.60 | 29.1 | Trojan Helmet Ltd | Accept in part | 28.2 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1157.61 | 368.3 | Trojan Helmet Ltd | Reject | 28.4 |
| FS1157.62 | 368.4 | Trojan Helmet Ltd | Accept in part | 28.2 |
| FS1158.1 | 122.1 | ZJV (NZ) Ltd | Reject | 3 |
| FS1158.2 | 122.2 | ZJV (NZ) Ltd | Accept in Part | 4 |
| FS1158.5 | 608.60 | ZJV (NZ) Ltd | Accept in Part | 4.32 |
| FS1158.6 | 608.61 | ZJV (NZ) Ltd | Accept in Part | 4.33 |
| FS1160.21 | 437.36 | Otago Regional Council | Accept in Part | 3 |
| FS1160.22 | 437.37 | Otago Regional Council | Reject | 4.1 |
| FS1160.23 | 437.40 | Otago Regional Council | Reject | 4.4 |
| FS1162.10 | 145.10 | Cooper, James Wilson - represented by GTODD Law | Accept | 6.4 |
| FS1162.100 | 706.46 | Cooper, James Wilson - represented by GTODD Law | Accept in Part | 8.1 |
| FS1162.101 | 706.47 | Cooper, James Wilson - represented by GTODD Law | Accept | 8.2 |
| FS1162.102 | 706.48 | Cooper, James Wilson - represented by GTODD Law | Accept | 8.3 |
| FS1162.103 | 706.49 | Cooper, James Wilson - represented by GTODD Law | Accept | 8.4 |
| FS1162.104 | 706.50 | Cooper, James Wilson - represented by GTODD Law | Accept | 23 |
| FS1162.105 | 706.51 | Cooper, James Wilson - represented by GTODD Law | Accept | 24.2 |
| FS1162.106 | 706.52 | Cooper, James Wilson - represented by GTODD Law | Accept | 27.4 |
| FS1162.11 | 145.11 | Cooper, James Wilson - represented by GTODD Law | Accept | 9.1 |
| FS1162.110 | 706.56 | Cooper, James Wilson - represented by GTODD Law | Reject | 28.7 |
| FS1162.119 | 706.65 | Cooper, James Wilson - represented by GTODD Law | Accept in Part | 50 |
| FS1162.120 | 706.66 | Cooper, James Wilson - represented by GTODD Law | Accept in Part | 50 |
| FS1162.121 | 706.67 | Cooper, James Wilson - represented by GTODD Law | Accept in Part | 50 |
| FS1162.122 | 706.68 | Cooper, James Wilson - represented by GTODD Law | Accept in Part | 50 |
| FS1162.123 | 706.69 | Cooper, James Wilson - represented by GTODD Law | Reject | 48.2 |
| FS1162.124 | 706.70 | Cooper, James Wilson - represented by GTODD Law | Reject | 51.2 |
| FS1162.125 | 706.71 | Cooper, James Wilson - represented by GTODD Law | Accept | 48.2 |
| FS1162.126 | 706.72 | Cooper, James Wilson - represented by GTODD Law | Accept | 48.2 |
| FS1162.127 | 706.73 | Cooper, James Wilson - represented by GTODD Law | Reject | 51.2 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1162.128 | 706.74 | Cooper, James Wilson - represented by GTODD Law | Accept in Part | 51.2 |
| FS1162.129 | 706.75 | Cooper, James Wilson - represented by GTODD Law | Accept | 51.2 |
| FS1162.13 | 145.13 | Cooper, James Wilson - represented by GTODD Law | Accept | 19 |
| FS1162.130 | 706.76 | Cooper, James Wilson - represented by GTODD Law | Reject | 51.2 |
| FS1162.131 | 706.77 | Cooper, James Wilson - represented by GTODD Law | Reject | 51.2 |
| FS1162.132 | 706.78 | Cooper, James Wilson - represented by GTODD Law | Reject | 51.2 |
| FS1162.133 | 706.79 | Cooper, James Wilson - represented by GTODD Law | Accept in Part | 48.2 |
| FS1162.134 | 706.80 | Cooper, James Wilson - represented by GTODD Law | Accept in Part | 51.4 |
| FS1162.135 | 706.81 | Cooper, James Wilson - represented by GTODD Law | Reject | 51.4 |
| FS1162.136 | 706.82 | Cooper, James Wilson - represented by GTODD Law | Reject | 51.4 |
| FS1162.137 | 706.83 | Cooper, James Wilson - represented by GTODD Law | Reject | 51.4 |
| FS1162.138 | 706.84 | Cooper, James Wilson - represented by GTODD Law | Accept in Part | 51.4 |
| FS1162.139 | 706.85 | Cooper, James Wilson - represented by GTODD Law | Accept in Part | 51.8 |
| FS1162.140 | 706.86 | Cooper, James Wilson - represented by GTODD Law | Accept | 51.8 |
| FS1162.141 | 706.87 | Cooper, James Wilson - represented by GTODD Law | Reject | 51.8 |
| FS1162.142 | 706.88 | Cooper, James Wilson - represented by GTODD Law | Accept in Part | 51.8 |
| FS1162.143 | 706.89 | Cooper, James Wilson - represented by GTODD Law | Reject | 51.8 |
| FS1162.144 | 706.90 | Cooper, James Wilson - represented by GTODD Law | Accept in Part | 51.8 |
| FS1162.145 | 706.91 | Cooper, James Wilson - represented by GTODD Law | Accept in Part | 51.8 |
| FS1162.146 | 706.92 | Cooper, James Wilson - represented by GTODD Law | Reject | 51.8 |
| FS1162.147 | 706.93 | Cooper, James Wilson - represented by GTODD Law | Accept | 51.8 |
| FS1162.148 | 706.94 | Cooper, James Wilson - represented by GTODD Law | Reject | 51.9 |
| FS1162.149 | 706.95 | Cooper, James Wilson - represented by GTODD Law | Accept in Part | 51.9 |
| FS1162.150 | 706.96 | Cooper, James Wilson - represented by GTODD Law | Reject | 51.9 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1162.151 | 706.97 | Cooper, James Wilson - represented by GTODD Law | Accept in Part | 53.2 |
| FS1162.152 | 706.98 | Cooper, James Wilson - represented by GTODD Law | Reject | 48.4 |
| FS1162.153 | 706.99 | Cooper, James Wilson - represented by GTODD Law | Reject | 48.4 |
| FS1162.154 | 706.100 | Cooper, James Wilson - represented by GTODD Law | Reject | 48.4 |
| FS1162.155 | 706.101 | Cooper, James Wilson - represented by GTODD Law | Accept | 48.4 |
| FS1162.156 | 706.102 | Cooper, James Wilson - represented by GTODD Law | Reject | 53.4 |
| FS1162.157 | 706.103 | Cooper, James Wilson - represented by GTODD Law | Accept | 53.4 |
| FS1162.158 | 706.104 | Cooper, James Wilson - represented by GTODD Law | Accept in Part | 53.4 |
| FS1162.159 | 706.105 | Cooper, James Wilson - represented by GTODD Law | Accept in Part | 48.6 |
| FS1162.160 | 706.106 | Cooper, James Wilson - represented by GTODD Law | Accept | 48.6 |
| FS1162.161 | 706.107 | Cooper, James Wilson - represented by GTODD Law | Reject | 48.6 |
| FS1162.162 | 706.108 | Cooper, James Wilson - represented by GTODD Law | Accept in Part | 48.7 |
| FS1162.163 | 706.109 | Cooper, James Wilson - represented by GTODD Law | Reject | 48.5 |
| FS1162.164 | 706.110 | Cooper, James Wilson - represented by GTODD Law | Reject | 51.5 |
| FS1162.165 | 706.111 | Cooper, James Wilson - represented by GTODD Law | Accept | 51.6 |
| FS1162.166 | 706.112 | Cooper, James Wilson - represented by GTODD Law | Reject | 51.7 |
| FS1162.167 | 706.113 | Cooper, James Wilson - represented by GTODD Law | Reject | 53.6 |
| FS1162.168 | 706.114 | Cooper, James Wilson - represented by GTODD Law | Reject | 54 |
| FS1162.169 | 706.115 | Cooper, James Wilson - represented by GTODD Law | Accept | 48.3 |
| FS1162.170 | 706.116 | Cooper, James Wilson - represented by GTODD Law | Reject | 55 |
| FS1162.171 | 706.117 | Cooper, James Wilson - represented by GTODD Law | Accept in Part | Part E |
| FS1162.172 | 706.118 | Cooper, James Wilson - represented by GTODD Law | Accept in Part | 58 |
| FS1162.173 | 706.119 | Cooper, James Wilson - represented by GTODD Law | Accept | 58 |
| FS1162.174 | 706.120 | Cooper, James Wilson - represented by GTODD Law | Reject | 58 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1162.2 | 145.2 | Cooper, James Wilson - represented by GTODD Law | Accept in Part | 19.5 |
| FS1162.25 | 145.25 | Cooper, James Wilson - represented by GTODD Law | Accept | 6.8 |
| FS1162.3 | 145.3 | Cooper, James Wilson - represented by GTODD Law | Reject | 19.5 |
| FS1162.41 | 701.6 | Cooper, James Wilson - represented by GTODD Law | Reject | 4.2 |
| FS1162.42 | 701.7 | Cooper, James Wilson - represented by GTODD Law | Reject | 7.5 |
| FS1162.43 | 701.8 | Cooper, James Wilson - represented by GTODD Law | Reject | 7.6 |
| FS1162.44 | 701.9 | Cooper, James Wilson - represented by GTODD Law | Reject | 8 |
| FS1162.45 | 701.10 | Cooper, James Wilson - represented by GTODD Law | Reject | 8.1 |
| FS1162.46 | 701.11 | Cooper, James Wilson - represented by GTODD Law | Reject | 8 |
| FS1162.47 | 701.12 | Cooper, James Wilson - represented by GTODD Law | Reject | 8.2 |
| FS1162.48 | 701.13 | Cooper, James Wilson - represented by GTODD Law | Reject | 17 |
| FS1162.49 | 701.14 | Cooper, James Wilson - represented by GTODD Law | Reject | 51.2 |
| FS1162.50 | 701.15 | Cooper, James Wilson - represented by GTODD Law | Reject | 51.2 |
| FS1162.51 | 701.16 | Cooper, James Wilson - represented by GTODD Law | Accept in Part | 51.8 |
| FS1162.52 | 701.17 | Cooper, James Wilson - represented by GTODD Law | Reject | 48.6 |
| FS1162.53 | 701.18 | Cooper, James Wilson - represented by GTODD Law | Reject | 53.3 |
| FS1162.54 | 701.19 | Cooper, James Wilson - represented by GTODD Law | Accept | 48.7 |
| FS1162.7 | 145.7 | Cooper, James Wilson - represented by GTODD Law | Accept | 6.7 |
| FS1162.75 | 706.21 | Cooper, James Wilson - represented by GTODD Law | Accept | 3 |
| FS1162.76 | 706.22 | Cooper, James Wilson - represented by GTODD Law | Reject | 4.1 |
| FS1162.77 | 706.23 | Cooper, James Wilson - represented by GTODD Law | Reject | 4.2 |
| FS1162.78 | 706.24 | Cooper, James Wilson - represented by GTODD Law | Accept | 4.4 |
| FS1162.79 | 706.25 | Cooper, James Wilson - represented by GTODD Law | Accept | 4.9 |
| FS1162.8 | 145.8 | Cooper, James Wilson - represented by GTODD Law | Accept | 6.8 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1162.80 | 706.26 | Cooper, James Wilson - represented by GTODD Law | Reject | 4.8 |
| FS1162.81 | 706.27 | Cooper, James Wilson - represented by GTODD Law | Accept | 4.9 |
| FS1162.82 | 706.28 | Cooper, James Wilson - represented by GTODD Law | Reject | 4.13 |
| FS1162.83 | 706.29 | Cooper, James Wilson - represented by GTODD Law | Accept in Part | 4.14 |
| FS1162.84 | 706.30 | Cooper, James Wilson - represented by GTODD Law | Accept in Part | 4.22 |
| FS1162.85 | 706.31 | Cooper, James Wilson - represented by GTODD Law | Accept | 4.23 |
| FS1162.86 | 706.32 | Cooper, James Wilson - represented by GTODD Law | Accept | 4.24 |
| FS1162.87 | 706.33 | Cooper, James Wilson - represented by GTODD Law | Accept | 4.26 |
| FS1162.88 | 706.34 | Cooper, James Wilson - represented by GTODD Law | Accept in Part | 4.27 |
| FS1162.89 | 706.35 | Cooper, James Wilson - represented by GTODD Law | Accept in Part | 4.33 |
| FS1162.90 | 706.36 | Cooper, James Wilson - represented by GTODD Law | Accept in Part | 4.34 |
| FS1162.91 | 706.37 | Cooper, James Wilson - represented by GTODD Law | Accept | 4.40 |
| FS1162.92 | 706.38 | Cooper, James Wilson - represented by GTODD Law | Reject | 4.44 |
| FS1162.93 | 706.39 | Cooper, James Wilson - represented by GTODD Law | Reject | 4.45 |
| FS1162.94 | 706.40 | Cooper, James Wilson - represented by GTODD Law | Accept | 6.20 |
| FS1162.95 | 706.41 | Cooper, James Wilson - represented by GTODD Law | Accept | 6.27 |
| FS1162.96 | 706.42 | Cooper, James Wilson - represented by GTODD Law | Accept in Part | 6.27 |
| FS1162.97 | 706.43 | Cooper, James Wilson - represented by GTODD Law | Accept in Part | 7 |
| FS1162.98 | 706.44 | Cooper, James Wilson - represented by GTODD Law | Reject | 7.4 |
| FS1162.99 | 706.45 | Cooper, James Wilson - represented by GTODD Law | Accept | 7.7 |
| FS1203.1 | 236.1 | Queenstown Congregation of Jehovah's Witnesses | Reject | Part C |
| FS1203.2 | 236.2 | Queenstown Congregation of Jehovah's Witnesses | Reject | 27.11 |
| FS1203.3 | 236.3 | Queenstown Congregation of Jehovah's Witnesses | Reject | 27.14 |
| FS1203.4 | 236.4 | Queenstown Congregation of Jehovah's Witnesses | Accept in part | 27.10 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1203.5 | 236.5 | Queenstown Congregation of Jehovah's Witnesses | Accept in part | 24.3 |
| FS1206.5 | 360.1 | Williamson, Skipp - represented by Vivian Espie | Accept in part | Part C |
| FS1209.114 | 600.114 | Burdon, Richard | Accept in Part | 50 |
| FS1209.115 | 600.115 | Burdon, Richard | Reject | 48.2 |
| FS1209.116 | 600.116 | Burdon, Richard | Accept in Part | 51.2 |
| FS1209.117 | 600.117 | Burdon, Richard | Reject | 48.2 |
| FS1209.118 | 600.118 | Burdon, Richard | Accept in Part | 48.2 |
| FS1209.119 | 600.119 | Burdon, Richard | Reject | 51.2 |
| FS1209.120 | 600.120 | Burdon, Richard | Accept | 51.2 |
| FS1209.121 | 600.121 | Burdon, Richard | Accept in Part | 51.2 |
| FS1209.122 | 600.122 | Burdon, Richard | Accept in Part | 51.2 |
| FS1209.123 | 600.123 | Burdon, Richard | Reject | 51.4 |
| FS1209.124 | 600.124 | Burdon, Richard | Reject | 51.4 |
| FS1209.125 | 600.125 | Burdon, Richard | Accept in Part | 51.4 |
| FS1209.126 | 600.126 | Burdon, Richard | Accept in Part | 51.8 |
| FS1209.127 | 600.127 | Burdon, Richard | Accept in Part | 51.8 |
| FS1209.128 | 600.128 | Burdon, Richard | Accept in Part | 51.8 |
| FS1209.129 | 600.129 | Burdon, Richard | Accept in Part | 51.8 |
| FS1209.130 | 600.130 | Burdon, Richard | Accept | 51.8 |
| FS1209.131 | 600.131 | Burdon, Richard | Accept in Part | 48.4 |
| FS1209.132 | 600.132 | Burdon, Richard | Accept | 48.6 |
| FS1209.133 | 600.133 | Burdon, Richard | Accept | 53.4 |
| FS1209.134 | 600.134 | Burdon, Richard | Accept | 53.4 |
| FS1209.135 | 600.135 | Burdon, Richard | Accept | 53.4 |
| FS1209.136 | 600.136 | Burdon, Richard | Accept | 48.7 |
| FS1209.137 | 600.137 | Burdon, Richard | Reject | 51.7 |
| FS1209.138 | 600.138 | Burdon, Richard | Accept in Part | 48.7 |
| FS1209.139 | 600.139 | Burdon, Richard | Reject | 58 |
| FS1209.140 | 600.140 | Burdon, Richard | Accept | 58 |
| FS1209.141 | 600.141 | Burdon, Richard | Accept in Part | 58 |
| FS1209.55 | 600.55 | Burdon, Richard | Accept | 3 |
| FS1209.56 | 600.56 | Burdon, Richard | Accept in Part | 4.1 |
| FS1209.57 | 600.57 | Burdon, Richard | Accept | 4.2 |
| FS1209.58 | 600.58 | Burdon, Richard | Accept in Part | 4.3 |
| FS1209.59 | 600.59 | Burdon, Richard | Accept | 4.4 |
| FS1209.60 | 600.60 | Burdon, Richard | Accept in Part | 4.4 |
| FS1209.61 | 600.61 | Burdon, Richard | Accept | 4.4 |
| FS1209.62 | 600.62 | Burdon, Richard | Reject | 4.4 |
| FS1209.63 | 600.63 | Burdon, Richard | Accept | 4.6 |
| FS1209.64 | 600.64 | Burdon, Richard | Accept | 4.6 |
| FS1209.65 | 600.65 | Burdon, Richard | Reject | 4.6 |
| FS1209.66 | 600.66 | Burdon, Richard | Accept in Part | 4.7 |
| FS1209.67 | 600.67 | Burdon, Richard | Reject | 4.8 |
| FS1209.68 | 600.68 | Burdon, Richard | Accept in Part | 4.10 |
| FS1209.69 | 600.69 | Burdon, Richard | Accept in Part | 4.11 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1209.70 | 600.70 | Burdon, Richard | Accept in Part | 4.11 |
| FS1209.71 | 600.71 | Burdon, Richard | Accept in Part | 4.24 |
| FS1209.72 | 600.72 | Burdon, Richard | Accept | 4.29 |
| FS1209.73 | 600.73 | Burdon, Richard | Accept in Part | 4.32 |
| FS1209.74 | 600.74 | Burdon, Richard | Accept in Part | 4.31 |
| FS1209.75 | 600.75 | Burdon, Richard | Accept in Part | 4.34 |
| FS1209.76 | 600.76 | Burdon, Richard | Accept in Part | 4.36 |
| FS1209.77 | 600.77 | Burdon, Richard | Accept in Part | 4.40 |
| FS1209.78 | 600.78 | Burdon, Richard | Accept | 6.3 |
| FS1209.79 | 600.79 | Burdon, Richard | Accept | 7.1 |
| FS1209.80 | 600.80 | Burdon, Richard | Accept in Part | 7.2 |
| FS1209.81 | 600.81 | Burdon, Richard | Accept | 7.4 |
| FS1209.82 | 600.82 | Burdon, Richard | Accept in Part | 7.5 |
| FS1209.83 | 600.83 | Burdon, Richard | Accept in Part | 7.6 |
| FS1209.84 | 600.84 | Burdon, Richard | Accept | 7.7 |
| FS1209.85 | 600.85 | Burdon, Richard | Accept in Part | 8.1 |
| FS1209.86 | 600.86 | Burdon, Richard | Accept in Part | 8.2 |
| FS1209.87 | 600.87 | Burdon, Richard | Accept | 8.3 |
| FS1209.88 | 600.88 | Burdon, Richard | Accept | 8.4 |
| FS1209.89 | 600.89 | Burdon, Richard | Reject | 9.1 |
| FS1209.90 | 600.90 | Burdon, Richard | Reject | 9.2 |
| FS1209.91 | 600.91 | Burdon, Richard | Accept | 9.3 |
| FS1209.92 | 600.92 | Burdon, Richard | Accept in Part | 6.23 |
| FS1209.93 | 600.93 | Burdon, Richard | Accept in Part | 6.23 |
| FS1209.94 | 600.94 | Burdon, Richard | Accept | 17 |
| FS1209.95 | 600.95 | Burdon, Richard | Accept in part | 24.3 |
| FS1209.96 | 600.96 | Burdon, Richard | Accept in part | 24.3 |
| FS1209.97 | 600.97 | Burdon, Richard | Accept in part | 24.5 |
| FS1209.98 | 600.98 | Burdon, Richard | Accept | 24.5 |
| FS1211.29 | 805.56 | New Zealand Defence Force | Accept in Part | 4.10 |
| FS1224.10 | 243.10 | Matakauri Lodge Limited | Reject | 24.5 |
| FS1224.11 | 243.11 | Matakauri Lodge Limited | N/A | 24.6 |
| FS1224.12 | 243.12 | Matakauri Lodge Limited | N/A | 26 |
| FS1224.13 | 243.13 | Matakauri Lodge Limited | Reject | Report 4B |
| FS1224.14 | 243.14 | Matakauri Lodge Limited | Reject | Report 4B |
| FS1224.15 | 243.15 | Matakauri Lodge Limited | Accept | 28.1 |
| FS1224.16 | 243.16 | Matakauri Lodge Limited | Accept | 28.1 |
| FS1224.17 | 243.17 | Matakauri Lodge Limited | Reject | 28.7 |
| FS1224.18 | 243.18 | Matakauri Lodge Limited | Accept | 28.2 |
| FS1224.19 | 243.19 | Matakauri Lodge Limited | Reject | Report 4B |
| FS1224.21 | 243.21 | Matakauri Lodge Limited | Reject | 4.17 |
| FS1224.22 | 243.22 | Matakauri Lodge Limited | Reject | 4.40 |
| FS1224.24 | 243.24 | Matakauri Lodge Limited | Reject | 24.4 |
| FS1224.25 | 243.25 | Matakauri Lodge Limited | Reject | 24.3 |
| FS1224.26 | 243.26 | Matakauri Lodge Limited | Accept in part | Report 4B |
| FS1224.27 | 243.27 | Matakauri Lodge Limited | Accept in part | 27.12 |
| FS1224.28 | 243.28 | Matakauri Lodge Limited | Reject | 27.13 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1224.30 | 243.30 | Matakauri Lodge Limited | Accept in part | 28.3 |
| FS1224.31 | 243.31 | Matakauri Lodge Limited | Accept in part | 28.4 |
| FS1224.32 | 243.32 | Matakauri Lodge Limited | Reject | 28.7 |
| FS1224.33 | 243.33 | Matakauri Lodge Limited | Reject | Report 4B |
| FS1224.48 | 811.1 | Matakauri Lodge Limited | Accept in part | Part C |
| FS1224.49 | 811.2 | Matakauri Lodge Limited | Reject | 27.4 |
| FS1224.50 | 811.3 | Matakauri Lodge Limited | Reject | 27.4 |
| FS1224.51 | 811.4 | Matakauri Lodge Limited | Reject | 24.5 |
| FS1224.52 | 811.5 | Matakauri Lodge Limited | Accept in part | 27.12 |
| FS1224.53 | 811.6 | Matakauri Lodge Limited | Accept | 28.1 |
| FS1224.54 | 811.7 | Matakauri Lodge Limited | Accept | 28.3 |
| FS1224.55 | 811.8 | Matakauri Lodge Limited | Accept in part | 28.4 |
| FS1224.56 | 811.9 | Matakauri Lodge Limited | Accept | 28.5 |
| FS1224.57 | 811.10 | Matakauri Lodge Limited | Accept | 28.12 |
| FS1224.58 | 811.11 | Matakauri Lodge Limited | Accept | 6.7 and 21.3 |
| FS1224.59 | 811.12 | Matakauri Lodge Limited | Reject | Report 4B |
| FS1224.60 | 811.13 | Matakauri Lodge Limited | Accept | 30 |
| FS1224.7 | 243.7 | Matakauri Lodge Limited | Reject | 23 |
| FS1226.114 | 238.109 | Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited | Reject | 39 |
| FS1226.115 | 238.110 | Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited | Accept in part | 42.4 |
| FS1226.116 | 238.111 | Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited | Accept in part | 42.5 |
| FS1226.117 | 238.112 | Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited | Accept in part | 43.1 |
| FS1226.125 | 238.120 | Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited | Reject | 23 |
| FS1226.126 | 238.121 | Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited | Accept in part | 24.2 |
| FS1226.127 | 238.122 | Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited | Accept | 24.2 |
| FS1226.128 | 238.123 | Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited | Reject | 24.3 |
| FS1226.129 | 238.124 | Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited | Accept | 27.4 |
| FS1226.130 | 238.125 | Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited | Accept | 27.8 |
| FS1226.131 | 238.126 | Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited | Accept | 28.2 |
| FS1226.133 | 238.128 | Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited | Accept | 3 |
| FS1226.134 | 238.129 | Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited | Accept | 6.8 |
| FS1226.135 | 238.130 | Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited | Accept | 6.13 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1226.136 | 238.131 | Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited | Accept in Part | 6.14 |
| FS1226.137 | 238.132 | Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited | Accept in Part | 6.23 |
| FS1226.138 | 238.133 | Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited | Accept | 13.1 |
| FS1229.10 | 610.5 | NXSki Limited | Accept in Part | 3 |
| FS1229.11 | 613.5 | NXSki Limited | Accept in Part | 3 |
| FS1229.12 | 610.10 | NXSki Limited | Accept in Part | 4.17 |
| FS1229.13 | 613.10 | NXSki Limited | Accept in Part | 4.17 |
| FS1229.14 | 610.11 | NXSki Limited | Accept in Part | 4.17 |
| FS1229.15 | 613.11 | NXSki Limited | Accept in Part | 4.17 |
