

## APPENDIX 9: COMMENTS RECEIVED ON DRAFT REPORT AND RESPONSE

Our report addresses a number of comments received on our recommended TPLM Variation provisions in **Appendix 1** and responds to all comments to the degree we accept them.

The tables below provide a collation of comments on the draft report and recommendations – supplied by the Council on 5 April 2024 and updated with our comments. In reviewing the provisions in light of the comments we have made some additional very minor typo and clarity amendments.

Comments on the draft report			
Paragraph in decision	Comment from	Comment about	Proposed change (if any)
Multiple	Kristy Rusher	Spelling of Mr Allan’s surname.	<u>Allan</u> rather than <del>Allen</del> <b>Panel's Comment: Accept</b>
Paragraph 1.33(b)(ii)	QLDC	Correcting typo.	Amend end of fourth sentence as follows: “...but also that our powers <del>to do</del> not extend...” <b>Panel's Comment: Accept</b>
Paragraph 2.4	QLDC	Correction to reference to “part operative PDP.” No parts of the PDP have yet been made operative under clause 20, Schedule 1 of the RMA.	Amend second sentence as follows: “...Specific changes are also proposed to the District-wide provisions of the <del>part operative</del> PDP...” <b>Panel's Comment: Accept</b>
Paragraph 2.8 and numerous paragraphs	QLDC	At paragraph 2.8, the draft report defines the term “Hearing Panel” however in numerous places through the draft report it is referred to as the “Hearing s Panel.”	Find and replace all references of “Hearing s Panel” with “Hearing Panel.” <b>Panel's Comment: Accept. Spelling errors had been made in the draft decision, "Independent Hearing s Panel" has been</b>

Comments on the draft report			
Paragraph in decision	Comment from	Comment about	Proposed change (if any)
			changed to "Independent Hearing Panel". There were also a number of spaces after "Hearing" and some examples of "Hearing s" all of which are corrected.
Paragraph 9.38	QLDC	Correcting typo.	Amend second sentence as follows: "...recognises that <u>Ladies</u> <del>ladies</del> Mile..." <b>Panel's Comment: Accept</b>
Paragraph 11.12	FOLH, Mike Hanff	The community were looking to hear the reason why QLDC did not think it was necessary to include a lake water specialist in the expert conferencing held 1 Nov 2023. The potential negative effects on the Lake and associated clean-up costs from 1% AEP have not been evaluated.	Add the following language at the start of paragraph 11.12: "The potential effects on the Lake were not considered for events greater than 1% AEP, however during conferencing ..." <b>Panel's Comment: Reject. What witnesses the Council provided was up to it. We are satisfied we had sufficient evidence to make our decision. Potential effects of the TPLM Variation on Waiwhakaata Lakes Hayes for the 1% AEP event and above were considered by the Council's stormwater experts and discussed with them during the hearing. Our comments regarding</b>

Comments on the draft report			
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			<b>Waiwhakaata Lakes Hayes and potential effects on it are in our report.</b>
Paragraph 11.14	FOLH, Mike Hanff	This paragraph is misleading as it does not include the effects from water-sheet run-off during 1% AEP events. These events will deliver sediment to the Lake potentially occurring annually from the new 100 hectares of hard services that are being created.	Remove the paragraph. <b>Panel's Comment: Reject. This is a direct quote from the witness. Sheet flow / overland flow was also discussed with the Council experts during the hearing. The evidence was that sheet flows from the TPLM Site towards Waiwhakaata Lake Hayes would be reduced from those presently occurring. No change is proposed.</b>
Paragraph 11.16	Aukaha	Wrong name for Kāi Tahu representative. Unsure if the reference is meant to be to both Jana Davis and Michael Bathgate as Kāi Tahu representatives. Following paras 11.18 and 11.23 reference Mr Davis.	Amend to: 'Messrs <del>Bowman</del> <u>Davis</u> (representing Kāi Tahu)' <b>Panel's Comment: Accept</b>
Paragraphs 11.21, 11.24 (and other provisions)	FOLH, Mike Hanff	Discussions during hearing regularly referred to 1 in 100 year rain events as an acceptable failure level. Text in these paragraphs and others imply that a 1 in 100 year rain event equates to 1% AEP, these are in fact 2 very different measures.	The language should only refer to 1 in 100 year rain events and not 1% AEP. <b>Panel's Comment: Accept in part. Clarification has been made to paragraphs 11.12, 11.21, 11.24 and 11.30. We have used 1% AEP in line with the evidence and the TPLM Variation provisions.</b>

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Paragraph 11.21	FOLH, Mike Hanff	<p>Secondary flow paths are required and that overland flow from the developed TPLM will occur infrequently. In fact 1% AEP was used as the basis for infrequently which allows Annual Event Probability (AEP) every year.</p> <p>This allows secondary flow to be annual events which does not meet the 1 in 100 year threshold.</p>	<p>Change the reference from infrequently to 1 in 100 year event.</p> <p><b>Panel's Comment: Accept in part. See above and the expert witnesses used, and agreed the use of, this standard. From the evidence of Ms Prestidge (attached to the s42A report) AEP stands for Annual Exceedance Probability. The 1% AEP has been clarified as has the relationship to Slope Hill. That made us aware of the inadvertent retention of "and no less than the 5% AEP event" in the information requirement (b)(ii) for Rule 27.7.28 which we have deleted in line with our report.</b></p>
Paragraph 11.22	FOLH, Mike Hanff	<p>The stormwater approach does not preclude Council, Kai Tahu, Land Owners and others working together to design a stormwater system that avoids discharges to Wai Whakaata Lake Hayes for events greater than 1% AEP. In fact the Wai Whakaata Strategy Group has been set-up for this reason.</p>	<p>Design of the stormwater system will be referred to the Wai Whakaata Strategy Group to collaboratively work together to find a solution.</p> <p><b>Panel's Comment: Reject. On the expert evidence before us we are satisfied with the decision we reached and the approach we have proposed for the reasons in our report. As we have stated, the approach proposed does not exclude the use of the Wai Whakaata Strategy Group. That is a matter</b></p>

Comments on the draft report			
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			<b>for those involved to decide but we have not imposed it through this RMA process.</b>
Paragraph 11.26	QLDC	The Panel refers to an agreed position reached at expert conferencing between stormwater experts but does not mention Ms Prestidge who attended conferencing and agreed to this point.	Amend sentence as follows: “...Expert conferencing between stormwater experts Messrs Gardiner, Ladbrook and Regan, <u>and Ms Prestidge.....</u> ” <b>Panel's Comment: Accept</b>
Paragraph 11.27	QLDC	The Panel notes that they agree with “Mr Gardiner and Mr Brown’s Reply s42A report recommendation to show the Slope Hill swale on the Structure Plan and to provide some flexibility around the location of the swale in the Western part of the TPLM Variation area due to the topography.”  It appears this incorrectly refers to the “Western part” of the TPLM Variation area rather than the “Eastern part.”  Mr Gardiner, in his response dated 26 January 2024, recommended flexibility was to be provided in the Eastern part as follows:  “5 For the western section, the toe of the slope and the Collector Road Type A are close to each other compared to eastern section. Accordingly in my opinion the swale should be located along Collector Road Type A. When you get further east, the collector road and the toe of the slope are up	Amend sentence as follows: “...Mr Gardiner and Mr Brown’s Reply s42A report recommendation to show the Slope Hill swale on the Structure Plan and to provide some flexibility around the location of the swale in the <u>Eastern</u> <del>Western</del> part of the TPLM Variation area due to the topography.” <b>Panel's Comment: Accept</b>

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		<p>to 150m apart. Accordingly, there will be more flexibility as to where the swale is located (i.e. right on the toe of the slope, or along Collector Road Type A) (hence why this is shown as noted “options”). Whilst there is more flexibility in the eastern part of the TPLM Variation area, I consider the provisions will achieve the necessary integration between the different landowners.”</p> <p>In the s42A reply report, Mr Brown agreed with Mr Gardiner’s depiction of the stormwater swale, however he referred to “western part” showing flexibility.</p> <p>This swapping of “eastern” with “western” appears to be a mistake, as the recommended Structure Plan clearly shows flexibility at the eastern end (as this has the wider distance to Slope Hill).</p>	
Paragraph 11.37	FOLH, Mike Hanff	No mention was made that Wai Whakaata Lake Hayes falls below the line on many health indicators defined in the NPS-FM 2020 (amended January 2025). To say that the cultural section and stormwater expert evidence give effect to the regulations referenced is pushing honesty boundaries. The negative effects generated by regular run-off events have not been evaluated and considered in the overall consideration.	<p>Amend this paragraph to include specifics around how this rezoning will improve Wai Whakaata Lake Hayes health.</p> <p><b>Panel's Comment: Reject. Our decision is based on the expert evidence presented to us (including that there will not be regular runoff events from the TPLM Site (as 1% AEP is to ground)). We accept that Mr Hanff does</b></p>

Comments on the draft report			
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			<b>not agree with our position but that is not a minor or technical error.</b>
Paragraphs 12.15-12.18, 12.43, 12.51, 12.67, 12.84	QLDC	Numerous footnotes that reference “Written Response to Questions 19th December” (see footnotes, 326-332, 376, 377, 386, 409, 423, 425-431, 433, 434) all appear to actually refer to the relevant paragraphs and Table 1 in “Response of Colin Shields (Traffic) dated 25 January 2024.”	Amend these footnotes to refer to “Response of Colin Shields (Traffic) dated 25 January 2024.” <b>Panel's Comment: Accept.</b>
Paragraph 13.13(e)(ii)	QLDC	Correcting typo.	Amend sentence as follows: “...we find to <del>me</del> <u>be</u> more appropriate” <b>Panel's Comment: Accept – the amendment is to 13.13(e)(iii).</b>
Paragraph 14(b)(iii)	QLDC	New Local Shopping Centre zone on north side of SH6. The Panel appears to recommend a 1,500m <sup>2</sup> gross floor area cap within this zone area (total area totalling 3,500m <sup>2</sup> ). However, it does not appear that the Panel has recommended a rule in Chapter 15 to reflect this recommendation (within Appendix 1 to the draft recommendation report).	If the Panel intended this 1,500m <sup>2</sup> gross floor area cap to included in a rule, then a rule to be inserted in Chapter 15. <b>Panel's Comment: Accept. No change needed to the report. This was an error and drafting has been added to Rule 15.4.17 to capture this omission.</b>
Paragraph 14.29(a)	QLDC	Correcting typo.	Amend sentence as follows: “...new urban area of Ladies Mile with <del>Quail</del> <u>Quail</u> Rise”

Comments on the draft report			
Paragraph in decision	Comment from	Comment about	Proposed change (if any)
			<b>Panel's Comment: Accept.</b>
Paragraph 14.63	QLDC	Correcting typo.	Replace "Ms Hampton" with "Ms Hampson." <b>Panel's Comment: Accept.</b>