| FS1229.16 | 610.14 | NXSki Limited | Accept in Part | 12.6 |
| FS1229.17 | 613.14 | NXSki Limited | Accept in Part | 12.6 |
| FS1229.18 | 610.15 | NXSki Limited | Accept in Part | 8.2 |
| FS1229.19 | 613.15 | NXSki Limited | Accept in Part | 8.2 |
| FS1229.20 | 610.16 | NXSki Limited | Accept in Part | 8.3 |
| FS1229.21 | 613.16 | NXSki Limited | Accept in Part | 8.3 |
| FS1229.22 | 610.19 | NXSki Limited | Accept in Part | 53.1 |
| FS1229.23 | 613.19 | NXSki Limited | Accept in Part | 53.4 |
| FS1229.27 | 615.24 | NXSki Limited | Accept in Part | 3 |
| FS1234.114 | 238.109 | Shotover Memorial Properties Limited & Horne Water Holdings Limited | Reject | 39 |
| FS1234.115 | 238.110 | Shotover Memorial Properties Limited & Horne Water Holdings Limited | Accept in part | 42.4 |
| FS1234.116 | 238.111 | Shotover Memorial Properties Limited & Horne Water Holdings Limited | Accept in part | 42.5 |
| FS1234.117 | 238.112 | Shotover Memorial Properties Limited & Horne Water Holdings Limited | Accept in part | 43.1 |
| FS1234.125 | 238.120 | Shotover Memorial Properties Limited & Horne Water Holdings Limited | Reject | 23 |
| FS1234.126 | 238.121 | Shotover Memorial Properties Limited & Horne Water Holdings Limited | Accept in part | 24.2 |
| FS1234.127 | 238.122 | Shotover Memorial Properties Limited & Horne Water Holdings Limited | Accept | 24.2 |
| FS1234.128 | 238.123 | Shotover Memorial Properties Limited & Horne Water Holdings Limited | Reject | 24.3 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1234.129 | 238.124 | Shotover Memorial Properties Limited & Horne Water Holdings Limited | Accept | 27.4 |
| FS1234.130 | 238.125 | Shotover Memorial Properties Limited & Horne Water Holdings Limited | Accept | 27.8 |
| FS1234.131 | 238.126 | Shotover Memorial Properties Limited & Horne Water Holdings Limited | Accept | 28.2 |
| FS1234.133 | 238.128 | Shotover Memorial Properties Limited & Horne Water Holdings Limited | Accept | 3 |
| FS1234.134 | 238.129 | Shotover Memorial Properties Limited & Horne Water Holdings Limited | Accept | 6.8 |
| FS1234.135 | 238.130 | Shotover Memorial Properties Limited & Horne Water Holdings Limited | Accept | 6.13 |
| FS1234.136 | 238.131 | Shotover Memorial Properties Limited & Horne Water Holdings Limited | Accept in Part | 6.14 |
| FS1234.137 | 238.132 | Shotover Memorial Properties Limited & Horne Water Holdings Limited | Accept in Part | 6.23 |
| FS1234.138 | 238.133 | Shotover Memorial Properties Limited & Horne Water Holdings Limited | Accept | 13.1 |
| FS1235.1 | 806.121 | Jet Boating New Zealand | Accept in Part | 4.40 |
| FS1235.10 | 806.130 | Jet Boating New Zealand | Accept | 4.49 |
| FS1235.11 | 806.131 | Jet Boating New Zealand | Accept | 4.50 |
| FS1235.12 | 716.17 | Jet Boating New Zealand | Accept in Part | 14.5 |
| FS1235.13 | 307.5 | Jet Boating New Zealand | Accept in Part | 14 |
| FS1235.14 | 307.4 | Jet Boating New Zealand | Accept in Part | 14 |
| FS1235.16 | 621.70 | Jet Boating New Zealand | Accept in Part | 4.40 |
| FS1235.17 | 621.72 | Jet Boating New Zealand | Accept in Part | 4.43 |
| FS1235.18 | 621.88 | Jet Boating New Zealand | Accept in Part | 14.2 |
| FS1235.2 | 806.122 | Jet Boating New Zealand | Accept in Part | 4.40 |
| FS1235.20 | 621.90 | Jet Boating New Zealand | Accept in Part | 14 |
| FS1235.3 | 806.123 | Jet Boating New Zealand | Accept in Part | 4.42 |
| FS1235.4 | 806.124 | Jet Boating New Zealand | Accept in Part | 4.43 |
| FS1235.5 | 806.125 | Jet Boating New Zealand | Accept | 4.44 |
| FS1235.6 | 806.126 | Jet Boating New Zealand | Accept in Part | 4.45 |
| FS1235.7 | 806.127 | Jet Boating New Zealand | Accept in Part | 4.46 |
| FS1235.8 | 806.128 | Jet Boating New Zealand | Accept in Part | 4.47 |
| FS1235.9 | 806.129 | Jet Boating New Zealand | Accept in Part | 4.48 |
| FS1239.114 | 238.109 | Skyline Enterprises Limited & O'Connells Pavillion Limited | Reject | 39 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1239.115 | 238.110 | Skyline Enterprises Limited & O'Connells Pavillion Limited | Accept in part | 42.4 |
| FS1239.116 | 238.111 | Skyline Enterprises Limited & O'Connells Pavillion Limited | Accept in part | 42.5 |
| FS1239.117 | 238.112 | Skyline Enterprises Limited & O'Connells Pavillion Limited | Accept in part | 43.1 |
| FS1239.125 | 238.120 | Skyline Enterprises Limited & O'Connells Pavillion Limited | Reject | 23 |
| FS1239.126 | 238.121 | Skyline Enterprises Limited & O'Connells Pavillion Limited | Accept in part | 24.2 |
| FS1239.127 | 238.122 | Skyline Enterprises Limited & O'Connells Pavillion Limited | Accept | 24.2 |
| FS1239.128 | 238.123 | Skyline Enterprises Limited & O'Connells Pavillion Limited | Reject | 24.3 |
| FS1239.129 | 238.124 | Skyline Enterprises Limited & O'Connells Pavillion Limited | Accept | 27.4 |
| FS1239.130 | 238.125 | Skyline Enterprises Limited & O'Connells Pavillion Limited | Accept | 27.8 |
| FS1239.131 | 238.126 | Skyline Enterprises Limited & O'Connells Pavillion Limited | Accept | 28.2 |
| FS1239.133 | 238.128 | Skyline Enterprises Limited & O'Connells Pavillion Limited | Accept | 3 |
| FS1239.134 | 238.129 | Skyline Enterprises Limited & O'Connells Pavillion Limited | Accept | 6.8 |
| FS1239.135 | 238.130 | Skyline Enterprises Limited & O'Connells Pavillion Limited | Accept | 6.13 |
| FS1239.136 | 238.131 | Skyline Enterprises Limited & O'Connells Pavillion Limited | Accept in Part | 6.14 |
| FS1239.137 | 238.132 | Skyline Enterprises Limited & O'Connells Pavillion Limited | Accept in Part | 6.23 |
| FS1239.138 | 238.133 | Skyline Enterprises Limited & O'Connells Pavillion Limited | Accept | 13.1 |
| FS1241.114 | 238.109 | Skyline Enterprises Limited & Accommodation and Booking Agents | Reject | 39 |
| FS1241.115 | 238.110 | Skyline Enterprises Limited & Accommodation and Booking Agents | Accept in part | 42.4 |
| FS1241.116 | 238.111 | Skyline Enterprises Limited & Accommodation and Booking Agents | Accept in part | 42.5 |
| FS1241.117 | 238.112 | Skyline Enterprises Limited & Accommodation and Booking Agents | Accept in part | 43.1 |
| FS1241.125 | 238.120 | Skyline Enterprises Limited & Accommodation and Booking Agents | Reject | 23 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1241.126 | 238.121 | Skyline Enterprises Limited & Accommodation and Booking Agents | Accept in part | 24.2 |
| FS1241.127 | 238.122 | Skyline Enterprises Limited & Accommodation and Booking Agents | Accept | 24.2 |
| FS1241.128 | 238.123 | Skyline Enterprises Limited & Accommodation and Booking Agents | Reject | 24.3 |
| FS1241.129 | 238.124 | Skyline Enterprises Limited & Accommodation and Booking Agents | Accept | 27.4 |
| FS1241.130 | 238.125 | Skyline Enterprises Limited & Accommodation and Booking Agents | Accept | 27.8 |
| FS1241.131 | 238.126 | Skyline Enterprises Limited & Accommodation and Booking Agents | Accept | 28.2 |
| FS1241.133 | 238.128 | Skyline Enterprises Limited & Accommodation and Booking Agents | Accept | 3 |
| FS1241.134 | 238.129 | Skyline Enterprises Limited & Accommodation and Booking Agents | Accept | 6.8 |
| FS1241.135 | 238.130 | Skyline Enterprises Limited & Accommodation and Booking Agents | Accept | 6.13 |
| FS1241.136 | 238.131 | Skyline Enterprises Limited & Accommodation and Booking Agents | Accept in Part | 6.14 |
| FS1241.137 | 238.132 | Skyline Enterprises Limited & Accommodation and Booking Agents | Accept in Part | 6.23 |
| FS1241.138 | 238.133 | Skyline Enterprises Limited & Accommodation and Booking Agents | Accept | 13.1 |
| FS1242.137 | 238.109 | Stokes, Antony & Ruth | Reject | 39 |
| FS1242.138 | 238.110 | Stokes, Antony & Ruth | Accept in part | 42.4 |
| FS1242.139 | 238.111 | Stokes, Antony & Ruth | Accept in part | 42.5 |
| FS1242.140 | 238.112 | Stokes, Antony & Ruth | Accept in part | 43.1 |
| FS1242.148 | 238.120 | Stokes, Antony & Ruth | Reject | 23 |
| FS1242.149 | 238.121 | Stokes, Antony & Ruth | Accept in part | 24.2 |
| FS1242.150 | 238.122 | Stokes, Antony & Ruth | Accept | 24.2 |
| FS1242.151 | 238.123 | Stokes, Antony & Ruth | Reject | 24.3 |
| FS1242.154 | 238.126 | Stokes, Antony & Ruth | Accept | 28.2 |
| FS1242.156 | 238.128 | Stokes, Antony & Ruth | Accept | 3 |
| FS1242.157 | 238.129 | Stokes, Antony & Ruth | Accept | 6.8 |
| FS1242.158 | 238.130 | Stokes, Antony & Ruth | Accept | 6.13 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1242.159 | 238.131 | Stokes, Antony & Ruth | Accept in Part | 6.14 |
| FS1242.160 | 238.132 | Stokes, Antony & Ruth | Accept in Part | 6.23 |
| FS1242.161 | 238.133 | Stokes, Antony & Ruth | Accept | 13.1 |
| FS1245.1 | 209.1 | Totally Tourism Limited | Accept in Part | 6.23 |
| FS1245.10 | 294.5 | Totally Tourism Limited | Accept in Part | 6.23 |
| FS1245.11 | 442.8 | Totally Tourism Limited | Accept in Part | 6.23 |
| FS1245.12 | 457.1 | Totally Tourism Limited | Accept in Part | 6.23 |
| FS1245.13 | 122.5 | Totally Tourism Limited | Accept in Part | 6.23 |
| FS1245.17 | 310.6 | Totally Tourism Limited | Accept in Part | 6.23 |
| FS1245.19 | 9.7 | Totally Tourism Limited | Accept in Part | 6.23 |
| FS1245.2 | 209.2 | Totally Tourism Limited | Accept in Part | 6.23 |
| FS1245.20 | 833.1 | Totally Tourism Limited | Accept in Part | 6.23 |
| FS1245.21 | 93.1 | Totally Tourism Limited | Accept in Part | 6.23 |
| FS1245.22 | 137.1 | Totally Tourism Limited | Accept in Part | 6.23 |
| FS1245.23 | 186.1 | Totally Tourism Limited | Accept in Part | 6.23 |
| FS1245.24 | 315.8 | Totally Tourism Limited | Accept in Part | 6.23 |
| FS1245.25 | 382.2 | Totally Tourism Limited | Accept in Part | 6.23 |
| FS1245.26 | 382.3 | Totally Tourism Limited | Accept in Part | 6.23 |
| FS1245.27 | 723.9 | Totally Tourism Limited | Accept in Part | 6.23 |
| FS1245.28 | 723.10 | Totally Tourism Limited | Accept in Part | 6.23 |
| FS1245.29 | 489.1 | Totally Tourism Limited | Accept | 6.15 |
| FS1245.3 | 213.1 | Totally Tourism Limited | Accept in Part | 6.23 |
| FS1245.30 | 489.2 | Totally Tourism Limited | Accept | 6.15 |
| FS1245.31 | 500.7 | Totally Tourism Limited | Accept in Part | 6.23 |
| FS1245.32 | 607.35 | Totally Tourism Limited | Accept in Part | 4.37 |
| FS1245.33 | 723.7 | Totally Tourism Limited | Accept in Part | 4.35 |
| FS1245.4 | 162.1 | Totally Tourism Limited | Accept in Part | 6.23 |
| FS1245.5 | 162.2 | Totally Tourism Limited | Accept in Part | 6.23 |
| FS1245.6 | 162.3 | Totally Tourism Limited | Accept in Part | 6.23 |
| FS1245.7 | 265.6 | Totally Tourism Limited | Accept in Part | 6.23 |
| FS1245.8 | 285.18 | Totally Tourism Limited | Accept in Part | 6.23 |
| FS1245.9 | 288.5 | Totally Tourism Limited | Accept in Part | 6.23 |
| FS1248.114 | 238.109 | Trojan Holdings Limited & Beach Street Holdings Limited | Reject | 39 |
| FS1248.115 | 238.110 | Trojan Holdings Limited & Beach Street Holdings Limited | Accept in part | 42.4 |
| FS1248.116 | 238.111 | Trojan Holdings Limited & Beach Street Holdings Limited | Accept in part | 42.5 |
| FS1248.117 | 238.112 | Trojan Holdings Limited & Beach Street Holdings Limited | Accept in part | 43.1 |
| FS1248.125 | 238.120 | Trojan Holdings Limited & Beach Street Holdings Limited | Reject | 23 |
| FS1248.126 | 238.121 | Trojan Holdings Limited & Beach Street Holdings Limited | Accept in part | 24.2 |
| FS1248.127 | 238.122 | Trojan Holdings Limited & Beach Street Holdings Limited | Accept | 24.2 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1248.128 | 238.123 | Trojan Holdings Limited & Beach Street Holdings Limited | Reject | 24.3 |
| FS1248.129 | 238.124 | Trojan Holdings Limited & Beach Street Holdings Limited | Accept | 27.4 |
| FS1248.130 | 238.125 | Trojan Holdings Limited & Beach Street Holdings Limited | Accept | 27.8 |
| FS1248.131 | 238.126 | Trojan Holdings Limited & Beach Street Holdings Limited | Accept | 28.2 |
| FS1248.133 | 238.128 | Trojan Holdings Limited & Beach Street Holdings Limited | Accept | 3 |
| FS1248.134 | 238.129 | Trojan Holdings Limited & Beach Street Holdings Limited | Accept | 6.8 |
| FS1248.135 | 238.130 | Trojan Holdings Limited & Beach Street Holdings Limited | Accept | 6.13 |
| FS1248.136 | 238.131 | Trojan Holdings Limited & Beach Street Holdings Limited | Accept in Part | 6.14 |
| FS1248.137 | 238.132 | Trojan Holdings Limited & Beach Street Holdings Limited | Accept in Part | 6.23 |
| FS1248.138 | 238.133 | Trojan Holdings Limited & Beach Street Holdings Limited | Accept | 13.1 |
| FS1249.114 | 238.109 | Tweed Development Limited | Reject | 39 |
| FS1249.115 | 238.110 | Tweed Development Limited | Accept in part | 42.4 |
| FS1249.116 | 238.111 | Tweed Development Limited | Accept in part | 42.5 |
| FS1249.117 | 238.112 | Tweed Development Limited | Accept in part | 43.1 |
| FS1249.125 | 238.120 | Tweed Development Limited | Reject | 23 |
| FS1249.126 | 238.121 | Tweed Development Limited | Accept in part | 24.2 |
| FS1249.127 | 238.122 | Tweed Development Limited | Accept | 24.2 |
| FS1249.128 | 238.123 | Tweed Development Limited | Reject | 24.3 |
| FS1249.129 | 238.124 | Tweed Development Limited | Accept | 27.4 |
| FS1249.130 | 238.125 | Tweed Development Limited | Accept | 27.8 |
| FS1249.131 | 238.126 | Tweed Development Limited | Accept | 28.2 |
| FS1249.133 | 238.128 | Tweed Development Limited | Accept | 3 |
| FS1249.134 | 238.129 | Tweed Development Limited | Accept | 6.8 |
| FS1249.135 | 238.130 | Tweed Development Limited | Accept | 6.13 |
| FS1249.136 | 238.131 | Tweed Development Limited | Accept in Part | 6.14 |
| FS1249.137 | 238.132 | Tweed Development Limited | Accept in Part | 6.23 |
| FS1249.138 | 238.133 | Tweed Development Limited | Accept | 13.1 |
| FS1254.10 | 373.25 | Allenby Farms Limited | Reject | 51.2 |
| FS1254.100 | 706.112 | Allenby Farms Limited | Reject | 51.7 |
| FS1254.101 | 706.113 | Allenby Farms Limited | Reject | 53.6 |
| FS1254.102 | 706.114 | Allenby Farms Limited | Reject | 54 |
| FS1254.103 | 706.115 | Allenby Farms Limited | Accept | 48.3 |
| FS1254.104 | 706.116 | Allenby Farms Limited | Reject | 55 |
| FS1254.105 | 706.117 | Allenby Farms Limited | Accept in Part | Part E |
| FS1254.106 | 145.2 | Allenby Farms Limited | Reject | 19.5 |
| FS1254.107 | 145.3 | Allenby Farms Limited | Accept in Part | 19.5 |
| FS1254.109 | 145.7 | Allenby Farms Limited | Accept | 6.7 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1254.11 | 373.26 | Allenby Farms Limited | Reject | 51.2 |
| FS1254.110 | 145.8 | Allenby Farms Limited | Accept | 6.8 |
| FS1254.112 | 145.10 | Allenby Farms Limited | Accept | 6.4 |
| FS1254.113 | 145.11 | Allenby Farms Limited | Accept | 9.1 |
| FS1254.115 | 145.13 | Allenby Farms Limited | Accept | 19 |
| FS1254.12 | 373.27 | Allenby Farms Limited | Accept in Part | 51.2 |
| FS1254.122 | 145.25 | Allenby Farms Limited | Accept | 6.8 |
| FS1254.13 | 373.28 | Allenby Farms Limited | Reject | 51.2 |
| FS1254.14 | 373.29 | Allenby Farms Limited | Reject | 51.2 |
| FS1254.15 | 373.30 | Allenby Farms Limited | Accept in Part | 51.3 |
| FS1254.16 | 373.31 | Allenby Farms Limited | Accept in Part | 51.4 |
| FS1254.17 | 373.32 | Allenby Farms Limited | Accept in Part | 51.4 |
| FS1254.18 | 373.33 | Allenby Farms Limited | Reject | 51.4 |
| FS1254.19 | 373.34 | Allenby Farms Limited | Reject | 51.4 |
| FS1254.20 | 373.35 | Allenby Farms Limited | Accept | 51.4 |
| FS1254.21 | 373.36 | Allenby Farms Limited | Accept in Part | 51.4 |
| FS1254.22 | 373.37 | Allenby Farms Limited | Accept in Part | 51.8 |
| FS1254.23 | 373.38 | Allenby Farms Limited | Accept in Part | 51.8 |
| FS1254.24 | 373.39 | Allenby Farms Limited | Accept in Part | 51.8 |
| FS1254.25 | 373.40 | Allenby Farms Limited | Accept in Part | 51.8 |
| FS1254.26 | 373.41 | Allenby Farms Limited | Accept | 51.8 |
| FS1254.27 | 373.42 | Allenby Farms Limited | Accept in Part | 51.8 |
| FS1254.28 | 373.43 | Allenby Farms Limited | Accept in Part | 51.8 |
| FS1254.29 | 373.44 | Allenby Farms Limited | Accept in Part | 51.8 |
| FS1254.3 | 373.18 | Allenby Farms Limited | Accept in Part | 48.1 |
| FS1254.30 | 373.45 | Allenby Farms Limited | Accept | 51.8 |
| FS1254.31 | 373.46 | Allenby Farms Limited | Reject | 51.9 |
| FS1254.32 | 373.47 | Allenby Farms Limited | Accept in Part | 51.9 |
| FS1254.33 | 373.48 | Allenby Farms Limited | Reject | 51.9 |
| FS1254.34 | 373.49 | Allenby Farms Limited | Accept in Part | 53.2 |
| FS1254.35 | 373.50 | Allenby Farms Limited | Accept in Part | 48.4 |
| FS1254.36 | 373.51 | Allenby Farms Limited | Accept in Part | 48.6 |
| FS1254.37 | 373.53 | Allenby Farms Limited | Accept in Part | 48.7 |
| FS1254.38 | 373.54 | Allenby Farms Limited | Accept | 51.6 |
| FS1254.39 | 373.52 | Allenby Farms Limited | Accept in Part | 53.4 |
| FS1254.4 | 373.19 | Allenby Farms Limited | Accept in Part | 50 |
| FS1254.40 | 373.58 | Allenby Farms Limited | Reject | Part E |
| FS1254.5 | 373.20 | Allenby Farms Limited | Accept in Part | 48.2 |
| FS1254.53 | 706.65 | Allenby Farms Limited | Accept in Part | 50 |
| FS1254.54 | 706.66 | Allenby Farms Limited | Accept in Part | 50 |
| FS1254.55 | 706.67 | Allenby Farms Limited | Accept in Part | 50 |
| FS1254.56 | 706.68 | Allenby Farms Limited | Accept in Part | 50 |
| FS1254.57 | 706.69 | Allenby Farms Limited | Accept in Part | 48.2 |
| FS1254.58 | 706.70 | Allenby Farms Limited | Reject | 51.2 |
| FS1254.59 | 706.71 | Allenby Farms Limited | Accept in Part | 48.2 |
| FS1254.6 | 373.21 | Allenby Farms Limited | Reject | 51.2 |
| FS1254.60 | 706.72 | Allenby Farms Limited | Accept in Part | 48.2 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1254.61 | 706.73 | Allenby Farms Limited | Reject | 51.2 |
| FS1254.62 | 706.74 | Allenby Farms Limited | Accept in Part | 51.2 |
| FS1254.63 | 706.75 | Allenby Farms Limited | Accept in Part | 51.2 |
| FS1254.64 | 706.76 | Allenby Farms Limited | Reject | 51.2 |
| FS1254.65 | 706.77 | Allenby Farms Limited | Reject | 51.2 |
| FS1254.66 | 706.78 | Allenby Farms Limited | Reject | 51.2 |
| FS1254.67 | 706.79 | Allenby Farms Limited | Accept in Part | 48.2 |
| FS1254.68 | 706.80 | Allenby Farms Limited | Accept in Part | 51.4 |
| FS1254.69 | 706.81 | Allenby Farms Limited | Reject | 51.4 |
| FS1254.7 | 373.22 | Allenby Farms Limited | Accept in Part | 48.2 |
| FS1254.70 | 706.82 | Allenby Farms Limited | Reject | 51.4 |
| FS1254.71 | 706.83 | Allenby Farms Limited | Reject | 51.4 |
| FS1254.72 | 706.84 | Allenby Farms Limited | Accept in Part | 51.4 |
| FS1254.73 | 706.85 | Allenby Farms Limited | Accept in Part | 51.8 |
| FS1254.74 | 706.86 | Allenby Farms Limited | Accept | 51.8 |
| FS1254.75 | 706.87 | Allenby Farms Limited | Accept in Part | 51.8 |
| FS1254.76 | 706.88 | Allenby Farms Limited | Accept in Part | 51.8 |
| FS1254.77 | 706.89 | Allenby Farms Limited | Reject | 51.8 |
| FS1254.78 | 706.90 | Allenby Farms Limited | Accept in Part | 51.8 |
| FS1254.79 | 706.91 | Allenby Farms Limited | Accept in Part | 51.8 |
| FS1254.8 | 373.23 | Allenby Farms Limited | Accept in Part | 48.2 |
| FS1254.80 | 706.92 | Allenby Farms Limited | Accept in Part | 51.8 |
| FS1254.81 | 706.93 | Allenby Farms Limited | Accept | 51.8 |
| FS1254.82 | 706.94 | Allenby Farms Limited | Reject | 51.9 |
| FS1254.83 | 706.95 | Allenby Farms Limited | Accept in Part | 51.9 |
| FS1254.84 | 706.96 | Allenby Farms Limited | Reject | 51.9 |
| FS1254.85 | 706.97 | Allenby Farms Limited | Accept in Part | 53.2 |
| FS1254.86 | 706.98 | Allenby Farms Limited | Reject | 48.4 |
| FS1254.87 | 706.99 | Allenby Farms Limited | Reject | 48.4 |
| FS1254.88 | 706.100 | Allenby Farms Limited | Reject | 48.4 |
| FS1254.89 | 706.101 | Allenby Farms Limited | Accept | 48.4 |
| FS1254.9 | 373.24 | Allenby Farms Limited | Reject | 51.2 |
| FS1254.90 | 706.102 | Allenby Farms Limited | Accept | 53.4 |
| FS1254.91 | 706.103 | Allenby Farms Limited | Accept in Part | 53.4 |
| FS1254.92 | 706.104 | Allenby Farms Limited | Accept in Part | 53.4 |
| FS1254.93 | 706.105 | Allenby Farms Limited | Accept in Part | 48.6 |
| FS1254.94 | 706.106 | Allenby Farms Limited | Accept in Part | 48.6 |
| FS1254.95 | 706.107 | Allenby Farms Limited | Reject | 48.6 |
| FS1254.96 | 706.108 | Allenby Farms Limited | Accept in Part | 48.7 |
| FS1254.97 | 706.109 | Allenby Farms Limited | Accept in Part | 48.5 |
| FS1254.98 | 706.110 | Allenby Farms Limited | Reject | 51.5 |
| FS1254.99 | 706.111 | Allenby Farms Limited | Accept | 51.6 |
| FS1255.1 | 674.1 | Arcadian Triangle Limited | Reject | 23 |
| FS1255.15 | 414.6 | Arcadian Triangle Limited | Reject | 6.7 |
| FS1255.19 | 332.3 | Arcadian Triangle Limited | Reject | 58 |
| FS1255.2 | 674.7 | Arcadian Triangle Limited | Accept in part | 27.10 |
| FS1255.20 | 286.1 | Arcadian Triangle Limited | Reject | 58 |

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|---|---|---|---|---|
| FS1255.21 | 684.1 | Arcadian Triangle Limited | Reject | 58 |
| FS1255.22 | 684.2 | Arcadian Triangle Limited | Reject | 58 |
| FS1255.24 | 238.128 | Arcadian Triangle Limited | Accept | 3 |
| FS1255.28 | 238.120 | Arcadian Triangle Limited | Accept | 23 |
| FS1255.29 | 238.124 | Arcadian Triangle Limited | Accept | 27.4 |
| FS1255.3 | 674.9 | Arcadian Triangle Limited | Accept in part | 24.3 |
| FS1255.30 | 238.122 | Arcadian Triangle Limited | Accept | 24.2 |
| FS1255.4 | 674.10 | Arcadian Triangle Limited | Reject | Report 4B |
| FS1255.5 | 674.2 | Arcadian Triangle Limited | Reject | 24.1 |
| FS1255.6 | 674.3 | Arcadian Triangle Limited | Reject | 27.1 |
| FS1255.9 | 674.6 | Arcadian Triangle Limited | Accept in part | 24.3 |
| FS1256.1 | 523.1 | Ashford Trust | Reject | 23 |
| FS1256.10 | 523.10 | Ashford Trust | Reject | 28.4 |
| FS1256.2 | 523.2 | Ashford Trust | Reject | 23 |
| FS1256.3 | 523.3 | Ashford Trust | Accept in part | 24.2 |
| FS1256.4 | 523.4 | Ashford Trust | Accept | 24.2 |
| FS1256.41 | 537.23 | Ashford Trust | Accept in Part | 4.1 |
| FS1256.42 | 537.24 | Ashford Trust | Reject | 4.2 |
| FS1256.43 | 537.25 | Ashford Trust | Accept in Part | 4.23 |
| FS1256.44 | 537.26 | Ashford Trust | Reject | 19.5 |
| FS1256.45 | 537.27 | Ashford Trust | Reject | 19.5 |
| FS1256.46 | 537.28 | Ashford Trust | Accept in part | 24.2 |
| FS1256.47 | 537.29 | Ashford Trust | Accept | 24.2 |
| FS1256.49 | 537.31 | Ashford Trust | Accept in part | 24.3 |
| FS1256.5 | 523.5 | Ashford Trust | Accept in part | 24.2 |
| FS1256.50 | 537.32 | Ashford Trust | Reject | 24.3 |
| FS1256.51 | 537.33 | Ashford Trust | Accept in part | 28.2 |
| FS1256.6 | 523.6 | Ashford Trust | Accept in part | 24.3 |
| FS1256.62 | 537.44 | Ashford Trust | Reject | 19.5 |
| FS1256.63 | 238.122 | Ashford Trust | Accept | 24.2 |
| FS1256.64 | 238.124 | Ashford Trust | Accept | 27.4 |
| FS1256.7 | 523.7 | Ashford Trust | Reject | 24.3 |
| FS1256.8 | 523.8 | Ashford Trust | Reject | 24.3 |
| FS1256.9 | 523.9 | Ashford Trust | Accept in part | 28.2 |
| FS1258.1 | 238.122 | Ayrburn Farm Estate Limited | Accept | 24.2 |
| FS1258.2 | 238.124 | Ayrburn Farm Estate Limited | Accept | 27.4 |
| FS1258.4 | 675.1 | Ayrburn Farm Estate Limited | Accept in Part | Part B |
| FS1259.1 | 535.17 | Bill and Jan Walker Family Trust | Reject | 19.5 |
| FS1259.2 | 535.18 | Bill and Jan Walker Family Trust | Reject | 19.5 |
| FS1259.3 | 535.19 | Bill and Jan Walker Family Trust | Reject | 19.5 |
| FS1259.4 | 535.20 | Bill and Jan Walker Family Trust | Reject | 23 |
| FS1259.5 | 535.21 | Bill and Jan Walker Family Trust | Reject | 23 |
| FS1259.6 | 535.22 | Bill and Jan Walker Family Trust | Accept in part | 24.2 |
| FS1259.7 | 535.23 | Bill and Jan Walker Family Trust | Accept in part | 24.3 |
| FS1259.8 | 535.24 | Bill and Jan Walker Family Trust | Reject | 24.3 |
| FS1259.9 | 535.25 | Bill and Jan Walker Family Trust | Reject | 24.3 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1267.1 | 535.17 | DV Bill and Jan Walker Family Trust | Reject | 19.5 |
| FS1267.2 | 535.18 | DV Bill and Jan Walker Family Trust | Reject | 19.5 |
| FS1267.3 | 535.19 | DV Bill and Jan Walker Family Trust | Reject | 19.5 |
| FS1267.4 | 535.20 | DV Bill and Jan Walker Family Trust | Reject | 23 |
| FS1267.5 | 535.21 | DV Bill and Jan Walker Family Trust | Reject | 23 |
| FS1267.6 | 535.22 | DV Bill and Jan Walker Family Trust | Accept in part | 24.2 |
| FS1267.7 | 535.23 | DV Bill and Jan Walker Family Trust | Accept in part | 24.3 |
| FS1267.8 | 535.24 | DV Bill and Jan Walker Family Trust | Reject | 24.3 |
| FS1267.9 | 535.25 | DV Bill and Jan Walker Family Trust | Reject | 24.3 |
| FS1270.87 | 501.7 | Hansen Family Partnership | Reject | 58 |
| FS1270.94 | 501.14 | Hansen Family Partnership | Reject | 8.3 |
| FS1273.1 | 238.122 | Heywood, Robert and Elvena - represented by Warwick Goldsmith, Anderson Lloyd | Accept | 24.2 |
| FS1273.2 | 238.124 | Heywood, Robert and Elvena - represented by Warwick Goldsmith, Anderson Lloyd | Accept | 27.4 |
| FS1282.103 | 621.92 | Longview Environmental Trust | Reject | 19.1 |
| FS1282.41 | 378.25 | Longview Environmental Trust | Accept in Part | 19 |
| FS1282.42 | 378.26 | Longview Environmental Trust | Accept | 19.6 |
| FS1282.62 | 519.50 | Longview Environmental Trust | Accept | 19.1 |
| FS1282.76 | 598.26 | Longview Environmental Trust | Reject | 19.1 |
| FS1286.2 | 238.128 | Henry, Mr M and Mrs J - represented by Vanessa Robb, Anderson Lloyd | Accept | 3 |
| FS1286.32 | 537.23 | Henry, Mr M and Mrs J - represented by Vanessa Robb, Anderson Lloyd | Accept in Part | 4.1 |
| FS1286.33 | 537.24 | Henry, Mr M and Mrs J - represented by Vanessa Robb, Anderson Lloyd | Reject | 4.2 |
| FS1286.35 | 537.26 | Henry, Mr M and Mrs J - represented by Vanessa Robb, Anderson Lloyd | Reject | 19.5 |
| FS1286.36 | 537.27 | Henry, Mr M and Mrs J - represented by Vanessa Robb, Anderson Lloyd | Reject | 19.5 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1286.37 | 537.28 | Henry, Mr M and Mrs J - represented by Vanessa Robb, Anderson Lloyd | Accept in part | 24.2 |
| FS1286.38 | 537.29 | Henry, Mr M and Mrs J - represented by Vanessa Robb, Anderson Lloyd | Accept | 24.2 |
| FS1286.41 | 537.32 | Henry, Mr M and Mrs J - represented by Vanessa Robb, Anderson Lloyd | Reject | 24.3 |
| FS1286.53 | 537.44 | Henry, Mr M and Mrs J - represented by Vanessa Robb, Anderson Lloyd | Reject | 19.5 |
| FS1286.8 | 348.6 | Henry, Mr M and Mrs J - represented by Vanessa Robb, Anderson Lloyd | Reject | 6.7 |
| FS1287.10 | 373.23 | New Zealand Tungsten Mining Limited | Accept in Part | 48.2 |
| FS1287.100 | 706.77 | New Zealand Tungsten Mining Limited | Reject | 51.2 |
| FS1287.101 | 706.78 | New Zealand Tungsten Mining Limited | Reject | 51.2 |
| FS1287.102 | 706.79 | New Zealand Tungsten Mining Limited | Accept in Part | 48.2 |
| FS1287.103 | 706.80 | New Zealand Tungsten Mining Limited | Accept in Part | 51.4 |
| FS1287.104 | 706.81 | New Zealand Tungsten Mining Limited | Reject | 51.4 |
| FS1287.105 | 706.82 | New Zealand Tungsten Mining Limited | Reject | 51.4 |
| FS1287.106 | 706.83 | New Zealand Tungsten Mining Limited | Reject | 51.4 |
| FS1287.107 | 706.84 | New Zealand Tungsten Mining Limited | Accept in Part | 51.4 |
| FS1287.108 | 706.85 | New Zealand Tungsten Mining Limited | Accept in Part | 51.8 |
| FS1287.109 | 706.86 | New Zealand Tungsten Mining Limited | Accept | 51.8 |
| FS1287.11 | 373.24 | New Zealand Tungsten Mining Limited | Reject | 51.2 |
| FS1287.110 | 706.87 | New Zealand Tungsten Mining Limited | Accept in Part | 51.8 |
| FS1287.111 | 706.88 | New Zealand Tungsten Mining Limited | Accept in Part | 51.8 |
| FS1287.112 | 706.89 | New Zealand Tungsten Mining Limited | Reject | 51.8 |
| FS1287.113 | 706.90 | New Zealand Tungsten Mining Limited | Accept in Part | 51.8 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1287.114 | 706.91 | New Zealand Tungsten Mining Limited | Accept in Part | 51.8 |
| FS1287.115 | 706.92 | New Zealand Tungsten Mining Limited | Reject | 51.8 |
| FS1287.116 | 706.93 | New Zealand Tungsten Mining Limited | Accept | 51.8 |
| FS1287.117 | 706.94 | New Zealand Tungsten Mining Limited | Reject | 51.9 |
| FS1287.118 | 706.95 | New Zealand Tungsten Mining Limited | Accept in Part | 51.9 |
| FS1287.119 | 706.99 | New Zealand Tungsten Mining Limited | Reject | 48.4 |
| FS1287.12 | 373.25 | New Zealand Tungsten Mining Limited | Reject | 51.2 |
| FS1287.120 | 706.100 | New Zealand Tungsten Mining Limited | Reject | 48.4 |
| FS1287.121 | 706.101 | New Zealand Tungsten Mining Limited | Accept | 48.4 |
| FS1287.122 | 706.103 | New Zealand Tungsten Mining Limited | Accept in Part | 53.4 |
| FS1287.123 | 706.104 | New Zealand Tungsten Mining Limited | Accept in Part | 53.4 |
| FS1287.124 | 706.105 | New Zealand Tungsten Mining Limited | Accept in Part | 48.6 |
| FS1287.125 | 706.106 | New Zealand Tungsten Mining Limited | Accept in Part | 48.6 |
| FS1287.126 | 706.108 | New Zealand Tungsten Mining Limited | Accept in Part | 48.7 |
| FS1287.127 | 706.110 | New Zealand Tungsten Mining Limited | Reject | 51.5 |
| FS1287.128 | 706.111 | New Zealand Tungsten Mining Limited | Accept | 51.6 |
| FS1287.129 | 706.112 | New Zealand Tungsten Mining Limited | Reject | 51.7 |
| FS1287.13 | 373.26 | New Zealand Tungsten Mining Limited | Reject | 51.2 |
| FS1287.130 | 706.113 | New Zealand Tungsten Mining Limited | Reject | 53.6 |
| FS1287.131 | 706.117 | New Zealand Tungsten Mining Limited | Accept in Part | Part E |
| FS1287.132 | 706.28 | New Zealand Tungsten Mining Limited | Reject | 4.13 |
| FS1287.133 | 706.29 | New Zealand Tungsten Mining Limited | Accept in Part | 4.14 |
| FS1287.134 | 706.27 | New Zealand Tungsten Mining Limited | Accept | 4.9 |
| FS1287.135 | 706.41 | New Zealand Tungsten Mining Limited | Accept | 6.27 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1287.14 | 373.27 | New Zealand Tungsten Mining Limited | Accept in Part | 51.2 |
| FS1287.143 | 798.4 | New Zealand Tungsten Mining Limited | Reject | 51.1 |
| FS1287.144 | 798.8 | New Zealand Tungsten Mining Limited | Accept in Part | 4.13 |
| FS1287.145 | 798.9 | New Zealand Tungsten Mining Limited | Accept in Part | 6.27 |
| FS1287.15 | 373.28 | New Zealand Tungsten Mining Limited | Reject | 51.2 |
| FS1287.16 | 373.29 | New Zealand Tungsten Mining Limited | Reject | 51.2 |
| FS1287.17 | 373.30 | New Zealand Tungsten Mining Limited | Accept in Part | 48.2 |
| FS1287.18 | 373.31 | New Zealand Tungsten Mining Limited | Accept in Part | 51.4 |
| FS1287.19 | 373.32 | New Zealand Tungsten Mining Limited | Accept in Part | 51.4 |
| FS1287.20 | 373.33 | New Zealand Tungsten Mining Limited | Reject | 51.4 |
| FS1287.21 | 373.34 | New Zealand Tungsten Mining Limited | Reject | 51.4 |
| FS1287.22 | 373.35 | New Zealand Tungsten Mining Limited | Accept | 51.4 |
| FS1287.23 | 373.36 | New Zealand Tungsten Mining Limited | Accept in Part | 51.4 |
| FS1287.24 | 373.37 | New Zealand Tungsten Mining Limited | Accept in Part | 51.8 |
| FS1287.25 | 373.51 | New Zealand Tungsten Mining Limited | Accept in Part | 48.6 |
| FS1287.26 | 373.53 | New Zealand Tungsten Mining Limited | Accept in Part | 48.7 |
| FS1287.27 | 373.54 | New Zealand Tungsten Mining Limited | Accept | 51.6 |
| FS1287.28 | 373.41 | New Zealand Tungsten Mining Limited | Accept | 51.8 |
| FS1287.5 | 373.18 | New Zealand Tungsten Mining Limited | Accept in Part | 48.1 |
| FS1287.54 | 598.26 | New Zealand Tungsten Mining Limited | Accept | 19.1 |
| FS1287.6 | 373.19 | New Zealand Tungsten Mining Limited | Accept in Part | 50 |
| FS1287.67 | 598.39 | New Zealand Tungsten Mining Limited | Reject | 4.11 |
| FS1287.68 | 598.40 | New Zealand Tungsten Mining Limited | Reject | 4.13 |
| FS1287.69 | 598.41 | New Zealand Tungsten Mining Limited | Accept in Part | 4.14 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1287.7 | 373.20 | New Zealand Tungsten Mining Limited | Accept in Part | 48.2 |
| FS1287.70 | 598.42 | New Zealand Tungsten Mining Limited | Accept in Part | 4.14 |
| FS1287.71 | 598.43 | New Zealand Tungsten Mining Limited | Accept in Part | 4.14 |
| FS1287.72 | 598.44 | New Zealand Tungsten Mining Limited | Accept in Part | 4.14 |
| FS1287.73 | 598.45 | New Zealand Tungsten Mining Limited | Accept in Part | 4.31 |
| FS1287.74 | 598.46 | New Zealand Tungsten Mining Limited | Accept in Part | 4.32 |
| FS1287.75 | 598.47 | New Zealand Tungsten Mining Limited | Accept in Part | 4.33 |
| FS1287.8 | 373.21 | New Zealand Tungsten Mining Limited | Reject | 51.2 |
| FS1287.9 | 373.22 | New Zealand Tungsten Mining Limited | Accept in Part | 48.2 |
| FS1287.92 | 706.66 | New Zealand Tungsten Mining Limited | Accept in Part | 50 |
| FS1287.93 | 706.67 | New Zealand Tungsten Mining Limited | Accept in Part | 50 |
| FS1287.94 | 706.68 | New Zealand Tungsten Mining Limited | Accept in Part | 50 |
| FS1287.95 | 706.70 | New Zealand Tungsten Mining Limited | Reject | 51.2 |
| FS1287.96 | 706.72 | New Zealand Tungsten Mining Limited | Accept in Part | 48.2 |
| FS1287.97 | 706.74 | New Zealand Tungsten Mining Limited | Accept in Part | 51.2 |
| FS1287.98 | 706.75 | New Zealand Tungsten Mining Limited | Accept in Part | 51.2 |
| FS1287.99 | 706.76 | New Zealand Tungsten Mining Limited | Reject | 51.2 |
| FS1289.14 | 501.14 | Oasis In The Basin Association | Accept | 8.3 |
| FS1289.7 | 501.7 | Oasis In The Basin Association | Reject | 58 |
| FS1292.27 | 537.23 | Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd | Accept in Part | 4.1 |
| FS1292.28 | 537.24 | Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd | Reject | 4.2 |
| FS1292.29 | 537.25 | Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd | Accept in Part | 4.23 |
| FS1292.30 | 537.26 | Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd | Reject | 19.5 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1292.31 | 537.27 | Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd | Reject | 19.5 |
| FS1292.32 | 537.28 | Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd | Accept in part | 24.2 |
| FS1292.33 | 537.29 | Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd | Accept | 24.2 |
| FS1292.35 | 537.31 | Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd | Accept in part | 24.3 |
| FS1292.36 | 537.32 | Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd | Reject | 24.3 |
| FS1292.37 | 537.33 | Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd | Accept in part | 28.2 |
| FS1292.48 | 537.44 | Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd | Reject | 19.5 |
| FS1292.73 | 522.24 | Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd | Accept in Part | 4.1 |
| FS1292.74 | 522.25 | Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd | Reject | 4.2 |
| FS1292.75 | 522.26 | Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd | Accept in Part | 4.23 |
| FS1292.76 | 522.27 | Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd | Reject | 19.5 |
| FS1292.77 | 522.28 | Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd | Reject | 19.5 |
| FS1292.78 | 522.29 | Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd | Reject | 19.5 |
| FS1292.79 | 522.30 | Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd | Accept in part | 24.2 |
| FS1292.80 | 522.31 | Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd | Accept | 24.2 |
| FS1292.81 | 522.32 | Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd | Accept in part | 24.2 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1292.82 | 522.33 | Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd | Accept in part | 24.3 |
| FS1292.83 | 522.34 | Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd | Reject | 24.3 |
| FS1292.84 | 522.35 | Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd | Accept in part | 28.2 |
| FS1292.85 | 522.36 | Wilkinson, Roger and Carol - represented by Maree Baker-Galloway, Anderson Lloyd | Reject | 28.4 |
| FS1297.4 | 570.4 | Stewart, Robert - represented by Vanessa Robb, Anderson Lloyd | Accept in Part | Part B |
| FS1309.6 | 314.6 | The Alpine Group | Accept | 13.1 |
| FS1313.10 | 373.24 | Darby Planning LP | Reject | 51.2 |
| FS1313.11 | 373.25 | Darby Planning LP | Reject | 51.2 |
| FS1313.12 | 373.26 | Darby Planning LP | Reject | 51.2 |
| FS1313.13 | 373.27 | Darby Planning LP | Accept in Part | 51.2 |
| FS1313.14 | 373.28 | Darby Planning LP | Reject | 51.2 |
| FS1313.15 | 373.29 | Darby Planning LP | Reject | 51.2 |
| FS1313.16 | 373.30 | Darby Planning LP | Accept in Part | 48.2 |
| FS1313.17 | 373.31 | Darby Planning LP | Accept in Part | 51.4 |
| FS1313.18 | 373.32 | Darby Planning LP | Accept in Part | 51.4 |