Comments on the zone provisions			
Zone provision reference	Comment from	Comment about	Proposed change (if any)
Various provisions	QLDC	<p>The term “non-suburban” features in the Zone Purpose, Objectives, Policies and Rules.</p> <p>This term is not defined and is not used elsewhere in the proposed District Plan. The term “non-suburban” could be interpreted to mean rural residential or lifestyle densities.</p>	<p>QLDC’s proposed changes are included in <del>red underline and strikethrough</del> (The Panel’s recommended changes in the draft recommendation are shown in <del>blue underline and strikethrough</del>)</p> <p>Include a definition in the PDP’s Definitions chapter, as follows:</p> <p><u><del>Non-suburban in relation to Te Pūtahi Ladies Mile Zone means medium and higher density residential typologies that are generally not found in the neighbouring suburban residential environments, and includes terraced housing, multi-storey townhouses, apartments, walk-ups, semi-detached, duplexes and similar typologies with a low or very low area of land per unit. Excludes standalone residential units.</del></u></p> <p><b>Panel's Comment: Accept in part.</b></p> <p><b>The Panel wants to ensure simplicity and clarity. However, we do not consider an additional Plan definition is required. We consider it more efficient and effective to make the drafting itself more precise. This also avoids a change to another chapter of the plan.</b></p> <p><b>Accordingly, the intent of "non-suburban" has been made clear in the instances where it was used, noting that "suburban" has a plain meaning and the PDP contains a specific zone outlining what suburban density housing includes.</b></p>
Various provisions	QLDC	The Panel appears to have used term “dwelling” in new provisions it has recommended. The PDP does not define	<p>All references to “dwelling” are replaced with “residential unit.”</p> <p><b>Panel's Comment: Accept.</b></p>

Comments on the zone provisions			
Zone provision reference	Comment from	Comment about	Proposed change (if any)
		the term dwelling, rather it uses the term “residential unit.” The term “residential unit” is also consistently used in other TPLM Zone provisions	QLDC’s proposed changes are included in <u>red underline and strikethrough</u> (The Panel’s recommended changes in the draft recommendation are shown in <u>blue underline and strikethrough</u> )
Policy 49.2.2.2 and 49.2.2.3	QLDC	<p>These two policies refer to residential housing choice in the HDR and MDR Precincts.</p> <p>The Panel’s amendments to Policy 49.2.2.2 delete the references to housing types, whereas Policy 49.2.2.3 retain the references to housing types. Ideally there should be consistency between policies and either include reference to housing types in both policies, or remove reference in both (QLDC’s preference is to retain reference to housing types in both policies).</p> <p>Policy 49.2.2.2 also has a surplus ‘a’ in the first sentence that should be removed.</p> <p>In relation to Policy 49.2.2.3, the Panel</p>	<p>The following changes to Policy 49.2.2.2 and 49.2.2.3:</p> <p>49.2.2.2 - Within the High Density Residential Precinct, <u>enable a high-quality</u>, high- density of residential units <u>that are well designed for terraced housing, multi-storey townhouses and apartment living typologies</u>, set within attractive landscaped sites, along with key parks and open spaces, and public transport routes.</p> <p>49.2.2.3 - Within the Medium Density Residential Precinct, require residential development to achieve a density, including by multi-storey townhouses, semi- detached, duplexes and similar typologies, that is distinct from the adjoining lower and medium densities available in the developments south of the State Highway <u>and the Low Density Residential Precinct west of Lower Shotover Road and the</u> higher density available in other areas within the Zone.</p> <p><b>Panel's Comment: Accept in part. In relation to policy 49.2.2.2 the Council's proposed drafting does not use "include" rather it specifies typologies. No rules are provided requiring typologies irrespective of achieving the minimum density. Such a change is beyond the</b></p>

Comments on the zone provisions			
Zone provision reference	Comment from	Comment about	Proposed change (if any)
		has also included reference to “west of Lower Shotover Road“ which presumably references AHFT land. This is confusing when some of AHFT land has been zoned MDR Precinct (to which the policy applies). QLDC assumes the Panel were intending to refer to part of AHFT land that has been proposed to be zoned LDR Precinct.	<p>QLDC’s proposed changes are included in <u>red underline and strikethrough</u> (The Panel’s recommended changes in the draft recommendation are shown in <u>blue underline and strikethrough</u>)</p> <p><b>evidence we received, and the minor / technical changes allowed at this stage. But there is merit in consistency of approach with Policy 49.2.2.3 and we have added "include" into the Council's drafting. We have deleted the Council's proposed words "are well designed for" as that has already been covered in the policy through the words "high quality". The change aligns the policy with the rules and makes both policies descriptive of the typologies intended. We consider this change to be efficient and effective.</b></p> <p><b>Accept the deletion of the surplus "a" in policy 49.2.2.2.</b></p> <p><b>Accept the change to Policy 49.2.2.3 as adding clarity.</b></p>
Policy 49.2.6.2.c	QLDC	The Panel’s amendments to policy 49.2.6.2.c appear to now only refer to pedestrian and cycle crossings of SH6 “at Lower Shotover Road and Howards Drive” (rather than anticipate crossings of roads intersecting SH6). However, the Panel’s recommended transport infrastructure works included in Rule 49.5.33 in relation to signalisation of Stalker Road / SH 6 and Howards Drive	<p>The following changes to Policy 49.2.6.2.c:</p> <p>49.2.6.2 Require the integration of the Zone with the adjoining residential areas at Ladies Mile and State Highway 6 by:</p> <ol style="list-style-type: none"> <li>Strategically locating intersections at key points on State Highway 6 and Lower Shotover Road;</li> <li>Ensuring <u>collector</u> road widths and configurations are consistent with their efficient utilisation as busroutes;</li> <li><u>Limiting development until</u> pedestrian and cycle crossings <u>are provided across all arms of the Stalker Road / State Highway</u></li> </ol>

Comments on the zone provisions			
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		<p>/ SH6 intersections require “at-grade pedestrian and cycle crossing <b>across both roads.</b>” We assume this means crossings on all four roads of the intersections.</p> <p>QLDC consider this policy should be re-worded to ensure all pedestrian and cycle crossing are referred to and that it is consistent with Panel’s recommended transport infrastructure works for these two intersections.</p>	<p>QLDC’s proposed changes are included in <u>red underline and strikethrough</u> (The Panel’s recommended changes in the draft recommendation are shown in <u>blue underline and strikethrough</u>)</p> <p><u>6 and the Howards Drive/State Highway 6 intersections State Highway 6 are provided at, Lower Shotover Road and Howards Drive</u> at locations that support integration with public transport within walking distance of residential areas; and</p> <p>d. Providing for new road connections that enable access to bus services.</p> <p><b>Panel's Comment: Accept in part. The Panel has accepted the reinstatement of policy 49.2.6.5 below. With that change this provision becomes repetitive and is not required. Deleting provision (c) and accepting the reinstatement of policy 49.2.6.5 is efficient and effective.</b></p>
Policy 49.2.6.3.a	QLDC	The Panel’s amendment to policy 49.2.6.3.a to require “a minimum residential density within Zone north of SH6”, is not consistent with the Panel’s recommendation to include parts of the AHFT as LDR Precinct (that do not require minimum residential densities).	<p>The following change in Policy 49.2.6.3.a</p> <p>a. Requiring higher <u>a minimum</u> residential density<u>ies</u> within the <u>Medium Density Residential and High Density Residential Precincts in the</u> Zone north of State Highway 6;</p> <p><b>Panel's Comment: Accept.</b></p>
Policy 49.2.6.5	QLDC	The Panel has deleted the following policy (which was labelled Policy 49.2.6.5 in the s42A reply report	<p>Reinstate this policy.</p> <p><b>Panel's Comment: Accept. We have reviewed the upgrade tables and agree that some specified upgrades did not fall</b></p>

Comments on the zone provisions			
Zone provision reference	Comment from	Comment about	Proposed change (if any)
		<p>recommended provisions):</p> <p>“Avoid development where specific transport infrastructural works have not been completed.”</p> <p>It appears this may have been unintentional.</p>	<p>QLDC’s proposed changes are included in <del>red underline and strikethrough</del> (The Panel’s recommended changes in the draft recommendation are shown in <del>blue underline and strikethrough</del>)</p> <p><b>within either policy 49.2.6.2(c) or policy 49.2.6.3(e). We therefore accept the Council's inclusion of this policy.</b></p> <p><b>In doing so three consequential changes are required, being:</b></p> <ul style="list-style-type: none"> <li>• <b>As noted above, consider that reinstating this policy results in policies 49.2.6.2(c) and 49.2.6.3(e) becoming repetitive. We have therefore deleted them and place reliance on the reinstated policy. We consider this to be efficient and effective.</b></li> <li>• <b>The need for clarity within the policy as to what is meant by "development" to align with the rules (meaning a building for which a Code Compliance Certificate has been issued by the Council).</b></li> <li>• <b>We have amended "specific" to "specified" to aid clarity.</b></li> </ul>
Objective 49.2.7	QLDC	This objective does not have the word “Objective” prefacing the text. It appears this may have been omitted from the s42A reply report recommended provisions (clean version). This is required to make it	<p>Include the word “Objective” at the start of objective 49.2.7.</p> <p>Include the sub-heading “Policies” under Objectives 49.2.4, 49.2.5, 49.2.6 and 49.2.7.</p> <p><b>Panel's Comment: Accept</b></p>

Comments on the zone provisions			
Zone provision reference	Comment from	Comment about	Proposed change (if any)
		<p>consistent with all other objectives in Chapter 49 (and other chapters in the PDP).</p> <p>Similarly, following each objective, there is meant to be the sub-heading "Policies." This appears to have been omitted under Objectives 49.2.4, 49.2.5, 49.2.6 and 49.2.7. These sub-headings are required to make it consistent with all other policies in Chapter 49 (and other chapters in the PDP).</p>	<p>QLDC's proposed changes are included in <u>red underline and strikethrough</u> (The Panel's recommended changes in the draft recommendation are shown in <u>blue underline and strikethrough</u>)</p>
Rule 49.4.0.1(a)	QLDC	<p>Some restricted discretionary activities are not anticipated to involve dwellings, for example Rule 49.4.17 (education facilities). Therefore, it should be clarified that this matter of discretion should only apply to an activity that involves residential units.</p>	<p>The following change to Rule 49.4.0.1(a):</p> <p><u>For proposals that include residential units, the maximisation of residential density, affordability, and (non suburban) choice in the residential precincts, and above the ground floor level in the Commercial Precinct and Glenpanel Precinct.</u></p> <p><b>Panel's Comment: Reject: This provision is simply a restriction of discretion to give the Council the power to consider the potential cumulative risk that the precincts (the provision is focused at the precinct level) could be filled with other activities. Limiting it as proposed would not enable sufficient consideration of potential cumulative</b></p>

Comments on the zone provisions			
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			<p>QLDC's proposed changes are included in <u>red underline and strikethrough</u> (The Panel's recommended changes in the draft recommendation are shown in <u>blue underline and strikethrough</u>)</p> <p><b>effects. The Council's proposal is not efficient and effective and it limits the Council's discretion on an important potential effect.</b></p>
Rule 49.4.4A	QLDC	<p>It is unclear exactly when this rule comes into play, i.e. when the Council is to assess there being "more than 1,100 dwellings in the Zone and including the Local Shopping Centre zones within the Te Pūtahi Ladies Mile Structure Plan area." The Council considers it would be most appropriate to assess this at the time Code Compliance Certificate has been issued by the Council for 1,100 residential units (refer to comment above regarding replacement of "dwelling" with "residential unit").</p>	<p>Suggest the following change to rule 49.4.4A (similar to bespoke definition for "development" for Rule 49.5.33 etc):</p> <p><u>More than 1,100 residential units <del>dwellings</del> in total within the Zone and including the Local Shopping Centre zones within the Te Pūtahi Ladies Mile Structure Plan area, prior to the operation of a high school within the Zone.</u></p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> <li><u>a. Alternative high school facilities being provided close to the Zone that are capable of providing convenient access for students without them having to cross the Shotover River.</u></li> <li><u>b. Demonstration that provision of a high school cannot occur or will not be possible within the Zone.</u></li> <li><u>c. High school facilities having been committed to or designated (if public), but not operational at the time the additional dwellings are proposed.</u></li> </ul> <p><u>For the purposes of this rule, "More than 1,100 consented residential units" means when the Council has issued Code Compliance</u></p>