| FS1313.19 | 373.33 | Darby Planning LP | Reject | 51.4 |
| FS1313.20 | 373.34 | Darby Planning LP | Reject | 51.4 |
| FS1313.21 | 373.35 | Darby Planning LP | Accept | 51.4 |
| FS1313.22 | 373.36 | Darby Planning LP | Accept in Part | 51.4 |
| FS1313.23 | 373.37 | Darby Planning LP | Accept in Part | 51.8 |
| FS1313.24 | 373.38 | Darby Planning LP | Accept in Part | 51.8 |
| FS1313.25 | 373.39 | Darby Planning LP | Accept in Part | 51.8 |
| FS1313.26 | 373.40 | Darby Planning LP | Accept in Part | 51.8 |
| FS1313.27 | 373.41 | Darby Planning LP | Accept | 51.8 |
| FS1313.28 | 373.42 | Darby Planning LP | Accept in Part | 51.8 |
| FS1313.29 | 373.43 | Darby Planning LP | Accept in Part | 51.8 |
| FS1313.30 | 373.44 | Darby Planning LP | Accept in Part | 51.8 |
| FS1313.31 | 373.45 | Darby Planning LP | Accept | 51.8 |
| FS1313.32 | 373.46 | Darby Planning LP | Reject | 51.9 |
| FS1313.33 | 373.47 | Darby Planning LP | Accept in Part | 51.9 |
| FS1313.34 | 373.48 | Darby Planning LP | Reject | 51.9 |
| FS1313.35 | 373.49 | Darby Planning LP | Accept in Part | 53.2 |
| FS1313.36 | 373.50 | Darby Planning LP | Accept in Part | 48.4 |
| FS1313.37 | 373.51 | Darby Planning LP | Accept in Part | 48.6 |
| FS1313.38 | 373.52 | Darby Planning LP | Accept in Part | 53.4 |
| FS1313.39 | 373.53 | Darby Planning LP | Accept in Part | 48.7 |
| FS1313.4 | 373.19 | Darby Planning LP | Accept in Part | 50 |
| FS1313.40 | 373.54 | Darby Planning LP | Accept | 51.6 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1313.41 | 373.55 | Darby Planning LP | Reject | 53.6 |
| FS1313.42 | 373.56 | Darby Planning LP | Accept | 48.3 |
| FS1313.43 | 373.57 | Darby Planning LP | Reject | 55 |
| FS1313.44 | 373.58 | Darby Planning LP | Accept in Part | Part E |
| FS1313.5 | 373.18 | Darby Planning LP | Accept in Part | 48.1 |
| FS1313.53 | 806.115 | Darby Planning LP | Accept in Part | 4.24 |
| FS1313.54 | 806.116 | Darby Planning LP | Accept in Part | 4.25 |
| FS1313.55 | 806.117 | Darby Planning LP | Accept in Part | 4.26 |
| FS1313.56 | 806.119 | Darby Planning LP | Accept in Part | 4.30 |
| FS1313.6 | 373.20 | Darby Planning LP | Accept in Part | 48.2 |
| FS1313.63 | 145.2 | Darby Planning LP | Accept in Part | 19.5 |
| FS1313.64 | 145.3 | Darby Planning LP | Reject | 19.5 |
| FS1313.66 | 145.7 | Darby Planning LP | Accept | 6.7 |
| FS1313.67 | 145.8 | Darby Planning LP | Accept | 6.8 |
| FS1313.68 | 145.10 | Darby Planning LP | Accept | 6.4 |
| FS1313.69 | 145.11 | Darby Planning LP | Accept | 9.1 |
| FS1313.7 | 373.21 | Darby Planning LP | Reject | 51.2 |
| FS1313.70 | 145.13 | Darby Planning LP | Accept in Part | 19 |
| FS1313.8 | 373.22 | Darby Planning LP | Accept in Part | 48.2 |
| FS1313.9 | 373.23 | Darby Planning LP | Accept in Part | 48.2 |
| FS1320.13 | 355.13 | Just One Life Limited | Reject | 6.6 |
| FS1320.14 | 355.14 | Just One Life Limited | Reject | 6.7 |
| FS1320.15 | 355.15 | Just One Life Limited | Accept | 19.1 |
| FS1320.16 | 355.16 | Just One Life Limited | Reject | 19.8 |
| FS1320.17 | 355.17 | Just One Life Limited | Accept in Part | Part B |
| FS1322.100 | 535.23 | Juie Q.T. Limited | Accept in part | 24.3 |
| FS1322.104 | 535.27 | Juie Q.T. Limited | Reject | 28.4 |
| FS1322.117 | 594.3 | Juie Q.T. Limited | Reject | 22.3 |
| FS1322.118 | 594.4 | Juie Q.T. Limited | Reject | 22.3 |
| FS1322.21 | 532.17 | Juie Q.T. Limited | Reject | 19.5 |
| FS1322.22 | 532.18 | Juie Q.T. Limited | Reject | 19.5 |
| FS1322.23 | 532.19 | Juie Q.T. Limited | Reject | 19.5 |
| FS1322.24 | 532.20 | Juie Q.T. Limited | Accept in part | 24.2 |
| FS1322.25 | 532.21 | Juie Q.T. Limited | Accept in part | 24.3 |
| FS1322.27 | 532.23 | Juie Q.T. Limited | Accept in part | 28.2 |
| FS1322.28 | 532.24 | Juie Q.T. Limited | Reject | 28.4 |
| FS1322.4 | 444.4 | Juie Q.T. Limited | Accept in part | 28.2 |
| FS1322.57 | 534.17 | Juie Q.T. Limited | Reject | 19.5 |
| FS1322.58 | 534.18 | Juie Q.T. Limited | Reject | 19.5 |
| FS1322.59 | 534.19 | Juie Q.T. Limited | Reject | 19.5 |
| FS1322.60 | 534.20 | Juie Q.T. Limited | Reject | 23 |
| FS1322.61 | 534.21 | Juie Q.T. Limited | Reject | 23 |
| FS1322.63 | 534.23 | Juie Q.T. Limited | Accept in part | 24.3 |
| FS1322.66 | 534.26 | Juie Q.T. Limited | Accept in part | 28.2 |
| FS1322.67 | 534.27 | Juie Q.T. Limited | Reject | 28.4 |
| FS1322.94 | 535.17 | Juie Q.T. Limited | Reject | 19.5 |
| FS1322.95 | 535.18 | Juie Q.T. Limited | Reject | 19.5 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1322.96 | 535.19 | Juie Q.T. Limited | Reject | 19.5 |
| FS1322.97 | 535.20 | Juie Q.T. Limited | Reject | 23 |
| FS1322.98 | 535.21 | Juie Q.T. Limited | Reject | 23 |
| FS1325.1 | 719.116 | Lake Hayes Cellars Limited, Lake Hayes Limited and Mount Christina Limited | Reject | 28.6 |
| FS1325.10 | 350.5 | Lake Hayes Cellars Limited, Lake Hayes Limited and Mount Christina Limited | Reject | 28.6 |
| FS1325.11 | 367.2 | Lake Hayes Cellars Limited, Lake Hayes Limited and Mount Christina Limited | Reject | 28.6 |
| FS1325.12 | 367.4 | Lake Hayes Cellars Limited, Lake Hayes Limited and Mount Christina Limited | Accept | 28.9 |
| FS1325.14 | 368.2 | Lake Hayes Cellars Limited, Lake Hayes Limited and Mount Christina Limited | Accept | 24.2 |
| FS1325.15 | 238.122 | Lake Hayes Cellars Limited, Lake Hayes Limited and Mount Christina Limited | Accept | 24.2 |
| FS1325.16 | 238.124 | Lake Hayes Cellars Limited, Lake Hayes Limited and Mount Christina Limited | Accept | 27.4 |
| FS1325.2 | 811.5 | Lake Hayes Cellars Limited, Lake Hayes Limited and Mount Christina Limited | Accept in part | 27.12 |
| FS1325.3 | 811.7 | Lake Hayes Cellars Limited, Lake Hayes Limited and Mount Christina Limited | Accept | 28.3 |
| FS1325.4 | 811.9 | Lake Hayes Cellars Limited, Lake Hayes Limited and Mount Christina Limited | Accept | 28.5 |
| FS1325.5 | 243.8 | Lake Hayes Cellars Limited, Lake Hayes Limited and Mount Christina Limited | Accept in part | 24.2 |
| FS1329.10 | 407.7 | Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP | Accept in Part | 4.17 |
| FS1329.11 | 407.11 | Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP | Accept in Part | 12.1 |
| FS1329.12 | 407.12 | Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP | Accept in Part | 12.2 |
| FS1329.16 | 572.4 | Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP | Accept in Part | 53.3 |
| FS1329.17 | 572.4 | Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP | Accept in Part | 53.3 |
| FS1329.20 | 806.146 | Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP | Accept in Part | 6.18 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1329.21 | 243.21 | Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP | Accept in Part | 4.17 |
| FS1329.22 | 243.21 | Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP | Accept in Part | 4.17 |
| FS1329.5 | 615.31 | Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP | Reject | 12.1 |
| FS1329.6 | 615.32 | Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP | Accept | 6.2 |
| FS1329.7 | 615.33 | Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP | Accept | 6.17 |
| FS1329.9 | 407.7 | Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP | Accept in Part | 4.17 |
| FS1330.10 | 572.4 | Treble Cone Investments Limited | Accept in Part | 53.3 |
| FS1330.13 | 806.146 | Treble Cone Investments Limited | Accept in Part | 6.18 |
| FS1330.14 | 243.21 | Treble Cone Investments Limited | Accept in Part | 4.17 |
| FS1330.3 | 615.32 | Treble Cone Investments Limited | Accept | 6.2 |
| FS1330.5 | 407.7 | Treble Cone Investments Limited | Accept in Part | 4.17 |
| FS1330.6 | 407.11 | Treble Cone Investments Limited | Accept in Part | 12.1 |
| FS1330.7 | 407.12 | Treble Cone Investments Limited | Accept in Part | 12.2 |
| FS1330.9 | 572.4 | Treble Cone Investments Limited | Accept in Part | 53.3 |
| FS1333.1 | 45.7 | Queenstown Rafting Limited | Reject | 14.2 |
| FS1333.2 | 766.30 | Queenstown Rafting Limited | Accept in Part | 14.2 |
| FS1333.3 | 621.85 | Queenstown Rafting Limited | Reject | 14.2 |
| FS1333.4 | 621.86 | Queenstown Rafting Limited | Accept in Part | 14.2 |
| FS1333.6 | 621.75 | Queenstown Rafting Limited | Reject | 4.49 |
| FS1333.8 | 719.103 | Queenstown Rafting Limited | Reject | 14.2 |
| FS1338.1 | 145.7 | Hale, Peter Terence - represented by Jayne Macdonald Mactodd | Accept | 6.7 |
| FS1338.2 | 331.3 | Hale, Peter Terence - represented by Jayne Macdonald Mactodd | Reject | 6.7 |
| FS1338.3 | 348.6 | Hale, Peter Terence - represented by Jayne Macdonald Mactodd | Reject | 6.7 |
| FS1338.4 | 355.14 | Hale, Peter Terence - represented by Jayne Macdonald Mactodd | Accept | 6.7 |
| FS1338.5 | 384.9 | Hale, Peter Terence - represented by Jayne Macdonald Mactodd | Accept | 6.7 |
| FS1338.6 | 411.1 | Hale, Peter Terence - represented by Jayne Macdonald Mactodd | Reject | 6.7 |
| FS1338.7 | 414.6 | Hale, Peter Terence - represented by Jayne Macdonald Mactodd | Reject | 6.7 |
| FS1338.8 | 608.65 | Hale, Peter Terence - represented by Jayne Macdonald Mactodd | Accept in Part | 6.7 |
| FS1338.9 | 806.140 | Hale, Peter Terence - represented by Jayne Macdonald Mactodd | Accept in Part | 6.7 |
| FS1340.34 | 249.12 | Queenstown Airport Corporation | Accept | 19.1 |
| FS1340.35 | 385.1 | Queenstown Airport Corporation | Accept | 4.21 |
| FS1340.36 | 607.36 | Queenstown Airport Corporation | Accept | 6.26 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1340.42 | 339.103 | Queenstown Airport Corporation | Accept in Part | 51.9 |
| FS1340.43 | 339.112 | Queenstown Airport Corporation | Accept in Part | 53.4 |
| FS1340.44 | 339.119 | Queenstown Airport Corporation | Accept | 51.6 |
| FS1340.45 | 706.104 | Queenstown Airport Corporation | Accept in Part | 53.4 |
| FS1341.12 | 766.18 | Real Journeys Limited | Accept in Part | 4.40 |
| FS1341.13 | 766.19 | Real Journeys Limited | Accept in Part | 4.41 |
| FS1341.14 | 766.26 | Real Journeys Limited | Accept in Part | 4.48 |
| FS1341.23 | 798.7 | Real Journeys Limited | Accept in Part | 7.7 |
| FS1341.32 | 836.25 | Real Journeys Limited | Accept in Part | 19.3 |
| FS1342.12 | 373.41 | Te Anau Developments Limited | Accept | 51.8 |
| FS1342.14 | 798.7 | Te Anau Developments Limited | Accept in Part | 7.7 |
| FS1342.22 | 836.25 | Te Anau Developments Limited | Accept in Part | 19.3 |
| FS1342.27 | 373.19 | Te Anau Developments Limited | Accept in Part | 50 |
| FS1342.28 | 373.20 | Te Anau Developments Limited | Accept in Part | 48.2 |
| FS1342.29 | 373.21 | Te Anau Developments Limited | Reject | 51.2 |
| FS1342.30 | 373.22 | Te Anau Developments Limited | Accept in Part | 48.2 |
| FS1342.31 | 373.23 | Te Anau Developments Limited | Accept in Part | 48.2 |
| FS1342.32 | 373.27 | Te Anau Developments Limited | Accept in Part | 51.2 |
| FS1342.33 | 373.28 | Te Anau Developments Limited | Reject | 51.2 |
| FS1342.34 | 373.31 | Te Anau Developments Limited | Accept in Part | 51.4 |
| FS1342.35 | 373.30 | Te Anau Developments Limited | Accept in Part | 48.2 |
| FS1342.36 | 373.34 | Te Anau Developments Limited | Reject | 51.4 |
| FS1342.37 | 373.35 | Te Anau Developments Limited | Accept | 51.4 |
| FS1342.38 | 373.36 | Te Anau Developments Limited | Accept in Part | 51.4 |
| FS1342.39 | 373.37 | Te Anau Developments Limited | Accept in Part | 51.8 |
| FS1342.4 | 600.124 | Te Anau Developments Limited | Reject | 51.4 |
| FS1342.40 | 373.50 | Te Anau Developments Limited | Accept in Part | 48.4 |
| FS1342.41 | 373.52 | Te Anau Developments Limited | Accept in Part | 53.4 |
| FS1342.42 | 373.53 | Te Anau Developments Limited | Accept in Part | 48.7 |
| FS1342.43 | 373.54 | Te Anau Developments Limited | Accept | 51.6 |
| FS1345.1 | 571.3 | Skydive Queenstown Limited | Accept in Part | 6.23 |
| FS1345.2 | 568.2 | Skydive Queenstown Limited | Accept in Part | 6.7 |
| FS1345.29 | 621.84 | Skydive Queenstown Limited | Reject | 6.15 |
| FS1345.3 | 315.6 | Skydive Queenstown Limited | Accept | 6.15 |
| FS1345.30 | 624.36 | Skydive Queenstown Limited | Accept in Part | 6.15 |
| FS1345.35 | 778.1 | Skydive Queenstown Limited | Accept in Part | 6.23 |
| FS1345.36 | 211.2 | Skydive Queenstown Limited | Accept in Part | 6.23 |
| FS1345.37 | 93.1 | Skydive Queenstown Limited | Accept in Part | 6.23 |
| FS1345.38 | 106.1 | Skydive Queenstown Limited | Accept in Part | 6.23 |
| FS1345.39 | 114.1 | Skydive Queenstown Limited | Accept in Part | 6.23 |
| FS1345.4 | 489.2 | Skydive Queenstown Limited | Accept in Part | 6.15 |
| FS1345.40 | 382.3 | Skydive Queenstown Limited | Accept in Part | 6.23 |
| FS1345.41 | 563.1 | Skydive Queenstown Limited | Accept in Part | 6.23 |
| FS1345.42 | 573.1 | Skydive Queenstown Limited | Accept in Part | 6.23 |
| FS1345.43 | 660.5 | Skydive Queenstown Limited | Accept in Part | 6.23 |
| FS1345.44 | 662.5 | Skydive Queenstown Limited | Accept in Part | 6.23 |
| FS1345.45 | 784.11 | Skydive Queenstown Limited | Accept in Part | 6.23 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1345.46 | 843.9 | Skydive Queenstown Limited | Accept in Part | 6.23 |
| FS1345.5 | 143.1 | Skydive Queenstown Limited | Accept in Part | 6.23 |
| FS1345.6 | 137.1 | Skydive Queenstown Limited | Accept in Part | 6.23 |
| FS1347.1 | 145.2 | Lakes Land Care | Accept in Part | 19.5 |
| FS1347.13 | 145.25 | Lakes Land Care | Accept | 6.8 |
| FS1347.2 | 145.3 | Lakes Land Care | Reject | 19.5 |
| FS1347.30 | 373.13 | Lakes Land Care | Accept in Part | 6.23 |
| FS1347.35 | 373.18 | Lakes Land Care | Reject | 48.1 |
| FS1347.36 | 373.19 | Lakes Land Care | Accept in Part | 50 |
| FS1347.37 | 373.20 | Lakes Land Care | Reject | 48.2 |
| FS1347.38 | 373.21 | Lakes Land Care | Reject | 51.2 |
| FS1347.39 | 373.22 | Lakes Land Care | Reject | 48.2 |
| FS1347.4 | 145.7 | Lakes Land Care | Accept | 6.7 |
| FS1347.40 | 373.23 | Lakes Land Care | Reject | 48.2 |
| FS1347.41 | 373.24 | Lakes Land Care | Reject | 51.2 |
| FS1347.42 | 373.25 | Lakes Land Care | Reject | 51.2 |
| FS1347.43 | 373.26 | Lakes Land Care | Reject | 51.2 |
| FS1347.44 | 373.27 | Lakes Land Care | Accept in Part | 51.2 |
| FS1347.45 | 373.28 | Lakes Land Care | Reject | 51.2 |
| FS1347.46 | 373.29 | Lakes Land Care | Reject | 51.2 |
| FS1347.47 | 373.30 | Lakes Land Care | Reject | 48.2 |
| FS1347.48 | 373.31 | Lakes Land Care | Reject | 51.4 |
| FS1347.49 | 373.32 | Lakes Land Care | Reject | 51.4 |
| FS1347.5 | 145.8 | Lakes Land Care | Accept | 6.8 |
| FS1347.50 | 373.33 | Lakes Land Care | Reject | 51.4 |
| FS1347.51 | 373.34 | Lakes Land Care | Reject | 51.4 |
| FS1347.52 | 373.35 | Lakes Land Care | Reject | 51.4 |
| FS1347.53 | 373.36 | Lakes Land Care | Reject | 51.4 |
| FS1347.54 | 373.37 | Lakes Land Care | Reject | 51.8 |
| FS1347.55 | 373.38 | Lakes Land Care | Reject | 51.8 |
| FS1347.56 | 373.39 | Lakes Land Care | Reject | 51.8 |
| FS1347.57 | 373.40 | Lakes Land Care | Reject | 51.8 |
| FS1347.58 | 373.41 | Lakes Land Care | Reject | 51.8 |
| FS1347.59 | 373.42 | Lakes Land Care | Accept in Part | 51.8 |
| FS1347.6 | 145.10 | Lakes Land Care | Accept | 6.4 |
| FS1347.60 | 373.43 | Lakes Land Care | Reject | 51.8 |
| FS1347.61 | 373.44 | Lakes Land Care | Reject | 51.8 |
| FS1347.62 | 373.45 | Lakes Land Care | Reject | 51.8 |
| FS1347.63 | 373.46 | Lakes Land Care | Reject | 51.9 |
| FS1347.64 | 373.47 | Lakes Land Care | Reject | 51.9 |
| FS1347.65 | 373.48 | Lakes Land Care | Reject | 51.9 |
| FS1347.66 | 373.49 | Lakes Land Care | Reject | 53.2 |
| FS1347.67 | 373.50 | Lakes Land Care | Reject | 48.4 |
| FS1347.68 | 373.51 | Lakes Land Care | Reject | 48.6 |
| FS1347.69 | 373.52 | Lakes Land Care | Reject | 53.4 |
| FS1347.7 | 145.11 | Lakes Land Care | Accept | 9.1 |
| FS1347.70 | 373.53 | Lakes Land Care | Reject | 48.7 |

| Further Submission Number | Relevant Submission Number | Further Submitter | Commissioners' Recommendation | Reference in Report |
|---|---|---|---|---|
| FS1347.71 | 373.54 | Lakes Land Care | Reject | 51.6 |
| FS1347.72 | 373.55 | Lakes Land Care | Reject | 53.6 |
| FS1347.73 | 373.56 | Lakes Land Care | Reject | 48.3 |
| FS1347.74 | 373.57 | Lakes Land Care | Reject | 55 |
| FS1347.75 | 373.58 | Lakes Land Care | Reject | Part E |
| FS1347.76 | 373.59 | Lakes Land Care | Reject | 58 |
| FS1347.9 | 145.13 | Lakes Land Care | Accept in Part | 19 |
| FS1349.19 | 430.9 | X-Ray Trust | Accept in Part | 4.1 |
| FS1349.20 | 806.106 | X-Ray Trust | Reject | 4.6 |
| FS1349.21 | 806.107 | X-Ray Trust | Accept in Part | 4.6 |
| FS1349.22 | 806.109 | X-Ray Trust | Accept | 4.11 |
| FS1349.23 | 806.139 | X-Ray Trust | Reject | 6.9 |
| FS1349.24 | 806.143 | X-Ray Trust | Accept | 6.13 |
| FS1349.25 | 806.148 | X-Ray Trust | Accept | 6.19 |
| FS1349.5 | 513.27 | X-Ray Trust | Accept | 19.5 |
| FS1349.6 | 513.29 | X-Ray Trust | Accept | 19.5 |
| FS1352.18 | 72.5 | Kawarau Village Holdings Limited | Accept in Part | 58 |
| FS1356.33 | 519.33 | Cabo Limited | Accept | 3 |
| FS1356.34 | 519.34 | Cabo Limited | Accept | 4.11 |
| FS1356.35 | 519.35 | Cabo Limited | Accept | 4.13 |
| FS1356.36 | 519.36 | Cabo Limited | Accept in Part | 4.14 |
| FS1356.37 | 519.37 | Cabo Limited | Accept in Part | 4.15 |
| FS1356.38 | 519.38 | Cabo Limited | Accept in Part | 4.15 |
| FS1356.39 | 519.39 | Cabo Limited | Accept in Part | 4.15 |
| FS1356.40 | 519.40 | Cabo Limited | Accept in Part | 4.15 |
| FS1356.41 | 519.41 | Cabo Limited | Accept in Part | 4.15 |
| FS1356.42 | 519.42 | Cabo Limited | Accept in Part | 4.15 |
| FS1356.43 | 519.43 | Cabo Limited | Accept in Part | 4.15 |
| FS1356.44 | 519.44 | Cabo Limited | Accept in Part | 4.14 |
| FS1356.45 | 519.45 | Cabo Limited | Accept in Part | 4.14 |
| FS1356.46 | 519.46 | Cabo Limited | Reject | 4.47 |
| FS1356.47 | 519.47 | Cabo Limited | Accept | 5 |
| FS1356.48 | 519.48 | Cabo Limited | Accept | 8.4 |
| FS1356.49 | 519.49 | Cabo Limited | Accept | 9.1 |
| FS1356.50 | 519.50 | Cabo Limited | Accept | 19.1 |
| FS1356.51 | 519.51 | Cabo Limited | Accept | 19.3 |
| FS1356.52 | 519.52 | Cabo Limited | Accept in Part | 6.27 |