Comments on the zone provisions									
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			<p>QLDC's proposed changes are included in <u>red underline and strikethrough</u> (The Panel's recommended changes in the draft recommendation are shown in <u>blue underline and strikethrough</u>)</p> <p><u>Certificates for more than 1,100 residential units".</u></p> <p><b>Panel's Comment: Accept in part. The focus here is not on Code Compliance Certificates but rather on the provision of an Integrated Traffic Assessment at time of consent. The time of the Code Compliance Certificate as proposed by the Council is too late. "Consented" has been added to the first paragraph of the rule to aid clarity and address this issue. The note proposed by the Council is not included. This change increases clarity and certainty and is efficient and effective.</b></p>						
Rule 49.4.5. and 49.4.5A	QLDC	See discussion below for Rule 49.2.5.14A	<p>The following change to 49.4.5 and 49.4.5A:</p> <table border="1"> <tbody> <tr> <td><b>49.4.5</b></td> <td>Residential Visitor Accommodation in the Low Density Residential <u>(except as provided for in Sub-Area H2 in Rule 49.4.5A below)</u>, Medium Density Residential, Commercial Centre, Glenpanel and Open Space Precincts <del>except as provided for in Sub-Area H2 where Rule 49.5.14A applies.</del></td> <td>NC</td> </tr> <tr> <td><b>49.4.5A</b></td> <td>Residential Visitor Accommodation in the High Density Residential Precinct <u>and Sub-Area H2 of the Lower Density Residential Precinct.</u></td> <td>P</td> </tr> </tbody> </table> <p><b>Panel's Comment: Accept. The Council's proposed</b></p>	<b>49.4.5</b>	Residential Visitor Accommodation in the Low Density Residential <u>(except as provided for in Sub-Area H2 in Rule 49.4.5A below)</u> , Medium Density Residential, Commercial Centre, Glenpanel and Open Space Precincts <del>except as provided for in Sub-Area H2 where Rule 49.5.14A applies.</del>	NC	<b>49.4.5A</b>	Residential Visitor Accommodation in the High Density Residential Precinct <u>and Sub-Area H2 of the Lower Density Residential Precinct.</u>	P
<b>49.4.5</b>	Residential Visitor Accommodation in the Low Density Residential <u>(except as provided for in Sub-Area H2 in Rule 49.4.5A below)</u> , Medium Density Residential, Commercial Centre, Glenpanel and Open Space Precincts <del>except as provided for in Sub-Area H2 where Rule 49.5.14A applies.</del>	NC							
<b>49.4.5A</b>	Residential Visitor Accommodation in the High Density Residential Precinct <u>and Sub-Area H2 of the Lower Density Residential Precinct.</u>	P							



Comments on the zone provisions			
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			<p>QLDC's proposed changes are included in <u>red underline and strikethrough</u> (The Panel's recommended changes in the draft recommendation are shown in <u>blue underline and strikethrough</u>)</p> <p><b>change provides greater clarity – links the exception to the correct density. Drafting has also been added to aid clarity, in line with the change to Rule 49.4.5 by referencing Rule 49.5.14A. The change is efficient and effective.</b></p>
Rule 49.4.25	QLDC	<p>The BRA rule refers to the “Building Restriction Area on the planning maps.”</p> <p>In light of the Panel's recommendation to include this on the Structure Plan, the BRA has been included on the Structure Plan in the updated plans.</p>	<p>The following change to Rule 49.4.25:</p> <p>“Buildings within the Building Restriction Area on the <u>Structure Plan planning maps</u>”</p> <p><b>Panel's Comment: Accept.</b></p>
Rule 49.4.38C	QLDC	<p>This rule refers to built development within the escarpment on Sub-Area H2 and K1 and K2. The Council considers that this should instead refer to the K2 and K3 (where the escarpment is depicted on the updated Structure Plan).</p>	<p>The following change to Rule 49.4.38C:</p> <p>Any built development on the southern escarpment of Sub-Area H2 <u>or on an escarpment within Sub Areas <del>K1 and K2</del> and K3 as shown on the Structure Plan, excluding the local road shown on the Structure Plan.</u></p> <p><b>Panel's Comment: Accept.</b></p>
Rule 49.4.38D	GDL	<p>GDL seeks discretionary and not non-complying activity status within the area marked A.</p>	<p>The Panel may have overlooked that fact that there are existing buildings associated with the Homestead within the proposed 40m no build zone. At the very least their repair, maintenance, and replacement should be provided for. Some new buildings, depending on their purpose, may also be appropriate to support</p>

Comments on the zone provisions			
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			<p>QLDC's proposed changes are included in <del>red underline and strikethrough</del> (The Panel's recommended changes in the draft recommendation are shown in <del>blue underline and strikethrough</del>)</p> <p>the long term operations of (and therefore historic heritage of) the Homestead.</p> <p><b>Panel's Comment: Reject. In relation to non-complying in our draft report (at paragraph 13.44) we preferred the Council's proposal (as discussed in paragraphs 14.4-14.14 of the s42A Reply Report). The request for discretionary activity status is rejected in relation to new buildings within 40m of the homestead based on potential and important historic heritage effects (and that the change sought goes beyond a minor / technical comment). Further the provision of non-complying status within 40m emphasizes maximizing building further away from the heritage building (with new buildings in the 40-80m zone being discretionary).</b></p> <p><b>Accept in part. The comment raises questions as to the application of the rule to existing buildings. In our view it will not affect existing buildings, or their maintenance and repair. But to be sure we have added "New" at the start of the rule.</b></p>
Rule 49.4.39	QLDC	See Rule 49.5.03 below	See Rule 49.5.03 below
Rule 49.4.40	QLDC	See Rule 49.5.03 below	See Rule 49.5.03 below
Rule 49.5.01	QLDC	This is an activity rule, not a	Deletion of Rule 49.5.0.1.

Comments on the zone provisions												
Zone provision reference	Comment from	Comment about	Proposed change (if any)									
		development standard rule, and unnecessarily repeats Rule 49.4.0.1, therefore should be deleted.	<p>QLDC's proposed changes are included in <u>red underline and strikethrough</u> (The Panel's recommended changes in the draft recommendation are shown in <u>blue underline and strikethrough</u>)</p> <p><b>Panel's Comment: Reject: This is a restriction of discretion. Its genesis was many individual 49.5 rules contained restrictions in relation to high amenity frontage / positive effect. Providing this rule reduces repetition and it applies across all precincts and all standards.</b></p> <p><b>Further, it complements 49.4.0.1 restrictions which only apply to activities other than permitted, but there are many potential examples of permitted 49.4.0.1 activities that infringe 49.5 standards whereby those infringements would not be subject to 49.4.0.1.</b></p>									
Rule 49.5.03	QLDC	<p>As currently drafted this rule has elements of both an activity rule and a development standard, and accordingly the Council suggests it should be re-drafted.</p> <p>The Council considers the "establishment of continuous, non-vehicular public access corridors" within the BRA is the activity component of the rule and should be included in the Table at 49.4 (Rules – Activities). This includes the matters of discretion</p>	<p>Rule 49.5.0.3 is deleted, and the following is included as its replacement rules.</p> <p>Add (new) rules 49.4.39 and 49.4.40 to the Table in Rule 49.4, as</p> <table border="1"> <thead> <tr> <th></th> <th><u>Activities located in the Te Pūtahi Ladies Mile Zone excluding activities within the Local Shopping Centre zone areas, which are subject to chapter 15 of the District Plan</u></th> <th><u>Activity Status</u></th> </tr> </thead> <tbody> <tr> <td>...</td> <td></td> <td></td> </tr> <tr> <td><u>49.4.39</u></td> <td><u>Building Restriction Areas adjoining State</u></td> <td><u>RD</u></td> </tr> </tbody> </table>		<u>Activities located in the Te Pūtahi Ladies Mile Zone excluding activities within the Local Shopping Centre zone areas, which are subject to chapter 15 of the District Plan</u>	<u>Activity Status</u>	...			<u>49.4.39</u>	<u>Building Restriction Areas adjoining State</u>	<u>RD</u>
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		<p>recommended by the Panel.</p> <p>The Council considers the components of the rule relating to dimension of footpaths, cycle facilities etc are the development standard components of the rule and should be included in Table at 49.5 (Rules – Standards).</p> <p>The Council also considers there should be a “hook” that mandates the establishment of the BRAs adjacent to SH6 for their intended public access role prior to development of the balance of the developer’s property (as it understands this to be the Panel’s preference). This is included as new rule 49.4.40.</p>	<p>QLDC’s proposed changes are included in <del>red underline and strikethrough</del> (The Panel’s recommended changes in the draft recommendation are shown in <del>blue underline and strikethrough</del>)</p> <p><u>Highway 6</u></p> <p><u>In any precinct adjoining State Highway 6, within the Building Restriction Area over the land within 10m from the State Highway 6 northern boundary, and over the land within 25m from the State Highway 6 southern boundary, the establishment of continuous, non-vehicular public access corridors.</u></p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> <li><u>i. Integration and coordination across sites to achieve continuous, safe, and comfortable pedestrian and cycle facilities for use by the general public (including safety between pedestrians and cyclists);</u></li> <li><u>ii. integration with and access to adjacent development, roads or private ways having the function of a road, or State Highway crossing points;</u></li> <li><u>iii. Whether any existing facilities have already been provided on the south</u></li> </ul>

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			<p>QLDC's proposed changes are included in <del>red underline and strikethrough</del> (The Panel's recommended changes in the draft recommendation are shown in <del>blue underline and strikethrough</del>)</p> <p><del>side of State Highway 6 that sufficiently provide pedestrian and/or cycle access;</del></p> <p><del>iv. A variety of vegetative species and trees that complement but remain subordinate to views from State Highway 6 to landscape features and adjacent development;</del></p> <p><del>v. Lighting to allow safe night time use of footpaths and cycle facilities without contributing to lighting clutter or glare when viewed from the Highway;</del></p> <p><del>vi. If the Building Restriction Area remains in private ownership, the sufficiency of means to ensure unrestricted public access through it, and provide for ongoing care and maintenance of pedestrian and bicycle facilities, landscaping, lighting, signage, or furniture.</del></p>
			<p><del>49.4.40 For any land affected by Rule 49.4.39, NC</del></p>

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			<p>QLDC's proposed changes are included in <u>red underline and strikethrough</u> (The Panel's recommended changes in the draft recommendation are shown in <u>blue underline and strikethrough</u>)</p> <p>b. <u>Cycle facilities shall be continuous along the entire width of the Stage Highway frontage, be two-way, and have a minimum width of 3m.</u></p> <p>c. <u>Footpaths and cycle facilities shall not be located closer than 2m to either the front (State Highway 6) or rear boundary of the Building Restriction Area, except for the purpose of tying into any adjoining footpath or cycle facility; providing access for pedestrians or cyclists to development; to or along a road or private way having the function of a road; or State Highway crossing point.</u></p> <p><b>Panel's Comment:</b>  <b>Rule Delete Rule 49.5.0.3 and replace with Rules 49.4.39 (with a numbering change to reflect the provision drafting),</b></p>