Appendix 7: Definitions Recommended to Stream 10 Hearing Panel

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|---|---|
| **Biodiversity Offsets** | Means measurable conservation outcomes resulting from actions designed to compensate for significant residual adverse biodiversity impacts arising from project development after appropriate avoidance, minimisation, remediation and mitigation measures have been taken. The goal of biodiversity offsets is to achieve no net loss and preferably a net gain of biodiversity on the ground. |
| **Clearance of Vegetation** | 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.<br><br>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. |
| **Environmental Compensation** | Means actions offered as a means to address residual adverse effects to the environment arising from project development that are not intended to result in no net loss or a net gain of biodiversity on the ground, includes residual adverse effects to other components of the environment including landscape, the habitat of trout and salmon, open space, recreational and heritage values. |
| **Indigenous Vegetation** | Means vegetation that occurs naturally in New Zealand, or arrived in New Zealand without human assistance, including both vascular and non-vascular plants. |
| **No net loss** | Means no overall reduction in biodiversity as measured by the type, amount and condition. |
| **Passenger Lift Systems** | Means any mechanical system used to convey or transport passengers and other goods within or to a Ski Area Sub-Zone, including chairlifts, gondolas, T-bars and rope tows, and including all moving, fixed and ancillary components of such systems such as towers, pylons, cross arms, pulleys, cables, chairs, cabins, and structures to enable the embarking and disembarking of passengers. Excludes base and terminal buildings. |
| **Ski Area Activities** | Means the use of natural and physical resources for the purpose of establishing, operating and maintaining the following activities and structures:<br><br>a. recreational activities either commercial or non-commercial;<br><br>b. passenger lift systems;<br><br>c. use of snowgroomers, snowmobiles and 4WD vehicles for support or operational activities.;<br><br>d. activities ancillary to commercial recreational activities including avalanche safety, ski patrol, formation of snow trails and terrain.;<br><br>e. installation and operation of snow making infrastructure including reservoirs, pumps and snow makers; and<br><br>f. in the Waiorau Snow Farm Ski Area Sub Zone vehicle and product testing activities, being activities designed to test the safety, efficiency and durability of vehicles, their parts and accessories. |
| **Ski Area Sub-Zone Accommodation** | Means the use of land or buildings for short-term living accommodation for visitor, guest, worker, and |

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|---|---|
| | a. Includes such accommodation as hotels, motels, guest houses, bunkhouses, lodges and the commercial letting of a residential unit; and<br><br>b. May include some centralised services or facilities such as food preparation, dining and sanitary facilities, conference, bar and recreational facilities if such facilities are ancillary to the accommodation facilities; and<br><br>c. Is limited to visitors, guests or workers, visiting and or working in the respective Ski Area Sub-Zone. |