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			<p>QLDC's proposed changes are included in <del>red underline and strikethrough</del> (The Panel's recommended changes in the draft recommendation are shown in <del>blue underline and strikethrough</del>)</p> <p><b>Table 5 and Rule 49.5.58: Accept. This is a locational matter and while the Panel considers its location works it accepts the Council's desired changes with minor amendments to Rule 49.5.58.</b></p> <p><b>Rule 49.4.40: Reject. While we understand the rationale for the Council wanting the Building Restriction Areas planting, paths etc, this is not a new issue, was not previously required and has wider consequences so we cannot accept it now as a minor / technical change. In the unlikely event developers try and avoid it the Council (or Waka Kotahi) could use a designation process (which we recognise has costs).</b></p>
Rule 49.5.0.3. Building Restriction Areas – State Highway 6	Koko Ridge	Unsure how this new rule would apply to development within Sub Area H2 (Koko Ridge) which is different to other greenfield flat sites north of the State Highway and brownfield sites on the south of the State Highway. Koko Ridge has already established its interface with the State Highway. For example, would this rule be triggered (non-complying activity) as Koko Ridge does not have a continuous footpath or	<p>At a minimum there will need to be an exclusion for Sub Area H2 from the requirement in rules 49.5.0.3 i &amp; ii for a path along the 'entire length of the State Highway frontage'.</p> <p>The following comments identify other problems with the rule as drafted, but not necessarily a full solution as the rule is likely to be rewritten.</p> <p>.... Building Restriction Areas <del>shall</del> <u>may</u> be occupied only by pedestrian footpaths, cycle facilities, landscaping, and any accessory signage, lighting or furniture as follows:</p>



Comments on the zone provisions			
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		<p>cycle facility along the entire length of the State Highway frontage?</p> <p>Furthermore, such a footpath along the entire frontage would serve no purpose as it goes no-where at the western end.</p>	<p>QLDC's proposed changes are included in <del>red underline and strikethrough</del> (The Panel's recommended changes in the draft recommendation are shown in <del>blue underline and strikethrough</del>)</p> <p>i. Footpaths shall be continuous along the entire <del>width-length</del> of the State Highway frontage, and have a minimum width of 2m.</p> <p>ii. Cycle facilities shall be continuous along the entire <del>width length</del> of the Stage Highway frontage, be two-way, and have a minimum width of 3m.</p> <p><b>Panel's Comment:</b></p> <p><b>Accept in part. Rule 49.5.0.3 has been deleted (explained above). The changes below relate to Rule 49.5.58.</b></p> <p><b>Accept in part comments on "shall" and "may" but reworded to keep shall where it is but add "may" and other drafting later in the sentence to aid clarity.</b></p> <p><b>Accept the (standard) use of width can be confusing. Words are not required and "entirety" works.</b></p> <p><b>Accept in part the change to (a) and (b) in relation to sub area H2 where it extends beyond the Structure Plan provision.</b></p>
Rule 49.5.3	QLDC	Further clarification could be included that the exception this rule only relates to Sub-Area H2.	<p>The following change to Rule 49.5.3:</p> <p>Building Coverage</p> <p>A maximum of 40%, <del>except for a development within Sub-Area H2 where</del></p>

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			<p>QLDC's proposed changes are included in <del>red underline and strikethrough</del> (The Panel's recommended changes in the draft recommendation are shown in <u>blue underline and strikethrough</u>)</p> <p><u>Rule 49.5.14C applies.</u></p> <p><b>Panel's Comment: Accept.</b></p>
Rule 49.5.4	Koko Ridge	Typo and Recommended correction	<p>At least 30% of the site area shall comprised landscaped (permeable) surface, <u>except for a development where Rule 49.5.14C applies</u></p> <p><b>Panel's Comment: Accept in part, see also the Council's wording below.</b></p>
Rule 49.5.4	QLDC	Agree with comment and suggested amendment by Koko Ridge Limited.	<p>The following change to Rule 49.5.4</p> <p>“At least 30% of the site area shall comprised landscaped (permeable) surface, <del>except for a development within Sub-Area H2 where Rule 49.5.14C applies.</del>”</p> <p><b>Panel's Comment: Accept.</b></p>
Rule 49.5.5 exception c (and consequential change to 49.5.14C)	Koko Ridge	Recommended correction	<p>...<u>except for a development where Rule 49.5.14C applies.</u> And then edit rule 49.5.14C to include 49.5.18 Recession Plane</p> <p><b>Panel's Comment: Accept and added in reference to Sub-Area H2.</b></p>
Rule 49.5.6.5A	Koko Ridge	Typo	<p>In Sub-Area H2 <del>accept</del><u>except</u> where ...</p> <p><b>Panel's Comment: Accept</b></p>

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Rule 49.5.6.5A	QLDC	Agree with correction of typo identified by Koko Ridge Limited.	The following change: "In Sub-Area H2 <del>accept</del> <u>except</u> where ....." <b>Panel's Comment: Accept.</b>
Rule 49.5.6.6	QLDC	The Panel's recommended setback rule (for activities located in the LDR Precinct). The recommended setback relating to the escarpment on the AHFT land refers to Sub- Areas K1 and K3. The updated Structure Plan only shows the escarpments on K2 and K3. As only K3 is within the LDR Precinct this is the only Sub-Area that should be referred to.	The following change to Rule 49.5.6.6: <u>49.5.6.6</u> <u>In Sub-Area <del>K1 and</del> K3: Minimum setback from the top of an escarpment edge: 20m.</u> <b>Panel's Comment: Accept. While there is an escarpment adjoining the western edge of K1 the relevant effects are addressed by the buffer planting shown on the Structure Plan.</b>
Rule 49.5.10 Rows 1 & 2 of table	Koko Ridge	Required correction. Part of rule is poorly written. Mr Brown explained that what was expected was a <u>connection to</u> the proposed active travel link and not a requirement to create the active travel link to a bus stop that is yet to be located. The rule as drafted is ambiguous and can be easily clarified.	<u>Connection to</u> active travel link to ....." <b>Panel's Comment: Accept in part.</b> <b>In relation to the first row the Panel rejects the change. A connection should be in place for those Sub-Areas.</b> <b>In relation to the second row (Sub-Area H2) the Panel agrees that an active link along SH6 to Stalker Road bus stops not required (just a connection) if less than 108 residential units are constructed. That reflects the existing</b>

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			<p>QLDC's proposed changes are included in <u>red underline and strikethrough</u> (The Panel's recommended changes in the draft recommendation are shown in <u>blue underline and strikethrough</u>)</p> <p><b>nature, subdivision and sale of the lots on this site. But, to manage transport effects, the Panel considers that the link should be in place if more than 108 residential dwellings are built. The provision has been redrafted accordingly.</b></p>			
Rule 49.5.14A	Koko Ridge	Rule that seeks to grandfather RVA provisions in Sub-Area H2 (Koko Ridge). The intent was that RVA would be non-complying except in Sub-Area H2 where there was a proposal to 'grandfather' the LLR(A) provisions. Rule as currently worded could cause confusion	<p>Residential Visitor Accommodation in <del>Sub-Area H2</del></p> <p>49.5.14A.1 The activity is on a lot greater than 2000m<sup>2</sup> <u>and</u> in Sub-Area H2 <del>only</del>;</p> <p>And</p> <p>49.5.14A.2 The activity complies with the standards specified in 11.5.13 of the Large Lot Residential (A) Zone</p> <p><b>Panel's Comment: Reject. General low density residential area Residential Visitor Accommodation is covered by Rule 49.4.5 (see the Council's comments below). Rule 49.5.14A is specific to Sub-Area H2.</b></p>			
Rule 49.5.14A	QLDC	Generally agree with Koko Ridge Limited's comment however differ with the how the amendments are included in Rules. As currently written there is a missing activity rule establishing RVA in H2 as a Permitted Activity, to which to apply Standard 49.5.14A to.	<p>The following change to 49.4.5 and 49.4.5A:</p> <table border="1"> <tr> <td><b>49.4.5</b></td> <td>Residential Visitor Accommodation in the Low Density Residential (<u>except as provided for in Sub-Area H2 in Rule 49.4.5A below</u>), Medium Density Residential, Commercial Centre, Glenpanel and Open Space Precincts <del>except as provided for in Sub-Area H2 where Rule 49.5.14A applies.</del></td> <td>NC</td> </tr> </table>	<b>49.4.5</b>	Residential Visitor Accommodation in the Low Density Residential ( <u>except as provided for in Sub-Area H2 in Rule 49.4.5A below</u> ), Medium Density Residential, Commercial Centre, Glenpanel and Open Space Precincts <del>except as provided for in Sub-Area H2 where Rule 49.5.14A applies.</del>	NC
<b>49.4.5</b>	Residential Visitor Accommodation in the Low Density Residential ( <u>except as provided for in Sub-Area H2 in Rule 49.4.5A below</u> ), Medium Density Residential, Commercial Centre, Glenpanel and Open Space Precincts <del>except as provided for in Sub-Area H2 where Rule 49.5.14A applies.</del>	NC				

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			<p>QLDC's proposed changes are included in <u>red underline and strikethrough</u> (The Panel's recommended changes in the draft recommendation are shown in <u>blue underline and strikethrough</u>)</p> <table border="1"> <tr> <td><b>49.4.5A</b></td> <td>Residential Visitor Accommodation in the High Density Residential Precinct <u>and Sub-Area H2 of the Lower Density Residential Precinct.</u></td> <td>P</td> </tr> </table> <p>The following change to Rule 49.5.14A:</p> <table border="1"> <tr> <td><b>49.5.14A</b></td> <td>Residential Visitor Accommodation in Sub-Area H2:            49.5.14A.1 The activity is on a lot greater than 2000m<sup>2</sup> <u>and in Sub-Area H2 only;</u>            and            49.5.14A.2 The activity complies with the standards specified in 11.5.13 of the Large Lot Residential (A) Zone.</td> <td>NC</td> </tr> </table> <p><b>Panel's Comment: Accept the change to Rule 49.5.14A.</b></p>	<b>49.4.5A</b>	Residential Visitor Accommodation in the High Density Residential Precinct <u>and Sub-Area H2 of the Lower Density Residential Precinct.</u>	P	<b>49.5.14A</b>	Residential Visitor Accommodation in Sub-Area H2: 49.5.14A.1 The activity is on a lot greater than 2000m <sup>2</sup> <u>and in Sub-Area H2 only;</u> and 49.5.14A.2 The activity complies with the standards specified in 11.5.13 of the Large Lot Residential (A) Zone.	NC
<b>49.4.5A</b>	Residential Visitor Accommodation in the High Density Residential Precinct <u>and Sub-Area H2 of the Lower Density Residential Precinct.</u>	P							
<b>49.5.14A</b>	Residential Visitor Accommodation in Sub-Area H2: 49.5.14A.1 The activity is on a lot greater than 2000m <sup>2</sup> <u>and in Sub-Area H2 only;</u> and 49.5.14A.2 The activity complies with the standards specified in 11.5.13 of the Large Lot Residential (A) Zone.	NC							
Rule 49.5.14E	Koko Ridge	Recommended improvement as rule poorly constructed	<p>All fences on the southern boundary of Sub Area H2 shall not be a solid fence, or a wall; and shall be <del>greater</del><u>less</u> than a height of 1.2m.</p> <p><b>Panel's Comment: Accept but use the wording "shall not be higher than" to provide greater clarity.</b></p>						

Comments on the zone provisions			
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Rules 49.5.33, 49.5.50	GDL	Triggers, in particular the “SH6 eastbound bus lane from SH6A to Hawthorne Drive and SH6 westbound bus lane from Hardware Lane to SH6A (part of NZUP package)”; and “Stalker Road northbound bus priority lane south of SH6”	<p>QLDC’s proposed changes are included in <del>red underline and strikethrough</del> (The Panel’s recommended changes in the draft recommendation are shown in <del>blue underline and strikethrough</del>)</p> <p>Deletion of these triggers on the basis that there is no jurisdiction for its inclusion (which would amount to a legal error). This trigger was:</p> <ul style="list-style-type: none"> <li>(a) Never originally proposed as part of the notified Variation;</li> <li>(b) Not sought in any submission; and</li> <li>(c) Was not put squarely to GDL’s witnesses for comment.</li> </ul> <p>In addition:</p> <ul style="list-style-type: none"> <li>(d) Given the extent and length of works comprising the trigger, there is a significant risk that they will not be completed swiftly, and therefore risk preventing any development of the Ladies Mile Variation area. (While in theory dwellings can be constructed, but not occupied, there is little chance of any significant development occurring because of the difficulty in funding such development without certainty as to occupation.</li> <li>(e) This would be contrary to the primary objective of the Variation, being to provide urgently needed housing (at maximum achievable densities) for Queenstown.</li> </ul> <p><b>Panel's Comment: Reject. Using the numbering above:</b></p> <ul style="list-style-type: none"> <li><b>(a) The requirement was not in the notified version, but see (b).</b></li> </ul>