Appendix 8: Recommendations on Submissions to Stream 10 Panel

Part A: Submissions

| Submission Number | Submitter | Commissioners' Recommendation to Stream 10 Panel | Report Reference |
|---|---|---|---|
| 84.1 | Richard Hanson | Accept in part | 4.16 |
| 220.1 | Clive Manners Wood | Reject | 21 |
| 243.37 | Christine Byrch | Reject | 21 |
| 243.39 | Christine Byrch | Accept in part | 57 |
| 243.44 | Christine Byrch | Reject | 4.16 |
| 252.4 | HW Richardson Group | Accept | 21 |
| 296.2 | Royal New Zealand Aero Club Inc/Flying NZ | Accept in part | 21 |
| 315.1 | The Alpine Group Limited | Reject | 47.2 |
| 339.10 | Evan Alty | Reject | 59 |
| 339.11 | Evan Alty | Reject | 47.1 |
| 339.12 | Evan Alty | Accept in part | 57 |
| 339.13 | Evan Alty | Reject | 57 |
| 339.9 | Evan Alty | Accept in part | 47.2 |
| 373.1 | Department of Conservation | Accept | 47.2 |
| 373.2 | Department of Conservation | Accept in part | 51.2 |
| 373.3 | Department of Conservation | Accept in part | 51.2 |
| 376.1 | Southern Hemisphere Proving Grounds Limited | Accept | 4.16 |
| 400.2 | James Cooper | Reject | 9.1 |
| 400.7 | James Cooper | Reject | 47 |
| 407.1 | Mount Cardrona Station Limited | Accept in part | 4.16 |
| 433.24 | Queenstown Airport Corporation | Accept | 21 |
| 519.1 | New Zealand Tungsten Mining Limited | Accept | 4.12 |
| 519.2 | New Zealand Tungsten Mining Limited | Accept in part | 4.12 |
| 519.4 | New Zealand Tungsten Mining Limited | Reject | 4.15 |
| 519.5 | New Zealand Tungsten Mining Limited | Accept | 4.12 |
| 519.6 | New Zealand Tungsten Mining Limited | Accept in part | 4.12 |
| 600.10 | Federated Farmers of New Zealand | Reject | 47.1 |
| 600.4 | Federated Farmers of New Zealand | Reject | 8.1 |
| 600.5 | Federated Farmers of New Zealand | Reject | 47.2 |
| 600.6 | Federated Farmers of New Zealand | Accept in part | 21 |
| 600.7 | Federated Farmers of New Zealand | Reject | 21 |

| Submission Number | Submitter | Commissioners' Recommendation to Stream 10 Panel | Report Reference |
|---|---|---|---|
| 600.8 | Federated Farmers of New Zealand | Reject | 21 |
| 610.20 | Soho Ski Area Limited and Blackmans Creek No. 1 LP | Reject | 4.16 |
| 610.22 | Soho Ski Area Limited and Blackmans Creek No. 1 LP | Accept in part | 4.16 |
| 613.20 | Treble Cone Investments Limited. | Reject | 4.16 |
| 613.21 | Treble Cone Investments Limited. | Accept in part | 4.16 |
| 615.21 | Cardrona Alpine Resort Limited | Accept in part | 4.16 |
| 624.37 | D & M Columb | Reject | 8.1 |
| 701.1 | Paul Kane | Reject | 47.2 |
| 701.2 | Paul Kane | Reject | 8.1 |
| 706.2 | Forest and Bird NZ | Reject | 59 |
| 706.3 | Forest and Bird NZ | Accept in part | 48.1 |
| 706.4 | Forest and Bird NZ | Accept in part | 57 |
| 706.5 | Forest and Bird NZ | Reject | 57 |
| 784.1 | Jeremy Bell Investments Limited | Reject | 47.2 |
| 784.2 | Jeremy Bell Investments Limited | Reject | 8.1 |
| 791.1 | Tim Burdon | Reject | 47.2 |
| 791.2 | Tim Burdon | Reject | 47.1 |
| 791.3 | Tim Burdon | Reject | 8.1 |
| 794.1 | Lakes Land Care | Reject | 47.2 |
| 794.2 | Lakes Land Care | Reject | 47.2 |
| 794.3 | Lakes Land Care | Reject | 8.1 |
| 805.10 | Transpower New Zealand Limited | Accept | 21 |
| 805.8 | Transpower New Zealand Limited | Accept | 21 |
| 805.9 | Transpower New Zealand Limited | Accept | 21 |
| 836.10 | Arcadian Triangle Limited | Accept in part | 58 |

## Part B: Further Submissions

| **Further Submission No** | **Original Submission** | **Further Submitter** | **Commissioners' Recommendation to Stream 10 Panel** | **Report Reference** |
|---|---|---|---|---|
| FS1015.37 | 519.1 | Straterra | Accept | 4.12 |
| FS1015.38 | 519.2 | Straterra | Accept in part | 4.12 |

| Further Submission No | Original Submission | Further Submitter | Commissioners' Recommendation to Stream 10 Panel | Report Reference |
|---|---|---|---|---|
| FS1015.40 | 519.4 | Straterra | Reject | 4.15 |
| FS1015.41 | 519.5 | Straterra | Accept | 4.12 |
| FS1015.42 | 519.6 | Straterra | Accept in part | 4.12 |
| FS1034.10 | 600.10 | Upper Clutha Environmental Society (Inc.) | Accept | 47.1 |
| FS1034.4 | 600.4 | Upper Clutha Environmental Society (Inc.) | Accept | 8.1 |
| FS1034.5 | 600.5 | Upper Clutha Environmental Society (Inc.) | Accept | 47.2 |
| FS1034.6 | 600.6 | Upper Clutha Environmental Society (Inc.) | Reject | 21 |
| FS1034.7 | 600.7 | Upper Clutha Environmental Society (Inc.) | Accept | 21 |
| FS1034.8 | 600.8 | Upper Clutha Environmental Society (Inc.) | Accept | 21 |
| FS1040.22 | 519.1 | Forest and Bird | Reject | 4.12 |
| FS1040.3 | 373.1 | Forest and Bird | Accept | 47.2 |
| FS1040.39 | 600.5 | Forest and Bird | Accept | 47.2 |
| FS1040.4 | 373.2 | Forest and Bird | Accept in part | 51.2 |
| FS1040.41 | 600.10 | Forest and Bird | Accept | 47.1 |
| FS1040.5 | 373.3 | Forest and Bird | Accept in part | 51.2 |
| FS1091.1 | 373.1 | Jeremy Bell Investments Limited | Reject | 47.2 |
| FS1091.15 | 600.4 | Jeremy Bell Investments Limited | Reject | 8.1 |
| FS1091.16 | 600.5 | Jeremy Bell Investments Limited | Reject | 47.2 |
| FS1091.29 | 791.1 | Jeremy Bell Investments Limited | Reject | 47.2 |
| FS1091.30 | 794.1 | Jeremy Bell Investments Limited | Reject | 47.2 |
| FS1091.9 | 400.7 | Jeremy Bell Investments Limited | Reject | 47 |
| FS1097.153 | 339.9 | Queenstown Park Limited | Reject | 47.2 |
| FS1097.154 | 339.13 | Queenstown Park Limited | Accept | 57 |
| FS1097.16 | 84.1 | Queenstown Park Limited | Accept in part | 4.16 |
| FS1097.215 | 373.2 | Queenstown Park Limited | Reject | 51.2 |

| Further Submission No | Original Submission | Further Submitter | Commissioners' Recommendation to Stream 10 Panel | Report Reference |
|---|---|---|---|---|
| FS1097.216 | 373.3 | Queenstown Park Limited | Reject | 51.2 |
| FS1097.261 | 400.2 | Queenstown Park Limited | Reject | 8.1 |
| FS1097.262 | 407.1 | Queenstown Park Limited | Accept in part | 5.16 |
| FS1097.310 | 433.24 | Queenstown Park Limited | Reject | 21 |
| FS1097.541 | 600.4 | Queenstown Park Limited | Reject | 8.1 |
| FS1097.542 | 600.7 | Queenstown Park Limited | Reject | 21 |
| FS1097.586 | 610.20 | Queenstown Park Limited | Reject | 4.16 |
| FS1097.588 | 610.22 | Queenstown Park Limited | Accept in part | 4.16 |
| FS1097.593 | 613.20 | Queenstown Park Limited | Reject | 4.16 |
| FS1097.595 | 613.21 | Queenstown Park Limited | Accept in part | 4.16 |
| FS1097.708 | 784.2 | Queenstown Park Limited | Reject | 4.1 |
| FS1097.722 | 836.10 | Queenstown Park Limited | Accept in part | 58 |
| FS1105.21 | 615.21 | Cardrona Valley Residents and Ratepayers Society Inc | Accept in part | 4.16 |
| FS1117.15 | 243.44 | Remarkables Park Limited | Accept in part | 4.16 |
| FS1117.284 | 836.10 | Remarkables Park Limited | Accept in part | 57 |
| FS1117.80 | 433.24 | Remarkables Park Limited | Reject | 21 |
| FS1132.22 | 373.1 | Federated Farmers of New Zealand | Reject | 47.2 |
| FS1132.23 | 373.3 | Federated Farmers of New Zealand | Reject | 51.2 |
| FS1132.51 | 706.5 | Federated Farmers of New Zealand | Accept | 58 |
| FS1137.22 | 615.21 | Kay Curtis | Accept in part | 4.16 |
| FS1153.2 | 610.22 | Mount Cardrona Station Ltd | Accept in part | 4.16 |
| FS1162.36 | 701.1 | James Wilson Cooper | Reject | 47.2 |
| FS1162.37 | 701.2 | James Wilson Cooper | Reject | 8.1 |
| FS1162.56 | 706.2 | James Wilson Cooper | Accept | 60 |
| FS1162.57 | 706.3 | James Wilson Cooper | Accept in part | 47.1 |
| FS1162.58 | 706.4 | James Wilson Cooper | Reject | 57 |
| FS1162.59 | 706.5 | James Wilson Cooper | Accept | 57 |
| FS1209.10 | 600.10 | Richard Burdon | Reject | 47.1 |
| FS1209.4 | 600.4 | Richard Burdon | Reject | 8.1 |
| FS1209.5 | 600.5 | Richard Burdon | Reject | 47.2 |
| FS1209.6 | 600.6 | Richard Burdon | Accept in part | 21 |
| FS1209.7 | 600.7 | Richard Burdon | Reject | 21 |
| FS1209.8 | 600.8 | Richard Burdon | Reject | 21 |

| Further Submission No | Original Submission | Further Submitter | Commissioners' Recommendation to Stream 10 Panel | Report Reference |
|---|---|---|---|---|
| FS1224.37 | 243.37 | Matakauri Lodge Limited | Accept in part | 21 |
| FS1224.39 | 243.39 | Matakauri Lodge Limited | Reject | 57 |
| FS1224.44 | 243.44 | Matakauri Lodge Limited | Accept in part | 4.16 |
| FS1229.24 | 610.22 | NXSki Limited | Accept in part | 4.16 |
| FS1229.26 | 615.21 | NXSki Limited | Accept in part | 4.16 |
| FS1229.28 | 243.44 | NXSki Limited | Accept in part | 4.16 |
| FS1287.1 | 373.2 | New Zealand Tungsten Mining Limited | Reject | 51.2 |
| FS1287.2 | 373.3 | New Zealand Tungsten Mining Limited | Reject | 51.2 |
| FS1313.2 | 373.2 | Darby Planning LP | Accept in part | 51.2 |
| FS1313.3 | 373.3 | Darby Planning LP | Reject | 51.2 |
| FS1329.8 | 407.1 | Soho Ski Area Ltd and Blackmans Creek Holdings No. 1 LP | Accept in part | 4.16 |
| FS1330.4 | 407.1 | Treble Cone Investments Limited | Accept in part | 4.16 |
| FS1341.28 | 836.10 | Real Journeys Limited | Accept in part | 57 |
| FS1342.18 | 836.10 | Te Anau Developments Limited | Accept in part | 57 |
| FS1342.23 | 373.2 | Te Anau Developments Limited | Accept in part | 51.2 |
| FS1342.5 | 600.6 | Te Anau Developments Limited | Accept in part | 21 |
| FS1347.18 | 373.1 | Lakes Land Care | Reject | 47.2 |
| FS1347.19 | 373.2 | Lakes Land Care | Reject | 51.2 |
| FS1347.20 | 373.3 | Lakes Land Care | Reject | 51.2 |
| FS1356.1 | 519.1 | Cabo Limited | Reject | 4.12 |
| FS1356.2 | 519.2 | Cabo Limited | Reject | 4.12 |
| FS1356.4 | 519.4 | Cabo Limited | Accept | 4.15 |
| FS1356.5 | 519.5 | Cabo Limited | Reject | 4.12 |
| FS1356.6 | 519.6 | Cabo Limited | Accept in part | 4.12 |

# 36 NOISE

QUEENSTOWN LAKES DISTRICT COUNCIL

# 36.1 Purpose

The purpose of this chapter is to manage the effects of noise in the District. Noise is part of the environment. While almost all activities give rise to some degree of noise, noise can cause adverse effects on amenity values and the health and wellbeing of people and communities. Adverse effects may arise where the location, character, frequency, duration, or timing of noise is inconsistent or incompatible with anticipated or reasonable noise levels.

The Resource Management Act 1991 (RMA) requires every occupier of land and every person carrying out an activity to adopt the best practicable option to ensure noise does not exceed a reasonable level. The RMA also defines noise to include vibration. "Reasonable" noise levels are determined by the standard of amenity and ambient noise level of the receiving environment and the Council provides direction on this through the prescription of noise limits for each Zone. Noise is also managed by the Council through the use of relevant New Zealand Standards for noise. Land use and development activities, including activities on the surface of lakes and rivers, should be managed in a manner that avoids, remedies or mitigates the adverse effects of noise to a reasonable level.

In most situations, activities should consider the control of noise at the source and the mitigation of adverse effects of noise on the receiving environment. However, the onus on the reduction of effects of noise should not always fall on the noise generating activity. In some cases it may be appropriate for the noise receiver to avoid or mitigate the effects from an existing noise generating activity, particularly where the noise receiver is a noise sensitive activity.

Overflying aircraft have the potential to adversely affect amenity values. The Council controls noise emissions from airports, including take-offs and landings, via provisions in this District Plan, and Designation conditions. However, this is different from controlling noise from aircraft that are in flight. The RMA which empowers territorial authorities to regulate activities on land and water affecting amenity values, does not enable the authorities to control noise from overflying aircraft. Noise from overflying aircraft is controlled under section 29B of the Civil Aviation Act 1990.

With the exception of ventilation requirements for the Queenstown and Wanaka town centres contained in Rule 36.7, and noise from water and motor-related noise from commercial motorised craft within the Queenstown Town Centre Waterfront Sub-Zone (which is subject to Rule 36.5.13) noise received within town centres is not addressed in this chapter, but rather in the Queenstown, Wanaka and Arrowtown Town Centre Zone chapters. This is due to the town centre-specific complexities of noise in those zones, and its fundamental nature as an issue that inter-relates with all other issues in those zones. Noise generated in the town centres but received outside of the town centres is managed under this chapter, except that noise from music, voice and loudspeakers in the Wanaka and Queenstown Town Centres (excluding the Queenstown Town Centre Transition Sub-Zone), need not meet the noise limits set by this chapter.

# 36.2 Objectives and Policies

## 36.2.1 Objective - The adverse effects of noise emissions are controlled to a reasonable level to manage the potential for conflict arising from adverse noise effects between land use activities.

Policies

36.2.1.1 Avoid, remedy or mitigate adverse effects of unreasonable noise from land use and development.

36.2.1.2 Avoid, remedy or mitigate adverse noise reverse sensitivity effects.

# 36.3 Other Provisions

## 36.3.1 District Wide

Attention is drawn to the following District Wide Chapters.

| | | |
|---|---|---|
| 1 Introduction | 2 Definitions | 3 Strategic Direction |
| 4 Urban Development | 5 Tangata Whenua | 6 Landscapes and Rural Character |
| 25 Earthworks | 26 Historic Heritage | 27 Subdivision |
| 28 Natural Hazards | 29 Transport | 30 Energy and Utilities |
| 31 Signs | 32 Protected Trees | 33 Indigenous Vegetation |
| 34 Wilding Exotic Trees | 35 Temporary Activities and Relocated Buildings | 37 Designations |
| Planning Maps | | |

## 36.3.2 Interpreting and Applying the Rules

36.3.2.1 Any activity that is not Permitted requires resource consent. Any activity that does not specify an activity status for non-compliance but breaches a standard, requires resource consent as a Non-complying activity.

36.3.2.2 Sound levels shall be measured and assessed in accordance with NZS 6801:2008 Acoustics - Measurement of Environmental Sound and NZS 6802:2008 Acoustics - Environmental Noise, except where another Standard has been referenced in these rules, in which case that Standard should apply.

36.3.2.3 Any activities which are Permitted, Controlled or Restricted Discretionary in any section of the District Plan must comply with the noise standards in Tables 2, 3, 4 and 5 below, where that standard is relevant to that activity.

36.3.2.4 In addition to the above, the noise from the activities listed in Table 1 shall be Permitted activities in all zones (unless otherwise stated). For the avoidance of doubt, the activities in Table 1 are exempt from complying with the noise standards set out in Table 2.