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			<p>QLDC's proposed changes are included in <del>red underline and strikethrough</del> (The Panel's recommended changes in the draft recommendation are shown in <del>blue underline and strikethrough</del>)</p> <p><b>(b) Inclusion of the trigger was within the scope of the submission by Waka Kotahi. While not specifically listed in Attachment 2 the submission was general and the matters were canvassed in the summary of submission point 4, clarity in section 5 (repeated in section 8) that the mode shift assumptions in the Transport Strategy are contingent in part on the delivery of the NZUP, clarity in section 6 that Waka Kotahi wishes to engage further with the Council on ways the staging rules could be improved and for additional transport infrastructure to be incorporated into the provisions (which is repeated in relief sought point 4). Further, the trigger is consequential to mitigating the effects of the request for (and acceptance of) greater height and reduced setbacks (and hence development) within the GDL site (and the additional areas and density enabled across the TPLM Variation).</b></p> <p><b>(c) The tiggers were explicitly raised in Mr Smith's evidence and during expert conferencing with GDL's expert present. It is not up to the Panel to put every potential issue a submitter may possibly be expected to have to that submitter during the hearing, especially for those such as GDL that have many</b></p>

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			<p>QLDC's proposed changes are included in <del>red underline and strikethrough</del> (The Panel's recommended changes in the draft recommendation are shown in <del>blue underline and strikethrough</del>)</p> <p><b>highly experienced experts and other advisors. Rather, how to respond to Mr Smith's evidence was a matter for GDL to have determined. Mr Bartlett and Mr Murray generally referred to transport triggers when presenting to us but did not raise specific issues with these provisions. Further, the evidence was tested with Mr Shields and Mr Smith in open hearing (where advisors to GDL were predominantly present or capable of watching the livestreamed, and recorded and publicly available, hearing video).</b></p> <p><b>(d) Timing matters were raised and addressed through the whole evidence and hearing process. The Panel's draft report in relation to the transport infrastructure works, and their necessity to mitigate effects, stands. The focus on occupation was addressed during the hearing. That approach arose from the expert transport conferencing (as noted by Mr Bartlett in his summary statement to us during the hearing) and, in line with the Thursday Planning JWS was developed by Mr Brown through his rebuttal evidence. It was not specifically responded to by Mr Murray in his summary statement to us during the hearing nor by Mr Gardner-Hopkins (GDL's project manager). We consider the occupation approach in our report and</b></p>



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			<p><b>the provisions to be appropriate and do not propose any changes.</b></p> <p><b>(e) The Transport infrastructure staging, including the relevant proposed 'triggers', are central to the TPLM Variation and ensuring a well-functioning urban environment. As we made clear in our draft report, providing urgently needed housing cannot occur at any cost, adverse effects must be appropriately avoided, remedied, and mitigated. Transport effects onto and along SH6 are clearly one of those matters to be appropriately addressed.</b></p>
Rules 49.4.38D, 49.5.41.1	GDL	Building Restrictions in respect of the Glenpanel Homestead	<p>The Panel may have overlooked that fact that there are existing buildings associated with the Homestead within the proposed 40m no build zone. At the very least their repair, maintenance, and replacement should be provided for. Some new buildings, depending on their purpose, may also be appropriate to support the long term operations of (and therefore historic heritage of) the Homestead.</p> <p>In respect of the 8m height restriction within the 40-80m setback area, it is noted in respect of the area to the west, the existing trees (which are to be identified as being retained) are some 18-23m in height, and form a largely solid visual barrier to the west. It is incongruous to then restrict buildings behind those trees to</p>

Comments on the zone provisions			
Zone provision reference	Comment from	Comment about	Proposed change (if any)
			<p>QLDC's proposed changes are included in <del>red underline and strikethrough</del> (The Panel's recommended changes in the draft recommendation are shown in <del>blue underline and strikethrough</del>)</p> <p>8m. The 13m height limit should apply in that location. In respect of trees to the east, they include trees of 20m in height to 38m in height. Buildings to the west of them should be able to be the 17m in height.</p> <p>While a case by case assessment can always be made through a non-complying consent application, it may be that the Panel overlooked these matters, and a more refined approach could be taken in the Variation provisions to reflect the finer grained factual detail on the ground. It may be simplest to have discretionary status for buildings within Area A, and to amend the restriction within Area B to 13m and 17m respectively beyond the lines of the existing tall trees to the east and west. This would better achieve objective 49.2.4.</p> <p><b>Panel's Comment:</b></p> <p><b>Buildings associated with the Homestead within the proposed 40m no build zone: Accept in part – see comments in relation to Rule 49.4.38D above.</b></p> <p><b>Height restriction within the 40-80m setback: Reject. The 8m height limit was a consequence of our acceptance of the Council's approach reflecting the heritage values (a substantive finding). It is the heritage setting and not screening by trees that is relevant to the height being set.</b></p>

Comments on the zone provisions			
Zone provision reference	Comment from	Comment about	Proposed change (if any)
			<p>QLDC's proposed changes are included in <del>red underline and strikethrough</del> (The Panel's recommended changes in the draft recommendation are shown in <u>blue underline and strikethrough</u>)</p>
Rule 49.5.16	Sanderson Group	The use of the word 'net' in the rule	<p>In the Medium Density Residential Precinct, residential development shall achieve a density of at least 40 residential units per hectare across the net developable area of the site.</p> <p>In the High Density Residential Precinct, residential development shall achieve a density of at least 40 residential units per hectare across the net developable area of the site.</p> <p><u>The calculation of net site area shall exclude any area identified for an alternative use, such as a park, on the structure plan.</u></p> <p><b>Panel's Comment: Accept in part – see below in relation to QLDC's comment.</b></p>
Rule 49.5.16	QLDC	<p>The Panel has recommended amendments to Rule 49.5.16 to refer to “net developable area the site” instead of “gross developable are of the site.” It is unclear how “net developable area of the site” is to be calculated and assessed by the Council, including whether it is intended that the Council uses the existing PDP definition of “net area (site or lot).”</p> <p>The PDP definition of “net area (site or lot)” is as follows:</p>	<p>The following definition of “net developable area the site” is added to Rule 49.5.16:</p> <p>Residential Density</p> <p>49.5.16.1 In the Medium Density Residential Precinct, residential development shall achieve a density of at least 40 residential units per hectare across the <u>net</u> developable area of the site.</p> <p>49.5.16.2 In the High Density Residential Precinct, <u>residential development shall achieve a density of at least 40 residential units per hectare across the net developable area of the site.</u> <del>residential development shall achieve:</del></p>

Comments on the zone provisions			
Zone provision reference	Comment from	Comment about	Proposed change (if any)
		<p><i>"Means the total area of the site or lot less any area subject to a designation for any purpose, and/or any area contained in the access to any site or lot, and/or any strip of land less than 6m in width."</i></p> <p>This definition is used to determine the following terms: "building coverage", "internal boundary" and "access leg."</p> <p>The Council does not consider this definition would be appropriate for the minimum density calculations, as it is aimed at the net area a single site or lot, and not for sites that are intended to be subdivided for large scale residential developments. It also does not reference key matters on the Structure Plan and whether they are to be included in the calculation or not.</p> <p>The Council understands the key difference between the Council's recommended definition of "gross developable are of the site" under Rule 49.5.16 (as notified and retained in the</p>	<p>QLDC's proposed changes are included in <u>red underline and strikethrough</u> (The Panel's recommended changes in the draft recommendation are shown in <u>blue underline and strikethrough</u>)</p> <p>(a) <del>— a density of at least 50 residential units per hectare across the gross developable area of the site; or</del></p> <p>(b) <del>— An average density of 50 residential units per hectare across the gross developable area of the land in the HDR Precinct in the same ownership or control of the applicant.</del></p> <p><u>For the purpose of this rule, net developable area of a site means the land within the site shown within the Structure Plan extent, excluding:</u></p> <p><u>a. the following areas shown on the Structure Plan:</u></p> <p><u>i. Building Restriction Areas, Roads, Open Space, Landscape Buffers, Escarpments, and Stormwater Swales; and</u></p> <p><u>b. the following areas not shown on the Structure Plan:</u></p> <p><u>i. roads, reserves, walkways, accesses, cycleways, and stormwater management areas.</u></p> <p><del>For the purpose of this rule, gross developable area of a site means the land within the site shown on the Structure Plan, excluding the following:</del></p> <p><del>i. Building Restriction areas as shown on the Structure Plan and planning maps;</del></p> <p><del>j. Roads, Open Space, Amenity Access Areas and</del></p>

Comments on the zone provisions			
Zone provision reference	Comment from	Comment about	Proposed change (if any)
		<p>provisions recommended in the s42A reply report) and “net developable area” (as generally understood by the submitters) is that the spaces used by, or for the benefit of, the general public or residents within a residential development (mostly notably internal roads) are excluded.</p> <p>In the Council’s recommended definition of “gross developable area”, roads, reserves, accesses and walkways within the Structure Plan area but not those shown on the Structure Plan were proposed to be included within the “gross developable area.” If these spaces were excluded from “gross developable area” this likely would decrease the area by about 20-25 per cent.</p> <p>The Council considers that a definition of “net developable area the site” should be included in Rule 49.5.16 to clarify how this area is calculated and</p>	<p>QLDC’s proposed changes are included in <del>red underline and strikethrough</del> (The Panel’s recommended changes in the draft recommendation are shown in <del>blue underline and strikethrough</del>)</p> <p><del>Landscape Buffer as shown on the Structure Plan;</del></p> <p><del>k. Stormwater management areas;</del></p> <p><del>But including any roads, reserves, accesses and walkways not shown on the Structure Plan.</del></p> <p><b>Panel's Comment: Accept in part. Agree that the PDP definition is not appropriate. The Council's drafting provides additional clarity and certainty and is efficient and effective. However, in relation to (b)(i) some of those matters should be included (especially depending on specific circumstances) in the calculation. The Panel considers that its proposed redrafting on this point provides greater clarity and certainty to the intent of the Council's proposed drafting.</b></p>

Comments on the zone provisions			
Zone provision reference	Comment from	Comment about	Proposed change (if any)
		<p>assessed by the Council. As indicated above, the Council understands “net developable area” to generally exclude spaces used by, or for the benefit of, the general public or residents within a residential development and has drafted a definition on this basis.</p> <p>For completeness, the Council notes that the definition could also confirm whether only spaces used by, or for the benefit of, the general public or residents that are to be vested with Council are excluded. However, the Council has not specified this in its suggested definition. It is anticipated the Panel will have a view on this, and if decide to include this definition in provisions, may decide to clarify this matter.</p> <p>The Council notes that the comment by Sanderson Group also sought clarification on this matter. The Council considers its</p>	<p>QLDC’s proposed changes are included in <del>red underline and strikethrough</del> (The Panel’s recommended changes in the draft recommendation are shown in <del>blue underline and strikethrough</del>)</p>

Comments on the zone provisions			
Zone provision reference	Comment from	Comment about	Proposed change (if any)
		suggested definition addresses the Sanderson Group's comment.	QLDC's proposed changes are included in <u>red underline and strikethrough</u> (The Panel's recommended changes in the draft recommendation are shown in <u>blue underline and strikethrough</u> )
Rule 49.5.22	QLDC	<p>This rule refers to minimum boundary setbacks for buildings, including from top of escarpment edge on Sub-Area K2.</p> <p>The Council also considers that further clarification should be given as to exact location of escarpment (to avoid any confusion at consenting stage), as the Panel has recommended to be included under Rule 49.5.6. The updated Structure Plan also notes that the "Escarpment" is an indicative location subject to survey.</p>	<p>The following changes to the Rule 49.5.22:</p> <p>49.5.22 Minimum boundary setbacks for buildings</p> <p>....</p> <p><u>e.f. In Sub-Area K2: Minimum setback from the top of the escarpment edge: 20m.</u></p> <p>.....</p> <p>Exclusions:</p> <ol style="list-style-type: none"> <li>a. Setbacks do not apply to site boundaries where a common or party wall is proposed between two buildings on <u>adjoining adjacent</u> sites.</li> <li>b. Roof eaves, entrance awnings, window shading/screening devices and other building elements that provide shelter can extend into the road</li> </ol> <p><u>The top of an escarpment is measured at its top edge as at 1 March 2024. Resource consent applications under this Rule must, where the location of an escarpment is relevant to an assessment, provide a survey plan clearly identifying the top of the escarpment with their resource consent application.</u></p>

Comments on the zone provisions						
Zone provision reference	Comment from	Comment about	Proposed change (if any)			
			<p>QLDC's proposed changes are included in <u>red underline and strikethrough</u> (The Panel's recommended changes in the draft recommendation are shown in <u>blue underline and strikethrough</u>)</p> <p><b>Panel's Comment: Accept. The drafting provides greater clarity and certainty.</b></p>			
Rule 49.5.33	QLDC	<p>As a result of the Panel's recommendation that the upper terrace of Dobb's land is rezoned to PDP Lower Density Suburban Residential zone and included in the TPLM Structure Plan, the Panel has recommended that this land to be labelled G2 and included in the Transport Infrastructural works table in Rule 49.5.33.</p> <p>However, this rule only relates to land zone within TPLM Zone (and within the MDR or HDR Precinct). The Council consider that the Panel's recommended transport Infrastructural works for G2 needs to be included in a separate rule in Chapter 7 (Lower Density Suburban Residential Zone).</p>	<p>The following rule <del>added to rule 7.4 (Rules – Activities), and the subsequent deletion of "Sub-Area G2" in Rule 49.5.33:</del></p> <table border="1"> <tr> <td style="vertical-align: top;"><b>7.4.X</b></td> <td> <p><u>Within the Te Pūtahi Ladies Mile Structure Plan area, staging development to integrate with transport infrastructure</u></p> <p><u>Development (except for utilities, the specified transport infrastructural works and other physical infrastructure) within the Te Pūtahi Ladies Mile Sub-Areas shown on the Structure Plan shall not occur prior to all the corresponding transport infrastructural works for the Sub-Area listed below being completed.</u></p> <p><u>For the purposes of this rule, "completed" means when the works are physically completed and are able to be used for the intended purpose.</u></p> <p><u>For the purposes of this rule, "development" means a building for which a Code Compliance Certificate has been issued by the Council. Any application involving a building shall include a condition requiring that a Code Compliance Certificate under s92 of the Building Act 2004 shall not be applied for in respect of that</u></p> </td> <td style="vertical-align: top;"><b>NC</b></td> </tr> </table>	<b>7.4.X</b>	<p><u>Within the Te Pūtahi Ladies Mile Structure Plan area, staging development to integrate with transport infrastructure</u></p> <p><u>Development (except for utilities, the specified transport infrastructural works and other physical infrastructure) within the Te Pūtahi Ladies Mile Sub-Areas shown on the Structure Plan shall not occur prior to all the corresponding transport infrastructural works for the Sub-Area listed below being completed.</u></p> <p><u>For the purposes of this rule, "completed" means when the works are physically completed and are able to be used for the intended purpose.</u></p> <p><u>For the purposes of this rule, "development" means a building for which a Code Compliance Certificate has been issued by the Council. Any application involving a building shall include a condition requiring that a Code Compliance Certificate under s92 of the Building Act 2004 shall not be applied for in respect of that</u></p>	<b>NC</b>
<b>7.4.X</b>	<p><u>Within the Te Pūtahi Ladies Mile Structure Plan area, staging development to integrate with transport infrastructure</u></p> <p><u>Development (except for utilities, the specified transport infrastructural works and other physical infrastructure) within the Te Pūtahi Ladies Mile Sub-Areas shown on the Structure Plan shall not occur prior to all the corresponding transport infrastructural works for the Sub-Area listed below being completed.</u></p> <p><u>For the purposes of this rule, "completed" means when the works are physically completed and are able to be used for the intended purpose.</u></p> <p><u>For the purposes of this rule, "development" means a building for which a Code Compliance Certificate has been issued by the Council. Any application involving a building shall include a condition requiring that a Code Compliance Certificate under s92 of the Building Act 2004 shall not be applied for in respect of that</u></p>	<b>NC</b>				



Comments on the zone provisions							
Zone provision reference	Comment from	Comment about	Proposed change (if any) QLDC's proposed changes are included in <u>red underline and strikethrough</u> (The Panel's recommended changes in the draft recommendation are shown in <u>blue underline and strikethrough</u> )				
			<p><u>building before the corresponding transport infrastructural works for the Sub-Area are completed.</u></p> <table border="1"> <thead> <tr> <th><u>Sub-area</u></th> <th><u>Transport infrastructural works</u></th> </tr> </thead> <tbody> <tr> <td><u>G2</u></td> <td> <u>Eastern Roundabout on State Highway 6</u>  <u>Bus stops on SH6 west of the Eastern Roundabout (one on each side of SH6)</u>  <u>At grade signalised pedestrian / cycle crossing of State Highway 6 west of the Eastern Roundabout</u>  <u>Dedicated westbound bus lane on SH6 (Howards Drive to Eastern roundabout (not included in NZUP package))</u>  <u>SH6 eastbound bus lane from SH6A to Hawthorne Drive and SH6</u>  <u>Westbound bus lane from Hardware Lane to SH6A (part of NZUP package)</u> </td> </tr> </tbody> </table> <p><b>Panel's Comment: Accept.</b></p>	<u>Sub-area</u>	<u>Transport infrastructural works</u>	<u>G2</u>	<u>Eastern Roundabout on State Highway 6</u> <u>Bus stops on SH6 west of the Eastern Roundabout (one on each side of SH6)</u> <u>At grade signalised pedestrian / cycle crossing of State Highway 6 west of the Eastern Roundabout</u> <u>Dedicated westbound bus lane on SH6 (Howards Drive to Eastern roundabout (not included in NZUP package))</u> <u>SH6 eastbound bus lane from SH6A to Hawthorne Drive and SH6</u> <u>Westbound bus lane from Hardware Lane to SH6A (part of NZUP package)</u>
<u>Sub-area</u>	<u>Transport infrastructural works</u>						
<u>G2</u>	<u>Eastern Roundabout on State Highway 6</u> <u>Bus stops on SH6 west of the Eastern Roundabout (one on each side of SH6)</u> <u>At grade signalised pedestrian / cycle crossing of State Highway 6 west of the Eastern Roundabout</u> <u>Dedicated westbound bus lane on SH6 (Howards Drive to Eastern roundabout (not included in NZUP package))</u> <u>SH6 eastbound bus lane from SH6A to Hawthorne Drive and SH6</u> <u>Westbound bus lane from Hardware Lane to SH6A (part of NZUP package)</u>						

**Comments on the zone provisions**

Zone provision reference	Comment from	Comment about	Proposed change (if any)						
(deleted) Rule 49.5.54	QLDC	<p>The recommended provisions do not include Rule 49.5.54 that was included in the s42A Reply Report - Appendix A recommended provisions (track changes version). This rule related to Building Heights in the Open Space Precinct as follows:</p> <p align="center">“Building Height</p> <p align="center">Building height shall not exceed 12m, except that the maximum height of lighting shall be 23m.”</p> <p>The Panel’s recommended provisions instead jump from Rule 49.5.53 to Rule 49.5.55.</p> <p>It appears this rule was inadvertently deleted in the clean version of the s42A Reply Report - Appendix A recommended provisions. This was an error as no submitters requested any amendments to this provision, nor did Mr Brown recommend any changes. It appears the Panel has inadvertently</p>	<p>QLDC’s proposed changes are included in <u>red underline and strikethrough</u> (The Panel’s recommended changes in the draft recommendation are shown in <u>blue underline and strikethrough</u>)</p> <p>Reinstate Rule 49.5.54 from the s42A Reply Report recommended provisions (tracked version) as follows:</p> <table border="1" data-bbox="1182 483 2009 834"> <thead> <tr> <th data-bbox="1182 483 1317 630">Table 4</th> <th data-bbox="1317 483 1767 630">Standards for activities located within the Open Space Precinct</th> <th data-bbox="1767 483 2009 630">Non-compliance status</th> </tr> </thead> <tbody> <tr> <td data-bbox="1182 630 1317 834"><u>49.5.54</u></td> <td data-bbox="1317 630 1767 834"><u>Building Height</u> <u>Building height shall not exceed 12m, except that the maximum height of lighting shall be 23m.</u></td> <td data-bbox="1767 630 2009 834"><u>D</u></td> </tr> </tbody> </table> <p><b>Panel's Comment: Accept. No submissions received so no prejudice.</b></p>	Table 4	Standards for activities located within the Open Space Precinct	Non-compliance status	<u>49.5.54</u>	<u>Building Height</u> <u>Building height shall not exceed 12m, except that the maximum height of lighting shall be 23m.</u>	<u>D</u>
Table 4	Standards for activities located within the Open Space Precinct	Non-compliance status							
<u>49.5.54</u>	<u>Building Height</u> <u>Building height shall not exceed 12m, except that the maximum height of lighting shall be 23m.</u>	<u>D</u>							

Comments on the zone provisions			
Zone provision reference	Comment from	Comment about	Proposed change (if any)
		carried forward this error in the recommended provisions.	QLDC's proposed changes are included in <del>red underline and strikethrough</del> (The Panel's recommended changes in the draft recommendation are shown in <del>blue underline and strikethrough</del> )
Rule 49.5.55	QLDC	<p>The recommended provisions do not include the standards for lighting and glare under Rule 49.5.55 that were included in the s42A Reply Report - Appendix A recommended provisions (track changes version).</p> <p>Similar to above, it appears these standards were inadvertently deleted in the clean version of the s42A Reply Report - Appendix A recommended provisions. This was an error as no submitters requested any amendments to these standards, nor did Mr Brown recommend any changes. It appears the Panel has inadvertently carried forward this error in the recommended provisions.</p>	<p>Reinstate standards relating to lighting and glare from s42A reply report recommended provisions as follows:</p> <p>"Lighting and Glare</p> <p><u>49.5.55.1 All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the precincts shall be directed away from adjacent sites, roads and public places and directed downwards so as to limit the effects on views of the night sky.</u></p> <p><u>49.5.55.2 No activity in this zone shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any property within the precincts, measured at any point inside the boundary of any adjoining property.</u></p> <p><u>49.5.55.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is zoned Residential measured at any point more than 2m inside the boundary of the adjoining property."</u></p> <p><b>Panel's Comment: Accept. No submissions received so no prejudice.</b></p>