36.3.2.5 Notwithstanding compliance with Rules 36.5.13 (Helicopters) and 36.5.14 (Fixed Wing Aircraft) in Table 3, informal airports shall also be subject to the rules in the chapters relating to the zones in which the activity is located.

36.3.2.6 Sound from non-residential activities, visitor accommodation activities and sound from stationary electrical and mechanical equipment must not exceed the noise limits in Table 2 in each of the zones in which sound from an activity is received. The noise limits in Table 2 do not apply to assessment locations within the same site as the activity.

36.3.2.7 The noise limits contained in Table 2 do not apply to sound from aircraft operations at Queenstown Airport or Wanaka Airport.

36.3.2.8 Noise standards for noise received in the Queenstown, Wanaka and Arrowtown Town Centre, Local Shopping and Business Mixed Use zones are not included in this chapter. Please refer to Chapters 12, 13,14, 15 and 16. The noise standards in this chapter still apply for noise generated within these zones but received in other zones, except that noise from music, voices, and loud speakers in the Wanaka and Queenstown Town Centres (excluding the Queenstown Town Centre Transition Sub-Zone) need not meet the noise limits set by this chapter.

36.3.2.9 The standards in Table 3 are specific to the activities listed in each row and are exempt from complying with the noise standards set out in Table 2.

32.3.2.10 The following abbreviations are used in the tables:

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

# 36.4 Rules - Activities

Table 1 - Permitted Activities

| Rule Number | Permitted Activities | Activity Status |
|---|---|---|
| 36.4.1 | Sound from vehicles on public roads or trains on railway lines (including at railway yards, railway sidings or stations). | P |
| 36.4.2 | Any warning device that is activated in the event of intrusion, danger, an emergency or for safety purposes, provided that vehicle reversing alarms are a broadband directional type. | P |
| 36.4.3 | Sound arising from fire stations (including rural fire stations), fire service appliance sirens and call-out sirens for volunteer brigades. | P |
| 36.4.4 | Sound from temporary military training activities. | P |
| 36.4.5 | In the Rural Zone and the Gibbston Character Zone, sound from farming and forestry activities, and bird scaring devices, other than sound from stationary motors and stationary equipment. | P |
| 36.4.6 | Sound from telecommunications cabinets in road reserve. | P |
| 36.4.7 | Sound from emergency and backup electrical generators:<br>a. operating for emergency purposes or;<br>b. operating for testing and maintenance for less than 60 minutes each month during a weekday between 0900 and 1700.<br>For the purpose of this rule backup generators are generators only used when there are unscheduled outages of the network (other than routine testing or maintenance provided for in (b) above). | P |

# 36.5 Rules - Standards

Table 2 - General Standards

| Rule Number | General Standards | | | | Non-compliance Status |
|---|---|---|---|---|---|
| | Activity or sound source | Assessment location | Time | Noise Limits | |
| 36.5.1 | Rural Zone (Note: refer 36.5.14 for noise received in the Rural Zone from the Airport Zone - Queenstown).<br>Gibbston Character Zone<br>Airport Zone - Wanaka | Any point within the notional boundary of a residential unit. | 0800h to 2000h | 50 dB $L_{Aeq(15\ min)}$ | NC |
| | | | 2000h to 0800h | 40 dB $L_{Aeq(15\ min)}$<br>75 dB $L_{AFmax}$ | NC |
| 36.5.2 | Low, Medium, and High Density and Large Lot Residential Zones (Note: refer 36.5.14 for noise received in the Residential Zones from the Airport Zone - Queenstown).<br>Arrowtown Residential Historic Management Zone<br>Rural Residential Zone<br>Rural Lifestyle Zone<br>Waterfall Park Zone<br>Millbrook Resort Zone - Residential Activity Areas only<br>Jacks Point Zone- Residential Activity Areas only | Any point within any site. | 0800h to 2000h | 50 dB $L_{Aeq(15\ min)}$ | NC |
| | | | 2000h to 0800h | 40 dB $L_{Aeq(15\ min)}$<br>75 dB $L_{AFmax}$ | NC |
| 36.5.3 | Airport Zone - Queenstown | At any point within the zone. | Any time | No limit | P |
| 36.5.4 | Jacks Point Zone - Village Activity Area only | Any point within any site. | 0800h to 2200h | 60 dB $L_{Aeq(15\ min)}$ | NC |
| | | | 2200h to 0800h | 50 dB $L_{Aeq(15\ min)}$<br>75 dB $L_{AFmax}$ | NC |

Table 3 - Specific Standards

| Rule Number | Specific Standards | | | | Non-compliance Status |
|---|---|---|---|---|---|
| | Activity or sound source | Assessment location | Time | Noise Limits | |
| 36.5.5 | Certain Telecommunications Activities in Road Reserve<br><br>The Resource Management (National Environmental Standards for Telecommunications Facilities "NESTF") Regulations 2008 provide for noise from telecommunications equipment cabinets located in the road reserve as a permitted activity, subject to the specified noise limits.<br><br>The noise from the cabinet must be measured in accordance with NZS 6801: 2008 Acoustics – Measurement of environmental sound, the measurement must be adjusted in accordance with NZS 6801: 2008 Acoustics – Measurement of environmental sound to a free field incident sound level, and the adjusted measurement must be assessed in accordance with NZS 6802: 2008 Acoustics – Environmental noise. | 36.5.5.1 Where a cabinet located in a road reserve in an area in which allows residential activities, the noise from the cabinet must be measured and assessed at 1 of the following points:<br>a. if the side of a building containing a habitable room is within 4 m of the closest boundary of the road reserve, the noise must be measured:<br>i. at a point 1 m from the side of the building; or<br>ii. at a point in the plane of the side of the building;<br>b. in any other case, the noise must be measured at a point that is:<br>i. at least 3 m from the cabinet; and<br>ii. within the legal boundary of land next to the part of the road reserve where the cabinet is located. | 0700h to 2200h | 50 dB $L_{Aeq(5\ min}$ | Refer<br><br>NESTF |
| | | | 2200h to 0700h | 40 dB $L_{Aeq(5\ min)}$ | |
| | | | 2200h to 0700h | 65 dB $L_{AFmax}$ | |
| | | 36.5.5.2 Where a cabinet is located in a road reserve in an area in which does not allow residential activities, the noise from the cabinet must be measured and assessed at 1 of the following points:<br>a. if the side of a building containing a habitable room is within 4 m of the closest boundary of the road reserve, the noise must be measured:<br>i. at a point 1 m from the side of the building; or<br>ii. at a point in the plane of the side of the building;<br>b. in any other case, the noise must be measured at a point that is:<br>i. at least 3 m from the cabinet; and<br>ii. within the legal boundary of land next to the part of the road reserve where the cabinet is located. | Any time | 60 dB $L_{Aeq(5\ min)}$ | |
| | | | 2200h to 0700h | 65 dB $L_{AFmax}$ | |

| Rule Number | Specific Standards | | | | Non-compliance Status |
|---|---|---|---|---|---|
| | Activity or sound source | Assessment location | Time | Noise Limits | |
| 36.5.6 | Wind Turbines<br>Wind farm sound must be measured and assessed in accordance with NZS 6808:2010 Acoustics - Wind Farm Noise | At any point within the notional boundary of any residential unit. | Any time | 40 dB $L_{A90(10\ min)}$ or the background sound level $L_{A90(10\ min)}$ plus 5 dB, whichever is higher | NC |
| 36.5.7 | Audible Bird Scaring Devices<br>The operation of audible devices (including gas guns, audible avian distress alarms and firearms for the purpose of bird scaring, and excluding noise arising from fire stations).<br>In relation to gas guns, audible avian distress alarms and firearms no more than 15 audible events shall occur per device in any 60 minute period.<br>Each audible event shall not exceed three sound emissions from any single device within a 1 minute period and no such events are permitted during the period between sunset and sunrise the following day.<br>The number of devices shall not exceed one device per 4 hectares of land in any single land holding, except that in the case of a single land holding less than 4 hectares in area, one device shall be permitted. | 36.5.7.1 At any point within a Residential Zone or the notional boundary of any residential unit, other than on the property in which the device is located. | Hours of daylight but not earlier than 0600h | 65 dB $L_{AE}$ shall apply to any one event | NC |
| | | 36.5.7.2 In any public place. | At any time | 90 dB $L_{AE}$ is received from any one noise event | |
| 36.5.8 | Frost fans<br>Sound from frost fans. | At any point within the notional boundary of any residential unit, other than residential units on the same site as the activity. | At any time | 55 dB $L_{Aeg\ (15\ min)}$ | NC |

| Rule Number | Specific Standards | | | | Non-compliance Status |
|---|---|---|---|---|---|
| | Activity or sound source | Assessment location | Time | Noise Limits | |
| 36.5.9 | Vibration<br><br>Vibration from any activity shall not exceed the guideline values given in DIN 4150-3:1999 Effects of vibration on structures at any buildings on any other site. | On any structures or buildings on any other site. | Refer to relevant standard | Refer to relevant standard | NC |
| 36.5.10 | Helicopters<br><br>Sound from any helicopter landing area must be measured and assessed in accordance with NZ 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.<br><br>Sound from helicopter landing areas must comply with the limits of acceptability set out in Table 1 of NZS 6807.<br><br>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.<br><br>For the avoidance of doubt this rule does not apply to Queenstown Airport and Wanaka Airport.<br><br>Advice Note: See additional rules in Rural Zone Chapter at 21.10.1 and 21.10.2. | At any point within the notional boundary of any residential unit, other than residential units on the same site as the activity.<br><br>*Note: The applicable noise limit in this rule and in rule 36.5.11 below for informal airports/landing strips used by a combination of both fixed wing and helicopters shall be determined by an appropriately qualified acoustic engineer on the basis of the dominant aircraft type to be used. | At all times | 50 dB $L_{dn}$ | NC |
| 36.5.11 | Fixed Wing Aircraft<br><br>Sound from airports/landing strips for fixed wing aircraft must be measured and assessed in accordance with NZS 6805:1992 Airport Noise Management and Land Use Planning.<br><br>For the avoidance of doubt this rule does not apply to Queenstown and Wanaka Airports.<br><br>Advice Note: See additional rules in Rural Zone Chapter at 21.10.1 and 21.10.2. | At any point within the notional boundary of any residential unit and at any point within a residential site other than residential units on the same site as the activity.<br><br>*Note: The applicable noise limit in this rule and in rule 36.5.10 above for informal airports/landing strips used by a combination of both fixed wing and helicopters shall be determined by an appropriately qualified acoustic engineer on the basis of the dominant aircraft type to be used. | At all times | 55 dB $L_{dn}$ | NC |

| Rule Number | Specific Standards | | | | Non-compliance Status |
|---|---|---|---|---|---|
| | Activity or sound source | Assessment location | Time | Noise Limits | |
| 36.5.12 | Construction Noise<br><br>Construction sound must be measured and assessed in accordance with NZS 6803:1999 Acoustics - Construction Noise. Construction sound must comply with the recommended upper limits in Tables 2 and 3 of NZS 6803. Construction sound must be managed in accordance with NZS 6803. | At any point within any other site. | Refer to relevant standard | Refer to relevant standard | D |
| 36.5.13 | Commercial Motorised Craft<br><br>Sound from motorised craft must be measured and assessed in accordance with ISO 2922:2000 and ISO 14509-1:2008. | 25 metres from the craft. | 0800 to 2000h<br><br>2000h to 0800h | 77 dB $L_{ASmax}$<br><br>67 dB $L_{ASmax}$ | NC |
| 36.5.14 | Sound from the Airport Zone - Queenstown received in the Residential Zones, and the Rural Zone, excluding sound from aircraft operations that are subject to the Queenstown Airport Designation No.2. | At any point within the Residential Zone and at any point within the notional boundary in the Rural Zone. | 0700h to 2200h<br><br>2200h to 0700h | 55 dB $_{Aeq(15\ min)}$<br><br>45 dB $_{Aeq(15\ min)}$<br>70 dB $_{AFmax}$ | RD<br><br>Discretion is restricted to the extent of effects of noise generated on adjoining zones. |

# 36.6 Airport Noise

## 36.6.1 Sound Insulation Requirements for the Queenstown and Wanaka Airport - Acceptable Construction Materials (Table 4).

The following table sets out the construction materials required to achieve appropriate sound insulation within the airport Air Noise Boundary (ANB) as shown on the planning maps.

Table 4

| Building Element | Minimum Construction | |
|---|---|---|
| External Walls | Exterior Lining | Brick or concrete block or concrete, or 20mm timber or 6mm fibre cement |
| | Insulation | Not required for acoustical purposes |
| | Frame | One layer of 9mm gypsum or plasterboard (or an equivalent combination of exterior and interior wall mass) |
| Windows/Glazed Doors | Double-glazing with 4 mm thick panes separated by a cavity at least 12 mm wide | |
| Pitched Roof | Cladding | 0.5mm profiled steel or masonry tiles or 6mm corrugated fibre cement |
| | Insulation | 100mm thermal insulation blanket/batts |
| | Ceiling | 1 layer 9mm gypsum or plaster board |
| Skillion Roof | Cladding | 0.5mm profiled steel or 6mm fibre cement |
| | Sarking | None Required |
| | Insulation | 100mm thermal insulation blanket/batts |
| | Ceiling | 1 layer 1mm gypsum or plasterboard |
| External Door | Solid core door (min 24kg/m2) with weather seals | |

Note: The specified construction materials in this table are the minimum required to meet the Indoor Design Sound Level. Alternatives with greater mass or larger thicknesses of insulation will be acceptable. Any additional construction requirements to meet other applicable standards not covered by this rule (e.g. fire, Building Code etc.) would also need to be implemented.

## 36.6.2 Ventilation Requirements for the Queenstown and Wanaka Airport

The following applies to the ventilation requirements within the airport Outer Control Boundary (OCB) and Air Noise Boundary (ANB).

Critical Listening Environments must have a ventilation and cooling system(s) designed, constructed and maintained to achieve the following:

a. an outdoor air ventilation system. The ventilation rate must be able to be controlled by the occupant in increments as follows:

   i. a low air flow setting that provides air at a rate of between 0.35 and 0.5 air changes per hour. The sound of the system on this setting must not exceed 30dB LAeg(30s) when measured 2m away from any grille or diffuser;

   ii. a high air flow setting that provides at least 5 air changes per hour. The sound of the system on this setting must not exceed 35 dB LAeg(30s) when measured 2m away from any grille or diffuser.

b. the system must provide, either by outdoor air alone, combined outdoor air and heating/cooling system or by direct room heating / cooling:

   i. cooling that is controllable by the occupant and can maintain the temperature within the Critical Listening Environment at no greater than 25°C; and

   ii. heating that is controllable by the occupant and can maintain the temperature within the Critical Listening Environment at no less than 18°C ;and

   iii. the sound of the system when in heating or cooling mode must not exceed 35 dB $L_{Aeg(30s)}$ when measured 2m away from any grille or diffuser.

c. a relief air path must be provided to ensure the pressure difference between the Critical Listening Environments and outside is never greater than 30Pa;

d. if cooling is provided by a heat pump then the requirements of (a)(ii) and (c) do not apply.

Note: Where there is an existing ventilation, heating and/or cooling system, and/or relief air path within a Critical Listening Environment that meets the criteria stated in the rule, the existing system may be utilised to demonstrate compliance with the rule.

## 36.7 Ventilation Requirements for other Zones (Table 5)

The following table (Table 5) sets out the ventilation requirements in the Wanaka and Queenstown Town Centre Zones, the Local Shopping Centre Zone and the Business Mixed Use Zone.

Table 5

| Room Type | Outdoor Air Ventilation Rate (Air Changes Room Type per Hour, ac/hr) | |
|---|---|---|
| | Low Setting | High Setting |
| Bedrooms | 1-2 ac/hr | Min. 5 ac/hr |
| Other Critical Listening Environments | 1-2 ac/hr | Min. 15 ac/hr |
| Noise from ventilation systems shall not exceed 35 dB $L_{Aeq(1\ min)}$, on High Setting and 30 dB $L_{Aeq(1\ min)}$, on Low Setting. Noise levels shall be measured at a distance of to 2 m from any diffuser. | | |
| Each system must be able to be individually switched on and off and when on, be controlled across the range of ventilation rates by the occupant with a minimum of 3 stages. | | |
| Each system providing the low setting flow rates is to be provided with a heating system which, at any time required by the occupant, is able to provide the incoming air with an 18 °C heat rise when the airflow is set to the low setting. Each heating system is to have a minimum of 3 equal heating stages. | | |
| If air conditioning is provided to any space then the high setting ventilation requirement for that space is not required. | | |