Comments on the zone provisions			
Zone provision reference	Comment from	Comment about	Proposed change (if any)
			QLDC's proposed changes are included in <del>red underline and strikethrough</del> (The Panel's recommended changes in the draft recommendation are shown in <del>blue underline and strikethrough</del> )
Rule 7.4.11	Queenstown Country Club	Rule 7.4.11 refers to Rule 7.4.24. We think the reference should be to new rule 7.4.23A (as there is no rule 7.4.24)?	Amend rule 7.4.11 to refer to RDA rule 7.4.23A, not rule 7.4.24. <b>Panel's Comment: Accept.</b>
Rule 7.4.11	QLDC	Rule 7.4.11 refers to Rule 7.4.24. However, the rule should cross refer to new rule 7.4.23A (as there is no rule 7.4.24).	The following change to Rule 7.4.11: “... Except this rule shall not apply to buildings that are Restricted Discretionary activities under Rule 7.4. <del>23A24</del> .” <b>Panel's Comment: Accept (as above).</b>
Rule 15.4.0.1	QLDC	Matters to consider for resource consent applications in Local Shopping Centre Zone (in the Te Pūtahi Ladies Mile Structure plan area).	Change limb (b) as follows:  <u>(b) Any relevant Te Pūtahi Ladies Mile zone <del>policies objectives</del> listed at 49.2.1; 49.2.6; 49.2.7; or 49.2.8 and their allied <del>policies</del>.</u>  <b>Panel's Comment: Accept.</b>
Rule 15.4.17	QLDC	This rule lists certain activities that will be a non-complying activity within the Local Shopping Centre zone within the TPLM Structure Plan area. While Large Format Retail and Service Station are defined by the PDP, supermarket and department stores are not. Accordingly, the Council suggests these activities should not be capitalised.	Change the rule as follows:  <u>“....Within the Te Pūtahi Ladies Mile Structure Plan area, <del>S</del>supermarkets, <del>D</del>department <del>S</del>stores, other Large Format Retail, or <del>S</del>Service Stations.”</u>  <b>Panel's Comment: Accept. As noted above in response to the Council's comment on the draft report while we referred to it in the draft report we inadvertently provided no rule for our 1,500m<sup>2</sup> gross floor area limit for the northern local</b>


Comments on the zone provisions			
Zone provision reference	Comment from	Comment about	Proposed change (if any)
			<p>QLDC's proposed changes are included in <u>red underline and strikethrough</u> (The Panel's recommended changes in the draft recommendation are shown in <u>blue underline and strikethrough</u>)</p> <p><b>shopping centre. We have therefore added a subparagraph (b) to this provision to fix that error.</b></p>
Rule 15.4.18	QLDC	Inclusion of transport infrastructure works rule in Local Shopping Centre Zone within Structure Plan area. This rule refers to rules that only apply in TPLM Zone, and these can be deleted.	<p>The following change to Rule 15.4.18:</p> <p><u>"....For the purposes of this rule, "development" means a building for which a Code Compliance Certificate has been issued by the Council. Any application <del>underrules 49.4.4, 49.4.18, and any other application involving a building shall include a condition requiring that a Code Compliance Certificate under s92 of the Building Act 2004 shall not be applied for in respect of that building before the corresponding transport infrastructural works for the Sub-Area are completed....."</del></u></p> <p><b>Panel's Comment: Accept.</b></p>
Policy 27.3.24.7	QLDC	<p>This policy relating to the avoidance of adverse effects of stormwater on Waiwhakaata Lake Hayes was drafted when the AHFT land (Sub-Area K) was not included in the TPLM zone. It reflects the intention that there will be an integrated stormwater management system for the entirety of the TPLM Zone north of State Highway 6 and the contributing Slope Hill catchment.</p> <p>The stormwater system for Sub-Area K</p>	<p>Policy 27.3.24.7 be amended as follows:</p> <p>27.3.24.7 Require the mauri and health of fresh water to be sustained and enhanced by subdivision design that avoids the adverse effects of stormwater on Waiwhakaata Lake Hayes, and requires:</p> <p>(a) An integrated stormwater management system for the entirety of the TPLM Zone <u>(excluding Sub- Area K) and Local Shopping Centre Zone</u> north of State Highway 6 and the contributing Slope Hill catchment; and</p>

Comments on the zone provisions			
Zone provision reference	Comment from	Comment about	Proposed change (if any)
		<p>will not necessarily be integrated in the same way as the rest of the TPLM zone. By virtue of its location and topography, it does not create stormwater runoff in the direction of Waiwhakaata Lake Hayes.</p> <p>To avoid any confusion, the Council consider this policy should be amended to reflect this.</p>	<p>QLDC's proposed changes are included in <del>red underline and strikethrough</del> (The Panel's recommended changes in the draft recommendation are shown in <del>blue underline and strikethrough</del>)</p> <p><b>Panel's Comment: Accept</b></p>
Rule 27.7.28.2	QLDC	<p>The activity status for 27.8.28.2 (relating to subdivision that is inconsistent with the Structure Plan at 27.13.19) does not line up with the rule in the table making its activity status unclear. The intended activity status Non-Complying and it does appear that the Panel intended to change this.</p> <p>The activity status for the (now) deleted rules relating to the Amenity Access Area (27.7.28.3 and 27.7.2.3A was RD and NC, respectively) are now also in the wrong place in the table. Given the</p>	<p>The following changes:</p> <ul style="list-style-type: none"> <li>– The non-complying activity status for 27.8.28.2 (relating to subdivision that is inconsistent with the Structure Plan at 27.13.19) is shifted down the table to be adjacent to the rule in the Table.</li> <li>– The activity statuses for the (now) deleted rules relating to the Amenity Access Area (27.7.28.3 and 27.7.2.3A) are deleted.</li> </ul> <p><b>Panel's Comment: Accept. With changes made to Rule 49.5.15 (above) the list of exceptions has been deleted and cross reference to Rule 49.5.15 has been added. Numbering of the provisions have been corrected.</b></p>

Comments on the zone provisions			
Zone provision reference	Comment from	Comment about	Proposed change (if any)
		deletion of these rules, these need to be deleted accordingly.	QLDC's proposed changes are included in <u>red underline and strikethrough</u> (The Panel's recommended changes in the draft recommendation are shown in <u>blue underline and strikethrough</u> )
Rule 27.7.28.2.b.i	QLDC	Reference to "Precinct K" instead of Sub-Area K..	<p>The following amendment to 27.7.28.2.b.i:</p> <p>i. Roads, walkways and cycleways throughout the Sub-Area including Indicative Roads as shown on the Structure Plan and where these will connect to adjoining sites and (where relevant) neighbouring Sub-Areas and (where relevant) State Highway 6, including intersection layout and design <u>and in the case of Sub-Area <del>Precinct K</del> the effect of any road on the natural character of the escarpment and Shotover River;</u></p> <p><b>Panel's Comment: Accept.</b></p>

Mapping and structure plan			
Paragraph in decision or Zone provision reference	Comment from	Comment about	Proposed change (if any)
			The Council's comments on submitters' suggested amendments to the updated draft structure plan and zoning plan are summarised in this column.
Mapping	GDL	The extent of "existing trees to be retained" overlay around the Glenpanel Homestead.	This needs to be updated to reflect the trees that are in fact existing and appropriate for retaining. The overlay is only used in two other locations in the structure plan, and generally reflects the extent of existing tree coverage in those locations. Yet the proposed overlay in respect of the Glenpanel Homestead area currently does not reflect the existing trees (let alone those that should be retained). It is an impossibility to retain trees that do not exist, and poor specimens should not be required to be kept. GDL has previously provided plans as to its intentions in that area, and the Structure Plan should reflect this detail. Otherwise, it will only be a source of confusion later. Refer Saddleback updated structure plan. Also refer Mr Murray's evidence Figure 5 which shows actual trees:



Mapping and structure plan			
Paragraph in decision or Zone provision reference	Comment from	Comment about	Proposed change (if any)
			<p>The Council's comments on submitters' suggested amendments to the updated draft structure plan and zoning plan are summarised in this column.</p>  <p>The Council's response was that this amendment is unnecessary with the Structure Plan only showing the general location of trees to be retained rather than actual individual trees to be retained (which can be addressed during any resource consent application).</p> <p><b>Panel's Comment: Reject. The Panel agrees with the Council as to the broad level of the identification so rejects the mapping of more limited or specific areas (or individual trees). In the same broad manner, the Panel does not see that the provisions would require unsafe trees to be retained and does not consider changes are</b></p>

Mapping and structure plan			
Paragraph in decision or Zone provision reference	Comment from	Comment about	Proposed change (if any)
			The Council's comments on submitters' suggested amendments to the updated draft structure plan and zoning plan are summarised in this column.
			<b>required to accommodate that – rather that is a matter of detailed assessment at the consent stage.</b>
Mapping	GDL	Location of east-west collector road.	While the Panel considered that the east-west collector road should be fixed, it did not say where, and in several places emphasised aligning elements with the paper road. GDL considers that it is efficient and effective for the east-west collector road to be aligned with the paper road, as, generally, this will avoid developers from having to wait for a road stopping process to have to be undertaken, before development can proceed over former paper-road. More fundamentally, but specifically to GDL, GDL now holds a bulk-lot subdivision consent (RM230721) that has been approved by Council aligning the east-west collector road with the paper road. GDL is entitled to rely on that consent, and intends to do so. The location of the east-west collector road must therefore be considered part of the existing environment in accordance with Hawthorn. If the Structure Plan shows something different, then it will not change what GDL proceeds to develop, and the Structure Plan will immediately become “out of date” in that respect, and the other landowners on the alignment (at least to the immediate east and west) will face non-complying consents

Mapping and structure plan			
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			<p>The Council's comments on submitters' suggested amendments to the updated draft structure plan and zoning plan are summarised in this column.</p> <p>to meet up with the east-west collector on GDL's site. Refer Saddleback updated structure plan.</p> <p><b>Panel's Comment: Accept in part. As noted by the Council in its response the Panel missed this detail when making its draft recommendation. There are obvious advantages to aligning the paper road and swale (see below) to the Structure Plan and allowing very limited flexibility. As linear infrastructure they must meet along their entire length. The amendment is efficient and effective as it avoids triggering a non-complying consent for a minor matter.</b></p> <p><b>The Panel proposes limited flexibility be shown being an additional matter added to Rule 49.5.15 stating:</b></p> <ul style="list-style-type: none"> <li>b. The location of Collector Road Type A and the stormwater swale on its northern side as shown on the Structure Plan: <ul style="list-style-type: none"> <li>(i) may be varied to up to 10m of that shown; or</li> <li>(ii) to the west of Collector Road Type C may be within the boundary of the existing paper road or between it and the location shown on the Structure Plan.</li> </ul> </li> </ul>
Mapping	GDL	Location of "fixed" stormwater swale.	While the Council's current version of the structure plan shows the active transport route as within the road corridor,

Mapping and structure plan			
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			<p>The Council's comments on submitters' suggested amendments to the updated draft structure plan and zoning plan are summarised in this column.</p> <p>it shows the stormwater swale as outside the corridor. GDL's bulk lot consent provides for the stormwater swale and active transport route to be provided for in the proposed roading corridor (along the paper road). Accordingly, the stormwater swale should also be shown inside the (realigned) roading corridor (although should be shown on the northern side of the corridor). Refer Saddleback updated structure plan.</p> <p>The Council in its response referred to parts of our draft report where flexibility as to the location of the stormwater swale was not specifically addressed.</p> <p><b>Panel's Comment: Accept in part. The Panel missed this detail when making its draft recommendation. The swale to collect runoff from Slope Hill must always be on the northern side of the collector road as shown in the Structure Plan. See comments above.</b></p>
Mapping	GDL	Active Transport Route, southern side of SH.	<p>It is also incongruous that the active transport route is not shown on the southern side of the State Highway. GDL understands that this is an important part of the overall structure plan, and so it should be included.</p> <p>Refer Saddleback updated structure plan.</p>

Mapping and structure plan			
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			The Council's comments on submitters' suggested amendments to the updated draft structure plan and zoning plan are summarised in this column.
			<b>Panel's Comment: Accept.</b>
13.4(a) / updated structure plan to include the AHFT Extension Area.	AHFT	<p>As a general comment applicable to all of the following, AHFT records that AHFT and the Council have been liaising following the production by Council of a draft updated structure plan that includes the AHFT Extension Area. AHFT raised a number of concerns / suggested refinements which it showed in the attached Saddleback version of the structure plan.</p> <p>It is understood that the Council is generally comfortable with the Saddleback version of the Structure Plan.</p>	<p>Adopt the Saddleback version of the structure plan as it relates to the AHFT site (noting that the Saddleback plan also includes changes sought by Glenpanel Developments Limited, which are addressed separately).</p> <p><b>Panel's Comment: See more detailed comments.</b></p>
13.4(a) / updated structure plan to include the AHFT Extension Area.	AHFT	<p>Detail of inclusion of the AHFT Extension Area – Internal local road alignment proposed by Council in its draft updated structure plan.</p> <p>The Council in its draft updated structure plan originally showed the internal local type road in a similar location as the AHFT plans dated 18 Dec 2023. However the Council's update did not connect to Spence Road, rather it only</p>	<p>The Panel has included, as a specific trigger for K3 in 49.5.10, that there is an "Access intersection from Spence Road". This connection therefore needs to be shown: refer Saddleback version of the updated structure plan.</p> <p>It is understood that the Council agrees with this in light of the specific trigger, which it had overlooked when preparing the draft updated structure plan.</p> <p>AHFT is also concerned that the Council's proposed</p>

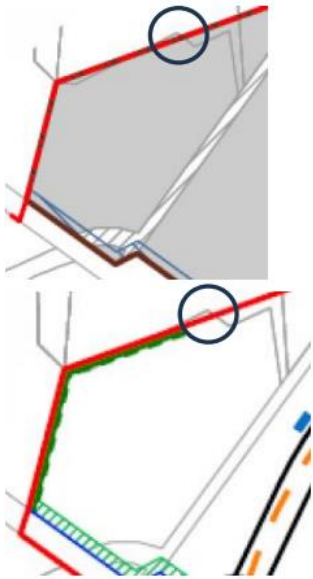
Mapping and structure plan			
Paragraph in decision or Zone provision reference	Comment from	Comment about	Proposed change (if any)
		showed the active travel connections to Spence Road.	<p>notation of the internal road was “Local Type <b>F</b>”, which has little or no meaning (either in the Variation or elsewhere in the District Plan), as Local Type F is not a type provided for in the Variation. AHFT would prefer to simply have it identified as “Local Road”, along with an asterisk to show that the location has flexibility.</p> <p>It is also understood that the Council now agrees with this.</p> <p><b>Panel's Comment: Accept in part. The Panel agrees that Type F is not right. Having considered the matter, and the Council's agreement to the reference to a local road in its response table the Panel agrees to it simply being referenced "Local Road".</b></p>
13.4(a) / updated structure plan to include the AHFT Extension Area.	AHFT	<p>The inclusion of a landscape buffer on the southern boundary of Sub-area K3, which the Council had identified in a draft structure plan as being intended by the Panel.</p> <p>The Panel’s discussion on a defensible edge, which the landscape buffer is used to reinforce elsewhere in the structure plan, focuses for the AHFT site solely on the northern edge. AHFT considers that there is</p>	<p>The Panel to consider whether a landscape buffer area is required in K3. If so, AHFT would accept this in the location identified in the Saddleback version of the Structure Plan.</p> <p>The Council accepted in its response the landscape buffer shown on the Saddleback plan on the southern side of Sub-Area K3.</p> <p><b>Panel's Comment: Accept. The lower terrace is now low density residential. A buffer in that location was not intended. The buffer to the north while it provides</b></p>

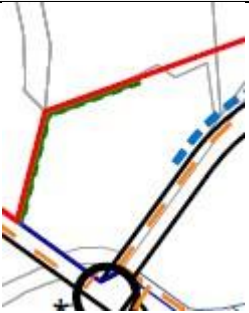
Mapping and structure plan			
Paragraph in decision or Zone provision reference	Comment from	Comment about	Proposed change (if any)
		<p>no identified basis in the Panel’s draft recommendation for a formal landscape buffer to be shown in the K3 sub-area location.</p> <p>That said, AHFT acknowledges that it had sought identification of “existing trees to be retained” in part of what the Council had shown as a southern landscape buffer in the K3 area. Given the discussion about replacing wilding pines with other more appropriate species, AHFT does not consider the “retention” mechanism is appropriate. It could however be replaced with a landscape buffer, to the extent shown in the Saddleback version of the Structure Plan. This leaves an area where the active transport access to Spence Road is to be provided.</p>	<p>The Council's comments on submitters' suggested amendments to the updated draft structure plan and zoning plan are summarised in this column.</p> <p><b>landscape/visual mitigation was predominantly driven by the defensible boundary issue. That is not an issue at the southern end. While the Panel recognises an updated Structure Plan was provided in a joint memorandum on 17 April, we have not read that to alter the issue raised by AHFT.</b></p>
13.4(a) / updated structure plan to include the	AHFT	The Council team has depicted the proposed escarpment planting on both K2 and K3, however noted as “indicative location subject to survey” (as exact location can be confirmed at subdivision consent stage).	AHFT accepts the extent of the “escarpment planting” areas as proposed by the Council provided that the notation in the key remains (subject to survey), but considers that the areas should be identified as “escarpment”, rather than “escarpment planting”, given

Mapping and structure plan			
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AHFT Extension Area.			<p>The Council's comments on submitters' suggested amendments to the updated draft structure plan and zoning plan are summarised in this column.</p> <p>that the relevant rules refer to “escarpment” (rather than “escarpment planting”). In either case, the demarcation of the relevant area is more appropriately undertaken by a dashed line/ hatching that does not have a solid fill behind it, to reflect the fact that the boundaries are not currently surveyed boundaries. AHFT also suggests changing the colour indicating the area to more of a brown than a green, to avoid confusion with the “existing trees to be retained” notation.</p> <p>It is understood that the Council agrees with the mapping improvements, but is still considering the “escarpment” vs “escarpment planting” issue.</p> <p>The parties will continue dialogue on the point and, if agreed, would file a joint memorandum to that effect next week. AHFT notes the requirement for a landscaping plan to be submitted with the first application, which the Council acknowledges.</p> <p>The Council accepted the drafting "Escarpment (indicative location subject to survey)" notation on the Structure Plan in its response.</p>



Mapping and structure plan			
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			<p>The Council's comments on submitters' suggested amendments to the updated draft structure plan and zoning plan are summarised in this column.</p> <p><b>Panel's Comment: Accept. The Panel recognises that there was lack of clarity in paragraph 14.30 of the draft report (and has amended it in the final report to refer to the landscape management plan). The outcome the Council and AHFT reached is that envisaged by the Panel where the issue of planting is addressed by Rule 27.2.28.2. The Panel therefore accepts that outcome and drafting on the Structure Plan as agreed.</b></p>
49.8 – Structure Plan and para 14.136 of the Panel's Draft Decision	Roman Catholic Diocese of Dunedin	<p>The Zoning Plan still appears to form part of the Structure Plan as it falls under the heading 49.8 – Structure Plan.</p> <p>In light of the recommendations contained in Mr Brown's rebuttal evidence and as agreed by the Diocese in legal submissions and confirmed in the Panel's recommendation report, the Zoning Plan should be removed from the Structure Plan.</p> <p>This will ensure that any non-residential activity in the Precincts do not trigger a non-complying activity status by virtue of not being in accordance with the Structure Plan.</p>	<p>To make it more clear that the Zoning Plan does not form part of the Structure Plan, we suggest that the Zoning Plan be allocated its own provision number, with the heading '49.9 – Zoning Plan' inserted above the Zoning Plan.</p> <p>The Council's response accepted this and proposed to make it clearer by proposing that Zoning map will be provided separately to the three other plans included at 49.8.</p> <p><b>Panel's Comment: Accept in part. The Panel accepts the approach proposed by the Council. The Panel has commented at the start of Appendix 1 as to the location of the plans and intends that they be included in the plan as recommended.</b></p>

Mapping and structure plan			
Paragraph in decision or Zone provision reference	Comment from	Comment about	Proposed change (if any)
49.8 – Structure Plan and Zoning Plan	Roman Catholic Diocese of Dunedin	<p>The Zoning Plan and Structure Plan shows a small section of the Diocese’s land outside the variation area. The Diocese wishes to ensure all 2.39 hectares of its land is included within the variation.</p> 	<p>Update the Zoning Plan and Structure Plan to clip the boundary of the plans to the legal boundary and incorporate the whole of the Diocese’s land (Lot 2 DP 586767) within the variation area.</p> <p>The Council accepted this comment and amended the Structure plan it has provided (revised version).</p> <p><b>Panel's Comment: Accept. This is a minor and technical correction to align boundaries.</b></p>
Updated Structure Plan –	Roman Catholic	<p>The stormwater swale to the north of Collector Road A encroaches onto the Diocese’s land, as shown in blue dash line below:</p>	<p>We recommend inserting a * mark on the dark blue stormwater swale area to the western part of the TPLM variation area to show the location has flexibility as to</p>

Mapping and structure plan			
Paragraph in decision or Zone provision reference	Comment from	Comment about	Proposed change (if any)
Draft, dated 22 March 2024	Diocese of Dunedin	 <p>The Structure Plan does not make it clear that the location of the stormwater swale flexible. This is inconsistent with Panel's recommendation at para11.27 of the Draft Decision and Mr Brown's section 32AA report at page 46, which recommend that the location of the Slope Hill swale be provided some flexibility in the western part of the TPLM variation area.</p>	<p>location.</p> <p>The Council comments as above sought retention of the status quo as shown in the Structure Plan with no flexibility.</p> <p><b>Panel's Comment: Accept in part as above in relation to Rule 49.5.15.</b></p>
Structure Plan to be updated as per paragraph 14.100 of the Decision	Koko Ridge	We note that the Structure Plan is yet to be corrected as per the panels directions in paragraph 14.100 of the Decision.	<p>The active travel link shown on Structure Plan is to be corrected back to the version prior to the change that has been rejected by the hearing panel.</p> <p>The Council's response is that this has now been amended in the updated Structure Plan.</p>

Mapping and structure plan			
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			The Council's comments on submitters' suggested amendments to the updated draft structure plan and zoning plan are summarised in this column.
			<b>Panel's Comment: Accept.</b>
Zoning Plan and Structure Plan on the QCC site	Queenstown Country Club	The BRA shown on the in the draft decision is supported. However, the BRA shown on the Structure Plan issued by QLDC on 22 March does not show the BRA (10m) on the QCC sites NE corner (SH6/Howards Dr intersection)	<p>Amend the Structure Plan to show a 10m BRA on the QCC sites NE corner (SH6/Howards Dr intersection).</p> <p>Council's response referred to paragraph 12.79 of the draft report and a standard 25m Building Restriction Area on the south side.</p> <p><b>Panel's Comment: Reject. As set out in the draft report our recommendation is for a standard 25m Building Restriction Area on the south side of SH6.</b></p>

# Te Pūtahi Ladies Mile Structure Plan - General

Updated Structure Plan submitted by Anna Hutchison Family Trust and Glenpanel Developments Limited as part of their comments on 27 March 2024

